Documents of the Additional Plenipotentiary Conference

(Geneva, 1992)

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 101-E
11 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

SECOND MEETING OF COMMITTEE 4

(SECTORAL MATTERS)

Tuesday, 8 December 1992, at 1405 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:	Documents
1. Consideration of proposals relating to Chapter I, Article 7 of the draft Constitution (continued)	Basic Document I, DT/1+Add.1, 13, 23, 28, 47, 49, 55
2. Consideration of proposals relating to Chapter IV, Article 14 of the draft Constitution	Basic Document I, DT/1+Add.1 23, 26, 27

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Consideration of proposals relating to Chapter I, Article 7 of the draft Constitution (continued) (Basic Document I, Documents DT/1+Add.1, 13, 23, 28, 47, 49, 55)

1.1 The delegate of Argentina, after commending the High Level Committee and the Drafting Group on their work, introduced his country's proposals for the Union's structure (Document 28), which were based on the principles of functionality, economy and impartiality with regard to the decisions taken by the elected officials responsible for the Union's organs. His country was in full agreement with the recommendations of the High Level Committee in respect of the Development Sector, and with the decision taken by the Nice Plenipotentiary Conference to create the BDT, for which members and a director had yet to be appointed. With regard to the Standardization Sector, it was his understanding that the Standardization Bureau would play an exclusive but purely coordinating role; in other words it would simply coordinate the study activities of the main players involved, namely, RPOAs standardization institutions, industrial bodies and international organizations. The Union's regulatory function would form part of the Standardization Sector, with regulations divided into those concerning international telecommunications on the one hand and radiocommunications on the other. With regard to the former, his Administration did not agree that the only opportunity for calling world conferences on international telecommunications should be when Members saw fit to do so at Plenipotentiary Conferences. Also with regard to standardization, rather than splitting up the CCIR, his delegation favoured merging the two CCIs, in order to avoid creating coordination problems which could only be to the disadvantage of all those involved in drawing up standards.

1.2 With regard to the regulatory aspects of radiocommunication, his delegation agreed with the High Level Committee that the Radiocommunication Bureau, as part of the Radiocommunication Sector, should take care of the application of the Radio Regulations, and that it should also be responsible for technical preparations for the world radio conferences required to amend the Radio Regulations.

1.3 His delegation would be happy to participate in any working group set up further to the suggestion made by the delegate of the Russian Federation at the Committee's previous meeting.

1.4 The delegate of Germany, supporting the statement made by the delegate of France at the Committee's previous meeting, said that he fully supported the recommendations of the High Level Committee as being an essential prerequisite if the ITU was to adapt to change and to continue to play its leading role in world telecommunications. He also supported the establishment of the three Sectors proposed by the High Level Committee and endorsed in general terms the texts proposed by the Drafting Group for a revised Convention and Constitution, although the details of both texts required some discussion.

1.5 With regard to world radio conferences and their terms of reference, he supported the compromise proposal put forward by the High Level Committee and saw no reason to set up a special group to discuss the matter. He noted that the majority of delegations also seemed to favour the High Level Committee's proposals.

1.6 The delegate of France, agreeing that there was no need to set up a special group, observed that there appeared to be a clear majority in favour of establishing the three Sectors as defined by the High Level Committee. Consequently, unless the minority succeeded in persuading the majority to reconsider its position, the Committee should focus its attention on those three Sectors.

1.7 Although it was attractive, the proposal made at the previous meeting by the delegate of Morocco was far removed from the spirit of the recommendations of the High Level Committee. To consider a compromise solution at the current stage of the proceedings would be premature; furthermore, his country could not support the Moroccan proposal, for three main reasons. First, if both the technical and the regulatory aspects of the former WATTC were grouped together under standardization, the Standardization Sector would lose coherence and visibility. As he had said that morning, the ITU's position and structure should be perfectly clear in any dialogue it held with other standardization bodies. Secondly, in broad terms the proposal might lead to a general division of the ITU's functions into radiocommunications on the one hand and telecommunications on the other, thereby undermining the entire concept of restructuring the respective activities of the CCIs. Thirdly, if the world conference on international telecommunications which was to replace the WATTC came under the auspices of the Standardization Sector, the Secretary-General's "political" role vis-à-vis other organizations would be undermined, since the Director of the Standardization Sector would assume full, overall responsibility for telecommunications standards.

1.8 In conclusion, he considered that the Committee would be best advised to proceed in the conventional manner, by ascertaining which delegations did or did not support each individual article.

1.9 The delegate of Mali agreed that it was premature to consider compromise solutions.

1.10 The delegate of Australia, supporting the statements by the delegates of France and Germany, said that the High Level Committee's package represented a skilful compromise to bring about the changes required if the ITU was to maintain its central role in worldwide telecommunications and if the full potential benefits of harmonized world telecommunication were to be exploited. The Conference should not repeat the work of the High Level Committee by making radical changes to the latter's work which, although obviously not perfect, represented a first step in the right direction. His delegation therefore supported the concept of establishing three Sectors, the details of which could be discussed subsequently. However, care should be taken to maintain the balance of the proposed structure.

1.11 The delegates of Japan and Viet Nam supported the statements by the delegates of France and Germany as well as the High Level Committee's proposal for a three-Sector structure. The delegates of Sweden and Italy said they shared those views and also expressed support for the texts of the draft revised Constitution and Convention proposed by the Drafting Group. Editorial amendments and the finer details of the provisions could be discussed once the basic concept had been adopted.

1.12 The delegate of Morocco said that he had participated in the work of both the High Level Committee and the Drafting Group, and therefore fully understood the spirit of the High Level Committee's recommendations. He had not considered it premature to propose a compromise or to discuss details at the present juncture. Nevertheless, he also understood the position taken by the delegates of France, Germany and other countries in supporting the adoption of the structure as proposed by the High Level Committee, and he was willing to withdraw his compromise proposal. Details concerning the holding of international conferences could be settled as and when the relevant provisions were discussed.

1.13 The delegate of Senegal said that in view of the complexity of the matters the Committee had to discuss, delegates could hardly be expected to confine their statements to mere expressions of agreement or disagreement with the High Level Committee's proposals. Some delegations were anxious to improve upon those proposals and their comments should be given close attention. In particular, due consideration should be given to the point he had raised that morning concerning the lack of precise definitions and delimitations between the respective functions of the Standardization and the Radiocommunication Sectors. It was also worth noting that there would apparently be roughly the same number of meetings as before under the proposed new structure.

1.14 The delegates of Malta and Guinea endorsed the High Level Committee's Report and the three Sectors for the Union's future activities as defined therein.

1.15 The delegate of the United Kingdom supported the basic thrust of the High Level Committee's Report and in particular its recommendations regarding the restructuring of the Union. After years of discussion within the ITU as to how to adapt to the changing telecommunications environment, the High Level Committee had at last provided a set of clear guidelines. He therefore joined previous speakers in recommending that the Committee should follow the guidance provided by the High Level Committee as well as the output of the Drafting Group. Given the short time available to the Conference, and in the absence of any formal proposals which were fundamentally different from those of the High Level Committee, he considered it unwise to adopt an alternative approach.

1.16 The delegate of Uruguay also endorsed the conclusions contained in the Report of the High Level Committee as well as the H.L.C.'s definition of the three Sectors for the Union's future activities. In conclusion, he stressed the need for the Committee to expedite its proceedings, the outcome of which would be vital to the progress of work in Committee 5.

1.17 The delegate of the Czech and Slovak Federal Republic, after expressing his support for the High Level Committee's recommendations, said that the terms of reference for each of the three Sectors needed to be clearly defined. However, such a definition should not hinder close cooperation between the different Sectors, which on the contrary should be encouraged as far as possible.

1.18 The delegate of Mexico, while appreciating the efforts of the High Level Committee and the Drafting Group, said that due account should be taken of the different views and concerns of Member countries, not all of whom had participated in the High Level Committee. A number of proposals had been submitted with a view to enhancing the High Level Committee's recommendations or expediting the work of Committee 4, including the proposal by the delegate of the Russian Federation, which he fully endorsed. Since all such proposals were in the general interest of the ITU and aimed at its greater efficiency, they should be given the same treatment as the High Level Committee's recommendations.

1.19 The delegate of Gambia commended the High Level Committee on its work and welcomed the judicious approach it advocated for the restructuring of the Union, which the Committee ought to endorse. He agreed with the three main Sectors as defined in the Report, their respective mandates and conferences. However, he stressed the need for careful cooperation and coordination in that area. As a result of such efforts, the different Sectors would certainly gain due recognition at the regional and international levels and attract interest from outside the ITU community. In conclusion, he noted with satisfaction that the Committee was broadly in favour of the three Sectors as defined in the recommendations.

1.20 The delegate of Bahrain considered the High Level Committee's recommendations as the only viable solution for the changes required within the ITU. Since there seemed to be general agreement regarding the three main Sectors of activity, he suggested that the Committee should endorse the recommendations as a whole without further delay, leaving discussion of details until its subsequent examination of each Sector. His one concern was the proposal for the new Radio Regulations Board: while he agreed that there should be nine members, given the heavy workload, he considered that they should work on a full-time basis.

1.21 The delegate of Sudan said that he was in favour of the restructuring proposed by the High Level Committee in its Report. He also endorsed the delegate of Bahrain's proposal that the three main Sectors should be approved by the Committee without further delay.

1.22 The delegate of Lebanon, after commending the High Level Committee on its work, said that he agreed with the majority of its conclusions. The only points of contention were the recommendations relating to the Radiocommunication Sector and the future of the IFRB. He therefore suggested that a decision on the Radiocommunication Sector be deferred, so that all delegates could state their views and reach consensus on the issue. He was in favour of setting up a working group for that purpose as soon as possible. In the meantime, he urged the Committee to make some headway in its work, paying attention to the financial implications of the different proposals as it examined each chapter.

1.23 The delegate of Switzerland said that in the light of the mandate issued by the Nice Plenipotentiary Conference, the High Level Committee's recommendations constituted the only sound basis for the work of the Committee, None the less, some points required further discussion and possible improvement. Like other speakers, he was anxious that the Committee should waste no time and make good progress in its work.

1.24 The delegate of Colombia, while endorsing the High Level Committee's definition of the three main Sectors, expressed concern with regard to their respective terms of reference. In particular, the mandate for the Radiocommunication Sector required clarification. Furthermore, the legislative aspects of work in each Sector should be clearly delineated and kept separate. In that regard, the proposal by the delegate of Morocco might have proved useful. He also welcomed the proposal by the delegate of the Russian Federation and recommended that the working group in question should be set up as soon as possible.

1.25 The delegate of Spain recalled that there had been ample opportunity to comment on the High Level Committee's recommendations at various meetings including the 47th session of the Administrative Council. Since there seemed to be general agreement on the need for restructuring, and the High Level Committee had completed its work, it would be unwise at the present juncture to thwart the progress already made by considering alternative proposals. On the whole, he endorsed the High Level Committee's recommendations, with the exception of those relating to the new Radio Regulations Board.

1.26 In view of the current economic climate and its likely budgetary implications for the ITU as well as the Board's reduced workload due to increased computerization, the present structure of five full-time members was clearly no longer justified. However, unlike the High Level Committee, he considered that the functions of the IFRB would be most efficiently performed by a specialized secretariat headed by a director, who would be an elected official. In that connection, he referred the Committee to Document 23 for the background to, and details of, Spain's proposal.

1.27 The delegate of Côte d'Ivoire agreed with the allocation of tasks into three Sectors or Bureaux, as defined by the High Level Committee in its Report. However, he shared the concern of previous speakers with regard to the terms of reference for the Radiocommunication Sector. In order to clarify the situation and facilitate the Committee's proceedings, he suggested that an organization chart should be prepared outlining the present and proposed future structure of the Radiocommunication Sector. Like other speakers, he could not endorse the recommendation for a Board comprising nine part-time members, but instead preferred the present structure of five elected officials from the different regions working on a permanent basis, with clearly defined tasks. In conclusion, he sought clarification with regard to the future of world administrative telegraph and telephone conferences.

1.28 The delegate of the Islamic Republic of Iran agreed in principle with the three main Sectors as defined by the High Level Committee. Nevertheless, he stressed that the substantial and lasting changes to the structures of the Union that would result from the implementation of such recommendations required careful consideration and analysis on the part of the Committee. It was essential to have a proper understanding of the reasoning behind such proposals.

1.29 The Chairman, drawing some provisional conclusions in order to facilitate the Committee's work, noted that there was general agreement on the three main Sectors as defined by the High Level Committee as a basis for the Union's future development. In view of the many queries raised in connection with the allocation of tasks in the Radiocommunication Sector, he requested the Directors of the two CCIs to enlighten the Committee on how the High Level Committee recommendations might be implemented and what results had been achieved in that area so far. As to the request from the delegate of Côte d'Ivoire for an organization chart, he said that the Secretariat would look into the matter.

1.30 Common ground had emerged on the matter of the separation of legislative, executive and consultative functions. None the less, further discussion was required and positions would become clearer as the Committee dealt with each particular Sector. With regard to the world conferences on international telecommunications, he recommended that the discussion be continued on an informal basis since the subject would be considered in detail under Article 14D of the draft Constitution. If he heard no objection, he would take it that the Committee was ready to begin its consideration of each of the three Sectors, taking into account any relevant proposals submitted by Member countries.

1.31 It was so agreed.

2. Consideration of proposals relating to Chapter IV, Article 14 of the draft Constitution (Basic Document I, Documents DT/1+Add.1, 23, 26, 27)

2.1 The Chairman invited the Committee to consider the text proposed by the working group in Basic Document I.

MOD Title of Chapter IV, ADD Title of Article 14

2.2 Approved.

MOD CS112

2.3 The delegate of Spain introduced proposal E/23/3, which was intended to bring the text of Article 14 into line with equivalent texts referring to the other two Sectors.

2.4 The delegate of the United States supported the proposal.

2.5 In response to a comment by the delegate of Algeria relating to the French-language version of the proposed amendment, the Chairman said that the matter would be brought to the notice of the Editorial Committee.

2.6 The Spanish amendment in proposal E/23/3 (MOD CS112) was approved.

2.7 The Chairman, in inviting the Committee to consider United States proposal USA/26/15 to add a further provision to Article 14 (ADD CS112A), observed that approval of such an amendment might make it necessary to amend other provisions of the Constitution.

2.8 The delegate of the United States said that the proposal was aimed at bringing the text into line with equivalent Articles 11A and 13B relating to the Radiocommunication and the Telecommunication Standardization Sectors respectively, both of which made reference to the need for continuing review, in close cooperation, with regard to matters of common interest. In the view of his delegation, the concept of continuing review should be extended to all three Sectors.

2.9 The delegate of Morocco supported the proposal.

2.10 The delegates of Kuwait and Lebanon having requested further clarification, the delegate of the United States observed that the High Level Committee had pointed to the need to ensure continuing cooperative review of the responsibilities of the Radiocommunication and Telecommunication Standardization Sectors. As there were areas of the Telecommunications Development Sector which overlapped with the other two Sectors, his Administration considered that it would be useful to extend the review process to that Sector also, in the interests of efficiency.

2.11 The delegate of Lebanon said that the United States proposal was acceptable, but that the French-language version needed to be aligned with the English.

2.12 The delegate of the United Kingdom observed that Article 14 differed from Articles 11A and 13B in that it enumerated the various specific functions of the Sector in question. A further provision stipulating that that Sector's precise responsibilities should be subject to continuing review would not seem to be in harmony with such an enumeration and might lead to confusion.

2.13 The delegate of France endorsed the comments by the previous speaker. While the responsibilities of the Radiocommunication and Telecommunication Standardization Sectors needed to be subject to ongoing review because of the developing interface between them, the telecommunications development field was different because the functions of that Sector could already be clearly defined. The proposed amendment would establish a false symmetry between the Sectors, and he would prefer to retain the Drafting Group's text of CS112 as it stood.

2.14 The Chairman of the High Level Committee said that the requirement for continuing review had been introduced because of the difficulties encountered in establishing a dividing line between the spheres of interest of Radiocommunication and Standardization Study Groups. At the same time, he appreciated the logic of extending such review machinery to the Telecommunication Development Sector, although the wording of the amendment might require some fine-tuning. However, it should be a relatively simple matter to draft an appropriate text.

2.15 The delegate of Morocco supported the United States proposal and said that if any change was made to its wording, similar changes would have to be introduced in the provisions relating to the other Sectors. The general duties of the Telecommunication Development Sector spelt out in provision CS112 needed to be refined having regard to what was taking place in the other two Sectors. It was recognized in both the draft Convention and the draft Constitution that the Radiocommunication and Telecommunication Standardization Sectors should group questions of interest to developing countries in order to facilitate the latter's participation in the related activities. Continuing coordination was therefore called for between the Development Sector and the Standardization Sector. Furthermore, the High Level Committee had recommended that the World and Regional Plan Committees should be disbanded and that the data currently being maintained by the CCITT in that context should in the future be handled in the Telecommunication Development Sector. That created a need for close collaboration and contacts in relation to the overall distribution of tasks. Thirdly, as had already been pointed out on a number of occasions, relatively few developing countries participated in the work of the CCIs, a fact which had prompted the High Level Committee to insist on the need for the Telecommunications Development Bureau to organize information meetings for the benefit of the developing countries. In conclusion, the United States proposal should be adopted since it was designed to foster cooperation among all three Sectors.

2.16 The delegate of the United States endorsed the comments by the Chairman of the High Level Committee and the delegate of Morocco. Referring to the comments by the United Kingdom delegate, he observed that the additional provision would be placed before, not after, the enumeration of the specific functions of the Telecommunications Development Sector.

2.18 Following further discussion in which the delegates of Lebanon, Kuwait, the United Kingdom, France, Morocco, the United States, Algeria, Spain and the Russian Federation, took part, the Chairman, summing up, said that the Committee was close to reaching agreement on the United States amendment to provision CS112 but that account had to be taken of the wording of related provisions. He suggested that an informal group made up of interested delegates and chaired by the United States should discuss the matter and submit a draft text to the Committee.

2.19 It was so agreed.

The meeting rose at 1705 hours.

The Secretary: The Chairman:

K. OLMS C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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PLENARY MEETING

Bahamas, Barbados, Grenada

PROPOSALS FOR THE WORK OF THE CONFERENCE

The above-mentioned countries would like to bring to the attention of the Conference the attached document previously published as an Information Document (No. 56) by the Secretary-General.

Annex: 1

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ANNEX

CARIBBEAN TELECOMMUNICATIONS UNION
17 Queen's Park West, Port of Spain, Trinidad & Tobago
Tel: / Fax: (809) 628-6037

Our Ref.:CTU/ITU/1

December 4, 1992

Dr. Pekka Tarjanne
Secretary General
International Telecommunications Union
Telecom 91 Protocol Secretariat
Place des Nations
CH-1211 Geneve 20
SWITZERLAND

Dear Dr. Tarjanne,

Re: Resolution 5 Acapulco
ITU/CTU Forum, Port of Spain

Further to the above ITU event, the ITU/CTU Forum in Port of Spain recommended that a Resolution be taken to the APP Meeting in order to concretise Resolution 5 Acapulco.

Please find attached the Caribbean Resolution, an Executive Summary and the full length Paper.

Regards,

Yours faithfully,

Deoraj Ramnarine
Secretary General

enc.

CARIBBEAN RESOLUTION FOR ADDITIONAL PLENIPOTENTIARY 1992

In 1989 Caricom Heads of Government established the West Indian Commission, under the Chairmanship of Sir Shridath Ramphal. In early 1992 the Commission completed its 600 page report named, "Time For Action." The report dealt extensively with actions to be taken to facilitate the integration of Caribbean peoples and emphasized that the region is at the cross roads of change for survival.

One of cornerstone of the document is cost-cutting by collective representation internationally.

The above being paramount in the minds of Member countries of the CTU, and considering:

(i) the unique geographical location of the Caribbean which threatens the region's identity;

(ii) the rise in crime, drug trade, unemployment, foreign debt and the declining standard of living;

(iii) the West Indian Commission report of the role of the CTU and telecommunications in the sub-regions integration process;

(iv) the accepted positive role of telecommunication in the development of a country or region;

(v) the ITU's role as stated in the Convention and Constitution;

(vi) Resolution 14 of the Nice Plenipotentiary Meeting

(vii) the HLC Recommendations 1, 2, 4, 21 in regards to developing countries;

(viii) the establishment of the BDT to address the needs of developing countries;

(ix) the importance of Resolution 5 of the American Regional Development Conference (AM-RDC) to the Caribbean.

Resolves

That this APP give to the ITU, through the BDT, the authority to utilize every means at its disposal, including through its participation in the relevant programmes in United Nations and the use of its own resources, to support the implementation of the activities identified for the Caribbean Sub-region in Resolution 5 of the AM-RDC.

EXECUTIVE SUMMARY

This Paper is written in response to the ITU/CTU Forum dealing with Resolution 5 of the AM-RDC, for the Caribbean Sub-region. The Forum indicated that the BDT might not have all the authorities required to facilitate the timely implementation of Resolution 5.

This Paper outlines the importance of telecommunications in the social economic and cultural growth of a country. It argues that even thought this was recognised as far back as 1973, developing countries continue to slip behind in their telecommunications needs. The Caribbean Sub-region is at the cross road and the future of the regions culture and identity, as we know it today is at stake.

The role for telecommunications in the integration of the Caribbean was identified in the West Indian Commission Report.

Additionally the region is unique in its geography, colonial past, rising foreign debt, unemployment, crimes, drug trafficking resulting in declining economic and social growth.

The Paper focuses on the HLC's recommendation and requests this APP to give to the ITU, through the BDT, the authority to utilise every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources to mobilise financial and human resources necessary to support the implementation of the activities contained in Resolution 5 of the AM-RDC for the Caribbean Sub-region.

THE CARIBBEAN SUB-REGION - AT THE CROSS ROAD

Background

As far back as 1973, Ministers from Non Aligned countries who met in Algiers, agreed on the need for a "new communication order." In 1976 the Summit Conference of Non Aligned nations, adopted a declaration that the "new world communication order " was no less important than a new economic order. In 1978 the United Nations General Assembly reached a consensus on the need for a "more just and more efficient world information and communication order. World Bank studies have linked, irrevocably, telecommunications with economic development, social, cultural and educational growth.

In 1985 the Maithland Commission, in the "Missing Link Report", further evidenced the acceptance, that telecommunications is an essential engine of socioeconomic development, and the global information economy and society. The 1985 Arusha Declaration and the 1989 Hansen Report all reiterated the positive influence of telecommunication in closing the development gap between developing and developed countries. A similar cord was struck in 1986, in Chile, in "The Santiago Declaration" when it concluded on "the urgent need to undertake programmes to diminish the gap between the developed and the developing countries in their access to telecommunication services and technology".

It is ironic, that although ITU activities in development began in the fifties and over one thousand million US dollars had been allocated through the ITU for telecommunication development, the gap has not been closed. Infact, in the Caribbean and some developing countries the gap is widening.

While the ITU has made significant efforts and strides, it appears that there is something lacking. This was recognised at the 1989 Nice Plenipotentiary Meeting, when the decision was taken to appoint a High Level Committee.

In our view, the difficulty lies in the interpretation and implementation process. The ITU Nairobi 1982 Convention states, in Article 4 Section C, that the one purpose of the Union was to "*foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programs of the United Nations and the use of its own resources*".

The 1989 Nice Convention reinforced the above when it included in Article 1 of the Constitution, those identical words.

It is difficult to understand why, with such a wide mandate, there are still lurking impediments to using every means at its disposal to facilitate telecommunications development in developing countries.

The HLC Report, at Recommendation 1, advised that closer cooperation with regional institutions is fundamental to the ITU's success. At Recommendation 2, the ITU is asked to sharpen its focus in its main areas of activity and achieve timely results working along with regional organisations. At Recommendation 4, the ITU is asked to recognise its catalytic role as envisaged in Nice Resolution 14, by presenting to developing countries a range of policies and structural options.

The ideas contained in Nice Resolution 14 were reemphasised by the HLC in Recommendation 21, when it recommended that "*the BDT gives special attention to the requirements of least developed countries*".

The HLC requested the BDT to "*make its role in coordinating international telecommunications even more effective by giving even greater attention to the requirements of developing countries by continuing international initiatives to close the "telecommunications gap" between developing and developed countries*".

The role of the ITU and BDT is well defined, from the point of view of philosophy and authority, being enshrined in the Convention and Constitution. What we need now is to put into action the mandates, so that the developing world will not continue to lag behind.

The recently held Americas Regional Development Conference affirmed a number of important decisions through Resolutions. The Caribbean wholeheartedly supports these Resolutions but will like to focus in this Paper, on Resolution 5 dealing with the Caribbean Sub-region. This Resolution found its genesis in Nine papers presented by the Caribbean Telecommunications Union to that Conference.

Proposal

At this important Additional Plenipotentiary Meeting decisions will be taken on the HLC Report. The Caribbean region, in pursuing the mandate obtained at the Region 2 Planning Conference, is seeking to establish and emphasize the role of the ITU, via the BDT, to provide the resources necessary for implementation.

Resolution 5 holds the aspirations of a united and integrated Caribbean. Integration has been the subject of a West Indian Commission appointed by the Heads of Government. That Commission recognised, in its Report, the importance of telecommunications in the integration process. On page 325 of the Report, "Time For Action", the West Indian Commission specifically placed on the CTU the role to *coordinate Caricom Governments telecommunications policies with special regard to: national and regional infrastructural priorities; incorporating this approach and unifying the regulatory structures in the provision of operation licences;* establish *special communications rates for press and other media purposes and for data transfers:* and *developing common positions on internatrional telecommuncations issues and joint representation at conferences.*

This Paper is the CTU's acceptance of this challenge but it recognises that without the ITU (BDT) failure is certain.

The details below will show that Caribbean countries are in a state of limbo. Many have characterised it as being at the boarder line between "least developed" and "developing". This has been to its detriment because the required resources are not available. A cursory look at the facts will show that unemployment in this sub-region now stands at a staggering 20% (Refer to Table 59), on average. Servicing of individual foreign debts and financial contributions to regional and international organisations have become increasingly difficult and in some cases impossible; many countries cannot afford ITU membership. This situation naturally led to a decreased inflow of development financing.

Guyana, Jamaica and Trinidad and Tobago collectively experienced an average economic growth rate of -3.7% (GDPs calculated in US dollars) (Refer to Table 47) over the period 1982-1990. Trinidad and Tobago, which has one of highest per capita incomes in this region, experienced a drop of 40% in 1990, while Guyana's per capita income was US$390 and the region's foreign debt stood US$1042.1 million. (Refer to Table 56)

Recent events have emphasised that our colonial trading links will be ruptured due to the new arrangement in Europe. A similar faith is being advised in regards to the North American Free Trade Agreement. (Refer to Table 54)

The United Nations "Economic Surveys of Latin America and the Caribbean", 1990 Vol. 1 states that "*In the midst of great difficulties, Latin America and the Caribbean are still trying to overcome, once and for all, the crisis that has burdened them for almost a decade now. They base their hopes on the results of the sweeping and irreversible structural changes taking place in the countries of the region. The recovery of the driving forces behind their development, however, remains an elusive goal. The burden of the debt overhang and the transfer of resources abroad are still excessive; investment processes are taking a long time to renew themselves; the purchasing power of vast segments of the population is depressed; the countries's fiscal structures remain fragile, and the degrees of freedom for economic policy are limited. Stagnation, inflation and the severe cumulative deterioration of living conditions bear witness to the difficulties with which the process of structural change are proceeding, and they will require time in order to crystalise the tremendous obstacles they face. These obstacles are rendered more obstinate by an insufficiency of foreign capital, weak market for major exports and trade restrictions.*

The level of activity in the region remained stagnant in 1990. This reduced the long-term growth rate -between 1980 and 1990- to barely 1.2% a year, and per capita output continued to decline, reaching a level 9% below that of the previous decade."

Finally, the strategic location of the Caribbean makes it a haven for the growing drug trade. While the region has cooperated fully among themselves and with others to enforce the law, one finds that the drug cartels have superior telecommunication facilities and so are frequently successful in eluding apprehension.

Resolution 5, apart from being the will of the regional Governments, which has the mandate of the AM-RDC, must be taken in context of the above.

This Plenipotentiary Meeting is being asked to remove all impediments from the BDT, so that it can work with the administrations, regional institutions and all interested parties to implement in the shortest possible time.

Administration's attention is being drawn to the fact that the Caribbean is unique, being in part, a chain of islands with small populations, located next to metropolitan societies in North America. With the advent of satellite, the region is inundated with one-way flow of information and images. Apart from the cultural impact, it has created in the minds of the population a need to preserve its heritage and identity. If the next decade was to go by with the traditional approach to telecommunications in the region, it is feared that in the decades thereafter, there will cease to be a Caribbean people, as we know it today.

The following Member States of the ITU attached their names to this Paper.

The attached Resolution requests this APP to give the ITU, through the BDT, the authority to utilise every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources to mobilise financial and human resources necessary to support the implementation of the activities contained in Resolution 5 of the AM-RDC for the Caribbean Sub-region.

Table 47
CARIBBEAN SUBREGION: GROWTH OF TOTAL GROSS DOMESTIC PRODUCT
(Annual growth rates)

	1986	1987	1988	1989	1990*
Total, subregion	0.9	0.2	1.1	2.6	1.2
Antigua and Barbuda	9.7	9.0	7.7	5.2	2.7
Bahamas	3.6	4.9	4.5	4.0	...
Barbados	5.2	2.6	3.5	3.5	-3.1
Belize	2.7	13.3	7.1	5.1	...
Dominica	6.8	6.8	8.0	-1.2	6.3
Grenada	5.4	6.0	5.3	5.7	5.3
Guyana	0.2	0.3	-2.6	-4.9	-6.9
Jamaica	2.2	6.7	1.1	-6.3	3.8
Saint Kitts and Nevis	6.4	4.8	6.9	12.1	2.6
Saint Lucia	5.8	2.2	6.8	3.5	3.7
Saint Vincent and the Grenadines	7.2	6.4	8.6	7.2	6.6
Trinidad and Tobago	-2.1	-5.5	-2.5	-0.2	1.3

Source: ECLAC, on the basis of official figures.
*Preliminary figures.

Table 54
CARIBBEAN SUBREGION: BALANCE OF TRADE IN GOODS
(Millions of dollars)

	1986	1987	1988	1989	1990*
Antigua and Barbuda	-281.7	-245.8	-280.5	-316.2	-325.0
Bahamas*	-607.0	-743.8	-664.4	-809.0	-735.7
Barbados	-311.9	-356.7	-404.9	-490.0	-556.0
Belize	-35.7	-41.4	-64.1	-96.7	-83.6
Dominica	-11.1	-17.4	-30.5	-60.8	-59.6
Grenada	-52.2	-57.5	-59.4	-72.5	-82.9
Guyana	-49.6	-21.5	-1.2	-27.6	-63.3
Jamaica	-383.6	-525.1	-622.2	-821.1	-710.5
Saint Kitts and Nevis	-37.7	-51.5	-65.3	-73.0	-83.0
Saint Lucia	-71.9	-100.8	-101.9	-164.6	-144.0
Saint Vincent and the Grenadines	-23.3	-46.3	-37.0	-52.9	-59.1
Trinidad and Tobago	-115.9	254.2	283.9	347.5	794.0
Netherlands Antilles	-655.1	-754.9	-823.1	-842.1	-1 019.8
Montserrat	-18.3	-21.7	-24.3	-29.4	-40.7

Source: ECLAC, on the basis of official figures.
*Does not include petroleum trading.

Table 56
CARIBBEAN SUBREGION: EXTERNAL DEBT*
(Millions of dollars)

	1986	1987	1988	1989	1990*
Antigua and Barbuda**	180.7	231.8	243.2	255.5	264.7
Bahamas	215.5	192.7	171.3	219.7	269.6
Barbados	291.3	353.4	394.9	383.6	418.0
Belize	97.7	113.1	124.1	128.4	133.0
Dominica	56.6	65.1	64.8	70.6	83.1
Grenada	54.2	66.9	69.4	69.3	82.0
Guyana**	1 542.3	1 735.9	1 777.9	1 801.1	1 801.9
Jamaica	3 575.0	4 013.6	4 001.7	4,038.9	4 152.4
Saint Kitts and Nevis	19.3	21.3	26.9	31.9	35.2
Saint Lucia	31.5	27.9	41.3	51.7	58.4
Saint Vincent and the Grenadines	29.6	37.8	44.9	50.4	54.5
Trinidad and Tobago	1 897.7	2 082.2	2 011.8	2 097.4	2 102.1
Montserrat	3.0	3.4	3.5	3.4	2.7

Source: ECLAC, on the basis of official figures.
*Government or governmental-guaranteed debt. **Includes arrears.

Table 59
CARIBBEAN SUBREGION: UNEMPLOYMENT RATES
(Percentages)

	1986	1987	1988	1989	1990
Barbados	19.0	18.9	17.3	15.7	14.7
Belize	15.1	15.0	...	...	...
Curacao	...	...	24.4	21.1	19.8
Jamaica	23.7	21.0	18.9	18.0	15.3
Trinidad and Tobago	17.2	22.3	21.9	22.0	20.1
Puerto Rico	20.5	17.7	15.9	14.4	14.3

Source: ECLAC, on the basis of official figures.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 103-E
11 December 1992
Original: French

COMMITTEE 6

THIRD SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached texts, which it is submitting to the Editorial Committee for consideration and transmittal to the Plenary Meeting.

Some numbers of the Constitution and the Convention have been put in square brackets pending the outcome of the work of Committee 4.

H. VIGNON
Chairman of Committee 5

Annexes: 2 (Third series of texts of the Constitution and the Convention)

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ANNEX 1

ARTICLE 11

General Secretariat

CS78 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

NOC CS79

NOC CS79A (2) The Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities.

NOC CS80

KEN/22/3
MOD CS81 (3) The Secretary-General shall take all the actions required to ensure economic use of the Union's resources and shall be responsible to the 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 CS81A (4) The Secretary-General shall act as the legal representative of the Union.

NOC CS82

NOC CS83

NOC CS84

MOD CS85 2. The Deputy Secretary-General shall be answerable to the Secretary-General; he 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.

ANNEX 2

NOC

SECTION 2

ARTICLE 3

MOD

The Council

KEN/22/16

MOD CV31 1. (1) The Council is composed of forty three Members of the Union elected by the Plenipotentiary Conference.

NOC CV32

NOC CV33

NOC CV34

NOC CV35

NOC CV36

NOC CV37

NOC CV38 1. (1) The Council shall hold an ordinary session annually at the seat of the Union.

CV39 (2) During this session it may decide to hold, exceptionally, an additional session.

NOC CV40 (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. 6K of this Convention.

SUP CV41*

NOC CV42

NOC CV43 2. The Council shall make decisions only in session. Exceptionally, the Council in session may agree that any specific issue shall be decided by correspondence.

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* Note by the Secretariat - This number will be considered at a later meeting.

NOC CV43A

3. At the beginning of each ordinary session, the 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 ordinary session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.

NOC CV43B

4. The person appointed to serve on the Council by a Member of the 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 CV44

NOC CV45

5. Only the travelling, subsistence and insurance expenses incurred by the representative of each Member of the Council in his capacity at Council sessions shall be borne by the Union.

NOC CV45A

6. The representative of each Member of the Council shall have the right to attend, as an observer, all meetings of the [Sectors] of the Union.

NOC CV45B

7. The Secretary-General shall act as Secretary of the Council.

NOC CV45C

8. The Secretary-General, the Deputy Secretary-General and the [Directors of the Bureaux] may participate as of right in the deliberations of the Council, but without taking part in the voting. The Council may hold meetings confined to the representatives of its own Members.

KEN/22/17
MOD CV45D

9. The Council shall consider each year the report prepared by the Secretary-General~~, with the assistance of the Coordination Committee,~~ on the recommended strategic policy and planning for the Union in accordance with the guidelines of the Plenipotentiary Conference and shall take appropriate action.

NOC CV46

10. The Council shall, in the interval between two Plenipotentiary Conferences, supervise the overall management and administration of the Union; it shall in particular:

NOC CV47

NOC CV48

NOC CV49

NOC CV50

NOC CV51

NOC CV52 a) approve and revise the Staff Regulations and the Financial Regulations of the Union and any other regulations as it may consider necessary, taking account of current practice of the United Nations and of the specialized agencies applying the Common System of pay, allowances and pensions;

NOC CV53

NOC CV54

NOC CV55

NOC CV56 b) adjust as necessary:

CV57 1. the basic salary scales for staff in the professional and higher categories, 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;

CV58 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;

CV59 3. the post adjustment for professional and higher categories, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;

CV60 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations Common System;

NOC CV60A c) take decisions to ensure equitable geographical distribution of the staff of the Union and monitor the implementation of such decisions;

NOC CV60B d) decide on proposals for major organizational changes within the General Secretariat and the [Bureaux of the Sectors] of the Union consistent with the Constitution and this Convention, submitted to it by the Secretary-General following their consideration by the Coordination Committee;

NOC CV60C e) examine and decide on plans concerning Union posts and staff and human resources development programmes covering several years, and give guidelines for the staffing of the Union, including on staffing levels and structures, taking into account the general directives given by the Plenipotentiary Conference and the relevant provisions of Article 16 of the Constitution;

NOC CV61 f) adjust, as necessary, the contributions payable by the Union and its staff to the United Nations Joint Staff Pension Fund, in accordance with the Fund's rules and regulations, as well as the cost of living allowances to be granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of the practice followed by the Fund;

NOC CV62

NOC CV62A g) review and approve the biennial budget of the Union, and consider the budget forecast for the two-year period following that budget, taking account of the decisions of the Plenipotentiary Conference in relation to No. 49 of the Constitution and of the limits for expenditures set by that Conference in accordance with No. 50 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 76A and the financial operating report mentioned in No. 105 of this Convention;

CHN/13/32
KEN/22/20

MOD	**CV62B**	h)	arrange for the ~~biennial~~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	**CV63**	i)	arrange for the convening of the conferences of the Union and provide, with the consent of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, appropriate directives to the General Secretariat and the [Sectors] of the Union with regard to their technical and other assistance in the preparation for and organization of conferences;
NOC	**CV63A**	j)	take decisions in relation to No. 10 above;
NOC	**CV63B**	k)	decide upon the implementation of any decisions which have been taken by conferences and which have financial implications;
NOC	**CV64**		
NOC	**CV65**		
NOC	**CV66**		
NOC	**CV67**		
NOC	**CV68**		
SUP	**CV69***		
NOC	**CV70**	l)	to the extent permitted by the Constitution, this Convention and the Administrative Regulations, take any other action deemed necessary for the proper functioning of the Union;

* Note by the Secretariat - This number will be considered at a later meeting.

NOC CV71

m) take any 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;

KEN/22/21
MOD CV71A

n) be responsible for effecting the coordination with all international organizations referred to in Articles 38 and 39 of the Constitution and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 39 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 8 of the Constitution;

NOC CV71B

o) send to Members of the Union, as soon as possible after each of its sessions, summary records on the activities of the Council and other documents deemed useful;

NOC CV72

p) submit to the Plenipotentiary Conference a report on the activities of the Union since the previous Plenipotentiary Conference and any appropriate recommendations.

NOC CV73

NOC CV74

NOC

SECTION 3

ARTICLE 4

General Secretariat

CV75 1. The Secretary-General shall:

NOC CV75A a) be responsible for the overall management of the Union's resources; he may delegate the management of part of these resources to the Deputy Secretary-General and the [Directors of the Bureaux], in consultation as necessary with the Coordination Committee;

NOC CV76 b) coordinate the activities of the General Secretariat and the [Sectors] of the Union, taking into account the views of the Coordination Committee, with a view to assuring the most effective and economical use of the resources of the Union;

NOC CV76A c) after consultation with the Coordination Committee and taking into account its views, prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommended action relating to the Union's future policies and strategy, as stipulated in No. 45D above, together with their financial implications;

NOC CV77 d) 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 Council;

NOC CV78 e) undertake administrative arrangements for the [Bureaux of the Sectors] of the Union and appoint their staff on the basis of the choice and proposals of the [Director of the Bureau] concerned, although the final decision for appointment or dismissal shall rest with the Secretary-General;

NOC	**CV79**	f)	report to the Council any decisions taken by the United Nations and the specialized agencies which affect Common System conditions of service, allowances and pensions;
NOC	**CV80**	g)	ensure the application of any regulations adopted by the Council;
NOC	**CV81**	h)	provide legal advice to the Union;
NOC	**CV82**	i)	supervise, for administrative management purposes, the staff 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 Bureaux] shall be under the administrative control of the Secretary-General and shall work under the direct orders of the Directors concerned but in accordance with general administrative directives of the Council;
NOC	**CV83**	j)	in the interest of the Union as a whole and in consultation with the [Directors of the Bureaux] concerned, temporarily reassign staff members from their appointed position as necessary to meet fluctuating work requirements at headquarters;
NOC	**CV83A**	k)	make, in agreement with the [Director of the Bureau] concerned, the necessary administrative and financial arrangements for the conferences and meetings of each [Sector];
NOC	**CV84**	l)	taking into account the responsibilities of the [Sectors], undertake appropriate secretariat work preparatory to and following conferences of the Union;
NOC	**CV85**	m)	prepare recommendations for the first meeting of the Heads of delegations referred to in No. 246 of this Convention, taking into account the results of any regional consultation;

NOC	**CV86**	n)	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 Union, in collaboration, as appropriate, with the Director concerned, drawing from the Union's staff as he deems necessary in accordance with No. 83 above. The Secretary-General may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;
NOC	**CV86A**	o)	take necessary action for the timely publication and distribution of service documents, information bulletins, and other documents and records prepared by the General Secretariat and the Sectors, communicated to the Union or whose publication is requested by conferences or the Council; the list of documents to be published shall be maintained by the Council, following consultation with the conference concerned, with respect to service documents and other documents whose publication is requested by conferences;
NOC	**CV87**		
NOC	**CV88**		
NOC	**CV89**		
SUP	**CV90***		
NOC	**CV91**		
NOC	**CV92**		
NOC	**CV93**		
NOC	**CV94**		
NOC	**CV95**		
NOC	**CV96**		
NOC	**CV97**		

* Note by the Secretariat - This number will be considered at a later meeting.

NOC **CV98**

p) 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 **CV99**

NOC **CV100**

NOC **CV101**

q) after consultation with the Coordination Committee and making all possible ~~economies~~, prepare and submit to the Council a biennial draft budget covering the expenditures of the Union within the limits laid down by the Plenipotentiary Conference. This draft shall consist of a consolidated budget, including cost-based budgets for the [three Sectors], prepared in accordance with the budget guidelines issued by the Secretary-General, 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 budget resolution, after approval by the Council, shall be sent for information to all Members of the Union;

NOC **CV102**

NOC **CV103**

NOC **CV104**

OMA/12/20

MOD **CV105**

r) with the ~~assistance~~ of the Coordination Committee, prepare an annual financial operating report in accordance with the Financial Regulations~~;~~ ~~a~~ and submit it to the Council. A recapitulative financial operating report and accounts shall be prepared and submitted to the next Plenipotentiary Conference for examination and final approval;

NOC CV106 s) with the assistance of the Coordination Committee, prepare an annual report on the activities of the Union which, after approval by the Council, shall be sent to all Members;

NOC CV107 t) perform all other secretarial functions of the Union;

NOC CV108 u) perform any other functions entrusted to him by the Council.

NOC CV109 2. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 104-E
11 December 1992
Original: English

COMMITTEE 5

Japan

PROPOSALS FOR THE WORK OF THE CONFERENCE

OPTIONAL PROTOCOL

on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations

Geneva 1992

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

OPTIONAL PROTOCOL

on the Compulsory Settlement of Disputes Relating to the

Constitution of the International Telecommunication Union,

to the

to the Convention of the International Telecommunication Union

and to the

Administrative Regulations

At the time of signing the Constitution of the International bnTelecommunication Union and the Convention of the International Telecommunication Union (Geneva, 1992), 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,

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 4 of the Constitution,

have agreed upon the following provisions:

ARTICLE 1

Unless one of the methods of settlement listed in Article 45 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or the Administrative Regulations mentioned in Article 4 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. 409) 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. 407 and 408 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 Member 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 4

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

ARTICLE 5

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 6

The Secretary-General shall notify all Members:

a) of the signatures appended to this Protocol and of the deposit 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 Geneva, .. December 1992

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 105-E
11 December 1992
Original: English

COMMITTEE 4

"IN THE NAME OF GOD"

Islamic Republic of Iran

PROPOSALS FOR THE WORK OF THE CONFERENCE

Considering the report of the High Level Committee to review the structure and functioning of the International Telecommunication Union (ITU), one notes that the results are indicative of a collective effort crystalized into a set of highly appreciable recommendations. Such recommendations are the building blocks of the Union's structure upon which the challenges of change and the tomorrow of the ITU are to be built.

It is the responsibility of all Union Members to search deeply into the roots of such recommendations so that the elements of such vital proposals are well understood.

It is our Administration's view that the following items in the well prepared set of HLC Recommendations need further consideration and perhaps modification in order to be in line with the ITU's fundamental principles and objectives.

IRN/105/1

The vertical structures defined for the three ITU Sectors, that is, Development, Standardization and Radiocommunication include world (or regional) conferences, the Advisory Board and a Bureau within each Sector, the Advisory Board (Advisory Group or Advisory Committee) to be appointed by their respective Directors in consultation with the Secretary-General and the membership of these advisory boards open to the private sector.

Our experience in the Union's past shows that the selection of officials according to the procedures mentioned above has never been fruitful and hence this approach is not recommended. With regard to the participation of recognized private operating agencies or scientific or industrial organizations, it is to be noted that although these sectors have contributed toward the ITU's principal objectives in the past, this should not by any means be interpreted into their participation within the ITU family; they should continue to work side by side with the ITU and through their respective administrations.

It is believed that an Administration's rights in the ITU decision-making process should not by any means be jeopardized by encouraging the ITU's activities towards commercialization, which in doing so would endanger the future of the ITU and would bring it to a complete stop if such a procedure were adopted. This note of caution will hopefully be taken into consideration, otherwise the future of the Union would not be promising at all in terms of its primary objective which is to assist the Member countries in their national and international telecommunication network development and upgrading.

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IRN/105/2

It is noted that throughout the Recommendations made by the HLC, one of the principles of the Union has been somehow neglected, namely the equitable geographical distribution amongst the Member countries. Such basic requirements should always be kept in mind, be it in the advisory boards selection, where a different mechanism should be used such as through the Administrative Council rather than the one recommended, or in the IFRB Board.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 106-E
12 December 1992
Original: English

COMMITTEE 2

SUMMARY RECORD

OF THE

FIRST MEETING OF COMMITTEE 2

(CREDENTIALS)

Thursday, 10 December 1992 at 0905 hours

Chairman: Mr. R. BLOIS (Brazil)

Subjects discussed:		Documents
1.	Terms of reference of the Committee	69
2.	Organization of work	-
3.	Transfer of powers	-
4.	Submission of credentials	-

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1. Terms of reference of Committee 2

1.1 The Secretary read out the terms of reference of the Committee and reminded delegations that the date for submission of credentials, as adopted by the Plenary, was Friday, 18 December 1992.

1.2 That information was noted.

2. Organization of work

2.1 The Committee approved the establishment of a working group consisting of the Chairman, the two Vice-Chairmen and the delegates of Spain, the United States, the Czech and Slovak Federal Republic and Cameroon.

2.2 The Secretary said that the working group would be open-ended; any other delegations wishing to participate should inform the Chairman or the Secretary accordingly.

3. Transfer of powers

3.1 The Secretary said that under No. 391 of the International Telecommunication Convention (Nairobi, 1982) a Member of the Union could give the delegation of another Member powers to vote and sign on its behalf, and read out a document relating to the transfer of powers from Liechtenstein to Switzerland.

3.2 The transfer of powers was approved.

4. Submission of credentials

4.1 The Secretary announced that the Secretariat had received credentials to date from 81 Members of the Union present at the Conference and invited other Member States to submit their credentials as soon as possible or to inform him when they expected to do so.

4.2 In reply to a request for clarification from the delegate of the United States, he confirmed that submission of transfers of powers was subject to the same procedure and time limits as submission of credentials.

The meeting rose at 0915 hours.

The Secretary: The Chairman:

X. ESCOFET R. BLOIS

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 107-E
12 December 1992
Original: English

COMMITTEE 3

SUMMARY RECORD

OF THE

FIRST MEETING OF COMMITTEE 3

(BUDGET CONTROL)

Thursday, 10 December 1992 at 1000 hours

Chairman: Mr. S. AL-BASHEER (Saudi-Arabia)

Subjects discussed:		Documents
1.	Terms of reference of the Budget Control Committee	69
2.	Organization of work	-
3.	Budget of the Additional Plenipotentiary Conference	25
4.	Situation of the accounts of the Conference as at 30 November 1992	39
5.	Expenditure limit for the Conference	24
6.	Note by the Chairman of Committee 3 to the Chairmen of Committees 4 and 5	53

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1. Terms of reference of the Budget Control Committee (Document 69)

1.1 The Committee took note of its terms of reference as set out in Document 69.

2. Organization of work

2.1 The Chairman said that a further meeting of Committee 3 would be required during the following week, to adopt the budget estimates and the Committee's final report. The date and time would be fixed by the Steering Committee.

2.2 It was so agreed.

3. Budget of the Additional Plenipotentiary Conference (Document 25)

3.1 The Secretary of the Committee, introducing Document 25, drew attention to its Annex 1 which set out the budget for the Additional Plenipotentiary Conference, as approved by the Administrative Council at its 46th session in June 1991. Annex 2 contained a breakdown of expenditure by item.

3.2 The Committee took note of Document 25.

4. Situation of the accounts of the Conference as at 30 November 1992 (Document 39)

4.1 The Secretary of the Committee introduced Document 39, which contained an annex setting out an updated budget of the Conference, taking into account additional costs resulting from the conditions of service in force in the United Nations Common System at 30 November 1992, as well as estimated expenditure as at 30 November 1992. The total estimated expenditure for the Conference as at 30 November 1992 was approximately 200 000 Swiss francs below the budget approved by the Administrative Council, adjusted as at 30 November 1992. An update of expenditure would be submitted to the Committee at its next meeting around 16 December 1992.

4.2 The Committee took note of Document 39.

5. Expenditure limit for the Conference (Document 24)

5.1 The Secretary of the Committee, introducing Document 24, said that the Plenipotentiary Conference (Nice, 1989) had set a ceiling of 4 200 000 Swiss francs for a Plenipotentiary Conference in 1994. As the Administrative Council at its 46th session had decided to convene an Additional Plenipotentiary Conference for an amount of 1 536 000 Swiss francs, the amount available for the 1994 Plenipotentiary Conference was 2 664 000 Swiss francs, value 1 April 1989.

5.2 The delegate of Japan considered that the amount of 2 664 000 Swiss francs was insufficient to hold the 1994 Plenipotentiary Conference in Kyoto. He asked whether it was intended to set the new budget ceiling for that Conference at the present Additional Plenipotentiary Conference or at the next meeting of the Administrative Council, in consultation with all Member States of the Union.

5.3 The Chairman replied that it would be for the Administrative Council to set the budget for the Kyoto Plenipotentiary Conference.

5.4 The Secretary of the Committee said that the duration of the Kyoto Plenipotentiary Conference would have to be decided on, and the final cost of the Additional Plenipotentiary Conference established, before determining the maximum amount available for the Kyoto Plenipotentiary Conference.

5.5 The Committee took note of Document 24.

6. Note by the Chairman of Committee 3 to the Chairmen of Committees 4 and 5 (Document 53)

6.1 The Chairman said that he had requested the Chairmen of Committees 4 and 5 to supply him, not later than 16 December 1992, with reports on the decisions taken by those Committees, together with an explanation of their financial implications, so that the Budget Control Committee could report to the Plenary Meeting on those implications.

The meeting rose at 1025 hours.

The Secretary:	The Chairman:
A. TAZI RIFFI	S. AL-BASHEER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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11 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

THIRD MEETING OF COMMITTEE 4

(SECTORAL MATTERS)

Wednesday, 9 December 1992, at 0905 hours

Chairman: Mr. C. OLIVER (Australia)

Subjects discussed:	Documents
1. Consideration of proposals relating to Chapter IV of the draft Constitution (continued)	Basic Document I, DT/1 + Add.1, 22, 23, 27 + Corr.1, 40, 61, 64, 71, 74
2. Consideration of proposals relating to Chapter I, Section 7 of the draft Convention	Basic Document II, DT/1 + Add.1, 71

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1. Consideration of proposals relating to Chapter IV of the draft Constitution (continued) (Basic Document I, DT/1 + Add.1, 22, 23, 27 + Corr.1, 40, 61, 64, 71, 74)

Article 14 (continued)

MOD CS113

1.1 Approved.

MOD CS114, ADD CS116A

1.2 The delegate of Cuba, introducing proposals CUB/71/5 and CUB/71/6, welcomed the emphasis on telecommunication development and stressed the vital role to be played by the Union in that area. The H.L.C. had rightly recognized the challenge of development in the face of the huge disparity between developed and developing countries, and the scarcity of resources available to developing countries. The Maitland Report had also emphasized the important role of the ITU in development within the new structure of the Union. The amendment proposed by his delegation to CS114 was intended to address the basic problems faced by the Development Sector, namely, obtaining the material and financial resources for the extension or restructuring of the telecommunication networks in developing countries. There was a need to mobilize all possible resources, to accelerate the transfer of technology, to train human resources in using that technology, and to promote the expansion of the telecommunication industry in developing countries. With the same objects in view, the aim of the amendment proposed to CS116A was to seek and implement new sources of financing. From a drafting point of view, the text proposed by Cuba for CS114 took some elements from ADD CS116A in Basic Document I.

1.3 The delegate of Spain said that the aim of his delegation's proposal to modify CS116A (E/23/4), was simply to avoid the use of the chemical term "catalyst" which was unusual and perhaps unsuitable in a legal text.

1.4 The Chairman of the High Level Committee agreed that it was unusual to find the word "catalyst" in a Constitution or a Convention. The H.L.C. had, however, used that word in its Recommendation 29 to stress the leading role to be played by the ITU with respect to financial and development agencies at the global, regional and national levels. The Telecommunications Development Bureau (BDT) had many functions, and the H.L.C. had been concerned to ensure that its catalytic role in mobilizing resources and presenting options to countries for structural changes to facilitate the development of telecommunications stood out among all its other tasks. The term "catalyst" really conveyed a meaning. The Cuban proposal, which transferred the emphasis on priority from CS116A to CS114, was not a bad idea; the important fact was that the concept should remain in the text.

1.5 The delegate of the United States, referring to proposal CUB/71/5, pointed out that, in transferring text from CS116A to CS114, the word "sector" had become "Sector". The "s" was correct, since the text referred to a sector of telecommunications in general, not to one of the new ITU Sectors.

1.6 The delegate of Mexico agreed with the comments by the delegate of Spain concerning "catalyst" but felt that "foster" was not strong enough. He would prefer a term such as "activate".

1.7 The Chairman requested the delegation of Spain to coordinate a drafting group to prepare draft texts of both provisions for consideration by the Committee.

CS115

1.8 Approved.

CS116

1.9 The delegate of the Central African Republic, introducing his country's proposal CAF/74/1, said that the aim was to strengthen the role of the BDT in achieving development objectives. For example, a number of activities started under PANAFTEL projects had been frozen on account of the interruption of those projects.

1.10 The delegate of Algeria supported that proposal which was in line with his country's views expressed in Document 40. Often, projects were finalized on paper but not in reality because of the lack of follow-up.

1.11 The delegate of Gambia supported the proposal of the Central African Republic. The BDT should monitor projects, not only to see that funds were properly utilized but also to apply any necessary corrective measures so as to ensure that projects stayed on course.

1.12 The delegate of Morocco, while willing to accept the principles underlying proposal CAF/74/1, raised two concerns. First, the new text referred to projects which had been halted, but did not specify by whom. National authorities presumably had the right to halt projects; indeed, recent UNDP policy was increasingly to leave it to recipient countries to manage projects. In bilateral projects involving the ITU and a national administration, the project contract would deal with implementation. Secondly, although CS112 referred to the ITU as an executing agency for implementing projects under the United Nations development system, nothing in the draft Convention reflected the role of the ITU as an executing agency of UNDP. Perhaps a provision could be added to the Convention reflecting that activity, including the function of project monitoring.

1.13 The delegate of Venezuela drew attention to Document 64 which provided some ideas on the subject. Recommendation 51 of the H.L.C. was also relevant and could be extended to cover the Radiocommunication Sector as well as the Standardization Sector.

1.14 The delegate of Guinea referred to Document 61 which reflected his country's wish to reinforce the regional presence. That went along the same lines as the proposal of the Central African Republic, which he supported, since the regional presence was very important in follow-up.

1.15 The delegate of the United Kingdom said that the basic idea behind proposal CAF/74/1 was sound; however, it would be useful to monitor projects which had been started, as well as those which had been halted. Since the previous meeting of the Committee, he had noticed a tendency to include too much detail in the Constitution. He would prefer that instrument to be drawn up in broader terms to allow the Union to develop in the light of changing circumstances.

1.16 The delegate of Uruguay agreed with the comment by the United Kingdom delegate; the Constitution should not deal with details. Furthermore, the regions should not only be involved in the follow-up of projects, but also in their initiation and planning, as had been stated at the Nice Plenipotentiary Conference and the Latin American Regional Telecommunication Conference. Projects should meet the real needs of the countries concerned. Calling on the BDT to ensure that projects were fully implemented essentially raised the question of funding, not of follow-up. Projects should have well-defined aims that were consistent with national strategy.

1.17 The Chairman called on the delegation of the Central African Republic to coordinate with interested delegations in drawing up a suitable text for inclusion in the Constitution, to put before the Committee.

ADD CS116B

1.18 The delegate of Cuba, introducing his country's proposal CUB/71/7 to add a new provision CS116B, stressed that new technologies should be available to all countries. Indeed, one of the purposes of the Union was to promote the spread of new technology.

1.19 The delegates of Venezuela and Spain supported the proposal but considered that the text should refer to "transfer" of technology, rather than the "gift" of technology. The delegate of Grenada endorsed that view and further suggested a reference to "appropriate" technology, since the technology that was transferred was not always appropriate.

1.20 The delegate of the Netherlands, supported by the delegate of the United States, felt that the Cuban proposal was covered by the text of CS115; furthermore, it did not take account of the vast reservoir of know-how available in industry, which should be mobilized for telecommunications development in developing countries, as provided by CS117.

1.21 Proposal CUB/71/7, amended to read "... accelerate the transfer of appropriate technologies...", was approved, subject to reservations by the Netherlands and the United States.

(MOD) CS117

1.22 Approved, subject to consequential renumbering.

ADD CS117A, ADD CS117B

1.23 The delegate of Cuba said that his delegation's proposals CUB/71/9 and CUB/71/10 were intended to promote the means to satisfy the needs of the remotest areas of developing countries and create opportunities for enhanced cooperation with developed countries in order to improve the process of technology transfer.

1.24 The Chairman noted that there was no support for the Cuban delegation's proposals.

(MOD) CS118, MOD CS119, ADD CS119A, SUP CS120, MOD CS121, MOD CS122, ADD CS122A, MOD CS123, ADD CS123A, ADD CS123B

1.25 Approved.

ADD CS123C

1.26 The delegate of the Netherlands said that the aim of proposal EUR/27/61, which was procedural in nature, was to delete from the Constitution all references to specific articles in the Convention, in order to avoid the need to amend the former solely to reflect changes in the latter - an aim which had been expressed at the Nice Plenipotentiary Conference. The sponsors of the proposal also suggested, for ease of cross-reference, the Secretariat might maintain a list which would not be a legal part of the Constitution.

1.27 The delegate of Algeria said that his delegation could agree to the proposal provided that due importance was attached to the need for a clear system of cross-references.

1.28 The Chairman said he took it that the Committee agreed on that need; if so, he would consult the Chairmen of Committee 5 and the Editorial Committee on the matter. On that understanding, he invited the Committee to approve the proposal in principle.

1.29 It was so agreed.

SUP CS124

1.30 Approved.

1.31 Article 14 as a whole, as amended and subject to editorial changes, was approved.

Article 14A

ADD Title

1.32 Approved.

ADD CS124A

1.33 The delegate of Cuba said that his delegation's proposal CUB/71/14 introduced a number of changes, some of which were of substance, to CS124A. The purpose was to deal with issues not fully covered in the draft text as it stood, in particular the need to consider ways and means to expand and modernize the developing countries' telecommunication networks and to provide the requisite resources.

1.34 The delegate of Suriname supported the Cuban delegation's proposal.

1.35 The delegate of Uruguay said that, while he could understand the aim of the Cuban delegation's proposal, the text was too detailed to appear in the Constitution. His delegation supported the text submitted by the Drafting Group. The delegate of the Netherlands said that the sponsors of Document 27 also supported the Drafting Group's text. The delegate of Sweden endorsed the views expressed by the previous speakers: the text in question should remain couched in general terms, as in the wording submitted by the Drafting Group.

1.36 The delegate of Cuba said that he appreciated the concern voiced by the previous speakers. However, his delegation's proposal was not a mere addition of detail; it introduced a matter of substance, namely, the provision of resources needed for the expansion and modernization of the developing countries' networks.

1.37 The delegate of Morocco said that he would be able to support the Cuban delegation's proposal if the words "global and regional" were deleted. Those words were reminiscent of the Plan Committees, which the H.L.C. had felt should be replaced. The delegate of Sudan supported that view and also proposed that the words from "giving special consideration" onwards should be emphasized.

1.38 The delegate of Colombia observed that the concerns voiced by the Cuban delegation were already reflected in CS115 and CS116. He preferred the draft text as it stood in Basic Document I, since there was no need to spell out the terms of references of conferences in such detail.

1.39 The delegate of Mexico disagreed with the previous speaker: conferences should have their specific terms of reference set forth. His delegation could support the Cuban proposal as orally amended by the delegate of Morocco. The delegate of Grenada said that he too could support the proposal as so amended.

1.40 The delegate of Australia said that, despite the lengthy and careful preparation of the texts by the Drafting Group before the current Conference, a great deal of time was being spent in attempts to introduce specificity, and even duplication, into the provisions. The place for such specificity was in resolutions; it was important not only to maintain flexibility in the Convention but also not to squander the limited time available.

1.41 The delegate of Uruguay said that the Cuban proposal, even as orally amended by the delegate of Morocco, was restrictive and could run counter to the developing countries' own interests. For example, the wording referred to networks but could give the impression of providing no protection for services - another reason for maintaining the flexible wording submitted by the Drafting Group.

1.42 The delegate of Morocco said that at the outset the Drafting Group had based its work on the Nice provisions, one of the shortcomings of which was that they failed to make clear whether "telecommunication and development" included assistance and cooperation or meant the development of telecommunications in all countries, developing and developed alike. The merit of the Cuban proposal was that it drew attention to the need to take account of the developing countries' requirements; however, he agreed with the delegate of Uruguay that it placed no emphasis on services.

1.43 The delegate of the Islamic Republic of Iran said that he fully supported the Cuban proposal.

1.44 The Chairman of the Drafting Group said that the Drafting Group had had before it the provisions stemming from the Nice Plenipotentiary Conference, as mentioned by the delegate of Morocco, together with the comments contained in the H.L.C.'s Report. One of the main points stressed by the H.L.C., however, was the need to avoid burying the essential elements in too much detail. The Drafting Group had also borne in mind that the Administrative Council had been on the point of agreeing on an interim structure for the new BDT, and it had sought not to hamper that task but to leave the finer details to be settled at the Kyoto Plenipotentiary Conference.

1.45 The delegate of the United States said that the interests of the developing countries were already catered for in CS115. It was important not to bind conferences but to allow them due flexibility.

1.46 The Chairman wondered whether the Committee could overcome the difficulty by agreeing to leave the text as it stood, in which case the concerns expressed by the Cuban delegation could be dealt with by means of an appropriate resolution.

1.47 The delegate of Cuba said he was puzzled by that suggestion. His delegation's proposal, which had been supported, related to important matters of substance which should be stated explicitly. He could accept the oral amendment proposed by the delegate of Morocco.

1.48 The Chairman suggested that informal consultations be held to solve the problem. The delegate of Canada supported that view.

1.49 The delegate of Chad supported the Cuban proposal. The delegates of Senegal and Congo supported the proposal as amended by Morocco; to underline the importance of the BDT, the text should be included in the Constitution.

1.50 The Chairman enquired whether there were any objections to the Cuban proposal, as amended by Morocco.

1.51 The delegate of the Netherlands, supported by the delegates of Uruguay and Venezuela, considered that the wording of the Constitution should be rather general, and said that he was in favour of holding informal consultations.

1.52 The Chairman suggested that the delegates of Cuba and Uruguay should hold informal discussions on the wording of CS124A and report back to the Committee, pending which the text would remain in square brackets.

1.53 It was so agreed.

ADD CS124B, ADD CS124C, ADD CS124D

1.54 Approved.

ADD CS124E

1.55 The Chairman having drawn attention to proposal KEN/22/5, the Chairman of the Drafting Group said that the text proposed by the Drafting Group for CS124E was based on Recommendation 25 of the High Level Committee. In principle, there should be one world telecommunication development conference in each four-year period between Plenipotentiary Conferences. Although it was desirable to have a complete cycle of regional development conferences in each four-year period, circumstances might make that impossible and an element of flexibility had therefore been introduced in the text. The Kenyan proposal was to move the phrase "subject to resources and priorities" forward so that it would apply to the world telecommunication development conference as well as to the regional ones. That was a point that could be argued either way, but the Drafting Group's wording provided that if at all possible a world telecommunication development conference should be held in every four-year period. In fact, the first such conference was scheduled for early in 1994 and would therefore be held before the next Plenipotentiary Conference.

1.56 The delegate of Kenya observed that since the regional conferences would provide inputs to the world conferences, their work should be synchronized. His delegation was therefore proposing that one regional telecommunication development conference per Region should be convened between Plenipotentiary Conferences. Naturally the holding of world and regional conferences alike would depend on the availability of resources.

1.57 The delegate of the Philippines, supported by the delegate of the Republic of Korea, considered that to be durable the Constitution should be as broad as possible, without restrictive clauses. In order to give development the fullest possible support, the phrase "subject to resources and priorities" should be deleted altogether. World conferences were not always within the reach of developing countries and resources for regional conferences should therefore not be limited.

1.58 The delegate of Algeria did not support the Kenyan proposal but wished the words "subject to resources and priorities" to be deleted.

1.59 The delegate of Morocco said that he had difficulties with all the points made in respect of the provision. The H.L.C. had recommended a structure in which each Sector would have at its top a gathering of the Union's Members to deal with issues specific to the Sector and supervise the activities of its executive body, in the present case the BDT. If a world telecommunication development conference were to be convened only when finances were available, the Bureau would remain without supervision; it was therefore essential that such a conference be convened every four years. With regard to the proposal to delete the words limiting the meetings of regional conferences, he observed that regional conferences were not entitled to give guidance and instruction to the BDT: that had to come from a world conference. Finally, if the words "subject to resources and priorities" were deleted from CS124E, provisions CS85L and CS111L would also have to be modified, since they referred to situations where conferences could not or should not be convened.

1.60 The delegate of the United States endorsed those views. The wording proposed by the Drafting Group for CS124E should be retained.

1.61 The Chairman suggested, in view of the various concerns expressed, that the wording proposed by the Drafting Group for CS124E be retained.

1.62 It was so agreed.

ADD CS124F

1.63 The delegate of Spain introduced proposal E/23/5, which was supported by the delegate of Colombia.

1.64 The delegate of Congo having observed that there was a discrepancy between the Spanish- and French-language versions of the provision, the Chairman said that the attention of the Editorial Committee would be drawn to that matter.

1.65 ADD CS124F, as amended by Spain, was approved.

ADD CS124G

1.66 The Chairman drew attention to proposal EUR/27/62 to remove from the text the specific reference to Article 7A of the Convention, observing that a similar proposal had been discussed and approved in respect of CS123C.

1.67 ADD CS124G, amended in accordance with proposal EUR/27/62, was approved.

1.68 Article 14A as a whole, as amended, was approved.

Articles 14B and 14C

1.69 Articles 14B and 14C as a whole were approved, subject to the deletion of all specific references to articles of the Convention.

2. Consideration of proposals relating to Chapter I, Section 7 of the draft Convention (Basic Document II, DT/1 + Add.1, 71)

Section 7

ADD Title

2.1 Approved.

Article 7A

ADD Title

2.2 Approved.

ADD CV128A, B and C

2.3 Approved.

ADD CV128D

2.4 The delegate of Cuba introduced proposal CUB/71/15.

2.5 The delegate of Grenada supported the proposal to change the word "may" to "shall" in the first line of the provision.

2.6 Following a short discussion, the Chairman suggested that in view of the earlier discussion on the wording of CS124A, the delegates of Uruguay and Cuba should hold informal consultations on the text.

2.7 It was so agreed.

The meeting rose at 1205 hours.

The Secretary:

K. OLMS

The Chairman:

C. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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COMMITTEE 4
COMMITTEE 5

Algeria, Benin, Botswana, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guinea, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sudan, Swaziland, Tunisia, Zaire, Zambia

MISSIONS AND OBJECTIVES OF THE BDT

TELECOMMUNICATION DEVELOPMENT SECTOR

In view of all the hopes which the international community is placing in the functioning of the BDT and of the fact that its creation in Nice (1989) was accompanied by numerous difficulties, it is of the greatest importance that the current APP-92 should discuss as thoroughly as possible the strategic policies of the BDT with a view to mitigating the existing imbalance in telecommunications between North and South.

This fundamental purpose forms part of the universality of services offered to users throughout the world.

For this purpose, the regional and world telecommunication development conferences must prepare action programmes which allow for the specific local characteristics of the developing countries.

The membership of the BDT's Advisory Board must take account of the full range of interests involved (administration, equipment manufacturers, operating agencies, regional organizations and bilateral and multilateral financing and development institutions).

With this in view, the first world telecommunication development conference was to take place in 1994 before the Kyoto Conference in order to map out the BDT's priority action programmes.

These programmes should include:

- assistance to the developing countries in the preparation and implementation of the master plans;
- the execution of the RASCOM project as a matter of priority;
- support to countries for the restructuring of their telecommunications services;
- support to the developing countries to step up their effective participation in the activities of the various organs of the Union;

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- training human resources in the planning and technical management of networks, financial management and the marketing of products and services;
- the implementation of an industrialization policy for the developing countries in conjunction with the bilateral and multilateral bodies concerned.

To bring this about, the BDT should incorporate in the framework of its strategic action plan effective machinery for:

- the mobilization of the resources required to carry out the above-mentioned activities, with particular reference to the funding of the projects contained in the development plans;
- the strengthening of the Union's regional presence by allocating resources adequate to the regional programmes and by aligning the headquarters activities with those carried out in the decentralized regional and area structures.

This contribution reflects the determination of the African countries to give effect to the will of the international community to equip the Union with an instrument essential to the strengthening of cooperation and partnership on behalf of the developing countries.

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 110-E
12 December 1992

B.2

PLENARY MEETING

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

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

Source	Document		Title
COM 5	95	Constitution	Article 8 Article 10
	103		Article 11
	95		Articles 15 to 17 Article 21
	103	Convention	Articles 3 and 4
	95		Article 4A Article 9 Articles 10 to 15 Article 27

M. THUE
Chairman of Committee 6

Annexes: 26 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN

Since the Conference is working on the basis of Working Documents 1 and 2 (dated 5 May 1992), which the Members were also invited to use as a basis for their proposals, the symbols (NOC, (MOD), MOD, SUP, ADD) in the margin in this document indicate the status of the texts submitted to the Plenary (i.e. after consideration by Committees 4, 5 and 6) in relation to the original texts of Working Documents 1 and 2.

The symbols used are as follows:

NOC : no change

MOD : modification

(MOD) : editorial modification only

SUP : deletion

ADD : addition

When preparing Working Documents 1 and 2, in order not to complicate matters the Drafting Group did not put any symbol in the margin when there was no change to the Nice text. It has been agreed to pursue this practice, i.e. a text adopted at Nice, which has not been modified by the Drafting Group or by the Conference, will not bear any symbol in the margin. Finally, to avoid gaps in the numbering, it has been agreed to use the following symbols for texts for which the Drafting Group proposed deletion and whose deletion has been accepted by the Conference:

NOC CSxxx (SUP)

or

NOC CVyyy to CVzzz (SUP)

ARTICLE 8

Plenipotentiary Conference

NOC	**CS46**	1.	The Plenipotentiary Conference shall be composed of delegations representing Members. It shall be convened every four years.
	CS47	2.	The Plenipotentiary Conference shall:
	CS48	a)	determine the general policies for fulfilling the purposes of the Union prescribed in Article 1 of this Constitution;
MOD	**CS49**	b)	after considering the reports by the Council on the activities of the Union since the previous Plenipotentiary Conference and on the recommended strategic policy and planning for the Union, adopt all decisions it considers appropriate;
NOC	**CS50**	c)	establish the basis for the budget of the Union and determine, in the light of its decisions taken on the reports referred to in No. 49 above, a ceiling 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;
	CS51	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;
	CS52	e)	examine the accounts of the Union and finally approve them, if appropriate;
NOC	**CS53**	f)	elect the Members of the Union which are to serve on the Council;
NOC	**CS54**	g)	elect the Secretary-General, the Deputy Secretary-General and the [Directors of the Bureaux of the Sectors] as elected officials of the Union;
NOC	**CS55**	h)	[elect the members of the Radio Regulations Board];
NOC	**CS56 to CS57**	**(SUP)**	

MOD	**CS58**	i)	consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention in accordance with the provisions of Article 44 of this Constitution and the relevant provisions of the Convention respectively;
(MOD)	**CS59**	j)	conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded by the Council on behalf of the Union, and take such measures in connection therewith as it deems appropriate;
NOC	**CS60**	k)	deal with such other telecommunication questions as may be necessary.

ARTICLE 10

MOD **The Council**

MOD **CS70*** 1. (1) The Council shall be composed of Members of the Union elected by the Plenipotentiary Conference.

CS71 (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 **CS72** 2. The Council shall adopt its own Rules of Procedure.

NOC **CS73** 3. In the interval between Plenipotentiary Conferences, the Council shall act, as governing body of the Union, on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.

NOC **CS74** 4. (1) The 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 **CS75** **(SUP)**

MOD **CS75A** (2) It shall consider broad telecommunication policy issues in keeping with the guidelines given by the Plenipotentiary Conference in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment.

NOC **CS76** (3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over the General Secretariat and the [three Sectors].

(MOD) **CS77** (4) It shall contribute, in accordance with the purposes of the Union, to the development of telecommunications in the developing countries by every means at its disposal, including through the participation of the Union in the appropriate programmes of the United Nations.

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* Note by the Secretariat - The Committee will decide later on the proposals by Oman and Côte d'Ivoire concerning this provision.

ARTICLE 11

General Secretariat

CS78 1. (1) The General Secretariat shall be directed by a Secretary-General, assisted by one Deputy Secretary-General.

NOC **CS79** **(SUP)**

NOC **CS79A** (2) The Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities.

NOC **CS80** **(SUP)**

MOD **CS81** (3) The Secretary-General shall take all the actions required to ensure economic use of the Union's resources and shall be responsible to the Council for all the administrative and financial aspects of the Union's activities.

NOC **CS81A** (4) The Secretary-General shall act as the legal representative of the Union.

NOC **CS82 to CS84** **(SUP)**

MOD **CS85** 2. The Deputy Secretary-General shall be responsible to the Secretary-General; he 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 15

Coordination Committee

NOC CS125 1. The Coordination Committee shall consist of the Secretary-General, the Deputy Secretary-General and the [Directors of the three Bureaux]. It shall be presided over by the Secretary-General, and in his absence by the Deputy Secretary-General.

MOD CS126 2. The Coordination Committee shall act as an internal management team which advises and gives the Secretary-General practical assistance on all administrative, financial, information system and technical cooperation matters which do not fall under the exclusive competence of a particular [Sector] or of the General Secretariat 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 Council and the interests of the Union as a whole.

SUP CS127

ARTICLE 16

Elected Officials and Staff of the Union

CS128 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 CS129 (2) Each Member shall respect the exclusively international character of the duties of these elected officials and of the staff of the Union, and refrain from trying to influence them in the performance of their work.

CS130 (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 CS131 (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 or [Director of a Bureau] shall refrain, as far as possible, from recalling that national between two Plenipotentiary Conferences.

MOD CS132 [~~2. The Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the Director of the Telecommunications Development Bureau as well as 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. 133 below and to equitable geographical distribution amongst the regions in the world.~~]

NOC CS133 2. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing for the Union the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

ARTICLE 17

Finances of the Union

CS134 1. The expenses of the Union shall comprise the costs of:

NOC CS135 a) the Council;

NOC CS135A b) the General Secretariat and the [Sectors] of the Union;

NOC CS136 c) Plenipotentiary Conferences and world conferences on international telecommunications;

NOC CS137 **(SUP)**

MOD CS138 2. The expenses of the Union shall be met from the contributions of its Members and of entities and organizations authorized to participate in the Union's activities in accordance with the relevant provisions of the Convention. Each Member and any such authorized entity or organization shall pay a sum proportional to the number of units in the class of contribution it has chosen in accordance with the relevant provisions of the Convention.

CS139 3. (1) Members shall be free to choose their class of contribution for defraying Union expenses.

MOD CS140 (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 contained in the Convention.

CS141 (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.

CS142 (4) The class of contribution chosen by each Member, in accordance with No. 140 or No. 141 above, is applicable only as from 1 January following one year after the expiry of the six-month period referred to in Nos. 140 or 141 above.

CS143 4. Members who have failed to make known their decision in the time specified respectively in Nos. 140 and 141 above shall retain the class of contribution previously chosen.

NOC CS144 5. The class of contribution chosen by a Member can only be reduced in accordance with Nos. 140, 141 and 142 above. However, under exceptional circumstances such as natural disasters necessitating international aid programmes, the 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.

NOC CS145 6. Likewise, Members may, subject to the approval of the Council, choose a class of contribution lower than the one selected under No. 140 above, if their relative contributory positions are, from the date fixed in No. 142 above for a new period of contribution, substantially worse than their previous positions.

NOC CS146 7. Expenses incurred by the regional conferences referred to in No. 42 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.

(MOD) CS147 8. Members, entities and organizations referred to in No. 138 above shall pay in advance their annual contributory shares, calculated on the basis of the biennial budget approved by the Council as well as of any adjustment adopted by the Council.

CS148 9. A Member which is in arrear in its payments to the Union shall lose its right to vote as defined in Nos. 24 and 25 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.

MOD CS149 10. Specific provisions, which apply to the financial contributions by entities and organizations referred to in No. 138 above and by other international organizations, are contained in the Convention.

ARTICLE 21

Rules of Procedure of Conferences and Other Meetings

NOC **CS156** 1. For the organization of their work and the conduct of their discussions, conferences and meetings of the Union shall apply the Rules of Procedure in the Convention.

MOD **CS157** 2. Conferences and the Council may adopt such rules as they consider to be essential in addition to those in the Rules of Procedure. Such additional rules must, however, be compatible with this Constitution and the Convention; those adopted by conferences shall be published as conference documents.

NOC

SECTION 2

ARTICLE 3

MOD

The Council

MOD CV31

1. (1) The Council is composed of forty-three Members of the Union elected by the Plenipotentiary Conference.

NOC CV32 to CV37

(SUP)

NOC CV38

1. (1) The Council shall hold an ordinary session annually at the seat of the Union.

CV39

(2) During this session it may decide to hold, exceptionally, an additional session.

NOC CV40

(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. 6K of this Convention.

[SUP CV41*]

NOC CV42

(SUP)

NOC CV43

2. The Council shall make decisions only in session. Exceptionally, the Council in session may agree that any specific issue shall be decided by correspondence.

NOC CV43A

3. At the beginning of each ordinary session, the 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 ordinary session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.

NOC CV43B

4. The person appointed to serve on the Council by a Member of the 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.

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* Note by the Secretariat - This number will be considered at a later meeting.

NOC **CV44** **(SUP)**

NOC **CV45** 5. Only the travelling, subsistence and insurance expenses incurred by the representative of each Member of the Council in his capacity at Council sessions shall be borne by the Union.

NOC **CV45A** 6. The representative of each Member of the Council shall have the right to attend, as an observer, all meetings of the [Sectors] of the Union.

NOC **CV45B** 7. The Secretary-General shall act as Secretary of the Council.

(MOD) **CV45C** 8. The Secretary-General, the Deputy Secretary-General and the [Directors of the Bureaux] may participate as of right in the deliberations of the Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its own Members.

MOD **CV45D** 9. The Council shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union in keeping with the guidelines given by the Plenipotentiary Conference and shall take appropriate action.

NOC **CV46** 10. The Council shall, in the interval between two Plenipotentiary Conferences, supervise the overall management and administration of the Union; it shall in particular:

NOC **CV47 to CV51** **(SUP)**

(MOD) **CV52** a) approve and revise the Staff Regulations and the Financial Regulations of the Union and any other regulations as it may consider necessary, taking account of current practice of the United Nations and of the specialized agencies applying the common system of pay, allowances and pensions;

NOC **CV53 to CV55** **(SUP)**

NOC **CV56** b) adjust as necessary:

(MOD) **CV57** 1. the basic salary scales for staff in the professional and higher categories, 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;

CV58 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;

CV59 3. the post adjustment for professional and higher categories, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;

(MOD) **CV60** 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations common system;

NOC **CV60A** c) take decisions to ensure equitable geographical distribution of the staff of the Union and monitor the implementation of such decisions;

NOC **CV60B** d) decide on proposals for major organizational changes within the General Secretariat and the [Bureaux of the Sectors] of the Union consistent with the Constitution and this Convention, submitted to it by the Secretary-General following their consideration by the Coordination Committee;

(MOD)	**CV60C**	e)	examine and decide on plans concerning Union posts and staff and human resources development programmes covering several years, and give guidelines for the staffing of the Union, including on staffing levels and structures, taking into account the guidelines given by the Plenipotentiary Conference and the relevant provisions of Article 16 of the Constitution;
NOC	**CV61**	f)	adjust, as necessary, the contributions payable by the Union and its staff to the United Nations Joint Staff Pension Fund, in accordance with the Fund's rules and regulations, as well as the cost of living allowances to be granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of the practice followed by the Fund;
NOC	**CV62**	**(SUP)**	
NOC	**CV62A**	g)	review and approve the biennial budget of the Union, and consider the budget forecast for the two-year period following that budget, taking account of the decisions of the Plenipotentiary Conference in relation to No. 49 of the Constitution and of the limits for expenditures set by that Conference in accordance with No. 50 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 76A and the financial operating report mentioned in No. 105 of this Convention;
MOD	**CV62B**	h)	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	**CV63**	i)	arrange for the convening of the conferences of the Union and provide, with the consent of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, appropriate directives to the General Secretariat and the [Sectors] of the Union with regard to their technical and other assistance in the preparation for and organization of conferences;
(MOD)	**CV63A**	j)	take decisions in relation to No. 10 of this Convention;

NOC **CV63B** k) decide upon the implementation of any decisions which have been taken by conferences and which have financial implications;

NOC **CV64 to CV68** **(SUP)**

[SUP **CV69*]**

NOC **CV70** l) to the extent permitted by the Constitution, this Convention and the Administrative Regulations, take any other action deemed necessary for the proper functioning of the Union;

NOC **CV71** m) take any 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 **CV71A** n) be responsible for effecting the coordination with all international organizations referred to in Articles 38 and 39 of the Constitution and to this end, shall conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 39 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 8 of the Constitution;

NOC **CV71B** o) send to Members of the Union, as soon as possible after each of its sessions, summary records on the activities of the Council and other documents deemed useful;

NOC **CV72** p) submit to the Plenipotentiary Conference a report on the activities of the Union since the previous Plenipotentiary Conference and any appropriate recommendations.

NOC **CV73 to CV74** **(SUP)**

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* Note by the Secretariat - This number will be considered at a later meeting.

NOC

SECTION 3

ARTICLE 4

General Secretariat

CV75 1. The Secretary-General shall:

NOC CV75A a) be responsible for the overall management of the Union's resources; he may delegate the management of part of these resources to the Deputy Secretary-General and the [Directors of the Bureaux], in consultation as necessary with the Coordination Committee;

NOC CV76 b) coordinate the activities of the General Secretariat and the [Sectors] of the Union, taking into account the views of the Coordination Committee, with a view to assuring the most effective and economical use of the resources of the Union;

(MOD) CV76A c) after consultation with the Coordination Committee and taking into account its views, prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommended action relating to the Union's future policies and strategy, as stipulated in No. 45D of this Convention, together with their financial implications;

NOC CV77 d) 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 Council;

NOC CV78 e) undertake administrative arrangements for the [Bureaux of the Sectors] of the Union and appoint their staff on the basis of the choice and proposals of the [Director of the Bureau] concerned, although the final decision for appointment or dismissal shall rest with the Secretary-General;

(MOD) CV79 f) report to the Council any decisions taken by the United Nations and the specialized agencies which affect common system conditions of service, allowances and pensions;

NOC CV80 g) ensure the application of any regulations adopted by the Council;

NOC	**CV81**	h)	provide legal advice to the Union;
(MOD)	**CV82**	i)	supervise, for administrative management purposes, the staff 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 Bureaux] shall be under the administrative control of the Secretary-General and shall work under the direct orders of the Directors concerned but in accordance with administrative guidelines given by the Council;
NOC	**CV83**	j)	in the interest of the Union as a whole and in consultation with the [Directors of the Bureaux] concerned, temporarily reassign staff members from their appointed position as necessary to meet fluctuating work requirements at headquarters;
NOC	**CV83A**	k)	make, in agreement with the [Director of the Bureau] concerned, the necessary administrative and financial arrangements for the conferences and meetings of each [Sector];
NOC	**CV84**	l)	taking into account the responsibilities of the [Sectors], undertake appropriate secretariat work preparatory to and following conferences of the Union;
NOC	**CV85**	m)	prepare recommendations for the first meeting of the Heads of delegations referred to in No. 246 of this Convention, taking into account the results of any regional consultation;
NOC	**CV86**	n)	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 Union, in collaboration, as appropriate, with the Director concerned, drawing from the Union's staff as he deems necessary in accordance with No. 83 above. The Secretary-General may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;

NOC **CV86A** o) take necessary action for the timely publication and distribution of service documents, information bulletins, and other documents and records prepared by the General Secretariat [and the Sectors], communicated to the Union or whose publication is requested by conferences or the Council; the list of documents to be published shall be maintained by the Council, following consultation with the conference concerned, with respect to service documents and other documents whose publication is requested by conferences;

NOC **CV87 to CV89** **(SUP)**

[SUP **CV90*]**

NOC **CV91 to CV97** **(SUP)**

NOC **CV98** p) 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 **CV99 to CV100** **(SUP)**

NOC **CV101** q) after consultation with the Coordination Committee and making all possible economies, prepare and submit to the Council a biennial draft budget covering the expenditures of the Union within the limits laid down by the Plenipotentiary Conference. This draft shall consist of a consolidated budget, including cost-based budgets for the [three Sectors], prepared in accordance with the budget guidelines issued by the Secretary-General, 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 budget resolution, after approval by the Council, shall be sent for information to all Members of the Union;

NOC **CV102 to CV104** **(SUP)**

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* Note by the Secretariat - This number will be considered at a later meeting.

MOD **CV105** r) with the assistance of the Coordination Committee, prepare an annual financial operating report in accordance with the Financial Regulations and submit it to the Council. A recapitulative financial operating report and accounts shall be prepared and submitted to the next Plenipotentiary Conference for examination and final approval;

NOC **CV106** s) with the assistance of the Coordination Committee, prepare an annual report on the activities of the Union which, after approval by the Council, shall be sent to all Members;

NOC **CV107** t) perform all other secretarial functions of the Union;

NOC **CV108** u) perform any other functions entrusted to him by the Council.

NOC **CV109** 2. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

NOC

SECTION 4

NOC

ARTICLE 4A

Coordination Committee

MOD CV109A 1. (1) The Coordination Committee shall assist and advise the Secretary-General on all matters mentioned under the relevant provisions of Article 15 of the Constitution and the relevant Articles of this Convention.

NOC CV109B (2) The Committee shall be responsible for ensuring coordination with all the international organizations mentioned in Articles 38 and 39 of the Constitution as regards representation of the Union at conferences of such organizations.

(MOD) CV109C (3) The Committee shall examine the progress of the work of the Union and assist the Secretary-General in the preparation of the report referred to in No. 76A above for submission to the Council.

NOC CV109D 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 Council. In such circumstances he shall report promptly in writing on such matters to the Members of the 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 Council.

NOC CV109E 3. The Chairman shall convene the Committee at least once a month; the Committee may also be convened when necessary at the request of two of its members.

NOC CV109F 4. A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Members of the Council.

ARTICLE 9

MOD

Invitation and Admission to Radiocommunication Conferences when There Is an Inviting Government

(MOD) CV141A 1. The precise place and exact dates of the conference shall be fixed in accordance with the provisions of Article 2 above, following consultations with the inviting government.

NOC CV142 2. (1) The provisions of Nos. 130 to 135A of this Convention shall apply to radiocommunication conferences.

NOC CV143 (2) The Secretary-General shall invite those entities and organizations authorized in accordance with Article 7D above to participate in the [Technical Committee] of the world radiocommunication conference. Members of the Union should inform the recognized operating agencies of the invitation they have received to participate in this radiocommunication conference.

NOC CV144 3. (1) The inviting government, in agreement with or on a proposal by the Council, may notify the international organizations other than those referred to in Nos. 132A to 132D above which may be interested in sending observers to participate in the conference in an advisory capacity.

NOC CV145 (2) The interested international organizations referred to in No. 144 above shall send an application for admission to the inviting government within a period of two months from the date of notification.

CV146 (3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.

NOC CV147 4. The following shall be admitted to radiocommunication conferences:

CV148 a) delegations;

NOC CV149 b) observers of organizations and agencies referred to in Nos. 132A to 132D above;

NOC CV150 to CV151 (SUP)

NOC CV152 c) observers of international organizations admitted in accordance with Nos. 144 to 146 above;

(MOD) CV153 d) representatives of recognized operating agencies authorized in accordance with Article 7D above to participate in the radiocommunication study groups and duly authorized by the Member concerned;

(MOD) CV153A e) representatives of other entities or organizations authorized in accordance with Article 7D above to participate in the radiocommunication study groups; they may only participate in [the Technical Committee] of the world radiocommunication conference;

[MOD CV154* f) the elected officials and the members of the Radio Regulations Board, in an advisory capacity, when the conference is discussing matters coming within their competence;]

NOC CV155 g) observers of Members of the Union participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Members belong.

ARTICLE 10

MOD **Procedure for Convening or Cancelling World Conferences at the Request of Members of the Union or on a Proposal of the Council**

NOC CV155Q 1. The procedures to be applied for convening a second world telecommunication standardization conference and fixing its place and exact dates and for cancelling the second world radiocommunication conference or limiting it to either its [Technical Committee or its Radio Regulations Committee] are set forth in the following provisions.

NOC CV156 2. (1) Any Member of the Union wishing to have a second [world telecommunication standardization conference] convened shall so inform the Secretary-General, indicating the proposed place and dates of the conference.

NOC CV157 (2) On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

(MOD) CV158 (3) If a majority of the Members, determined in accordance with No. 29 of this Convention, agree to the proposal as a whole, that is to say, if they accept the proposed place and dates, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication.

NOC CV159 (4) If the proposal accepted is for a conference elsewhere than at the seat of the Union, the Secretary-General, with the assent of the government concerned, shall take the necessary steps to convene the conference.

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* To be considered later.

NOC CV160 to CV162 **(SUP)**

(MOD) CV163 (5) If the proposal as a whole (place and dates) is not accepted by the majority of the Members determined in accordance with No. 29 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.

(MOD) CV164 (6) Such points shall be regarded as adopted when they have been approved by a majority of the Members, determined in accordance with No. 29 of this Convention.

NOC CV164A 3. (1) Any Member of the Union wishing to have a second world radiocommunication conference cancelled or limited only to either its [Technical or its Radio Regulations Committee], shall so inform the Secretary-General. On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

(MOD) CV164B (2) If a majority of the Members, determined in accordance with No. 29 of this Convention, agree to the proposal, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication and the conference shall be cancelled or, as appropriate, limited to either its [Technical or its Radio Regulations Committee].

NOC CV165 4. The procedures indicated in Nos. 157 to 164B above, with the exception of No. 164A, shall also be applicable when the proposal to convene a second world telecommunication standardization conference or to cancel a second radiocommunication conference or limit it only to either its [Technical or its Radio Regulations Committee] is initiated by the Council.

NOC CV165A 5. Any Member of the Union wishing to have a world conference on international telecommunications convened shall propose it to the Plenipotentiary Conference; the agenda, place and exact dates of such a conference shall be determined in accordance with the provisions of Article 2 above.

ARTICLE 11

NOC

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

NOC CV166

In the case of a regional conference, the procedure described in Nos. 156 to 164 above 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. The procedure described in Nos. 157 to 164 above shall also be applicable when the proposal to convene such a conference is initiated by the Council.

ARTICLE 12

(MOD)

Provisions for Conferences Meeting when There is no Inviting Government

(MOD) CV167

When a conference is to be held without an inviting government, the provisions of Articles 8, 9 and 9A of this Convention shall 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

Provisions Common to All Conferences

(MOD)

Change in the Place or Dates of a Conference

(MOD) CV168

1. The provisions of Articles 10 and 11 of this Convention for convening a conference shall apply, by analogy, when a change in the precise place and/or exact dates of a conference is requested by Members of the Union or is proposed by the 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.

(MOD) CV169

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

(MOD) CV170 3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in No. 157 of this Convention, the probable financial consequences of a change in the place or dates, 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]

MOD CV171 1. Immediately after the invitations have been despatched, the Secretary-General shall ask Members to send him, at least four months before the start of the conference, their proposals for the work of the conference.

CV172 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.

CV173 3. Each proposal received from a Member of the Union shall be annotated by the Secretary-General to indicate its origin by means of the symbol established by the Union for that Member. 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.

CV174 4. The Secretary-General shall communicate the proposals to all Members as they are received.

MOD CV175 5. The Secretary-General shall assemble and coordinate the proposals received from Members and shall communicate them to Members as they are received, but in any case at least two 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 conferences in accordance with the relevant provisions of this Convention, shall not be entitled to submit proposals.

(MOD) CV176 6. The Secretary-General shall also assemble reports received from Members, the Council and the Sectors of the Union and recommendations by conferences and shall communicate them to Members, along with any reports by the Secretary-General, at least four months before the opening of the conference.

CV177 7. Proposals received after the time-limit specified in No. 171 above shall be communicated to all Members by the Secretary-General as soon as practicable.

CV178 8. The provisions of the present Article shall apply without prejudice to the amendment provisions contained in Article 44 of the Constitution and in Article 35 of this Convention.

ARTICLE 15

NOC

Credentials for Conferences

(MOD) CV179 1. The delegation sent by a Member of the Union to a Plenipotentiary Conference, a radiocommunication conference [within the framework of its Radio Regulations Committee] (see No. 193A below) or a world conference on international telecommunications shall be duly accredited in accordance with Nos. 180 to 186 below.

CV180 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 CV181 (2) Accreditation of delegations to the other conferences referred to in No. 179 above 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.

CV182 (3) Subject to confirmation prior to the signature of the Final Acts, by one of the authorities mentioned in Nos. 180 or 181 above, 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.

CV183 3. Credentials shall be accepted if they are signed by one of the competent authorities mentioned in Nos. 180 to 182 above, and fulfil one of the following criteria:

CV184 - they confer full powers on the delegation;

CV185 - they authorize the delegation to represent its government, without restrictions;

CV186 - they give the delegation, or certain members thereof, the right to sign the Final Acts.

CV187 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. 148 and 189 of the Constitution, and to sign the Final Acts.

CV188 (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.

CV189 5. Credentials shall be deposited with the secretariat of the conference as early as possible. The Committee referred to in No. 265 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.

CV190 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. 180 or 181 above.

CV191 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.

CV192 8. A delegation may not exercise more than one proxy vote.

CV193 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.

NOC CV193A 10. A Member or an authorized entity or organization intending to send a delegation or representatives to a [telecommunication standardization conference], a telecommunication development conference or the [Technical Committee] of a world radiocommunication conference shall so inform the [Director of the Bureau of the Sector] concerned, indicating the name and function of the members of the delegation or of the representatives.

ARTICLE 27

MOD

Financial Responsibilities of Conferences

MOD CV386 1. Before adopting proposals or taking decisions with financial implications, the conferences of the Union shall take account of all the Union's budgetary provisions with a view to ensuring that they will not result in expenses beyond the credits which the Council is empowered to authorize.

(MOD) CV387 2. No decision of a conference shall be put into effect if it will result in a direct or indirect increase in expenses beyond the credits that the Council is empowered to authorize.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 111-E
14 December 1992
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COMMITTEE 6

SECOND SERIES OF TEXTS FROM COMMITTEE 4 TO THE EDITORIAL COMMITTEE

Committee 4 has adopted the enclosed texts which it wishes to submit to the Editorial Committee for examination and ultimate transmission to the Plenary session.

References in the Constitution to provisions in the Convention have been expressed in general terms in the draft treaty text. It is understood that cross-reference can be provided by the ITU Secretariat in an appropriate form at a later time to facilitate the use of these texts.

C.L. OLIVER
Chairman, Committee 4

Annexes: 2

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ANNEX 1

CONSTITUTION (CS) OF THE INTERNATIONAL TELECOMMUNICATION UNION

CHAPTER IV

Telecommunications Development Sector

ARTICLE 14

Functions and Structure

NOC **CS114**

MOD **CS116** c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions, monitoring the situation as regards projects which have been included in its development programme to ensure that they are properly executed;

MOD **CS116A** d) activate the mobilization of resources to provide assistance in the field of telecommunications to developing countries by promoting the establishment of preferential and favourable lines of credit, cooperating with global and regional financial and development institutions.

ARTICLE 14A

Telecommunications Development Conferences

NOC **CS124A**

ANNEX 2

CONVENTION (CV) OF THE

INTERNATIONAL TELECOMMUNICATION UNION

NOC

SECTION 6

NOC

Telecommunication Standardization Sector

ARTICLE 6

NOC

World Telecommunication Standardization Conference

NOC CV122A 3. In accordance with No. 111B of the Constitution, the conference shall:

NOC CV122B a) consider the reports of Study Groups prepared in accordance with No. 122I below and approve, modify or reject draft recommendations contained in these reports;

NOC CV122C b) bearing in mind the guidance of the Advisory Group referred to in No. 122L of this Convention and the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

NOC CV122D c) decide, in the light of the approved programme of work derived from No. 122C above, on the need to maintain, terminate or establish Study Groups and allocate to each of them the questions to be studied;

NOC CV122E d) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;

NOC CV122F e) consider and approve the report of the Director on the activities of the Sector since the last conference.

NOC

SECTION 7

NOC

Telecommunication Development Sector

NOC

ARTICLE 7A

NOC

Telecommunication Development Conferences

MOD CV128D

c) the telecommunication development conferences [shall fix/may establish] the objectives and strategies for the balanced worldwide and regional development of telecommunications, giving particular consideration to the expansion and modernization of the networks and services of the developing countries as well as [to obtaining/consideration of] the resources required for this purpose. They shall serve as a forum for the study of ~~political~~policy, organizational, operational, regulatory, technical and financial questions and related aspects, including the identification and implementation of new sources of funding;

NOC CV128E

d) world and regional telecommunication development conferences, within their respective sphere of competence, shall consider reports submitted to them and evaluate the activities of the Sector; they may also consider telecommunication development aspects related to the activities of the other Sectors of the Union.

MOD CV128F

2. The draft agenda of telecommunication development conferences shall be prepared by the Director of the Telecommunication Development Bureau and be submitted ~~to the Coordination Committee for consideration and~~by the Secretary-General to the Council for approval with the concurrence of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, subject to the provisions of No. 29 above.

NOC

ARTICLE 7C

NOC

Telecommunication Development Bureau and Advisory Board

NOC CV128H

1. The Director of the Telecommunication Development Bureau shall organize and coordinate the work of the Telecommunication Development Sector.

NOC CV128I 2. The Director shall, in particular:

NOC CV128J a) participate as of right, but in an advisory capacity, in the deliberations of the telecommunication development conferences and of the Telecommunication Development Study Groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Development Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

NOC CV128L c) exchange with members data in machine readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Development Sector, and arrange with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

NOC CV128M d) assemble and prepare for publication, in cooperation with the General Secretariat and the other Sectors 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 CV128N e) submit to the world telecommunication development conference a report on the activities of the Sector since the last conference; the Director shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference;

NOC CV128O f) prepare a cost-based budget estimate for the requirements of the Telecommunication Development Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

NOC **CV128P** 3. The Director shall work collegially with the other elected officials in order to ensure that the Union's [catalytic role] in stimulating telecommunication development is strengthened and shall make the necessary arrangements with the Director of the Bureau concerned for the convening of information meetings on the activities of the Sector concerned.

MOD **CV128Q** 4. At the request of the Members concerned, the Director, with the assistance of the Directors of the other ~~Sectors~~Bureaux and, where appropriate, the Secretary-General, shall study and offer advice concerning their national telecommunication problems; where a comparison of technical alternatives is involved, economic factors may be taken into consideration.

NOC **CV128R** 5. The Director shall choose the technical and administrative personnel of the Telecommunication Development Bureau within the framework of the budget as approved by the Council. The appointment of the personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.

MOD **CV128S** 6. A Telecommunication Development Advisory Board shall be established and ~~chaired~~the members of the Board shall be appointed by the Director~~, who shall appoint the members of that Board~~ in consultation with the Secretary-General. The Board shall be composed of ~~individuals~~persons with ~~particular~~a wide and equitable cross-section of interests and expertise in telecommunication development and shall elect its chairperson from among its members. The Board shall advise the Director, who shall participate in its meetings, on priorities and strategies in the Union's telecommunication development activities; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations interested in telecommunication development.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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COMMITTEE 5

SUMMARY RECORD

OF THE

THIRD MEETING OF COMMITTEE 5

Wednesday, 9 December 1992 at 0910 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 17 of the draft Constitution	Basic Document I, DT/1
2.	Consideration of proposals relating to Articles 26 and 27 of the draft Convention	Basic Document II, DT/1
3.	Consideration of proposals relating to Articles 8 and 10 of the draft Constitution	Basic Document I, DT/1

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1. Consideration of proposals relating to Article 17 of the draft Constitution (Basic Document I, Document DT/1)

1.1 The Chairman invited the Committee to take up the amendments proposed to Article 17 of the draft Constitution in Document DT/1.

MOD CS135A

1.2 The delegate of Oman, introducing proposal OMA/12/5, said that its purpose was to indicate clearly that the budgets of conferences were included in those of the respective Sectors.

1.3 The Legal Adviser felt that it was perhaps not necessary to spell out that fact, as it was clear from other parts of both the Constitution and the Convention that the respective conferences came within the Sectors.

1.4 The Drafting Group's text of ADD CS135A in Basic Document I was approved.

MOD CS138, MOD CS140, MOD CS149

1.5 The delegate of the Netherlands, introducing proposals EUR/27/65, EUR/27/66 and EUR/27/67, which had been supported by 12 other European Administrations, said that the purpose of the proposals was to delete all specific references in the Constitution to articles of the Convention, as had been decided at the Nice Plenipotentiary Conference, which had considered that the Convention should contain provisions of a more permanent nature, central to the functioning of the ITU, whereas the Convention would be more flexible. It had been felt that the Drafting Group's text, which included references to specific provisions of the Convention, ran counter to that decision. It was also proposed that the General Secretariat might prepare a schedule showing the specific cross-references between the Constitution and the Convention, in an explanatory document which would not be legally part of either the Constitution or the Convention but which might be published in the form of notes to the Final Acts of the Plenipotentiary.

1.6 The Legal Adviser pointed out an editorial correction to the first sentence of CS138 in which the phrase "of its members and of entities or organizations" should be replaced by the words "of its Members, entities and organizations". Replying to the delegate of the Netherlands, he observed that the Nice Plenipotentiary Conference had not decided to make no reference at all to specific Articles of the Convention, but had merely refrained from making references to the numbers of individual provisions.

1.7 The delegate of the Netherlands said that he was still in favour of publishing a schedule indicating the relationship between the Articles of the Constitution and the Convention.

1.8 The Legal Adviser said that he would not advise the publication of such a list in the Final Acts of the Plenipotentiary Conference. It should be a separate document prepared by the General Secretariat after the end of the Conference.

1.9 The delegate of the Netherlands accepted that view. Replying to a question by the delegate of Kenya as to whether the deletion of specific article numbers would be replaced by appropriate wording, he said that in all cases the words "the relevant provisions" or "in the Convention" had been inserted. The delegate of Kenya said that care should be taken to ensure that the use of such general terms did not alter the original intention of the Article.

1.10 MOD CS138, as amended by the Legal Adviser, was approved.

1.11 MOD CS140 and MOD CS149 were approved.

MOD CS147

1.12 The delegate of China, introducing proposal CHN/13/23, said that the Chinese Administration had suggested replacing the word "biennial" by the word "annual" because annual budgets would give a more realistic reflection of changes in Geneva's cost-of-living index, in the international situation regarding technology and services and in ITU's personnel affairs.

1.13 The delegate of Senegal supported that proposal, indicating that his delegation's proposal SEN/18/12 also concerned the biennial budget cycles.

1.14 The Secretary of the Committee pointed out that proposal SEN/18/12 did not implicitly support an annual budget, but rather concerned guidelines for the Council with a view to achieving greater efficiency.

1.15 The delegate of Senegal reiterated his support for the Chinese proposal.

1.16 The Chief of the Finance Department, replying to a query by the delegate of Niger as to whether payments would continue to be made on an annual basis, confirmed that the biennial cycle would be divided into two, with two annual contributions. The Council would have the possibility of adjusting the number of contributory units in the second year of the biennium.

1.17 The Legal Adviser said that the same editorial change as had been made in the wording of CS138 should be made in CS147, namely "Members, entities and organizations". The delegate of Kenya questioned whether that correction did not in fact alter the meaning of the text, unless it was shown that "entities" were different from "organizations". The Legal Adviser confirmed that the change was merely editorial, affecting the English text, and drew attention to Article 7D of the draft Convention (Basic Document II) in which a distinction was made between organizations on the one hand, and entities on the other, the latter term being used to cover such bodies as financial or development institutions.

1.18 The delegate of the Philippines supported the Chinese proposal which should lead to more accurate forecasting, more realistic assumptions and closer monitoring of budget allocations. He stressed the importance of budgeting and expenditure calculation for the improvement of management.

1.19 The delegate of Canada, observing that the High Level Committee had recommended a biennial budget, on the basis of the Booz, Allen and Hamilton report, requested further clarification concerning the respective advantages and disadvantages of a biennial and/or annual budget.

1.20 The Chief of the Finance Department recalled Recommendation 71 of the High Level Committee concerning a two-year budget cycle, which was part of a whole package of budgetary recommendations and had been supported in the Booz, Allen and Hamilton report. One of the main reasons for adopting a two-year budget cycle was to reduce the considerable cost of preparing the annual budget. The two-year budget cycle had been placed in the context of a four-year strategic budget, the intention of the High Level Committee being to introduce flexibility in the ITU's financial management and to enable the Administrative Council to devote time to issues other than the annual budget approval exercise. In addition, most of the organizations in the United Nations family operated on the basis of a biennial budget cycle.

1.21 The Secretary of the Committee added that the biennial budget would make no change to the present system of payment; administrations would continue to pay once a year, with appropriate readjustment by the Council. Under the present system, the Council also prepared budget forecasts, but did not adopt them; under the biennial system it would do so.

1.22 The delegate of Morocco, supported by the delegate of Cameroon, felt that such measures should not be adopted in isolation from other related measures affecting the Sectors, which were to be discussed in Committee 4. The delegate of Qatar was in favour of placing the proposal in square brackets pending Committee 4's decision.

1.23 The Chairman stated that budgetary matters did indeed come within the purview of Committee 5, which he invited to proceed towards a decision on the proposal.

1.24 The delegate of Australia was strongly in favour of following the High Level Committee's recommendations, on the basis of the Booz, Allen and Hamilton report which had been geared towards improving the ITU's management. It was clear that the management of an annual budget was costly and placed constraints on administrations. Furthermore, there were significant variations from one year to the next on account of fluctuation in the ITU's activities. Budget assessment could be facilitated if such variations could be spread over a two- or four-year period.

1.25 The delegates of the United States, Mexico, France, Brazil, Italy, Germany and the United Kingdom were all in favour of adopting a biennial budget cycle, in accordance with the recommendations of the High Level Committee.

1.26 The delegate of Kenya reiterated his support for the Chinese proposal.

1.27 The delegate of Côte d'Ivoire was also in favour of an annual budget cycle, as his administration had proposed in Document 62.

1.28 The Chairman said that despite reservations expressed by certain delegations, a majority seemed to be in favour of the Drafting Group's text, which he invited the Committee to approve.

1.29 The Drafting Group's text of MOD CS147 was approved, subject to the correction indicated by the Legal Adviser.

1.30 The Chairman invited the Committee to take up the provisions of Article 17 of the draft Constitution (Basic Document I) to which no amendments had been proposed by administrations.

CS134, MOD CS135, ADD CS135A, MOD CS136, SUP CS137, CS139, CS141, CS142, CS143, MOD CS144, MOD CS145, MOD CS146, CS148

1.31 Approved.

1.32 Article 17 of the draft Constitution as a whole, as amended, was approved.

2. Consideration of proposals relative to Articles 26 and 27 of the draft Convention (Basic Document II, Document DT/1)

Article 26

2.1 The Chairman drew attention to the amendments proposed by administrations in Document DT/1.

MOD CV375

2.2 The delegate of Morocco said that the Drafting Group had been unable to refine the wording of Article 17 due to lack of time; the resulting text was difficult to follow, partly because of the length of some of the sentences. In any case, MOD CV375 related to Article 7D of the Convention and it might therefore be advisable to defer discussion of that point in Committee 5 until Committee 4 had taken a decision on the article. Proposal MRC/31/11 (MOD CV375) added a reference to Article 8, Nos. 132A to 132D of the Convention, which had been approved the

previous day. Proposal MRC/31/32 (ADD CV375A) concerned contributions towards defraying the expenses of conferences; as in the past, reciprocity would continue to be the criterion. Proposals MRC/31/13 (MOD CV376) and MRC/31/14 (MOD CV377) were simply an attempt to improve the wording by citing the provisions which listed the entities and organizations concerned.

2.3 At the suggestion of the Chairman, it was agreed to defer consideration of Article 26 until Committee 4 had considered Article 7D of the Convention.

Article 27

MOD CV386

2.4 The Chairman, after drawing attention to proposal KEN/22/37 in Document DT/1, requested an explanation of the square brackets in the Drafting Group's text.

2.5 The Legal Adviser drew attention to the explanation given in Basic Document II: the Drafting Group had decided to insert the square brackets because not only "proposals" in the traditional ITU sense would be adopted by conferences. The Drafting Group had, therefore, suggested the wording "any decisions" to broaden the scope. Otherwise, the word "measures" could also be used, although it suggested implementation rather than decision-making.

2.6 The delegate of Kenya considered that the word "proposal" should be given its literal meaning; in fact, any text brought before the conference was a "proposal" even though it might have been known under some other name such as "decision" or "recommendation" in another body.

2.7 The delegate of the United Kingdom pointed out that "decision" was used in Nairobi Resolution No. 48 and she therefore agreed with the Drafting Group that the words "any decision" would cover an appropriate range of possibilities.

2.8 The delegate of Mexico said that since only administrations could make "proposals" in the ITU meaning, the word "decision" was more appropriate.

2.9 The delegates of Spain and Argentina agreed with the use of "decision" in its general meaning, without an initial capital letter.

2.10 The delegate of the Philippines said that if CV386 stood alone, "decision" could be used but if it were related to CV387, the Kenyan proposal was more appropriate.

2.11 The delegate of Zambia supported the use of "proposal".

2.12 The delegate of Barbados proposed the wording "any proposals or decisions".

2.13 Following suggestions by the Chairman and the Legal Adviser, it was agreed to amend the opening phrase of the provision to read "Before adopting proposals or taking decisions" and to replace the words "these proposals" later in the sentence by the word "they".

2.14 MOD CV386, as amended, was approved.

MOD CV387

2.15 Approved, as proposed by the Drafting Group in Basic Document II.

2.16 Article 27 as a whole, as amended, was approved.

3. Consideration of proposals relating to Articles 8 and 10 of the draft Constitution (Basic Document I, Document DT/1)

Article 8

3.1 The Chairman invited the Committee to consider the amendments proposed to Article 8 in Document DT/1.

MOD CS46

3.2 The delegate of Kenya, introducing proposal KEN/22/1 to retain a five-year interval between Plenipotentiary Conferences, pointed out that a seven-year cycle had existed before the Nairobi Conference, which had decided to institute the five-year cycle. He voiced concern at the possible further reduction of that period to four years, since the shorter the period between Plenipotentiary Conferences, the less time there would be for the implementation of Conference decisions and the more serious would be the financial implications for countries with limited resources.

3.3 The delegate of Israel drew attention to potential problems which could arise if a biennial budget cycle were instituted and the five-year Plenipotentiary Conference cycle retained. Accordingly, he proposed that the Conference cycle should be either four or six years.

3.4 The delegate of Kenya conceded that point. He observed that several delegations, including his own, had at an earlier stage urged that no decisions should be taken on budget-related matters until certain major issues had been resolved in the two Committees.

3.5 The delegate of the United States said that the H.L.C. recommendation for a four-year cycle had been made in the light of many other considerations, such as the two- and four-year budget and conference cycles. After remarking that the five-year cycle adopted at Nairobi had not been mandatory, he said that a four-year period between Conferences would result in shorter conferences and allow longer-term policy issues to be considered.

3.6 MOD CS46, as proposed by the Drafting Group, was approved.

MOD CS49

3.7 The delegate of France, introducing proposal EUR/27/50, pointed out that the role of the Plenipotentiary Conference was not confined to considering reports by the Council, but also consisted in taking appropriate decisions. In the view of the European countries on whose behalf he was speaking, that fact should be reflected in the text of the Constitution.

3.8 The delegates of Senegal and Spain supported the proposal.

3.9 The delegate of Kenya expressed concern at the apparent change in emphasis, from the consideration of reports to the adoption of decisions, implied by the proposed amendment.

3.10 The delegate of the United States shared the concern expressed by the previous speaker. The terms in which the amendment was couched appeared to make the adoption of decisions mandatory. In order to overcome that difficulty, while retaining the spirit of the European proposal, he suggested that the phrase "and may take any decision it considers appropriate" should be added at the end of the Drafting Group's text.

3.11 MOD CS49, as proposed by the Drafting Group and amended by the United States, was approved.

MOD CS50

3.12 The delegate of Spain withdrew proposal E/23/1.

3.13 MOD CS50, as proposed by the Drafting Group, was approved.

MOD CS55

3.14 It was agreed to place CS55 in square brackets pending a decision by Committee 4.

MOD CS58

3.15 The Chairman invited the Committee to consider proposal EUR/27/51 to replace the explicit reference to Article 35 of the Convention by the words "relevant provisions".

3.16 The delegate of Kenya opposed the proposal on the grounds that Article 44 of the Constitution and Article 35 of the Convention were the only articles dealing with amendments; if the reference to Article 44 were to be retained, so should the reference to Article 35. In his view, the agreement reached by the Committee earlier in the meeting did not apply to CS58.

3.17 The Legal Adviser said that, as he understood it, the issue had already been settled; he saw no difficulty in omitting the explicit reference to Article 35 of the Convention.

3.18 MOD CS58, as amended in proposal EUR/27/51, was approved.

3.19 The Chairman referred delegations to Basic Document I and to those provisions of Article 8 which had not been the subject of proposals from administrations.

CS47, CS48, CS51, CS52, CS53, MOD CS54, SUP CS56, SUP CS57, MOD CS59, (MOD) CS60

3.20 Approved.

3.21 With the exception of MOD CS55, Article 8 of the draft Convention as a whole, as amended, was approved.

Article 10

3.22 The Chairman invited the Committee to consider the amendments to Article 10 set out in Document DT/1.

MOD Title

3.23 Proposal OMA/12/2 was approved.

MOD CS70

3.24 The delegate of Kenya said that his delegation's proposal (KEN/22/2) to delete the explicit reference to forty-three Members of the Council was in keeping with the spirit of Nairobi Resolution No. 62 and the discussions which had taken place when the Nairobi Convention had been divided into two separate instruments.

3.25 The delegates of Oman and Côte d'Ivoire supported the proposed amendment.

3.26 Replying to a request for clarification by the delegate of the United States, the delegate of Kenya explained that the specific figure of forty-three would not be lost if his delegation's proposal were adopted; it would be transferred to the Convention (proposal KEN/22/16).

3.27 The delegate of Italy suggested that, in view of the lengthy discussions devoted to the matter in Nice, it was inappropriate to take a decision immediately. The figure of forty-three had been regarded as a ceiling, and might appropriately be retained in the Constitution.

3.28 The Chairman said that the matter would discussed further at the next meeting.

The meeting rose at 1205 hours.

The Secretary:
M. MALEK ASHGAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 113-E
14 December 1992
Original: English

"IN THE NAME OF GOD"

COMMITTEE 4
COMMITTEE 5

Islamic Republic of Iran

PROPOSALS FOR THE WORK OF THE CONFERENCE

Comments on:

1) The recommendations in the H.L.C. Report
2) The draft revision of the ITU Constitution
3) The draft revision of the ITU Convention

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1. With regards to the H.L.C. recommendations, the following changes are proposed:

MOD **Recommendation 6**

We, therefore, recommend that these organizations be ~~given a status similar to that of regional telecommunication organizations~~allowed to participate in ITU activities through their regional telecommunication organizations.

Reasons: Since the members of the intergovernmental organizations operating satellite systems generally fall within the respective regional telecommunication organizations, which participate in ITU activities, there does not seem to be any reason why they cannot take part in ITU activities through such organizations, and therefore direct participation of such intergovernmental organizations, without prior coordination with their regional telecommunication organizations in ITU activities, might, on the contrary, be harmful to the overall regional activities.

MOD **Recommendation 23**

We recommend that development conferences should be attended by a wide cross-section of senior-level representatives from governments (including officials with responsibility for planning and economic development), ~~the private sector,~~and regional telecommunication organizations~~, multilateral and bilateral financing and development agencies~~.

Reasons: Refer to Document 105, IRN/105/1.

MOD **Recommendation 34**

We recommend that members of the Advisory Board be appointed by the ~~Director of Development in consultation with the Secretary-General~~Administrative Council on the basis of qualification and equitability of geographical distribution.

Reasons: Refer to Document 105, IRN/105/1, IRN/105/2.

MOD **Recommendation 42**

Membership of the Advisory Group would include the Director of Standardization, some senior-level representatives from administrations and ~~from RPOAs and SIOs, and~~ Study Group Chairmen.

Reasons: Refer to Document 105, IRN/105/1.

SUP **Recommendation 54**

Reasons: Refer to Document 105, IRN/105/1.

MOD **Recommendation 60**

It would be composed of senior representatives from administrations~~,~~ ~~RPOAs, SIOs~~ and the Study Group Chairmen.

Reasons: Refer to Document 105, IRN/105/1.

SUP **Recommendation 61**

Reasons: Refer to Corrigendum 1 to Document 55.

MOD **Recommendation 62**

We recommend that members of the ~~part-time~~full-time International Frequency Registration Board be elected in their individual capacity on the basis of their qualifications and equitability of geographical distributions.

Reasons: Refer to Documents 55 and 105.

MOD **Recommendation 63**

We recommend that a ~~nine~~five-member Board would represent a workable number.

Reasons: Refer to Document 55.

2. Proposed amendments to the Constitution

CONSTITUTION (CS) OF THE INTERNATIONAL

TELECOMMUNICATION UNION

CHAPTER I

Basic Provisions

ARTICLE 3

Rights and Obligations of Members

IRN/113/1
MOD CS23

a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union ~~or as members of the Radio Regulations Board~~;

Reasons: As it has been expressed in our proposals in Document 55, we consider the Board to remain permanent, hence officials of the Union.

ARTICLE 7

Structure of the Union

IRN/113/2
MOD CS42

4. the Radiocommunication Sector including world and regional radiocommunication conferences and the ~~Radio Regulations~~International Frequency Registration Board;

Reasons: Refer to Document 55.

ARTICLE 8

Plenipotentiary Conference

IRN/113/3
MOD CS54

g) elect the Secretary-General, the Deputy Secretary-General, the members of the International Frequency Registration Board and the Directors of the Bureaux of the Sectors as elected officials of the Union;

Reasons: Amendment consistent with MOD CS23.

ARTICLE 9A

Principles Concerning Elections and Related Matters

IRN/113/4
MOD CS69C

b) the Secretary-General, the Deputy Secretary-General, the members of the International Frequency Registration Board and the Directors of the Bureaux shall all be nationals of different Members, and at their election due consideration should be given to the principles embodied in No. 133 below and to equitable geographical distribution among the regions of the world;

Reasons: The members of the IFRB are elected officials and hence should be treated similar to the other ITU elected officials.

IRN/113/5
MOD CS69D

c) the members of the ~~Radio Regulations~~International Frequency Registration Board shall be elected, in their individual capacity, from the candidates proposed by Members of the Union in such a way as to ensure equitable distribution among the regions of the world; each Member may propose only one candidate who shall be one of its nationals.

Reasons: Maintenance of the five full-time IFRB members.

CHAPTER II

Radiocommunication Sector

ARTICLE 11A

Functions and Structure

IRN/113/6
MOD CS85E

b) the ~~Radio Regulations~~International Frequency Registration Board;

Reasons: Maintenance of the five full-time IFRB members.

ARTICLE 12

IRN/113/7
MOD

~~Radio Regulations~~International Frequency Registration Board

IRN/113/8
MOD CS86

1. The ~~Radio Regulations~~International Frequency Registration Board shall consist of ~~nine~~five elected members highly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently~~ and on a part-time basis~~.

Reasons: Maintenance of the five full-time IFRB members.

IRN/113/9
MOD CS86A

2. The duties of the ~~Radio Regulations~~International Frequency Registration Board shall consist of:

Reasons: Maintenance of the five full-time IFRB members.

IRN/113/10
MOD CS86E

3. (1) In the exercise of their Board duties, the members of the ~~Radio Regulations~~International Frequency Registration Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust.

Reasons: Maintenance of the five full-time IFRB members.

CHAPTER V

Other Provisions Concerning the Functioning of the Union

ARTICLE 15

Coordination Committee

IRN/113/11
MOD CS125

1. The Coordination Committee shall consist of the Secretary-General, the Deputy Secretary-General ~~and~~, the Directors of the three Bureaux, and the 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.

Reasons: Maintenance of the five full-time IFRB members would require its Chairman to be part of the Coordination Committee.

ARTICLE 16

Elected Officials and Staff of the Union

IRN/113/12
MOD CS131

(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 ~~or~~, Director of a Bureau or members of the International Frequency Registration Board shall refrain, as far as possible, from recalling that national between two Plenipotentiary Conferences.

Reasons: Maintenance of the five full-time IFRB members.

3. Proposed amendments to the Convention

CONVENTION (CV) OF THE INTERNATIONAL

TELECOMMUNICATION UNION

CHAPTER I

Functioning of the Union

SECTION 1

ARTICLE 1A

Elections and Related Matters

- **Elected officials**

IRN/113/13
MOD CV6F

1. The Secretary-General, the Deputy Secretary-General ~~and~~, the Directors of the Bureaux and the members of the International Frequency Registration Board shall take up their duties on the dates determined by the Plenipotentiary Conference 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 ~~[twice]~~ only.

Reasons: Maintenance of the five full-time IFRB members and sufficiency of a maximum of eight years of service.

IRN/113/14
MOD CV6O

3. A member of the ~~Radio Regulations~~International Frequency Regulations Board is considered no longer in a position to perform his duties ~~after repeated consecutive absences from the Board meetings~~in case of resignation or death. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 6N above.

Reasons: Full-time IFRB members.

SECTION 5

ARTICLE 5

IRN/113/15
MOD

~~Radio Regulations~~International Frequency Registration Board

IRN/113/16
MOD CV116G

(3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall only be valid if at least ~~five~~three members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

Reasons: Five full-time IFRB members.

CHAPTER II

General Provisions Regarding Conferences

ARTICLE 9

Invitation and Admission to Radiocommunication Conferences When There is an Inviting Government

IRN/113/17
MOD CV154

f) the elected officials ~~and the members of the Radio Regulations Board~~, in an advisory capacity, when the conference is discussing matters coming within their competence;

Reasons: The members of the IFRB are elected officials.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 114-E
14 December 1992
Original: French

COMMITTEE 5

SUMMARY RECORD

OF THE

FOURTH MEETING OF COMMITTEE 5

Wednesday, 9 December 1992 at 1410 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:	Documents
1. Consideration of proposals relating to Article 10 of the draft Constitution (continued)	Basic Document I, DT/1, 62
2. Consideration of proposals relating to Article 3 of the draft Convention	Basic Document II, DT/1

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1. Consideration of proposals relating to Article 10 of the draft Constitution (continued) (Basic Document I, Documents DT/1, 62)

MOD CS70 (continued)

1.1 The Chairman reminded the Committee that the Kenyan proposal KEN/22/2 concerning MOD CS70 (Document DT/1) had been supported by Côte d'Ivoire. In addition, in response to a request by the United States delegate, the Kenyan delegate had confirmed that he wanted the number of Members of the Council to be specified in MOD CV31 of the Convention (Document DT/1) and not in the Constitution.

1.2 The delegate of Italy repeated that he was in favour of keeping the number of Members of the Council in the Constitution.

1.3 The delegate of Germany shared the Italian delegate's view, on the grounds that the Constitution had a higher status than the Convention.

1.4 The delegate of Saudi Arabia observed that the question had already been discussed at other conferences. He disagreed with the previous two speakers and thought the Kenyan proposal a very sensible one.

1.5 The delegates of France, Malta, Belgium, Hungary, the Netherlands, Japan and Bulgaria fully shared the view expressed by the delegate of Italy that the present number of Members of the Council should be kept in the Constitution.

1.6 The delegates of Zambia, Gabon, Canada, Nigeria, Singapore, China, the Congo, Papua New Guinea, Zimbabwe, Oman and the Philippines thought, on the contrary, that circumstances were changing and that as a result the number of Members of the Union elected to the Council would inevitably be adjusted in the course of time. They supported the Kenyan proposal to move the reference to the number of Members of the Council from the Constitution to the Convention, which might make it easier to amend.

1.7 The delegate of Brazil was of the opinion that the membership of the Council should be as flexible as possible and that the Kenyan proposal was an interesting one. However, he was somewhat apprehensive about increasing the size of the Council and proposed that an upper limit should be fixed without actually specifying the exact number of Members.

1.8 The delegate of Cuba fully agreed with the delegate of Brazil and would support the Kenyan proposal slightly amended by the setting of an upper limit.

1.9 The delegate of Kenya reminded the Committee that at the last session of the Administrative Council a working group had been set up to consider the Council's methods of work and had suggested among other things that the size of the Council should be reduced for the sake of efficiency and economy. Those who advocated keeping the present number of Members in the Constitution would be making things too rigid for all Members of the Union.

1.10 The Chairman noted that there seemed to be a small majority in favour of proposal KEN/22/2, but said he would nevertheless like to have a vote by a show of hands.

1.11 The delegate of Kenya, speaking on a point of order, said that the Union had always operated on a consensus basis and urged the Committee to stick to that procedure, no delegation having asked for a vote.

1.12 The Chairman considered that, in view of the question at issue and in order to avoid prolonging the discussion unnecessarily, it would be better to have a show of hands and so put to the vote the Kenyan proposal to move the reference to the number of Members of the Council from the Constitution to the Convention.

1.13 The Kenyan proposal relating to MOD CS70 was approved by 40 votes to 32 with three abstentions.

1.14 The delegate of the United States was not sure that such a vote was traditional ITU procedure. He regarded it as an indicative vote and wished that fact to be reported in the summary record.

1.15 The Chairman invited delegates to consider the amendment proposed to MOD CS70 by Côte d'Ivoire (CTI/62/1), which would introduce the concept of equitable geographical distribution.

1.16 The Legal Adviser drew delegates' attention to Article 9A, ADD CS69B (Basic Document I), which was along the same lines as the proposal by Côte d'Ivoire. It had in fact been taken from No. 70 of the Nice Constitution.

1.17 The Secretary of the Committee suggested that the amendment to MOD CS70 submitted by Oman (OMA/12/3) should be taken up again when the Committee considered Article 9A of the Constitution and Article 1A of the Convention.

1.18 The Chairman noted that proposal KEN/22/2 relating to MOD CS70 had been approved. The amendments proposed by Oman and Côte d'Ivoire would be taken up when the Committee considered Article 9A of the Constitution.

1.19 It was so agreed.

ADD CS74A

1.20 The delegate of Argentina said that his proposal ARG/28/5 relating to ADD CS74A was intended to give the Council wider powers. It was based on the work of the High Level Committee, which had wanted the Council play a broader role. He felt it necessary to point out that although the proposal had been allocated to Committee 5, the subject was also being dealt with by Committee 4 as part of a more general proposal. Any decision on proposal ARG/28/5 should be put in square brackets pending the outcome of Committee 4's deliberations.

1.21 The delegates of Brazil and Kenya supported the Argentine proposal.

1.22 The delegate of Kenya requested further explanation since, as he understood it, Argentina was attempting to turn the Council into a court for the settlement of disputes.

1.23 The delegate of Argentina explained that his proposal had nothing to do with the settlement of disputes. It related solely to relations between Members and relations between the elected officials and the Bureaux. The purpose was in fact to widen the powers of the Council and not at all to enter into the arena of arbitration.

1.24 The delegate of Saudi Arabia said that the Argentine proposal represented an improvement in the text of Article 10.

1.25 The delegate of Niger pointed out that the Argentine delegate had requested that any decision concerning his proposal should be placed in square brackets pending the outcome of the deliberations of Committee 4. It was essential to draw a distinction between disputes among Members and those arising from the application of regulations.

1.26 The delegate of Kenya considered that the addition of ADD CS74A to CS74 would have the effect of turning the Council into a tribunal.

1.27 The delegate of the United Kingdom said that he shared the Kenyan delegate's misgivings that ADD CS74A might confer upon the Council the role of arbitrator or tribunal. The Voluntary Group of Experts (VGE) had advocated the institution of a machinery which would be available to administrations wishing to challenge the Findings of the International Frequency Registration

Board. It was preferable to leave the VGE to set up such a machinery for the purpose of dealing with problems which might arise in frequency and orbit management. The addition of the provision proposed by Argentina was liable to result in duplication with such a machinery.

1.28 The Member of the IFRB confirmed that the VGE had prepared the ground for such a machinery and that it would be setting up an arbitration structure. Resolution No. 35 of WARC-79 described the procedure to be followed in dealing with disagreements concerning the Technical Standards or the Rules of Procedure of the IFRB. He emphasized that the provisions of that Resolution had never been applied.

1.29 The delegate of Argentina pointed out that the machinery contemplated by the VGE was only in a preliminary stage and that the Argentine proposal went further. Moreover, Resolution No. 35 of WARC-79 was not included either in the Constitution or in the Convention. He called the Chairman's attention to the fact that his country's proposal formed part of a more general proposal discussed by Committee 4.

1.30 Since ADD CS74A (ARG/28/5) was not adopted, MOD CS74 as proposed by the Drafting Group was approved.

MOD CS75A

1.31 The delegate of Oman introduced his proposal OMA/12/4 designed to ensure that any action taken by the Council should remain within the terms of reference assigned to it by the Plenipotentiary Conference.

1.32 The delegates of Qatar, Kenya and Kuwait supported the proposal by Oman.

1.33 The delegate of the United States said that, if any important event should occur between two Plenipotentiary Conferences, the Council would be unable to react before receiving guidelines from the next Plenipotentiary Conference. In his view, therefore, Oman's proposal restricted the Council's powers. He was supported by the delegates of Belgium and Sweden.

1.34 The Secretary of the Committee pointed out that ADD CS75A was based directly on H.L.C. Recommendation 17.

1.35 The delegate of Kenya said that he did not share the apprehensions of the previous speakers concerning the restriction of the Council's powers, since the latter acted on behalf of the Plenipotentiary Conference. He requested the views of the Legal Adviser on the residual powers available to the Council between two Plenipotentiary Conferences.

1.36 The delegate of Gabon, supporting the previous speaker, added that the Plenipotentiary Conference defined the broad strategies of the Union and that the Council, the membership of which was limited, could not substitute itself for the Plenipotentiary Conference. The Council's fundamental terms of reference were to apply the broad policies laid down by the Plenipotentiary Conference.

1.37 The delegates of France and Canada considered that Oman's proposal would inhibit any widening of the Council's powers.

1.38 The delegate of Germany said that the proposal was not aimed at restricting the Council's powers and that any misunderstanding in that connection might be dispelled by means of the following slight modification: "... policy issues following the policy guidelines of the Plenipotentiary Conference".

1.39 The Legal Adviser, after a close study of the two versions of ADD CS75A, said that the Oman proposal restricted the scope of the Council's activities, since the latter considered only questions approved by the Plenipotentiary Conference. That limitation ran counter to the H.L.C.'s view that the Council's role should be expanded. Moreover, MOD CS73 (Basic Document I) defined the Council as the governing body of the Union. Given the pace of development in

telecommunications, the Council might conceivably be called upon to take very rapid policy decisions without waiting for instructions from a Plenipotentiary Conference. For example, the Council might have to take action following the negotiations in the Uruguay Round of GATT.

1.40 The delegate of Kenya said that MOD CS73 likewise referred to the limits of the powers of the Council, and he wished to ask the Legal Adviser whether the Council possessed residual powers or not.

1.41 The delegate of Qatar said that he shared the views of the previous speaker with regard to MOD CS73 and emphasized that the Oman proposal concerned the conformity of the Council's actions with the decisions taken by the Plenipotentiary Conference.

1.42 The delegate of the Netherlands, supported by the delegate of Japan, said that he was in favour of ADD CS75A as prepared by the Drafting Group.

1.43 The delegate of Cuba said that major decisions belonged to all Members of the Union and that it would be regrettable if the Council, with its limited membership, were able to adopt one policy and the Plenipotentiary Conference another. He was in favour of the Oman proposal as amended by Germany.

1.44 The delegate of Cote d'Ivoire said that the point at issue concerned the fundamental powers of the Council. He suggested that the German proposal should be approved.

1.45 The delegate of Oman then suggested that the text should be modified as follows: "... within the guidelines given by the Plenipotentiary Conference".

1.46 It was so agreed.

1.47 MOD CS75A (Document DT/1), as newly amended, was approved.

1.48 The Chairman invited the delegates to consider the provisions of Article 10 of the draft Constitution reproduced in Basic Document I.

MOD Title

1.49 The delegate of the Russian Federation said that it would be preferable to keep the title "Administrative Council" rather than "Council" in order to bring out the administrative nature of the Council's terms of reference. The Council's role and its terms of reference should be clearly defined. That was a question of principle which should not be disregarded. If the word "administrative" was considered unsuitable, the Council should nevertheless be described in such a way as to indicate its functions.

1.50 The delegate of Kenya said that an organ's mandate or the content of a provision could not be inferred from its title. All the information required about the Council was contained in Article 10.

1.51 The Chairman noted that the title "Council" had already been approved. He requested the indulgence and understanding of the delegate of the Russian Federation and said that his comments would appear in the summary record.

CS71, MOD CS72

1.52 Approved.

MOD CS73

1.53 The delegate of Turkey proposed that the words "as governing body of the Union" should be deleted.

1.54 Since that proposal was not supported, MOD CS73, as worded by the Drafting Group, was approved.

MOD CS74, SUP CS75, MOD CS76, MOD CS77

1.55 Approved.

1.56 Article 10 of the draft Constitution was approved, subject to reconsideration of CS70.

2. Consideration of proposals relating to Article 3 of the draft Convention (Basic Document II, Document DT/1)

MOD Title

2.1 The Chairman proposed, for the sake of consistency with the previous decision, to add "the" before the word "Council" in the title of the Article.

2.2 It was so agreed.

MOD CV31

2.3 The Chairman said that the Drafting Group had proposed that CV31 should be deleted but that, to ensure consistency with the changes already approved, it would be preferable to approve proposal KEN/22/16.

2.4 It was so agreed.

MOD CV41

2.5 The Chairman, following statements by the delegates of Spain and Kenya, emphasized that the modification proposed by Spain (E/23/18) duplicated the text of ADD CV45C. He suggested that the Committee should approve the deletion of CV41, as proposed by the Drafting Group.

2.6 It was so agreed.

SUP CV42, MOD CV43, ADD CV43A, ADD CV43B, SUP CV44, MOD CV45

2.7 Approved.

ADD CV45A

2.8 Approved, the word "Sectors" being placed between square brackets.

ADD CV45B

2.9 Approved.

ADD CV45C

2.10 The delegate of Mexico pointed out that ADD CV45C and CV60 depended on the decisions of Committee 4.

2.11 ADD CV45C was approved, the words "the Directors of the Bureaux" being placed between square brackets.

MOD CV45D

2.12 The delegate of Kenya introduced proposal KEN/22/17. In his view, there was no point in stating that the Council should consider the report prepared by the Secretary-General "with the assistance of the Coordination Committee". It was obvious that the Secretary-General took the advice he thought fit in preparing his report.

2.13 The Kenyan proposal, supported by the delegates of Oman and Zambia, was approved.

2.14 The delegate of Oman introduced proposal OMA/12/19. In order to reflect the H.L.C.'s recommendations, it would be preferable to specify in ADD CV45D that the Secretary-General should prepare his report within the policy guidelines given to the Council by the Plenipotentiary Conference.

2.15 The Oman proposal having been supported, the delegate of Sweden expressed his objection, considering that the Secretary-General should enjoy some freedom of action in introducing a greater measure of flexibility in the management of the Union.

2.16 The Chairman, endeavouring to reach a consensus, suggested that the provision could be given a wording similar to that proposed by Germany for ADD CS75A.

2.17 It was so agreed.

2.18 MOD CV45D, as amended, was approved.

MOD CV60B

2.19 As he had done for other provisions, the delegate of Kenya proposed (KEN/22/18) that any reference to the Coordination Committee in CV60B should be deleted. The Chairman found that the proposal was supported.

2.20 The delegate of Brazil pointed out that the High Level Committee had called for a strengthening of the role of the Coordination Committee and felt that the Kenyan proposal was at variance with that approach.

2.21 The Chairman stated that Article 15 of the draft Constitution and Article 4A of the draft Convention, which established the Coordination Committee and defined its functions, had been approved.

2.22 The delegate of Canada endorsed the comments by the delegate of Brazil and, in that connection, quoted High Level Committee Recommendation 13 concerning the Coordination Committee. The delegates of Italy and the United States said that they shared the views of the delegate of Brazil, whereas the delegate of Niger was in favour of the Kenyan proposal.

2.23 The delegate of France was anxious that reference to the Coordination Committee should be maintained to reflect the desire to emphasize the vertical character of the Union structures and cohesion within the Union.

2.24 The delegate of Kenya, while not wishing to deny the importance of the Coordination Committee, felt simply that there was no point in referring to it in provisions such as ADD CV60B, as distinct, for example, from MOD CS126.

2.25 The Chairman said that a clear majority of speakers had emerged in favour of ADD CV60B in the wording produced by the Drafting Group.

2.26 ADD CV60B, as proposed by the Drafting Group, was approved, the words "the Bureaux of the Sectors" being placed between square brackets.

The meeting rose at 1715 hours.

The Secretary:

M. MALEK ASGHAR

The Chairman:

H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 115-E
14 December 1992
Original: English

PLENARY MEETING

Note by the Secretary-General

TRANSFER OF POWERS

ARMENIA - FRANCE

The Government of Armenia has informed me that it cannot send a delegation to the Conference.

In pursuance of No. 391 of the Convention, it has given the delegation of France powers to vote on its behalf for the election of the Director of the Telecommunications Development Bureau only.

The instrument for the transfer of powers has been deposited in fax form with the Secretariat of the Credentials Committee, which has requested the Government of Armenia to forward the original thereof.

Pekka TARJANNE
Secretary-General

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 116-E
14 December 1992
Original: French

COMMITTEE 6

FOURTH SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached texts, which it is submitting to the Editorial Committee for consideration and transmittal to the Plenary Meeting.

Some numbers of the Constitution and the Convention have been put in square brackets pending the outcome of the work of Committee 4.

H. VIGNON
Chairman of Committee 5

Annexes: 2 (Fourth series of texts of the Constitution and the Convention)

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ANNEX 1

NOC ARTICLE 9A

NOC **Principles Concerning Elections and Related Matters**

NOC **CS69A** 1. The Plenipotentiary Conference, at any elections referred to in Nos. 53 to 55 above, shall ensure that:

NOC **CS69B** a) the Members of the Council shall be elected with due regard to the need for equitable distribution of the seats on the Council among all regions of the world;

NOC **CS69C** b) the Secretary-General, the Deputy Secretary-General and the [Directors of the Bureaux] shall all be nationals of different Members, and at their election due consideration should be given to the principles embodied in No. 133 below and to equitable geographical distribution among the regions of the world;

NOC **CS69D** c) [the members of the Radio Regulations Board] shall be elected, in their individual capacity, from the candidates proposed by Members of the Union in such a way as to ensure equitable distribution among the regions of the world; each Member may propose only one candidate who shall be one of its nationals.

EUR/27/52
MOD **CS69E** 2. The procedures for these elections shall be established by the Plenipotentiary Conference. Provisions relating to taking up duties, vacancy and re-eligibility are contained in ~~Article 1A~~ of the Convention.

CHAPTER VII

NOC

Special Provisions for Radio

ARTICLE 33

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

CS174 1. Members shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advances as soon as possible.

CS175 2. In using frequency bands for radio services, Members shall bear in mind that radio frequencies and the geostationary-satellite orbit are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries.

ARTICLE 44

Provisions for Amending this Constitution

CS201 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.

CS202 2. Any proposed modification to any amendment submitted in accordance with No. 201 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

CS203 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.

CS204 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.

CS205 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 CS206 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 at a date fixed by the conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. ~~[~~Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.~~]~~

NOC CS207 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

CS208 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 41 and 42 of this Constitution shall apply to the Constitution as amended.

CS209 9. After 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. 219 of this Constitution shall also apply to any such amending instrument.

ARTICLE 47

Entry into Force and Related Matters

MOD **CS215** 1. This Constitution and the Convention shall enter into force on [1 July 1994] between Members having deposited before that date their instrument of ratification, acceptance, approval or accession.

NOC **CS216**

CS217 2. Upon the date of entry into force specified in No. 215 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention (Nairobi, 1982).

CS218 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.

CS219 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.

CS220 5. In case of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail.

ANNEX 2

NOC ARTICLE 1A

NOC **Elections and Related Matters**

MOD - **The Council**

NOC **CV6A** 1. Except in the case of vacancies arising in the circumstances described in Nos. 6C to 6E below, the Members of the Union elected to the Council shall hold office until the date on which a new Council is elected. They shall be eligible for re-election.

EUR/27/48
(MOD) **CV6B** 2. (1) If, between two Plenipotentiary Conferences, a seat becomes vacant on the 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.

EUR/27/49
ADD **CV6BA** (2) When for any reason a vacant seat cannot be filled according to the procedure of No. CV6B, the Chairman of the Council shall invite the other Members of the region to seek election within one month of such an invitation being issued. At the end of this period, the Chairman of the Council shall invite Members of the Union to elect a new Member. The election shall be carried out by secret ballot in correspondence. The same majority as indicated above will be required. The new Member shall hold office until the election of the new Council by the next competent Plenipotentiary Conference.

NOC **CV6C** 3. A seat on the Council shall be considered vacant:

NOC **CV6D** a) when a Council Member does not have a representative in attendance at two consecutive ordinary sessions of the Council;

NOC **CV6E** b) when a Member of the Union resigns its membership of the Council.

NOC - **Elected officials**

CAN/35/44
EUR/27/44
KEN/22/13
KOR/8/6
OMA/12/15
SNG/38/1

MOD CV6F

1. The Secretary-General, the Deputy Secretary-General and [the Directors of the Bureaux] shall take up their duties on the dates determined by the Plenipotentiary Conference 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 ~~[twice]~~ only.

NOC CV6G

2. 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. 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. 6H below shall be applied.

NOC CV6H

3. 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 Council shall appoint a successor for the balance of the term.

NOC CV6I

4. If the posts of the Secretary-General and the Deputy Secretary-General fall vacant simultaneously, the Director who has been longest in office shall discharge the duties of Secretary-General for a period not exceeding 90 days. The 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 Council shall serve for the balance of the term for which his predecessor was elected.

MOD CV6J

5. If the post of a Director becomes unexpectedly vacant, the Secretary-General takes the necessary steps to ensure that the duties of that Director are carried out until the Council shall appoint a new Director at its next ordinary session following the occurrence of such a vacancy. A Director so appointed shall serve until the date fixed by the next Plenipotentiary Conference.

NOC **CV6K** 6. Subject to the relevant provisions of Article 16 of the Constitution, the Council shall 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 the present Article 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.

NOC **CV6L** 7. Any period of service in the post of an elected official pursuant to an appointment under Nos. 6G through 6K above shall not affect eligibility for election or re-election to such a post.

ADD **[- Members of the Radio Regulations Board]**

ADD **[CV6M*** 1. The members of the Radio Regulations Board shall take up their duties on the dates determined by the Plenipotentiary Conference 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 [twice] only.]

ADD **[CV6N*** 2. If, in the interval between two Plenipotentiary Conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the 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 Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.]

ADD **[CV6O*** 3. A member of the Radio Regulations Board is considered no longer in a position to perform his duties after repeated consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 6N above.]

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* Note by the Secretariat - These numbers will be considered at a later meeting.

CHAPTER IV

Rules of Procedure

ARTICLE 25

Rules of Procedure of Conferences and Other Meetings

CV244 The Rules of Procedure shall apply without prejudice to the amendment provisions contained in Article 44 of the Constitution and in Article 35 of this Convention.

1. Order of Seating

CV245 At meetings of the conference, delegations shall be seated in the alphabetical order of the French names of the Members represented.

2. Inauguration of the Conference

CV246 1. (1) The inaugural meeting of the conference shall be preceded by a meeting of the Heads of delegation 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. 250 below.

CV247 (2) The Chairman of the meeting of Heads of delegation shall be appointed in accordance with the provisions of Nos. 248 and 249 below.

CV248 2. (1) The conference shall be opened by a person appointed by the inviting government.

CV249 (2) When there is no inviting government, it shall be opened by the oldest Head of delegation.

CV250 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.

CV251 (2) If there is no inviting government, the Chairman shall be chosen, taking into account the proposals made by the Heads of delegation at the meeting described in No. 246 above.

CV252 4. The first Plenary Meeting shall also:

CV253 a) elect the Vice-Chairmen of the conference;

CV254 b) set up the conference committees and elect their respective Chairmen and Vice-Chairmen;

NOC CV255 c) designate the conference secretariat, in accordance with No. 86 of this Convention; the Secretariat may be reinforced, in case of need, by staff provided by the administration of the inviting government.

3. Powers of the Chairman of the Conference

CV256 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.

CV257 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.

CV258 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.

CV259 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.

4. Setting up of Committees

NOC **CV260** 1. The Plenary Meeting may set up committees to consider matters referred to the conference. These committees may in turn set up sub-committees. Committees and sub-committees may set up working groups.

ADD **CV260A** 2. In addition to the committees below, a world radiocommunication conference shall include [a Technical Committee and a Radio Regulations Committee] or only one of them, the terms of reference of which are contained in Article 4B above.

NOC **CV261** 3. Sub-committees and working groups shall be set up when it is necessary.

NOC **CV262** 4. Subject to the provisions of Nos. 260 to 261 above, the following committees shall be set up:

4.1 Steering Committee

CV263 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;

CV264 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.

4.2 Credentials Committee

NOC **CV265** A Plenipotentiary Conference, a radiocommunication conference at its [Radio Regulations Committee] or a world conference on international telecommunications shall appoint a Credentials Committee, the mandate of which shall be to verify the credentials of delegations to these conferences. This Committee shall report on its conclusions to the Plenary Meeting within the time specified by the latter.

4.3 Editorial Committee

CV266

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.

CV267

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.

4.4 Budget Control Committee

NOC CV268

a) At the opening of each conference, 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. In addition to the members of delegations who wish to participate, this Committee shall include a representative of the Secretary-General, of the Director of the Bureau concerned, and, where there is an inviting government, a representative of that government.

NOC CV269

b) Before the budget approved by the Council for the conference is exhausted, the Budget Control Committee, in collaboration with the secretariat of the conference, 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 after the date when the approved budget will be exhausted.

NOC CV270

c) At the end of each conference, the Budget Control Committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference.

NOC CV271

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 Council at its next ordinary session.

5. Composition of Committees

5.1 Plenipotentiary Conferences

NOC CV272 Committees shall be composed of the delegates of Members and the observers referred to in No. 139, of this Convention who have so requested or who have been designated by the Plenary Meeting.

NOC

5.2 Radiocommunication Conferences

NOC CV273 1. Committees, except the [Technical Committee] of a world radiocommunication conference, shall be composed of the delegates of Members and the observers and representatives, referred to in Nos. 149, 152 and 153 of this Convention, who have so requested or who have been designated by the Plenary Meeting.

ADD CV273A* [2. In addition to delegates, observers and representatives referred to in No. 273 above, the Technical Committee may be attended by representatives referred to in No. 153A of this Convention.]

NOC

5.3 Telecommunication Standardization and Telecommunication Development Conferences

ADD CV273B* [In addition to delegates of Members and observers referred to in Nos. 132A to 132D of this Convention, the committees of the telecommunication standardization and telecommunication development conferences may be attended by representatives of any entity or organization authorized in accordance with Article 7D above to take part in the work of the Sector concerned.]

6. Chairmen and Vice-Chairmen of Sub-Committees

NOC CV274 The Chairman of each committee shall propose to his committee the choice of the Chairmen and Vice-Chairmen of the sub-committees which may be set up.

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* Note by the Secretariat: These numbers will be considered at a later meeting.

7. Summons to Meetings

CV275 Plenary Meetings and meetings of committees, sub-committees and working groups shall be announced in good time in the meeting place of the conference.

8. Proposals Presented Before the Opening of the Conference

NOC **CV276** Proposals presented before the opening of the conference shall be allocated by the Plenary Meeting to the appropriate committees set up in accordance with Section 4 of these Rules of Procedure. Nevertheless, the Plenary Meeting itself shall be entitled to deal with any proposal.

9. Proposals or Amendments Presented During the Conference

CV277 1. Proposals or amendments presented after the opening of the conference shall be delivered to the Chairman of the conference, to the Chairman of the appropriate committee or to the secretariat of the conference for publication and distribution as conference documents.

CV278 2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.

CV279 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.

CV280 4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.

CV281 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. 277 above.

CV282 (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.

CV283 (3) In addition, the Chairman of the conference, on receiving proposals or amendments referred to in No. 277 above, shall refer them to the appropriate committee or to the Plenary Meeting as the case may be.

CV284 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.

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

CV285 1. No proposal or amendment may be discussed unless it is supported by at least one other delegation when it comes to be considered.

CV286 2. Each proposal or amendment duly supported shall be submitted for discussion and thereafter for decision, if necessary by a vote.

11. Proposals or Amendments Passed Over or Postponed

CV287 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.

12. Rules for Debates in Plenary Meetings

12.1 Quorum

CV288 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.

12.2 Order of debates

CV289 (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.

CV290 (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.

12.3 Motions of order and points of order

CV291 (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.

CV292 (2) A delegation submitting a motion of order shall not, during its speech, discuss the substance of the matter in question.

12.4 Priority of motions of order and points of order

CV293 The motions and points of order mentioned in No. 291 of this Convention shall be dealt with in the following order:

CV294 a) any point of order regarding the application of these Rules of Procedure, including voting procedures;

CV295 b) suspension of a meeting;

CV296 c) adjournment of a meeting;

CV297 d) postponement of debate on the matter under discussion;

CV298 e) closure of debate on the matter under discussion;

CV299 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.

12.5 Motion for suspension or adjournment of a meeting

CV300 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.

12.6 Motion for postponement of debate

CV301 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.

12.7 Motion for closure of debate

CV302 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.

12.8 Limitation of speeches

CV303 (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.

CV304 (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.

CV305 (3) When a speaker has exceeded the time allowed, the Chairman shall notify the Meeting and request the speaker to conclude his remarks briefly.

12.9 Closing the list of speakers

CV306 (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.

CV307 (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.

12.10 Questions of competence

CV308 Any question of competence that may arise shall be settled before a vote is taken on the substance of the matter under discussion.

12.11 Withdrawal and resubmission of a motion

CV309 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.

13. Right to Vote

CV310 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 3 of the Constitution.

CV311 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 CV311A 3. When a Member is not represented by an Administration in the [Technical Committee of a world radiocommunication conference, a world telecommunication standardization conference] or a telecommunication development conference, the representatives of the recognized 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. 128AE of this Convention. The provisions of Nos. 190 to 193 of this Convention concerning the transfer of powers shall apply to the above conferences.

14. Voting

14.1 Definition of a majority

CV312 (1) A majority shall consist of more than half the delegations present and voting.

CV313 (2) In computing a majority, delegations abstaining shall not be taken into account.

CV314 (3) In case of a tie, a proposal or amendment shall be considered rejected.

CV315 (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.

14.2 Non-participation in voting

CV316 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. 288 of this Convention, nor as abstaining for the purpose of applying the provisions of No. 318 below.

14.3 Special majority

CV317 In cases concerning the admission of new Members of the Union, the majority described in Article 2 of the Constitution shall apply.

14.4 Abstentions of more than fifty per cent

CV318 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.

14.5 Voting procedures

CV319 (1) The voting procedures are as follows:

CV320 a) by a show of hands as a general rule unless a roll call under b) or secret ballot under c) has been requested;

CV321 b) by a roll call in the alphabetical order of the French names of the Members present and entitled to vote:

CV322 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

CV323 2. if the procedure under a) shows no clear majority;

CV324 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.

CV325 (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.

CV326 (3) In the case of a secret ballot, the secretariat shall at once take steps to ensure the secrecy of the vote.

CV327 (4) Voting may be conducted by an electronic system if a suitable system is available and if the conference so decides.

14.6 Prohibition of interruptions once the vote has begun

CV328 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.

14.7 Reasons for votes

CV329 The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.

14.8 Voting on parts of a proposal

CV330 (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.

CV331 (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.

14.9 Order of voting on concurrent proposals

CV332 (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.

CV333 (2) After each vote, the meeting shall decide whether or not the following proposal shall be voted on.

14.10 Amendments

CV334 (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.

CV335 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.

CV336 (3) No proposal for modification shall be regarded as an amendment if the meeting considers it to be incompatible with the original proposal.

14.11 Voting on amendments

CV337 (1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

CV338 (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.

CV339 (3) If one or more amendments are adopted, the proposal thus amended shall then be put to the vote.

14.12 Repetition of a vote

CV340 (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.

CV341 (2) In the Plenary Meetings a proposal, a part of a proposal or an amendment shall not be put to the vote again unless:

CV342 a) the majority of the Members entitled to vote so request, and

CV343 b) the request for a repetition of the vote is made at least one full day after the vote has been taken.

15. Rules for Debates and Voting Procedures in Committees and Sub-Committees

CV344 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.

CV345 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.

CV346 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

CV347 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.

NOC CV348 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 the Final Acts in accordance with the provisions of Article 15 of this Convention.

17. Minutes of Plenary Meetings

CV349 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.

CV350 2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference any 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.

CV351 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.

CV352 (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.

CV353 4. The right accorded in No. 352 above regarding the insertion of statements in the minutes shall in all cases be used with discretion.

18. Summary Records and Reports of Committees and Sub-Committees

CV354 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.

CV355 (2) Nevertheless, any delegation shall be entitled to invoke No. 352 above.

CV356 (3) The right accorded in No. 355 above shall in all circumstances be used with discretion.

CV357 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.

19. Approval of Minutes, Summary Records and Reports

CV358 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.

CV359 (2) Any interim or final report must be approved by the committee or sub-committee concerned.

CV360 2. (1) The minutes of the last Plenary Meetings shall be examined and approved by the Chairman.

CV361 (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.

20. Numbering

CV362 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.

CV363 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.

21. Final Approval

NOC **CV364** The texts of the Final Acts of a Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall be considered final when they have been approved at the second reading in Plenary Meeting. [The texts of the Technical Committee of a world radiocommunication conference shall not be issued in the Final Acts of that conference.]

22. Signature

NOC **CV365** The texts of the Final Acts approved by the conferences referred to in No. 364 above 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.

MOD

23. Relations with the Press and the Public

CV366 1. Official releases to the press about the work of the conference shall be issued only as authorized by the Chairman of the conference.

MOD **CV366A** 2. The press and the public may, to the extent practicable, be present at the conference in accordance with the guidelines approved by the meeting of Heads of delegations referred to in No. 246 above and with the practical arrangements made by the Secretary-General. The presence of the press and the public shall in no way disturb the normal conduct of the work of the meeting.

NOC **CV366B** 3. Other meetings of the Union shall not be open to the press and the public, unless the meeting in question decides otherwise.

24. Franking Privileges

NOC CV367 During the conference, members of delegations, representatives of Members of the Council, [members of the Radio Regulations Board,] senior officials of the General Secretariat and [the Sectors] of the Union attending the conference and the staff of the Secretariat 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 operating agencies concerned.

ARTICLE 35

Provisions for Amending this Convention

CV417 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.

CV418 2. Any proposed modification to any amendment submitted in accordance with No. 417 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

CV419 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.

CV420 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.

CV421 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 **CV422** 6. Any amendments to this Convention adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the Conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Convention and the amending instrument. ~~[~~Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.~~]~~

CV423 7. Notwithstanding No. 422 above, 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 this Convention shall not enter into force prior to the entry into force of the amendment to the Constitution.

MOD **CV424** 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~~.

CV425 9. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 41 and 42 of the Constitution shall apply to the Convention as amended.

CV426 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. 219 of the Constitution shall also apply to any such amending instrument.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 117-E
14 December 1992
Original: French

PLENARY MEETING

Note by the Secretary-General

CANDIDACIES FOR THE POST OF DIRECTOR OF THE TELECOMMUNICATIONS DEVELOPMENT BUREAU

I have the honour to inform the Conference that the following candidacies have been withdrawn :

- Mr. Mamadou Bobo CAMARA (national of Guinea)
- Mr. Jean-Claude DENIAUD (national of France)
- Mr. Chao THONGMA (national of Thailand).

Pekka TARJANNE
Secretary-General

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 118-E
15 December 1992
Original: French

COMMITTEE 2

FIRST REPORT BY WORKING GROUP 2A TO COMMITTEE 2

1. The Working Group of Committee 2 (Credentials) met on 14 December 1992. It examined the credentials of the following delegations.

AFGHANISTAN
ALGERIA
GERMANY (provisional accreditation under No. 383 of the Nairobi Convention)
SAUDI ARABIA
ARGENTINA
AUSTRALIA
AUSTRIA
BAHRAIN
BARBADOS
BELARUS
BENIN
BHUTAN
BOTSWANA
BRAZIL
BRUNEI DARUSSALAM
BULGARIA
BURKINA FASO
BURUNDI
CAMEROON
CANADA
CAPE VERDE
CENTRAL AFRICAN REP.
CHILE
CHINA
CYPRUS

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VATICAN CITY STATE
COLOMBIA
COMOROS
CÔTE D'IVOIRE
CROATIA
CUBA
DENMARK
DJIBOUTI
EGYPT
UNITED ARAB EMIRATES
SPAIN
ESTONIA
ETHIOPIA
FIJI
FINLAND
FRANCE
GABON
GAMBIA
GHANA
GREECE
GUINEA
HONDURAS
INDIA
INDONESIA
IRAN (ISLAMIC REPUBLIC OF)
IRELAND
ICELAND
ISRAEL
JAPAN
JORDAN
KENYA
KUWAIT
LESOTHO
LATVIA
LEBANON
LIBERIA
LITHUANIA
LUXEMBOURG
MALAYSIA

MALAWI
MALI
MALTA
MOROCCO
MAURITIUS
MONACO
MOZAMBIQUE
MYANMAR
NEPAL
NIGER
NIGERIA
NORWAY
NEW ZEALAND
OMAN
PAKISTAN
PAPUA NEW GUINEA
NETHERLANDS
PHILIPPINES
POLAND
PORTUGAL
QATAR
DEMOCRATIC PEOPLE'S REP. OF KOREA
ROMANIA
UNITED KINGDOM
RUSSIA
SAN MARINO
SENEGAL
SINGAPORE
SLOVENIA
SUDAN
SRI LANKA
SWEDEN
SWITZERLAND
SURINAME
SWAZILAND
CHAD
CZECH AND SLOVAK FED. REP.
THAILAND
TUNISIA

TURKEY
UKRAINE
VENEZUELA
VIET NAM
YEMEN
ZAMBIA
ZIMBABWE

(110 delegations in all)

All the above credentials are in order.

2. In addition, the Working Group found the following instruments of transfer of powers to be in order:

Angola - Portugal (see Document 99)

Armenia - France (see Document 115)

El Salvador - United States (see Document 123)

Jamaica - Bahamas (see Document 90)

Maldives - Sri Lanka (see Document 97)

Moldova - Romania (see Document 98)

2. The Working Group noted that some delegations present at the Conference had not yet deposited their credentials. Those delegations are urged to deposit their credentials or get in touch with the Secretariat of the Committee.

Roberto BLOIS
Chairman of Working Group 2A

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 119-E
15 December 1992
Original: French

PLENARY MEETING

Note by the Secretary-General

TRANSFER OF POWERS

BOTSWANA - LESOTHO

The delegation of Botswana has announced that it has to leave the Conference on 15 December 1992.

Under No. 392 of the Nairobi Convention (1982), the delegation of Botswana has empowered the delegation of Lesotho to exercise its right to vote at this Conference.

Pekka TARJANNE
Secretary-General

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 120-E
14 December 1992
Original: English

COMMITTEE 4

REPORT FROM AD HOC GROUP 4B TO COMMITTEE 4

The Ad Hoc Working Group met on Saturday, 12th December, 1992, and after having recalled the purpose of the group, reviewed the basic principles contained in the HLC report, the Basic Document of the drafting group, and noted the coordinated work already done by the CCIR and the CCITT. The meeting agreed to submit the attached draft Resolution for the consideration of Committee 4. The Ad Hoc Working Group also concluded not to forward the proposals to modify the Draft Treaty Texts, by Canada and Germany.

A residual textual proposal remains with CV 116M (proposed by CEPT).

R. HORTON
Chairman, Ad Hoc 4B

Annex: 1

ANNEX I

Allocation of Work to the Standardization and Radiocommunications Sectors

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992)

considering

a) the need for this Additional Plenipotentiary Conference to give appropriate general principles and guidance to the Sectors.

b) the broad objectives for the work of the sectors contained in Articles 11A and 13B of the Constitution which specify the functions of the Radiocommunications Sector and Standardization Sector, and Articles [5A]and [6A] of the Convention of the International Telecommunication Union, which further elaborates the basis of work allocation and future co-ordination between Sectors,

c) the initial allocation of work between the Standardization and Radiocommunications Sectors recommended by the High Level Committee on the structure and functioning of the Union in its recommendation 37, and recommendation 38 proposing continuing review of the allocation of work between the two Sectors,

d) recommendation 49 of the High Level Committee to assist developing countries to participate in the work of the Standardization Sector and Radiocommunications Sector by the extraction and grouping of matters under active study which may be of particular interest to these countries,

e) the necessity of improving the efficiency and responsiveness of the Standardization and Radiocommunications Sectors, maintaining flexibility in the allocation of work with continuing review of work allocation between the Study Groups of the Radiocommunications Sector and the Standardization Sector to take account of changing conditions, and

f) that Advisory Groups have been established in each of the Radiocommunications and Standardization Sectors to review priorities, strategies and progress of work of each respective Sector and to foster cooperation and coordination between these Sectors and the regional standardization bodies

taking note of

a) the work of the Directors of the CCIR and the CCITT in developing an initial indicative list of Questions affected by recommendation 37 of the High Level Committee, and the report by the Directors to the Additional Plenipotentiary Conference,

b) the work done by the Ad Hoc Groups established under CCIR Resolution 106 and CCITT Resolution 18, in particular the principles agreed at the meeting of the CCIR Ad Hoc Group in

June, 1992 for detailed allocation of work and ongoing management of the interface between the two ITU Sectors, and

c) the proposals of the Directors of the CCIR and CCITT to hold a joint meeting of the groups established under CCIR Resolution 106 and CCITT Resolution 18 in January 1993,

decides

to endorse recommendations 37 and 38 of the HLC with respect to the broad terms of reference of the Radiocommunications and Standardization Sectors,

instructs

a) the Directors of the Standardization and Radiocommunications Sectors to work together to develop proposals for an initial allocation of work between the sectors ensuring that :

- there is minimum disruption to the continuing work of the Sectors
- the grouping of work ensures that there is maximum opportunity for efficient participation by experts from all countries
- there is minimum overlap between respective Study Groups of the Sectors

and report to the initial Standardization Conference and Radiocommunications Conference on the proposed initial allocation,

and resolves

1) that the Standardization Conference and the Radiocommunications Conference confirm a detailled allocation of work,

2) that joint meetings of the Advisory Groups of the Radiocommunications and Standardization Sectors shall be held to continue the review and distribution of new and existing work between the Sectors, subject to confirmation by the Members.

3) that, with the assistance of the Advisory Groups, the Standardization Conference and Radiocommunications Conference establish procedures for the ongoing review and reallocation of work as appropriate to achieve the necessary effectiveness and efficiency goals of the ITU bearing in mind that the objective of the review is to consider, in accordance with the spirit of the HLC report, such allocations as to:

- minimise the duplication of activities of the Sectors
- group the standardization activities in order to further cooperation and coordination of the work of the Standardization Sector with regional standardization bodies

4) that in order to ensure that this review is objective, and takes full account of the rapidly developing international requirements, all participants in the work of the Sectors are strongly urged to ensure a broad, competent, senior level representation in the Advisory Groups within the Sectors

5) the Directors of the Standardization Sector and Radiocommunications Sector shall report on the broad outcomes of this allocation and review process to the Plenipotentiary Conference. Kyoto 1994.

and invites

a) the Members of the Union to consider and to contribute to discussion on the procedures for the ongoing review and reallocation of work for the joint meeting of the CCIR Resolution 106 and CCITT Resolution 18 Ad Hoc Groups in January 1993

b) the Members of the Union to consider, in preparation for the Standardization and Radiocommunication conferences, the report of the Directors on the allocation of work to the two Sectors, with a view to making a joint recommendation for initial implementation by these conferences,

c) the [Administrative] Council to place on the Agenda of the Plenipotentiary Conference, Kyoto, 1994, consideration of the report of the Directors on the application of this Resolution.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 1 to
Document 121-E
20 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

FOURTH MEETING OF COMMITTEE 4

Paragraph 4.19 should read as follows:

4.19 The Chairman of the High Level Committee said, in explanation of the differences in text, that the High Level Committee had discussed the matter of whether there should be uniformity or some distinction between the Telecommunication Advisory Board and the two other bodies and had come to the conclusion that a distinction should indeed be made, with meetings of the Advisory Groups in the other two Sectors being open and not necessarily chaired by their respective Directors. In the case of telecommunication development, on the basis of a strong recommendation by the Advisory Board of the then CTD, it was considered that the body should be called the Telecommunication Development Advisory Board and, in order to ensure that it maintained a certain prestige, that its meetings should not be open. It had not, however, been considered practical to have the Board's members appointed by the Administrative Council, in view of the desire to secure participation not only by national and international institutions but also by the private sector.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 121-E
14 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

FOURTH MEETING OF COMMITTEE 4

Wednesday, 9 December 1992 at 1405 hours

Chairman: Mr. C. OLIVER (Australia)

Subjects discussed:	Documents
1. Consideration of proposals relating to Chapter I, Article 7A of the draft Convention (continued)	Basic Document II, DT/1
2. Consideration of proposals relating to Chapter IV, Article 14B of the draft Constitution	Basic Document I, DT/1
3. Consideration of proposals relating to Chapter I, Section 7, Article 7B of the draft Convention	Basic Document II, DT/1, 49
4. Consideration of proposals relating to Chapter I, Section 7, Article 7C of the draft Convention	Basic Document II, DT/1, 44, 46, 49
5. Allocation of work to the Radiocommunication and Standardization Sectors	76

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1. Consideration of proposals relating to Chapter I, Article 7A of the draft Convention (continued) (Basic Document II, Document DT/1)

1.1 The Chairman invited the Committee to continue consideration of Article 7A of the draft Constitution, relating to telecommunication development conferences.

ADD CV128E

1.2 Approved.

ADD CV128F

1.3 The delegate of the United States, supported by the delegate of Kenya, said that further to informal consultations the two delegations had reached agreement on a text which took account of both their respective proposals, USA/26/11 and KEN/22/34. The new text was based on proposal USA/26/11, with "to the Coordination Committee for consideration" replaced by "by the Secretary-General".

1.4 The Chairman of the High Level Committee commented that the original text proposed by the Drafting Group had attempted to draw a distinction between conferences which were intended to produce Final Acts and those which were not. However, he saw no objection to the proposed new text.

1.5 Proposal USA/26/11, as amended, was approved.

1.6 With the exception of provision CV128D, Article 7A as a whole, as amended, was approved.

2. Consideration of proposals relating to Chapter IV, Article 14B of the draft Constitution (Basic Document I, Document DT/1)

2.1 The Chairman invited the Committee to consider Article 14B of the draft Constitution, relating to telecommunication development study groups.

ADD CS124H

2.2 The Chairman, referring to proposal EUR/27/63, recalled that agreement had already been reached on the matter of excluding from the Constitution references to specific Articles of the Convention.

2.3 Article 14B as a whole, as amended, was approved.

2.4 The Chairman of the High Level Committee reported that concern had been expressed at an earlier date by the delegate of Lebanon, in his capacity as coordinator of the GAS Study Groups, at the fact that the status of certain of those Groups would change when they were transferred to the BDT. Assurance had been given that the transfer of development Study Groups would in fact help to focus the studies on subjects of fundamental importance to developing countries, and that the BDT would be in a position to benefit from the expertise of the Radiocommunication and Standardization Sectors.

3. Consideration of proposals relating to Chapter I, Section 7, Article 7B of the draft Convention (Basic Document II, Documents DT/1, 49)

3.1 The Chairman invited the Committee to consider Article 7B of the draft Convention, relating to telecommunication development study groups.

3.2 The Chairman suggested that the Japanese proposals J/49/70 and J/49/71 (MOD Title and ADD CV128GA), which sought to add references to a Development Advisory Group, should be taken up when the Committee discussed Article 7C.

3.3 It was so agreed.

ADD CV128G

3.4 The delegate of the Netherlands introduced proposal EUR/27/39, which was based on High Level Committee Recommendation 28.

3.5 Following a brief discussion in which the delegates of Zimbabwe, the Netherlands and Grenada and the Chairman of the High Level Committee took part, it was agreed that the use of the term "project" required further, informal discussion.

3.6 The delegate of Cuba proposed that the entire provision should be placed in square brackets until such time as a decision had been taken on CV128D.

3.7 It was so agreed.

ADD CV128GA

3.8 Proposal USA/26/17 was approved with square brackets placed around the phrase "Taking into account No. 112A of the Constitution,".

4. Consideration of proposals relating to Chapter I, Section 7, Article 7C of the draft Convention (Basic Document II, Documents DT/1, 44, 46, 49)

4.1 The Chairman invited the Committee to consider Article 7C of the draft Convention, relating to the Telecommunication Development Bureau and Advisory Board.

ADD Title

4.2 It was agreed to defer discussion of the title until the provisions concerning the Advisory Board were taken up.

ADD CV128H, ADD CV128I

4.3 Approved.

ADD CV128J

4.4 Approved, subject to verification of the alignment of the different language versions.

ADD CV128K, ADD CV128L, ADD CV128M, ADD CV128N, ADD CV128O

4.5 Approved.

ADD CV128P, ADD CV128Q

4.6 The delegate of Singapore, expressing his country's support for the new structure of the ITU as proposed by the High Level Committee, introduced proposals SNG/38/8 and SNG/38/9, which were intended to make the meaning of the provisions clearer.

4.7 The delegate of Papua New Guinea, also expressing his country's support for the Union's new structure as proposed by the High Level Committee, raised a query with regard to the term "catalytic role" in ADD CV128P.

4.8 Further to a comment by the Chairman of the High Level Committee, it was agreed that the term "catalytic role" and certain other terms which reappeared regularly in both the Constitution and the Convention, required further consideration.

4.9 The Chairman therefore suggested that the words "catalytic role" be placed in square brackets.

4.10 The delegate of Mauritania having raised an editorial query, a discussion ensued as to whether references in the two provisions should be to the "Directors of the Bureaux" or "Directors of the Sectors", or other variations involving the same terms.

4.11 The delegates of Spain, Algeria, the United States and Morocco having said that they were in favour of retaining references to Directors of Bureaux, the Chairman suggested that proposal SNG/38/9 relating to ADD CV128Q should be retained, but that the delegate of Singapore might wish to withdraw proposal SNG/38/8 relating to ADD CS128P.

4.12 The delegate of Singapore agreed to that suggestion.

4.13 The delegate of India having introduced proposal IND/46/23, relating to ADD CV128Q, the delegate of Morocco, supported by the Chairman of the High Level Committee expressed his preference for the text proposed by the Drafting Group.

4.14 At the suggestion of the Chairman, the delegate of India agreed to withdraw his proposal.

4.15 ADD CV128P was approved as proposed by the Drafting Group, subject to the insertion of square brackets around the term "catalytic role".

4.16 ADD CV128Q, as amended in proposal SNG/38/9, was approved.

ADD CV128R

4.17 Approved.

ADD CV128S

4.18 The delegate of Singapore, referring to CV128S, CV116U and CV122L, requested clarification concerning the differentiation made in the provisions relating to the three advisory bodies in question. Following consultation with the delegations of the European countries, Indonesia and India which, like his own delegation, had proposed amendments to CV128S (EUR/27/40, INS/14/1, IND/46/24, SNG/38/10), the following common proposal had been arrived at:

"A Telecommunication Development Advisory Board shall be established by the Secretary-General in consultation with the Director and shall elect its chairperson among its Members. The Board shall be composed of individuals with particular interest and expertise in telecommunication development. The Board shall advise the Director on priorities and strategies in the Union's telecommunication activities and shall provide guidance on the work of the study groups; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations interested in telecommunication development. The Director may participate in its meetings. Its meetings shall be open to all Members who wish to attend."

4.19 The Chairman of the High Level Committee said, in explanation of the differences in text, that the High Level Committee had discussed the matter of whether there should be uniformity or some distinction between the Telecommunication Advisory Board and the two other bodies and had come to the conclusion that a distinction should indeed be made, with meetings of the Advisory Groups in the other two Sectors being open and not necessarily chaired by their respective Directors. In the case of telecommunication development, on the basis of a strong recommendation by the Advisory Board of the then CTD, it was considered that the body should be called the Telecommunication Development Advisory Board and, in order to ensure that it maintained a certain prestige, that its meetings should be open. It had not, however, been considered practical to have the Board's members appointed by the Administrative Council, in view of the desire to secure participation not only by national and international institutions but also by the private sector.

4.20 The delegate of Burkina Faso said that in the light of the explanation given by the Chairman of the High Level Committee, he would not press his delegation's proposals (BFA/44/2-4).

4.21 The delegate of Japan, drawing attention to proposals J/49/72 and J/49/73, said that the Advisory Group Board could be expected to play an important role in each Sector. However, as the structure which emerged from the current discussions would represent a first attempt at a solution, it would be advisable to ensure a certain degree of flexibility for the time being. Each body could be expected to work differently, as each Sector had different functions and would need to adopt different procedures. It would therefore be for the relevant conference for each Sector to determine appropriate procedures and terms of reference. Concerning the name of the telecommunication development body, "Telecommunication Development Advisory Group" would seem to be more appropriate as the body should not in that respect be treated differently from its two counterparts.

4.22 The delegate of Senegal, referring to his Administration's proposal SEN/18/7, stressed the importance of, firstly, equitable distribution of membership of the Telecommunication Development Advisory Board and, secondly, the functional relations with United Nations bodies responsible for development activities. The delegate of the Congo endorsed those comments and urged the Committee to digress as little as possible from the relevant recommendations of the High Level Committee.

4.23 The delegate of Grenada said that the Telecommunication Development Advisory Board should be viewed in the context of High Level Committee Recommendations 33 and 21. He could not agree to the principle of open meetings, which would favour those who could afford to attend.

4.24 The delegate of Iran considered that the members of the Advisory Board should be chosen on the basis of equitable geographical distribution and equal opportunity. Membership should moreover be restricted to representatives of administrations.

4.25 The delegate of Zimbabwe, referring to discussion on the matter in the High Level Committee, pointed to the desirability of ensuring that the advisory bodies did not exceed their advisory role. The advisory capacity of the private sector should be recognized.

4.26 The delegate of Argentina, referring to the respective scientific and political definitions of the advisory bodies, urged that the Administrative Council should be responsible for the appointment of members.

4.27 The delegate of Morocco observed that telecommunication development policy as a whole was a matter for governments and that its best, and indeed only, forum was the world development conference. The role of the Advisory Board should be to provide assistance to the

Director of the Bureau when matters concerning the management of the Telecommunication Development Sector arose in the period between two development conferences. Consequently, he could not agree to the text read out by the delegate of Singapore, especially as the additional wording concerning guidance on the work of the Study Groups related to a function which was properly that of the world development conference.

4.28 The proposed Advisory Board was derived from the former CTD Advisory Board, whose purpose had been to create a forum in which the private sector and representatives of administrations could look at action which might be taken by the Director within the framework and directives of the world development conference. In view of the desire for that type of composition of the Board, it would not be advisable to make the Administrative Council responsible for designating its members. The recommendation that members should be appointed by the Secretary-General in consultation with the Director of the Bureau was an acceptable compromise.

While points raised by other delegates were certainly very valid, it might be difficult to incorporate them in the text of the Convention; perhaps it would be more appropriate to make CV128S as concise as possible and to include other relevant points in a resolution.

4.29 The delegate of China considered that the role of the Telecommunication Development Advisory Board was very important but should remain strictly executive in nature, as it was for the Plenipotentiary Conference to determine overall strategy and policy. Due attention must be given to geographical distribution when determining the composition of the Board.

4.30 The delegate of Zimbabwe recalled that when the High Level Committee had consulted representatives from the private sector who were potential members of the Advisory Board, they had indicated their unwillingness to participate if the appointment was made at a political level, namely by the Administrative Council or a Plenipotentiary Conference, on the grounds that it would entail a more binding obligation. He therefore recommended a more flexible solution such as the appointment of members by the Secretary-General or the Director of the BDT.

4.31 The delegate of Saudi Arabia endorsed the remarks of the representatives of Morocco and Zimbabwe. He stressed that the purpose of the creation of an Advisory Board was to strengthen links with the private sector, drawing on its expertise and financial resources, if possible. He therefore endorsed the original proposal as formulated by the High Level Committee in its recommendations.

4.32 The delegate of Algeria said that the dual objective of the Advisory Board was to assist in the preparatory work for development conferences and ensure the proper implementation of their decisions. The Development Sector would certainly benefit from an Advisory Board whose membership reflected the broad spectrum of the international telecommunications community including administrations, private sector and industry. In his view, the appointment of members to the Advisory Board should be the responsibility of the Director of the BDT, in consultation with the Secretary-General, and not vice versa, for it was the Director who had overall responsibility for the success of activities in the Development Sector.

4.33 The delegate of Mexico endorsed the remarks of previous speakers to the effect that responsibility for appointing members to the Advisory Board should not lie with the Administrative Council. Notwithstanding, provision should be made in the relevant treaty text for the Administrative Council to review the criteria for membership of the Advisory Board and take any other appropriate steps.

4.34 The delegates of Colombia and the Republic of Korea were also of the opinion that members of the Advisory Board should be appointed by the Director of the BDT in consultation with the Secretary-General.

4.35 The Chairman, summing up the discussion so far, noted that there was considerable support for the recommendation as originally formulated by the High Level Committee, as well as for the views expressed by the delegate of Morocco. The main issue to be resolved was how much guidance should be included in the Convention on the subject of membership of the Advisory Board. Some delegates had pointed to the need for a degree of flexibility which would allow a world development conference or session of the Administrative Council to make adjustments subsequently, as required. It had also been suggested that the policy issues raised by the delegation of Senegal would best be dealt with by means of a resolution. In view of the circumstances, he suggested that a working group be set up to prepare a revised text for CV128S, taking into account the views expressed and proposals made in the course of the meeting. It might also consider the necessity of drafting an appropriate resolution on the subject.

4.36 It was decided to set up ad hoc Working Group 4A for that purpose, under the chairmanship of the delegate of Singapore and with the participation of the delegates of Algeria, Argentina, Grenada, the United States, India, Indonesia, the Islamic Republic of Iran, Japan, the Netherlands, Senegal, Tanzania and Zimbabwe.

5. Allocation of work to the Radiocommunication and Standardization Sectors (Document 76)

5.1 The Chairman invited the Directors of the CCIR and the CCITT to introduce Document 76 and comment on the redistribution and coordination of studies between the Radiocommunication Standardization Study Groups.

5.2 The Director of the CCIR said that Document 76 outlined the steps already taken to ensure that the work programmes for the two new Sectors would be fully in line with the decisions of the present Conference in time for the 1994 Plenipctentiary Conference. In that connection, he drew attention to the joint meeting of the CCIR and CCITT Strategic Advisory Groups scheduled for January 1993, in which representatives from the administrations and other organizations were invited to participate. The main objective of the meeting would be to review and provide guidance on topics to be allocated to the Study Groups of the Radiocommunication and Standardization Sectors. It would also recommend arrangements for subsequent liaison and coordination of topics of joint interest. In conclusion, he stressed that both he and the Director of the CCITT were committed to achieving those objectives and were persuaded that they could count on the full cooperation of ITU Member countries in that task.

5.3 The Director of the CCITT, after placing emphasis on the close cooperation which existed between himself and the Director of the CCIR, recalled the various stages in the process of consolidating the standardization activities of the two CCIs. Significant progress had been made since the process had originally been discussed at the Nice Plenipotentiary Conference and termed, inappropriately, the merging of the Consultative Committees. Although the two organs had initially held very different views on the matter, following discussions in the High Level Committee a reasonable compromise had been reached which took the form of the "indicative list" of questions referred to in Document 76. Further discussion had taken place in the relevant CCIR Group and the next stage in the process would be the joint meeting of the two CCIs' Strategic Advisory Groups scheduled for January 1993.

5.4 There were a number of important lessons to be drawn from the experience. Firstly, the consensus that had gradually been built up was extremely encouraging and some common ground had emerged. Furthermore, it had proved, and continued to be, a useful learning process for the two Consultative Committees whose working methods and organization were entirely different. Lastly, he drew attention to the evolutionary approach advocated in Document 76 , which hinged on two basic principles: the importance of not disrupting ongoing activities in the Study Groups while at the same time avoiding any unnecessary delay in the process of consolidation. The document was a clear indication of the willingness on the part of both Directors to implement the decisions of the present Conference relating to the reallocation of work to the two new Sectors.

5.5 In conclusion, he stressed the importance of making rapid progress, for time was of the essence in the field of standardization. Furthermore, some degree of flexibility would need to be allowed when drawing the line between the two Sectors, and he appealed to delegates to be comprehensive and cooperative in that respect.

5.6 The Chairman of the High Level Committee endorsed the previous speaker's latter remarks in particular. As technologies rapidly progressed and converged it was essential to adopt a flexible approach. The dividing line between the activities of the Radiocommunication and Standardization Sectors was likely to change over the years, hence the importance attached by the High Level Committee to the concept of continual review. The outcome of joint activities undertaken so far was encouraging, as was the growing spirit of cooperation between the two Consultative Committees, and he was confident that the Conference would maintain the consensus they had developed.

The meeting rose at 1700 hours.

The Secretary:
K. OLMS

The Chairman:
C. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 122-E
14 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

FIFTH MEETING OF COMMITTEE 4

Thursday, 10 December 1992 at 0905 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Organization of work	-
2.	Allocation of work to the Radiocommunication and Standardization Sectors (continued)	Documents 19, 26+Add.1, 27 35, 42, 76
3.	Consideration of proposals relating to Chapter III, Articles 13B, 13C, 13D and 13E of the draft Constitution	Basic Document I, DT/1
4.	Consideration of proposals relating to Section 6 of the draft Convention	Basic Document II, DT/1, 57

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1. Organization of work

1.1 The Chairman said that he had now ascertained from the Chairman of Committee 5 that references to specific provisions of the Convention should be deleted from the text of the Constitution. He would draw the relevant items to the attention of the Editorial Committee so that the Secretariat could provide the necessary cross-references.

2. Allocation of work to the Radiocommunication and Standardization Sectors (continued) (Documents 19, 26+Add.1, 27, 35, 42, 76)

2.1 The Chairman of the High Level Committee drew attention to H.L.C. Recommendations 37 and 38 recommending that the initial division of CCITT/CCIR work between the Sectors should be based on certain specifications, and pointing out the need to keep the position in both Sectors under continuous review since the distribution of work would change over time to reflect changes in the telecommunications environment. Recommendation 39 suggested that the statement of duties of both Sectors should be drafted in broad terms to permit any necessary future changes.

2.2 In response to a question by the delegate of the Russian Federation, the Chairman indicated that the discussion on what was generally agreed to be a key issue should be general and that it would help to clarify the treaty instruments to be considered in detail later on.

2.3 The delegate of the Russian Federation said that his Administration supported the proposals of the High Level Committee. Whatever the structure adopted and whatever names were given to the Sectors, the Committee still had to establish the borderline between the two areas of competence. The H.L.C.'s proposals should be approved as a basis and, as he understood it, the Committee would be deciding upon the allocation of tasks between the CCIR and the CCITT. Since that process was to be an ongoing one, the Conference would have to take the appropriate decisions. To go further than the steps recommended by the H.L.C. would be somewhat premature: the Committee should, in his view, proceed with caution.

2.4 The Chairman said that the title of the agenda item should be understood as referring to the allocation of work between the Study Groups.

2.5 The delegate of Australia drew attention to Document 19 containing his Administration's proposals for the allocation of work to the Telecommunication Standardization and Radiocommunication Sectors, and to its proposed draft Resolution [AUS-3]. His Administration fully endorsed Recommendations 36 to 39 in the H.L.C. Report as an initial approach to allocation between the Sectors. Australia's proposals addressed the question of putting those recommendations into practice as quickly as possible. A fresh examination of the work of both Sectors was needed, and past tasks should not merely be continued with the transfer of some of them between Sectors. Draft Resolution [AUS-3] took note of the work of the Directors of the CCIR and the CCITT, endorsed the principles set out in CCIR Document A106-2/20(Rev.2), instructed the Directors of the CCIR and the CCITT, in consultation with the Secretary-General, to provide some proposals for the division of work to the January 1993 meetings of the ad hoc Groups, and invited the Members of the Union to consider the Directors' proposal for the initial allocation of work to the two Sectors. CCIR Resolution 106 relating to the CCIR ad hoc Advisory Group on strategic review and planning, (annexed to Document 19), provided an excellent basis for assessing the allocation of work between the two Sectors. It was not for the Conference, but for the Sectors themselves, to decide on the details of the division of work; however, the Conference should establish some principles to be passed on to the Sectors for their guidance. The Australian draft resolution suggested nine principles which provided a sound and flexible basis for the division of work.

2.6 Since the Australian proposals were similar to those submitted by Canada, Germany, a group of European countries and the United States, his delegation would be happy if a combined proposal could be put forward.

2.7 The delegate of France introduced the European common proposals (EUR/27/1-5) contained in Document 27. The sponsoring administrations fully endorsed the recommendations of the High Level Committee on the establishment of a Standardization Sector, which must, however, be given the necessary competence if the ITU was to retain credibility in the eyes of other organizations dealing with standardization issues at the world and regional levels. While the Radiocommunication Sector should define and control the environment within which radio systems would be expected to operate, the Standardization Sector should develop appropriate equipment and system specifications to meet the parameters so specified. Annex 1 to Document 27 illustrated those principles, dealing with the proposed CCIR work to be placed in the Radiocommunication Sector, the division between the Radiocommunication and Standardization Sectors, and the impact on the future of the CCIR Study Groups, whose activity should not be diluted. Draft Resolution [EUR-1] established the need for cooperation between the two Sectors on the distribution of work, established a mechanism for continuing review by the Advisory Groups and requested the Plenipotentiary Conference (Kyoto, 1994) to make the appropriate amendments to the Convention. The draft resolution was in line with Recommendations 37 and 38 of the H.L.C. which should, however, be kept under review.

2.8 The delegate of Canada introduced Document 35 containing his Administration's proposal for editorial amendments to Article 5A of the Convention on the functions and duties of the Radiocommunication Study Groups and Advisory Groups. Canada agreed that it was possible to establish guidelines for the allocation of work between the Radiocommunication and Standardization Sectors and, in addition to Document A106-2/20(Rev.1) referred to by Australia, wished to draw attention to Annex 6 to CCIR Administrative Circular 380. His Administration proposed that a resolution be adopted specifying the relevant principles which would govern the allocation of work between the Radiocommunication and Standardization Study Groups, and his delegation would be willing to take part in any working group set up to harmonize the various proposals.

2.9 The Chairman suggested that the Committee should revert to the question of editorial changes to Article 5A when it returned to the detailed treaty text on the Radiocommunication Sector.

2.10 The delegate of Germany, introducing Document 42 containing proposals, said that his Administration endorsed the proposals of the High Level Committee subject to a few amendments concerning the allocation of work between the Radiocommunication and Standardization Sectors, whose establishment it also supported. The initial allocation of work proposed by the H.L.C. provided for only a limited amount of the standards work now done in CCIR to be transferred to the Standardization Sector. In that connection, he fully agreed with the division of responsibility between the two Sectors described by the delegate of France in introducing the European proposals. The ITU could only retain its leading role in worldwide standardization in the field of telecommunications if it adapted its structure and working methods to the real requirements of the rapidly changing telecommunications environment. The Radiocommunication Sector should deal with the environment within which radio systems operated, including effective spectrum utilization and sharing aspects, and covering work related to the Radio Regulations. The Standardization Sector should address equipment and system specifications. Obviously, there would need to be close cooperation between the two Sectors, but that should not be difficult to arrange. In general, he agreed with the proposals in Document 27 for the allocation of work between the two Sectors but considered that the separation of tasks should be achieved more quickly. The standardization work being carried out in CCIR Study Groups 4, 8, 9, 10 and 11 should be transferred to the Standardization Sector, with the rest of the work of those Study Groups remaining within the

Radiocommunication Sector. There would need to be effective machinery to review and determine the detailed allocation of work between the two Sectors so as to avoid duplication or fragmentation of activities. Document 76 provided a useful basis for the redistribution and coordination of studies. Document 42 included proposals to modify the text of Articles 5A and 6A of the Convention, as well as the text of a draft resolution which, in particular, called for the decisions of the Additional Plenipotentiary Conference with regard to the initial division of work between the Study Groups of the two Sectors to be implemented at a joint meeting of the CCITT and CCIR ad hoc Advisory Groups to be held in January 1993.

2.11 The delegate of the United States, explaining the proposals contained in Document 26 and Addendum 1 (USA/26/1-6 and USA/26/59), said that the idea of transferring the CCIR standard-setting activities to the Standardization Sector ignored the CCIR's important ability to specify radio system parameters and operational conditions. A principal function of the CCIR was to develop appropriate criteria so that shared use of the radio spectrum by two or more radio services could be achieved while optimizing efficient utilization of the spectrum and, where applicable, the geostationary-satellite orbit. Shared use of those two limited but non-depleting natural resources had been an essential aspect of the planning and implementation of modern radiocommunication services. Spectrum-sharing criteria and system performance could not be separated. Such sharing had enabled the world community to enjoy the benefits of terrestrial and satellite-based mobile communication, radar control of commercial aircraft in congested operating areas, and weather forecasting based on satellite imagery, to name but a few examples of radio services with their own particular relationship between spectrum use and system performance. In order to develop workable spectrum-sharing criteria, radio system designers, planners and operators had to consider a wide range of operating and functional parameters of the radio system, such as frequency band use and transmitter power. Some of those were listed in Document 27, in the proposals of a group of European countries (EUR/27/1-5). Those characteristics had to be defined by the radio system; they were not just standards. As new communications systems had emerged, new sharing systems had evolved, for example, the fixed-satellite service sharing with the fixed services, and space research sharing many bands with a variety of other services. In each case, the CCIR had successfully developed criteria which permitted the specific services to share the spectrum. Those criteria necessarily required adjustment of system design and operational parameters. The interplay between operational parameters and sharing criteria led to specifications for system parameters which could be considered to be "standards". That area should continue to be addressed within the Radiocommunication Sector in close cooperation with the Standardization Sector, continuing the close cooperation that had existed between CCIR and CCITT in the past.

2.12 The delegate of Morocco said that it would take about half the telecommunications staff of his country to study the some 19 000 pages of recommendations and attend the 15 000 - 16 000 days of CCI meetings per year. For resource reasons, therefore, his Administration was only represented at the Plenary Assemblies of the CCIs. Nevertheless, the work of the CCIs was of great importance to his own and to other developing countries. The BDT should therefore be adequately staffed so as to be in a position to hold information meetings to report to developing countries on progress of work in the CCIs. Referring to the proposals for the allocation of work between the Radiocommunication and the Standardization Sectors, he stressed that the present Conference could not go into detail on the distribution of tasks. Provisions CV122L and CV116S of the Convention provided mechanisms for that purpose. He called for a general acceptance of the H.L.C. recommendations and offered to work with the interested parties on drawing up a compromise text on the basis of the H.L.C. proposals.

2.13 The delegate of Algeria endorsed the flexible approach adopted by the Directors of the CCIR and the CCITT in allocating work. The future of the IFRB was of particular concern to developing countries. While not necessarily advocating that the status quo should be maintained, he emphasized the important functions of the IFRB in representing the interests of developing countries, upon request, and acting as a coordinating and consultative mechanism for the elimination of harmful interference. In that respect, he pointed to the great gap between the means available to developed and developing countries. The tasks of the IFRB were not purely mechanical and could not all be computerized. There remained a need for human interest, knowledge and an appreciation of the problems of developing countries.

2.14 The delegate of Japan supported the proposed allocation of work between the Radiocommunication and Standardization Sectors, as reflected in the draft Constitution and Convention. Such an allocation would strengthen the standardization capability of the ITU. He endorsed the work carried out within the two CCIs on the distribution of tasks and considered that responsibility for distributing work between the two Sectors could be left to a joint ad hoc Group of the CCIs.

2.15 The delegate of Canada said that the principal focus of the Radiocommunication Sector was on spectrum management, with regulatory aspects comprising only part of that function. Limiting the Radiocommunication Sector to a study of regulatory aspects would be a distortion in the new ITU environment. It should be borne in mind that the recommendations issued by the new Radiocommunication and Standardization Sectors would be voluntary, whereas regulations of a mandatory or international treaty nature would be implemented through the Radio Regulations. The Standardization Sector would deal with the interoperability of national and international networks, including protocols and common interfaces. The prime objective of spectrum management was to avoid interference. Interoperability was a desirable but not essential aspect of spectrum management since many radio systems were not connected to the public switched network. The end-to-end performance of a telecommunication service, as distinct from a radio system, was a legitimate concern of the Standardization Sector. But to the extent to which a radio system was used, the performance of that system was determined by the expectations of the end user and by the immutable characteristics of radio propagation.

2.16 The Chairman suggested that ad hoc Group 4B should be set up under the chairmanship of Australia to draft a resolution, within the framework of the H.L.C. proposals, for an initial allocation of work between the Radiocommunication and Standardization Sectors and the subsequent review of that transfer of work. The ad hoc Group might, if it so wished, comment on the text of the treaties, but that was not its primary purpose.

2.17 It was so agreed.

2.18 The delegate of China said that his delegation had supported the Chairman's suggestion for the sake of making progress in the work, although the issues involved in the allocation of tasks to the Sectors were not yet clear. It was also important, in that regard, to make provision for the developing countries' administrations, which made up some 80 per cent of the Union's membership, to participate adequately in the activities, since their participation in the Study Groups of the CCIs had been very limited.

2.19 The Chairman said he was sure that that aspect would be borne in mind and, in that connection, recalled the observation by the delegate of Morocco on the need for information meetings. With the establishment of ad hoc Group 4B, the Committee had for the time being completed its consideration of the allocation of work to the Radiocommunication and Standardization Sectors.

3. Consideration of proposals relating to Chapter III, Articles 13B, 13C, 13D and 13E of the draft Constitution (Basic Document I, Document DT/1)

3.1 The Chairman invited the Committee to consider the draft text of Chapter III of the Constitution, relating to the Telecommunication Standardization Sector.

ADD Title

3.2 Approved.

Article 13B: Functions and Structure

ADD Title

3.3 Approved.

ADD CS111B

3.4 The delegate of Australia said that his delegation's proposal AUS/33/1 to replace the word "adopting" by "making" was a matter of drafting which could perhaps be left to the Editorial Committee.

3.5 The delegate of the United States supported the Australian proposal.

3.6 Following a brief discussion in which the delegates of Saudi Arabia, Morocco, Australia, Spain and Cuba, the Chairman of the Drafting Group and the Chairman of the Editorial Committee took part, the delegate of Australia withdrew proposal AUS/33/1.

3.7 ADD CS111B was approved as proposed by the Drafting Group.

ADD CS111C

3.8 The delegate of the United States said that the informal consultations being held on the text had not yet enabled all the difficulties to be solved, particularly with regard to the term "precise responsibilities". It might perhaps be advisable to place the text within square brackets until ad hoc Group 4B had completed its work.

3.9 The Chairman, replying to an observation by the delegate of Côte d'Ivoire, agreed that for the sake of consistency, the same text should appear in the provisions relating to each Sector. In reply to a question by the delegate of Lebanon, he said that the United States delegation would continue to convene informal consultations in that regard.

3.10 It was agreed to place the text of CS111C within square brackets.

ADD CS111D, ADD CS111E, ADD CS111F, ADD CS111G, ADD CS111H, ADD CS111I

3.11 Approved.

ADD CS111J

3.12 The Chairman said he took it that the Committee could accept proposal EUR/27/57 to replace "Article 7D" by "the relevant provisions", in the interests of consistency with previous similar decisions and subject to appropriate cross-referencing.

3.13 It was so agreed.

3.14 ADD CS111J, as amended, was approved.

Article 13C: World Telecommunication Standardization Conferences

ADD Title, ADD CS111K, ADD CS111L, ADD SC111M

3.15 Approved.

Article 13D: Telecommunication Standardization Study Groups

ADD Title, ADD CS111N

3.16 Approved, subject to minor editorial amendments.

Article 13E: Telecommunication Standardization Bureau

ADD Title, ADD CS111O

3.17 Approved, subject to minor editorial amendments.

3.18 With the exception of ADD CS111C, Chapter III of the draft Constitution as a whole, as amended, was approved.

4. Consideration of proposals relating to Section 6 of the draft Convention (Basic Document II, DT/1, 57)

4.1 The Chairman invited the Committee to take up Section 6 of the draft Convention, relating to the Telecommunication Standardization Sector.

ADD Title

4.2 Approved.

Article 6: World Telecommunication Standardization Conference

MOD Title

4.3 Approved.

SUP CV117, SUP CV118, SUP CV119, SUP CV120

4.4 Approved.

ADD CV120A

4.5 Approved.

MOD CV121

4.6 The delegate of the Russian Federation suggested that the text of the provision should be placed within square brackets, particularly since it seemed unwise to omit all reference to the IFRB before the division of tasks among the Sectors had been determined.

4.7 The delegate of the United Kingdom said that the original text, prior to its amendment by the Drafting Group, had referred to both CCIs. Since, however, the Drafting Group's text related only to the Standardization Sector, it seemed appropriate to delete the reference to the IFRB. That view was supported by the delegate of Uruguay, who said he saw no need to place the text within square brackets. The Chairman of the Drafting Group having referred delegates to CV109R in that connection, the delegate of the Russian Federation said that he would not press the point.

4.8 The delegate of Mexico drew attention to proposal MEX/57/60 containing a drafting amendment to the Spanish text. The Chairman said that the Mexican amendment would be drawn to the Editorial Committee's attention.

4.9 On that understanding, MOD CV121 was approved.

SUP CV122, ADD CV122A

4.10 Approved.

ADD CV122B

4.11 The delegate of Australia said that the purpose of proposal AUS/33/6 was to simplify and speed up procedures, since it was hoped that most decisions on draft recommendations would have been taken by postal ballot before the world conferences took place.

4.12 The delegate of Algeria said that although he appreciated attempts to clarify texts, he failed to see how the Australian proposal would do so; indeed, it might implicitly even highlight the possible rejection of draft recommendations. The text should be kept as it stood.

4.13 Following a brief discussion in which the Chairman of the Drafting Group and the delegates of Uruguay, Morocco, Spain, the United Kingdom and the United States took part, it was agreed that delegations interested in the matter should discuss it informally before the next meeting.

The meeting rose at 1205 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 123-E
14 December 1992
Original: English

PLENARY MEETING

Note by the Secretary-General

TRANSFER OF POWERS

EL SALVADOR - UNITED STATES

The Government of El Salvador has informed me that it cannot send a delegation to the Conference.

In pursuance of No. 391 of the Convention, it has given the delegation of the United States powers to vote and sign on its behalf.

The instrument for the transfer of powers has been deposited in fax form with the secretariat of the Credentials Committee, which has requested the Government of El Salvador to forward the original thereof.

Pekka TARJANNE
Secretary-General

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 124-E
15 December 1992
Original: English

COMMITTEE 5

SUMMARY RECORD

OF THE

FIFTH MEETING OF COMMITTEE 5

Thursday, 10 December 1992 at 1100 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 3 of the draft Convention (continued)	Basic Document II, DT/1
2.	Consideration of proposals relating to Article 11 of the draft Constitution	Basic Document I, DT/1
3.	Consideration of proposals relating to Articles 4 and 25 of the draft Convention	Basic Document II, DT/1

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1. Consideration of proposals relating to Article 3 of the draft Convention (continued) (Basic Document II, Document DT/1)

1.1 The Chairman invited the Committee to resume its consideration of Article 3. Replying to a request for clarification by the delegate of the Russian Federation, he confirmed that all titles of organs in the text were being placed in square brackets for further review in the light of Committee 4's decisions concerning the internal structure of the ITU.

MOD CV46, SUP CV47, SUP CV48, SUP CV49, SUP CV50, SUP CV51, MOD CV52, SUP CV53, SUP CV54, SUP CV55, (MOD) CV56, CV57, CV58, CV59, CV60, ADD CV60A

1.2 Approved.

ADD CV60B

1.3 The Chairman reminded the Committee that the text had already been approved, with the insertion of square brackets round the words "Bureaux of the Sectors", at the Committee's previous meeting.

ADD CV60C, MOD CV61, SUP CV62

1.4 Approved.

ADD CV62A

1.5 The Chairman recalled that discussion had already taken place on the concept of a biennial budget; in principle, therefore, the Committee should agree with the Drafting Group's text.

1.6 ADD CV62A, as proposed by the Drafting Group, was approved.

ADD CV62B

1.7 The Chairman invited the Committee to consider the amendments proposed by administrations in Document DT/1.

1.8 The delegate of China, supported by the delegates of Kenya and Brazil, pointed out that proposal CHN/13/32 related an annual audit, not a budget.

1.9 ADD CV62B was approved, as amended by proposal CHN/13/32.

1.10 The Chief of the Finance Department, providing further information on the question of whether the Committee, having approved a biennial budget cycle, could then approve an annual audit, said that it emerged from discussions with the External Auditors that their task would prove impossible if the accounts had to be closed at the end of each year. An interim audit could be carried out, however, for submission to the Administrative Council. He stressed that flexibility would be lost if funds could not be transferred from one year to another within the biennial period.

1.11 The Chairman, observing that the Committee had approved CV62B before the statement by the Chief of the Finance Department, asked if the Committee wished to reopen the debate.

1.12 The delegate of Côte d'Ivoire considered it inappropriate to reopen a debate on an item which had already been approved, on the grounds that explanations had been provided after approval.

1.13 The delegate of the United States did not think it necessary to reopen the debate, as the requirement for an annual audit could be approved on the understanding that it would be an interim audit, the accounts remaining open at the end of the year in the interests of flexibility.

1.14 It was agreed not to reopen the debate on MOD CV62B.

MOD CV63

1.15 Approved, subject to the insertion of square brackets around the word "Sectors".

ADD CV63A, ADD CV63B, SUP CV64, SUP CV65, SUP CV66, SUP CV67, SUP CV68

1.16 Approved.

SUP CV69

1.17 The Chairman noted that the Drafting Group's suggestion was to delete the text. Proposal E/23/19 by Spain formed part of a broader package and he therefore suggested that it be placed in square brackets.

1.18 Proposal E/23/19 (MOD CV69) was approved and placed in square brackets.

MOD CV70, MOD CV71

1.19 Approved.

ADD CV71A

1.20 The Chairman drew attention to the proposals set out in Document DT/1; the one by Singapore (SNG/38/4) appeared to be essentially editorial.

1.21 The delegate of Kenya, introducing proposal KEN/22/21, said that it placed a duty on the Council to submit agreements to the next Plenipotentiary Conference, whereas provision CS59 did not expressly provide for that function.

1.22 The delegate of Zambia supported the Kenyan proposal.

1.23 Replying to questions by the delegates of Canada and Brazil, the Legal Adviser said that provision CS59 did not state expressly that provisional agreements should be submitted to the Plenipotentiary Conference; the addition of the text proposed by Kenya would render provision CV71A more specific and precise, by making such submission mandatory.

1.24 ADD CV71A, as amended by proposal KEN/22/21, was approved.

ADD CV71B, MOD CV72, SUP CV73, SUP CV74

1.25 Approved.

1.26 Article 3 of the draft Convention as a whole, as amended, was approved.

2. Consideration of proposals relating to Article 11 of the draft Constitution (Basic Document I, Document DT/1)

2.1 The Chairman invited the Committee to take up the amendments proposed to Article 11 of the draft Constitution in Document DT/1.

MOD CS81

2.2 The delegate of Kenya, introducing proposal KEN/22/3, expressed the view that the final sentence of the text proposed by the Drafting Group was both abrupt and redundant, being covered in provision CS85, and should therefore be deleted.

2.3 The delegate of Brazil, supported by the delegate of Spain, said he doubted that the two sentences in question conveyed precisely the same meaning, and requested further clarification.

2.4 Following a short discussion, proposal KEN/22/3 to delete the last sentence of MOD CS81 was approved.

2.5 MOD CS81, as amended, was approved.

2.6 The Chairman invited the Committee to consider the provisions of Article 11 of the draft Constitution (Basic Document I) to which no amendments had been proposed by administrations.

CS78, SUP CS79, ADD CS79A, SUP CS80, ADD CS81A, SUP CS82, SUP CS83, SUP CS84

2.7 Approved.

(MOD) CS85

2.8 The delegate of Australia, having regard to the discussion which had taken place in respect of MOD CS81, proposed that the sentence which had been deleted from the end of that provision should be inserted at the beginning of (MOD) CS85, the next sentence of which would then be amended to read: "He shall assist ...".

2.9 It was so agreed.

2.10 (MOD) CS85, as amended, was approved.

2.11 Article 11 of the draft Constitution as a whole, as amended, was approved.

3. Consideration of proposals relating to Articles 4 and 25 of the draft Convention (Basic Document II, Document DT/1)

Article 4

3.1 The Chairman drew attention to the amendments proposed by administrations in Document DT/1.

MOD CV76

3.2 The delegate of Kenya, introducing proposal KEN/22/22, said that it followed on from earlier amendments adopted by the Committee regarding the role of the Coordination Committee.

3.3 There being no support for proposal KEN/22/22, the text proposed by the Drafting Group for MOD CV76 was approved.

SUP CV90

3.4 At the suggestion of the Chairman, it was agreed that the provisions should be placed in square brackets pending the decision of Committee 4 regarding the Radiocommunication Sector.

MOD CV101

3.5 In accordance with the Committee's previous decision regarding the biennial budget cycle, proposals CHN/13/33 and KEN/22/23 were not considered, and the text proposed by the Drafting Group was approved.

MOD CV105

3.6 The delegate of Oman introduced proposal OMA/12/20, according to which the Coordination Committee would be required to submit an annual financial operating report to the Council rather than to the Plenipotentiary Conference, upon which the current practice imposed too great a burden.

3.7 The delegates of Qatar and the United Arab Emirates supported the proposal.

3.8 MOD CV105, as amended by proposal OMA/12/20, was approved.

3.9 The Chairman invited the Committee to take up the provisions of Article 4 (Basic Document II) to which no amendments had been proposed by administrations.

CV75, ADD CV75A, ADD CV76A, MOD CV77, MOD CV78, MOD CV79, MOD CV80, MOD CV81, MOD CV82, MOD CV83, ADD CV83A, MOD CV84, (MOD) CV85, MOD CV86, ADD CV86A, SUP CV87, SUP CV88, SUP CV89, SUP CV91, SUP CV92, SUP CV93, SUP CV94, SUP CV95, SUP CV96, SUP CV97, (MOD) CV98, SUP CV99, SUP CV100, MOD CV101, SUP CV102, SUP CV103, SUP CV104, MOD CV105, MOD CV106, (MOD) CV107, MOD CV108, MOD CV109

3.10 Approved.

Article 25

3.11 The Chairman invited the Committee to consider the proposed amendments to Article 25 of the draft Convention set out in Document DT/1.

ADD CV260A

3.12 The Chairman, after referring to proposals CAN/35/34 and USA/26/51, suggested that the Committee should approve the text proposed by the Drafting Group, with square brackets around the terms "Technical Committee" and "Radio Regulations Committee".

3.13 It was so agreed.

MOD CV265

3.14 The Chairman, after referring to proposals CAN/35/35 and USA/26/52, said that if he heard no objection he would take it that the Committee agreed to place square brackets around the term "Radio Regulations Committee".

3.15 It was so agreed.

MOD CV273

3.16 The Chairman suggested that proposals CAN/35/36 and USA/26/53 should be treated in the same way as those relating to the two earlier provisions, and that the term "Technical Committee of a world radiocommunications conference" should be placed in square brackets.

3.17 It was so agreed.

ADD CV273A

3.18 The Chairman, after referring to propsals CAN/35/37 and USA/26/54, observed that, as in the case of the previous provisions, the name of the Committee should be placed in square brackets.

3.19 The delegate of Morocco, introducing proposal MRC/31/8, suggested that No. 128AC of the Convention would allow participation by a wider range of regional and international organizations in the work of the Radiocommunication Sector as members rather than observers.

3.20 After further discussion, it was agreed to place ADD CV273A in square brackets pending a decision on Article 7D of the draft Convention.

ADD CV273B

3.21 The Chairman, after drawing attention to proposal MRC/31/9, suggested that the entire provision be placed in square brackets pending a decision on Article 7D.

3.22 It was so agreed.

ADD CV311A, MOD CV364

3.23 It was agreed to place square brackets around the words "Technical Committee of a world radiocommunication conference".

ADD CV366A

3.24 The delegate of Canada introduced proposal CAN/35/43, aimed at achieving greater consistency with the H.L.C. Report. While there was general agreement that the press and the public should not be excluded from ITU conferences, the decision in any particular case should be made by the Secretary-General rather than by Heads of delegation.

3.25 The proposal was supported by the delegates of the United States, Australia and Japan.

3.26 The delegate of Spain, while not disagreeing in principle with the proposal, was inclined to think that any decision to exclude the press and public from a conference should be made by the Heads of delegations themselves. However, if the majority view was that the Secretary-General should make that decision, his delegation would not oppose it.

3.27 The delegate of Kenya agreed in principle that meetings of the Union should be open to the press and the public; however, since such meetings were essentially private meetings for members or invited delegates, it was for the participants rather than an ITU official to decide who other than themselves should be admitted.

3.28 The delegate of the United States, supporting proposal CAN/35/43, said that the H.L.C. had, in his view rightly, decided that the ITU should become more open to the public. The proposed amendment was in no way detrimental to that spirit of openness, but would allow practical arrangements to be made in advance and would still allow certain functions to be held in private if necessary.

3.29 The Chairman suggested that further discussion of the amendment should be deferred until a subsequent meeting. In reply to a question by the delegate of Malta, he said that proposal MLT/85/2 concerning Article 25 would be considered at that time.

The meeting rose at 1220 hours.

The Secretary:	The Chairman:
M. MALEK ASGHAR	H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 125-E
15 December 1992
Original: French

COMMITTEE 6

FIFTH SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached texts, which it is submitting to the Editorial Committee for consideration and transmittal to the Plenary Meeting.

Some numbers of the Constitution and the Convention have been put in square brackets pending the outcome of the work of Committee 4.

H. VIGNON
Chairman of Committee 5

Annexes: 2 (Fifth series of texts of the Constitution and the Convention)

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ANNEX 1

CHAPTER I

Basic Provisions

ARTICLE 1

Purposes of the Union

CS2 1. The purposes of the Union are:

CUB/71/1
MOD CS3 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~~;

CUB/71/2
ADD CS3A b) to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote mobilization of the material and financial resources needed for implementation;

CUB/71/3
(MOD) CS4 ~~b)~~c) 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;

CUB/71/4
ADD CS4A d) to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants;

(MOD) CS5 ~~c)~~e) to promote the use of telecommunication services with the objective of facilitating peaceful relations;

(MOD) CS6 ~~d)~~f) to harmonize the actions of Members in the attainment of those ends;

MEX/57/1
MOD CS6A ~~e)~~g) to promote, at the international level, a ~~more comprehensive~~broader approach to ~~the broader issues of~~ telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.

	CS7	2.	To this end, the Union shall in particular:
	CS8	a)	effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and registration of radio-frequency assignments and any associated orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different countries;
	CS9	b)	coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum and of the geostationary-satellite orbit for radiocommunication services;
	CS10	c)	facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;
	CS11	d)	foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
	CS12	e)	coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;
	CS13	f)	foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;
	CS14	g)	promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;
	CS15	h)	undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;
NOC	**CS16**	i)	promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, inter alia, at extending telecommunication services to the most isolated areas in countries.

ARTICLE 3

Rights and Obligations of Members

NOC **CS23** a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or [as members of the Radio Regulations Board];

NOC **CS24** b) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all [Study Group meetings] and, if it is a Member of the Council, all sessions of that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;

ARTICLE 10

MOD **The Council**

MOD **CS70** 1. (1) The Council shall be composed of ~~forty-three~~ Members of the Union elected by the Plenipotentiary Conference in accordance with the provisions of No. CS69B of this Constitution.

ANNEX

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

CS1001 For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

CS1002 **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.

CS1003 **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.

CS1004 **Public Correspondence:** Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

MOD **CS1005** **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, inter alia, in the capacity of delegates, advisers or attachés, persons belonging to any entity or organization authorized in accordance with ~~Article 7D~~the relevant provisions of the Convention.

NOC **CS1006** **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 a conference or at a meeting of the Union.

MOD **CS1007** **Operating Agency:** Any individual~~, or~~, company~~, or~~, corporation~~[, other than a~~ or 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 CS1008 **Recognized Operating Agency:** Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 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.

NOC CS1009

NOC CS1010 **Radiocommunication:** Telecommunication by means of radio waves.

CS1011 **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.

CS1012 **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.

CS1013 **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.

CS1014 **Telegram:** Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

CS1015 **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.

CS1016 **Private Telegrams:** Telegrams other than government or service telegrams.

CS1017 **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.

CS1018 **Telephony:** A form of telecommunication primarily intended for the exchange of information in the form of speech.

ANNEX 2

CHAPTER V

Other Provisions

ARTICLE 26

Finances

NOC CV368 1. (1) The scale from which each Member shall choose its class of contribution, in conformity with the relevant provisions of Article 17 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 1/2 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 Council.)

CV369 (2) In addition to the classes of contribution listed in No. 368 above, any Member may choose a number of contributory units over 40.

CV370 (3) The Secretary-General shall communicate the decision of each Member as to the class of contribution chosen by it to all the Members of the Union.

CV371 (4) Members may at any time choose a class of contribution higher than the one already adopted by them.

CV372 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.

CV373 (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.

CV374 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.

MOD **[CV375** 4. The following provisions shall apply to contributions by entities or organizations authorized to participate in the Union's activities in accordance with the provisions of Article 7D above and by other international organizations:]

MOD **[CV376** a) entities or organizations referred to in No. 375 above and participating in the Telecommunication Standardization Sector, in the Telecommunication Development Sector, or in the Technical Committee of a world radiocommunication conference and its Study Groups, shall share in defraying the expenses of the Sector in which they have agreed to participate; in this respect they shall freely chose from the scale in No. 368 above their class of contribution for defraying the Sector 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; this exception does not apply to the Development Sector; they may at any time choose a class of contribution higher than the one already adopted by them; the amount of the contribution per unit payable by them towards the expenses of each Sector concerned 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. 374 above;]

MOD **[CV377** b) an entity or organization referred to in No. 375 above participating in the Radio Regulations Committee of a world radiocommunication conference, a telecommunication development conference (if this entity or organization is not a

member of the Telecommunication Development Sector), or a world conference on international telecommunications, shall share in defraying the expenses related thereto, except those international organizations which are exempted by the Council, subject to reciprocity; to this effect, they shall freely choose from the scale in No. 368 above their class of contribution for defraying conference 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; the latter exception does not apply to telecommunication development conferences; they may at any time choose a class of contribution higher than the one already adopted by them. The amount of the contribution per unit payable towards the expenses 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. 374 above;]

SUP **[CV378]**

SUP **[CV379]**

NOC **CV380** c) reduction in the number of contributory units shall only be possible in accordance with the principles stipulated in the relevant provisions of Article 17 of the Constitution;

NOC **CV381** d) in the case of denunciation of participation in the work of a [Sector] or of termination of such participation (see No. 128AF above), the contribution shall be paid up to the last day of the month in which such denunciation or termination takes effect.

NOC **CV382**

NOC **CV383**

NOC **CV384** 5. The sale price of publications shall be determined by the Secretary-General, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.

NOC **CV385** 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 Council on the basis of expected requirements. At the end of each biennial budgetary period 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.

NOC CV385A 7. (1) The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent with the purposes of the Union and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.

NOC CV385B (2) Such voluntary contributions shall be reported by the Secretary-General to the Council in the financial operating report as well as in a summary indicating for each case the origin, proposed use and action taken with respect to each voluntary contribution.

ARTICLE 28

Languages

NOC CV388 1. (1) At conferences and meetings of the Union, including meetings of the Council, languages other than those mentioned in the relevant provisions of Article 18 of the Constitution may be used:

NOC CV389 a) if an application is made to the Secretary-General or to the [Director of the Bureau] 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;

CV390 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 18 of the Constitution.

NOC CV391 (2) In the case provided for in No. 389 above, the Secretary-General or the [Director of the Bureau] 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.

CV392 (3) In the case provided for in No. 390 above, 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 18 of the Constitution.

CV393 2. Any of the documents referred to in the relevant provisions of Article 18 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.

ANNEX

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:

NOC CV1001 **Expert:** A person sent by either:

a) the Government or the Administration of his country, or

b) an entity or an organization authorized in accordance with [Article 7D of this Convention], or

c) an international organization

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

NOC CV1002 **Observer:** A person sent by:

- the United Nations, a specialized agency of the United Nations, the International Atomic Energy Agency, a regional telecommunication organization, or an intergovernmental organization operating satellite systems, to participate, in an advisory capacity, in a Plenipotentiary Conference, a conference or a meeting [[of a Sector],
- an international organization to participate, in an advisory capacity, in a conference or a meeting [of a Sector], or
- the government of a Member of the Union to participate in a non-voting capacity in a regional conference,

in accordance with the relevant provisions of this Convention.

CV1003 **Mobile Service:** A radiocommunication service between mobile and land stations, or between mobile stations.

NOC CV1003A **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 CV1003B **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 Nos. 116J to 116O of this Convention, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.

NOC **CV1004** **Service Telecommunication:** A telecommunication that relates to public international telecommunications and that is exchanged among the following:

- Administrations,
- recognized operating agencies, and
- the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, [the Directors of the Bureaux, the members of the Radio Regulations Board], other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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15 December 1992
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PLENARY MEETING

Note by the Secretary-General

I have the honour to transmit to the Conference for information a list of the countries which have ratified or accepted the Constitution and Convention of Nice, 1989.

Pekka TARJANNE
Secretary-General

Annex: 1

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ANNEX

LIST OF COUNTRIES HAVING RATIFIED OR ACCEPTED (OR ACCEDED TO) THE CONSTITUTION AND CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION NICE, 1989

COUNTRIES	R = Ratification A = Accession Ac = Acceptance	DATE
Barbados	R	05.10.90
Democratic People's Republic of Korea	R	09.01.91
Canada	R	20.02.91
Gabon	R	08.04.91
Nepal	R	11.04.91
Mexico	R	24.04.91
Tunisia	R	02.05.91
Afghanistan	R	05.06.91
Swaziland	R	08.07.91
Cameroon	R	24.07.91
Ghana	R	31.07.91
United Arab Emirates	R	07.10.91
Guinea (Republic of)	R	10.12.91
Jordan (Hashemite Kingdom of)	R	29.01.92
Spain	R	27.04.92
Finland	Ac	06.05.92
Denmark	R	14.05.92
Algeria	R	05.08.92
Uruguay	R	23.10.92
Yugoslavia	R	13.11.92

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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PLENARY MEETING

Note by the Secretary-General

TRANSFER OF POWERS

UZBEKISTAN - RUSSIA

The delegation of Uzbekistan has announced that it has to leave the Conference on 15 December 1992.

Under No. 392 of the Nairobi Convention (1982), the delegation of Uzbekistan has empowered the delegation of Russia to represent it and to vote on its behalf.

Pekka TARJANNE
Secretary-General

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 128(Rev.1)-E
18 December 1992
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PLENARY MEETING

Grenada, Iran, Jordan, Lebanon, Saudi Arabia, Venezuela

PROPOSALS FOR THE WORK OF THE CONFERENCE

GRD/IRN/JOR/LBN/ARS/VEN/128/1 ADD

DRAFT RESOLUTION No. [XXX]

Relating to Immediate Action by the BDT

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having adopted

a new structure for the Union based on the Report of the High Level Committee and consisting of a Radiocommunication Sector, a Standardization Sector and a Telecommunication Development Sector,

considering

a) that the future of the ITU will depend on the extent to which these three Sectors will fulfil efficiently the duties assigned to them and that the active participation of the greatest number of Members to the activities of these Sectors is the condition for their success;

b) that the active participation of the developing countries in the activities of the Standardization and the Radiocommunication Sectors requires human and financial resources disproportionate with their capabilities;

c) that many attempts were made, with a limited success, to increase the participation of developing countries in the CCITT and in the CCIR;

d) that it adopted provision CV128P assigning to the Director of the BDT to organize, with the assistance of the two other Sectors, information meetings intended to inform developing countries on the activities of these Sectors;

e) that the GAS activities are to be transferred from the CCIR and the CCITT to the BDT in accordance with H.L.C. Recommendation 50;

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f) that developing countries may have an input in, and benefit from, the activities of the Standardization and the Radiocommunication Sectors through a close cooperation of the Bureaux of the three Sectors in organizing regular information meetings and in continuing the activities of the GAS groups,

considering further that

the programme of work of the Telecommunication Development Bureau is to be adopted by the next world development conference and that this Conference will probably be convened in 1994 only,

resolves to instruct

1. the Director of the BDT:

1.1 to set up in his Bureau, as soon as possible, a unit with the duty to start preparing, in consultation with the two other Bureaux, the details related to the planning and organization of the information meetings referred to in CV128;

1.2 to search, with the assistance of the Directors of its Bureaux of the Standardization and Radiocommunication Sectors, for appropriate mechanisms to facilitate the involvement of developing countries in the activities of these Sectors;

1.3 to prepare for consideration by the forthcoming world development conference a consolidated programme of activities in respect to 1.1 and 1.2 above;

1.4 to undertake a study with the Directors of the two other Bureaux and the Senior Chairman for coordinating the activities of the GAS (as appointed at the IXe CCITT Plenary Assembly, Melbourne, 1988), on the ways in which the GAS activities will be continued within the BDT and to prepare a report on this subject for consideration by the forthcoming world development conference.

2. the Directors of the Telecommunication Standardization and Radiocommunication Bureaux, consistent with the provisions of CV116AR and CV122V, to cooperate with the Director of the Development Bureau to provide support in relation to **resolves** 1 above.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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COMMITTEE 4

Grenada, Jordan, Lebanon, Saudi Arabia, Venezuela

PROPOSALS FOR THE WORK OF THE CONFERENCE

GRD/JOR/LBN/ARS/VEN/128/1 ADD

DRAFT RESOLUTION No. [XXX]

Relating to Immediate Action by the BDT

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having adopted

a new structure for the Union based on the Report of the High Level Committee and consisting of a Radiocommunication Sector, a Standardization Sector and a Telecommunication Development Sector,

considering

a) that the future of the ITU will depend on the extent to which these three Sectors will fulfil efficiently the duties assigned to them and that the active participation of the greatest number of Members to the activities of these Sectors is the condition for their success;

b) that the active participation of the developing countries in the activities of the Standardization and the Radiocommunication Sectors requires human and financial resources disproportionate with their capabilities;

c) that many attempts were made, with a limited success, to increase the participation of developing countries in the CCITT and in the CCIR;

d) that it adopted provision CV128P assigning to the Director of the BDT to organize, with the assistance of the two other Sectors, information meetings intended to inform developing countries on the activities of these Sectors;

e) that the GAS activities were transferred from the CCIR and the CCITT to the BDT in accordance with H.L.C. Recommendation 50;

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f) that developing countries may have an input in, and benefit from, the activities of the Standardization and the Radiocommunication Sectors through a close cooperation of the Bureaux of the three Sectors in organizing regular information meetings and in continuing the activities of the GAS groups,

considering further that

the programme of work of the Telecommunication Development Bureau is to be adopted by the next world development conference and that this Conference will probably be convened in 1994 only,

resolves to instruct

1. the Director of the BDT:

1.1 to set up in his Bureau, as soon as possible, a unit with the duty to start preparing, in consultation with the two other Bureaux, the details related to the planning and organization of the information meetings referred to in CV128;

1.2 to pursue, with the assistance of the Directors of the Bureaux of the Standardization and the Development Sectors, the consideration of means facilitating the participation of developing countries in the activities of these Sectors;

1.3 to prepare for consideration by the forthcoming world development conference a consolidated programme of activities in respect to 1.1 and 1.2 above;

1.4 to undertake a study with the Directors of the two other Bureaux and the Senior Chairman for coordinating the activitries of the GAS, on the ways in which the GAS activities will be continued within the BDT and to prepare a report on this subject for consideration by the forthcoming world development conference.

2. the Directors of the Radiocommunication and the Standardization Bureaux to provide all the necessary assistance in relation to **resolves** 1 above.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 129(Rev.1)-E/S
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COMMITTEE 4
COMISION 4

Nigeria

PROPOSALS FOR THE WORK OF THE CONFERENCE
PROPUESTAS PARA LOS TRABAJOS DE LA CONFERENCIA

This revised version does not concern the English text.

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Esta versión revisada no concierne al texto en español.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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COMMITTEE 4

Nigeria

PROPOSALS FOR THE WORK OF THE CONFERENCE

NIG/129/1
ADD

DRAFT RESOLUTION No. [XXX]

World Administrative Conference 1993

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) that in the new structure of the ITU various radiocommunication-related activities of the ITU have been merged into a Radiocommunications Sector, and

b) that the Administrative Council has made provisions in the budget of the ITU and in the schedule of meetings for a first world radiocommunications conference to be held in 1993,

considering

a) the desirability of the smooth transition and of early commencement of work in the Radiocommunications Sector;

b) the rapid progress in the development of mobile telecommunications services since the WARC-92,

resolves

1. to convene a world radiocommunications conference in Geneva in the second half of 1993:

1.1 to consider issues normally treated by the CCIR Plenary Assembly;

1.2 to organize the work of the Radiocommunications Sector;

1.3 to recommend an agenda for the next world radio conference;

1.4 to recommend improved worldwide availability of spectrum for the mobile-satellite service, in the bands 1 970 - 2 010 MHz and 2 160 - 2 200 MHz,

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instructs the Secretary-General and the interim Director of the Radiocommunications Bureau

to provide the necessary administrative and technical support to the work of the Conference,

instructs the Council

to establish the agenda for the Conference.

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 130-E
15 December 1992

B.3

PLENARY MEETING

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

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

Source	Document		Title
COM 4	86	Constitution	Articles 13B to 13E
	86/111		Article 14
			Article 14A
	86		Articles 14B and 14C
	86/111	Convention	Article 6
			Article 7A
	111		Article 7C

Note from Committee 6

With the exception of CS116B, these texts have been unanimously adopted. The delegations of the Netherlands and the United States reserve the right to reconsider the above-referenced number in Plenary Session.

M. THUE
Chairman of Committee 6

Annexes: 12 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR BLUE DOCUMENTS

The purpose of the Conference is to revise the Nice Constitution and Convention.

To this end, the Conference is using the draft texts prepared by the ITU Drafting Group on the basis of the H.L.C. Report, which are set out in Basic Documents I and II (dated 1 May 1992) and Working Documents 1 and 2 (dated 5 May 1992) sent to all Members in May 1992.

It is also using the proposals submitted by Members, who were invited to put forward proposals on the basis of the Working Documents.

The symbols in the margin in the documents submitted by Committee 6 to the Plenary Meeting for first reading (blue documents) indicate changes made by the competent Committee (Committee 4 or 5) to the text of the Working Documents; the symbols have the following meaning:

- **NOC** Provision which was modified, added or deleted by the Drafting Group, and for which the modification, addition or suppression in question was accepted unchanged by the competent Committee.

  A provision added by the Drafting Group bears one or two letters after the number of the provision. Provisions deleted by the Drafting Group are indicated by the symbol (SUP) after the number.

- **MOD** Provision modified by the competent Committee

- **SUP** Provision deleted by the competent Committee

- **ADD** Provision added by the competent Committee

- The absence of a symbol in the margin means that the Nice text has been adopted without change.

- The symbol (MOD) indicates a provision to which Committee 6 has made purely editorial amendments.

NOC CHAPTER III

NOC **Telecommunication Standardization Sector**

NOC ARTICLE 13B

NOC **Functions and Structure**

(MOD) CS111B 1. (1) The functions of the Telecommunication Standardization Sector shall be to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a worldwide basis.

[CS111C]*

NOC CS111D 2. The Telecommunication Standardization Sector shall work through:

NOC CS111E a) world telecommunication standardization conferences;

(MOD) CS111F b) telecommunication standardization study groups;

NOC CS111G c) the Telecommunication Standardization Bureau headed by the elected Director.

NOC CS111H 3. The Telecommunication Standardization Sector shall have as members:

(MOD) CS111I a) of right, the administrations of all Members of the Union;

MOD CS111J b) any entity or organization authorized in accordance with the relevant provisions of the Convention.

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* This number has not yet been transmitted to the Editorial Committee.

NOC

ARTICLE 13C

NOC

World Telecommunication Standardization Conferences

MOD CS111K

1. The duties of world telecommunication standardization conferences are specified in the Convention.

NOC CS111L

2. World telecommunication standardization conferences shall be convened every four years; however, an additional conference may be held in accordance with the relevant provisions of the Convention.

NOC CS111M

3. Decisions of world telecommunication standardization conferences must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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

ARTICLE 13D

NOC

Telecommunication Standardization Study Groups

MOD CS111N

The duties of the telecommunication standardization study groups are specified in the Convention.

NOC

ARTICLE 13E

NOC

Telecommunication Standardization Bureau

MOD CS111O

The functions of the Director of the Telecommunication Standardization Bureau are specified in the Convention.

NOC

CHAPTER IV

NOC

Telecommunication Development Sector

ARTICLE 14

NOC

Functions and Structure

[CS112]*

NOC **CS113** 2. Within the foregoing framework, the specific functions of the Telecommunication Development Sector shall be to:

NOC **CS114** 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 and structural options;

CS115 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;

MOD **CS116** c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions, monitoring the status of projects included in its development programme to ensure that they are properly executed;

MOD **CS116A** d) activate the mobilization of resources to provide assistance in the field of telecommunications to developing countries by promoting the establishment of preferential and favourable lines of credit, and cooperating with international and regional financial and development institutions.

ADD **CS116B** e) promote and coordinate programmes to accelerate the transfer of appropriate technologies to the developing countries in the light of changes and developments in the networks of the developed countries;

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* This number has not yet been transmitted to the Editorial Committee.

MOD	**CS117**	f)	encourage participation by industry in telecommunication development in developing countries, and offer advice on the choice and transfer of appropriate technology;
MOD	**CS118**	g)	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;
MOD	**CS119**	h)	collaborate with the other Sectors, the General Secretariat 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;
MOD	**CS119A**	i)	in carrying out the above functions, give special attention to the requirements of the least developed countries.
NOC	**CS120**	**(SUP)**	
NOC	**CS121**	3.	The Telecommunication Development Sector shall work through:
NOC	**CS122**	a)	world and regional telecommunication development conferences;
(MOD)	**CS122A**	b)	telecommunication development study groups;
NOC	**CS123**	c)	the Telecommunication Development Bureau headed by the elected Director.
NOC	**CS123A**	4.	The Telecommunication Development Sector shall have as members:
(MOD)	**CS123B**	a)	of right, the administrations of all Members of the Union;
MOD	**CS123C**	b)	any entity or organization authorized in accordance with the relevant provisions of the Convention.
NOC	**CS124**	**(SUP)**	

NOC

ARTICLE 14A

NOC

Telecommunication Development Conferences

NOC CS124A 1. Telecommunication development conferences shall be a forum for the discussion and consideration of topics, projects and programmes relevant to telecommunication development and for the provision of direction and guidance to the Telecommunication Development Bureau.

NOC CS124B 2. Telecommunication development conferences shall comprise:

NOC CS124C a) world telecommunication development conferences;

NOC CS124D b) regional telecommunication development conferences.

NOC CS124E 3. There shall be, between two Plenipotentiary Conferences, one world telecommunication development conference and, subject to resources and priorities, regional telecommunication development conferences.

MOD CS124F 4. The telecommunication development conferences shall not produce Final Acts. Their conclusions shall take the form of resolutions, decisions, recommendations or reports. They must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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 CS124G 5. The duties of telecommunication development conferences are specified in the Convention.

NOC ARTICLE 14B

NOC **Telecommunication Development Study Groups**

(MOD) **CS124H** The duties of telecommunication development study groups are specified in the Convention.

NOC ARTICLE 14C

NOC **Telecommunication Development Bureau**

MOD **CS124I** The functions of the Director of the Telecommunication Development Bureau are specified in the Convention.

NOC

SECTION 6

NOC

Telecommunication Standardization Sector

ARTICLE 6

NOC

World Telecommunication Standardization Conference

NOC CV117 to CV120 **(SUP)**

NOC CV120A 1. In accordance with No. 111B of the Constitution, a world standardization conference shall be convened to consider specific matters related to telecommunication standardization.

NOC CV121 2. The questions to be studied by a world telecommunication standardization conference, on which recommendations shall be issued, shall be those adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, or the Council.

NOC CV122 **(SUP)**

NOC CV122A 3. In accordance with No. 111B of the Constitution, the conference shall:

(MOD) CV122B a) consider the reports of study groups prepared in accordance with No. 122I of this Convention and approve, modify or reject draft recommendations contained in these reports;

(MOD) CV122C b) bearing in mind the guidance of the Advisory Group referred to in No. 122L of this Convention and the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions, determine their priority and urgency, and estimate the financial implications and time-scale for the completion of their study;

(MOD) CV122D c) decide, in the light of the approved programme of work referred to in No. 122C above, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

(MOD) CV122E d) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in the study of such questions;

(MOD) CV122F e) consider and approve the report of the Director on the activities of the [Sector] since the last conference.

Convention
B.3/9

NOC

SECTION 7

NOC

Telecommunication Development Sector

NOC

ARTICLE 7A

NOC

Telecommunication Development Conferences

NOC CV128A

1. In accordance with No. 112 of the Constitution, the duties of the telecommunication development conferences shall be as follows:

(MOD) CV128B

a) world telecommunication development conferences shall establish work programmes and guidelines for defining telecommunication development questions and priorities and shall provide direction and guidance for the work programme of the Telecommunication Development Sector. They may set up study groups, as necessary;

NOC CV128C

b) regional telecommunication development conferences may give advice to the Telecommunication Development Bureau concerning the specific telecommunication requirements and characteristics of the region concerned, and may also submit recommendations to world telecommunication development conferences;

MOD CV128D

c) the telecommunication development conferences [shall fix/may establish] the objectives and strategies for the balanced worldwide and regional development of telecommunications, giving particular consideration to the expansion and modernization of the networks and services of the developing countries as well as [to obtaining/consideration of] the resources required for this purpose. They shall serve as a forum for the study of policy, organizational, operational, regulatory, technical and financial questions and related aspects, including the identification and implementation of new sources of funding;

NOC CV128E

d) world and regional telecommunication development conferences, within their respective sphere of competence, shall consider reports submitted to them and evaluate the activities of the Sector; they may also consider telecommunication development aspects related to the activities of the other Sectors of the Union.

MOD CV128F

2. The draft agenda of telecommunication development conferences shall be prepared by the Director of the Telecommunication Development Bureau and be submitted by the Secretary-General to the Council for approval with the concurrence of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, subject to the provisions of No. 29 of this Convention.

NOC ARTICLE 7C

NOC **Telecommunication Development Bureau and Advisory Board**

NOC CV128H 1. The Director of the Telecommunication Development Bureau shall organize and coordinate the work of the Telecommunication Development Sector.

NOC CV128I 2. The Director shall, in particular:

(MOD) CV128J a) participate as of right, but in an advisory capacity, in the deliberations of the telecommunication development conferences and of the telecommunication development study groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Development Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

[CV128K]*

(MOD) CV128L c) exchange with members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Development Sector, and arrange with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

NOC CV128M d) assemble and prepare for publication, in cooperation with the General Secretariat and the other Sectors 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 CV128N e) submit to the world telecommunication development conference a report on the activities of the Sector since the last conference; the Director shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference;

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* This number has not yet been transmitted to the Editorial Committee.

NOC CV128O f) prepare a cost-based budget estimate for the requirements of the Telecommunication Development Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

NOC CV128P 3. The Director shall work collegially with the other elected officials in order to ensure that the Union's [catalytic role] in stimulating telecommunication development is strengthened and shall make the necessary arrangements with the Director of the Bureau concerned for the convening of information meetings on the activities of the Sector concerned.

MOD CV128Q 4. At the request of the Members concerned, the Director, with the assistance of the Directors of the other Bureaux and, where appropriate, the Secretary-General, shall study and offer advice concerning their national telecommunication problems; where a comparison of technical alternatives is involved, economic factors may be taken into consideration.

NOC CV128R 5. The Director shall choose the technical and administrative personnel of the Telecommunication Development Bureau within the framework of the budget as approved by the Council. The appointment of the personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.

MOD CV128S 6. A Telecommunication Development Advisory Board shall be established and the members of the Board shall be appointed by the Director in consultation with the Secretary-General. The Board shall be composed of persons with a wide and equitable cross-section of interests and expertise in telecommunication development and shall elect its chairman from among its members. The Board shall advise the Director, who shall participate in its meetings, on priorities and strategies in the Union's telecommunication development activities; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations interested in telecommunication development.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 131-E
15 December 1992
Original: Spanish

COMMITTEE 4

Mexico

PROPOSALS FOR THE WORK OF THE CONFERENCE

MEX/131/1
ADD

DRAFT RESOLUTION No. [XXX]

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

bearing in mind

a) that a World Telecommunication Standardization Conference is to be held in Helsinki in 1993;

b) that the Administrative Council has included the holding of a first World Radiocommunication Conference in 1993 in the ITU budget and meetings schedule,

pointing out

a) that the Union will, at international level, promote a broader focus on telecommunications in the world economy and society;

b) that there should be greater participation by the Member countries in the standardization function, in order to ensure that the adoption of recommendations on radiocommunications and standardization is duly legitimized through approval by a qualified majority,

considering

a) the H.L.C.'s statements to the effect that it is "of paramount importance that the standardization function become more relevant to developing countries", that "the multilateral coordination of the use of radio needs to be transparent and must ensure fairness and equitable access to the spectrum and orbit resource", and that "developing countries need to be involved in a more meaningful way. Otherwise, the technological gap will widen";

b) that the process of preparing and adopting standards is vital to the development of telecommunications, on the one hand, and that, on the other hand, the procedure for the accelerated approval of recommendations between Plenary Assemblies and in the future between world conferences, is to be accelerated even further, rendering less effective in practice the standardization function and the involvement of developing countries;

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c) that it is essential that practical difficulties should be resolved for greater participation by developing countries in the process of preparing and adopting recommendations on standardization and radiocommunications, in the light of the results of H.L.C. Recommendations 49, 50, 51, 52 and 53,

resolves

that the first World Telecommunication Standardization Conference (Helsinki, 1993) and the first World Radiocommunication Conference (Geneva, 1993) should review Resolution No. 2 of the CCITT and Resolution 92 of the CCIR, with a view to:

a) modifying the Rules of Procedure so that recommendations for approval by correspondence should be approved by a certain majority of favourable replies;

b) establishing an exception within the procedure, whereby a Member affected by the application of a recommendation approved by that accelerated procedure may raise objections at a relevant conference in order to have it reconsidered,

instructs the Council

to include the revision of CCITT Resolution No. 2 and CCIR Resolution 92 on the agendas of the World Telecommunication Standardization Conference (Helsinki, 1993) and the World Radiocommunication Conference (Geneva, 1993), with a view to amending them along the lines indicated in this Resolution,

also instructs the Director of the BDT

to explore all the possibilities offered by H.L.C. Recommendations 50, 51, 52 and 53, with a view to promoting and increasing the participation of developing countries in the preparation and approval of recommendations on standardization and radiocommunications.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 132-E
16 December 1992
Original: French

COMMITTEE 5

SUMMARY RECORD

OF THE

SIXTH MEETING OF COMMITTEE 5

Thursday, 10 December 1992 at 1410 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:	Documents
1. Consideration of proposals relating to Article 9 of the draft Constitution	Basic Document I, DT/1, 46, 57, 66
2. Consideration of proposals relating to Article 1A of the draft Convention	Basic Document II, DT/1, 57
3. Consideration of proposals relating to Article 44 of the draft Constitution	Basic Document I, DT/1, 47, 57, 66

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1. Consideration of proposals relating to Article 9A of the draft Constitution (Basic Document I, Documents DT/1, 46, 57 and 66)

1.1 The Chairman said that Article 9A of the draft Constitution set out principles concerning elections and related matters, and was a new article in relation to the Nice Constitution. He invited delegates to consider the provisions to which administrations had proposed amendments.

ADD CS69B

1.2 The delegate of Oman, introducing his proposal OMA/12/1 (Document DT/1), suggested that CS69B should indicate that the Members of the Council were elected "on a rotation basis". The Council was the Union's most important executive body, and it would be normal for all countries to have an opportunity at some stage to participate in or contribute to its work.

1.3 The proposed amendment was supported by the delegate of Portugal.

1.4 The delegate of the United States said that such an amendment would have considerable implications. All the Members did indeed have the right to contribute to the work of the Council. At present, Council seats were allocated according to the principle of geographical distribution, but all countries had a chance of being elected. The United States was one of the ITU's major contributors and it would be unthinkable for it to be prevented at any given time from having a say in broad policy-making on account of the principle of rotation. The United States delegation was thus firmly opposed to inclusion of the principle of rotation for the election of Members of the Council.

1.5 The delegate of Italy pointed out that the principle of participation in the Council on a rotation basis had already been discussed at Nice and had been rejected for the reasons given by the United States delegate. He was in favour of the text prepared by the Drafting Group.

1.6 The delegate of Cameroon said that, like Oman, his country had given thought to the question of whether the principle of rotation should be introduced in the procedure for election to the Council. It had concluded that as things stood such a principle would cause more problems than it would solve.

1.7 The delegate of Portugal recalled that at the Nice Plenipotentiary Conference his delegation had submitted a proposal with a view to securing a more equitable distribution of seats on the Council, providing for permanent seats and seats subject to rotation. The Portuguese delegation would be putting the same suggestion to the Kyoto Plenipotentiary Conference.

1.8 The delegate of Canada said that the High Level Committee had not made any recommendation on the subject at issue, the reason being that, after studying proposals by the Members of the Union and administrations and the proposals submitted to the Nice Plenipotentiary Conference, it had concluded that each of the possible election systems had advantages and drawbacks. At its last session, the Council had set up a working group which was studying, among other things, the principle of rotation for the election of the Members of the Council and would be submitting a report to the next session of the Council. It could be assumed that the Council would in turn be submitting a report on the subject to the Kyoto Plenipotentiary Conference. Accordingly, it would seem premature to introduce the principle of rotation in Article 9A of the draft Constitution at that stage; it was preferable to wait until the Council had studied the question in depth.

1.9 The delegate of Guinea said that his country subscribed to the principle of rotation for elections to the Council. In order to avoid practical problems, Guinea was in favour of applying a principle of partial rotation, which could if necessary be confined to each region. The regions could determine whether certain seats should be allocated on a permanent basis or not.

1.10 The delegate of the Netherlands said that Members of the Union could participate in the work of the Council in many different ways, and the principle of election by rotation was only one means of promoting such participation. The issue warranted more detailed study with a view to further discussion at the Kyoto Plenipotentiary Conference.

1.11 The delegate of Qatar was in favour of Oman's proposed amendment on grounds of equity and fairness. It added a missing link between the Members of the Union.

1.12 The delegate of Niger said that the Union's major contributors enjoyed other benefits than a seat on the Council and, at first sight, Oman's proposal would serve to increase the contribution of the whole membership to the functioning of the Union. Nevertheless, systematic application of the rotation rule did entail some risks, in so far as some countries might fail to fulfil their commitments. The solution should perhaps be sought at the regional level.

1.13 The delegate of Germany thought that, while the idea underlying the principle of rotation was a good one, it was important to ensure some continuity in the work of the Council. For that reason, he was in favour of the text proposed by the Drafting Group.

1.14 The delegates of France, Japan, the Russian Federation and the United Kingdom considered that the question of the procedures for the election of Members of the Council was too complex to be settled at that juncture, and that it should be considered at the Kyoto Plenipotentiary Conference, on the basis of the report to be submitted by the Council.

1.15 The delegate of Kenya, who endorsed the principle of Oman's amendment, proposed that an additional sentence should be inserted to read as follows: "However, regions shall have the right to consider electing their officials on a rotational basis".

1.16 The delegate of Oman pointed out that some of the Union's major contributors were not Members of the Council; for instance, the United Kingdom was currently in that position. Furthermore, he did not believe that it was premature to consider the procedures for electing Members of the Council, since the Committee was examining the article of the draft Constitution on the principles concerning elections. As a compromise, he could accept the amendment proposed by the delegate of Kenya.

1.17 The delegate of Sweden observed that Kenya's proposal was far from editorial. It raised a whole series of issues concerning election procedures, opening a Pandora's box. The matter raised by the delegation of Oman was too important to be settled there and then.

1.18 Summing up, the Chairman observed that a clear majority of delegates were in favour of the text put forward by the Drafting Group and that a very large number of speakers had emphasized that the matter raised by the delegation of Oman was not ripe and required further study, so that it might be considered at the next Plenipotentiary Conference. If there was no objection, he took it that the proposed amendments suggested by the delegation of Oman and the delegation of Kenya were not adopted.

1.19 It was so agreed.

1.20 ADD CS69B was approved, as proposed by the Drafting Group.

ADD CS69C, ADD CS69D

1.21 The delegate of Mexico introduced his proposed amendment MEX/57/9 (Document 57) to insert the words "members of the Radiocommunication Board" in CS69C.

1.22 The delegate of China, introducing proposal CHN/13/12 (Document DT/1) concerning MOD CS69C, said that China's proposal also aimed to specify that "the members of the Radio Regulations Board shall all be nationals of different Members" and furthermore to make sure that, as appropriate, measures were taken to ensure equitable geographical distribution among the regions of the world. Proposal CHN/13/13 relating to ADD CS69D was along the same lines.

1.23 The Chairman proposed the words "and the members of the Radio Regulations Board" in proposal CHN/13/12 relating to ADD CS69C (Document DT/1) should straight away be placed in square brackets pending a decision by Committee 4.

1.24 It was so agreed.

1.25 The delegate of the United Arab Emirates supported China's proposal to add the words "as appropriate, measures be taken to ensure equitable geographical distribution...".

1.26 The delegates of Brazil and France believed that the additional phrase would complicate the text unnecessarily and preferred the Drafting Group's wording.

1.27 The delegate of Canada shared that view. Moreover, he wondered what type of measure could be taken to ensure geographical distribution between the regions of the world. ADD CS69D already guaranteed equitable distribution between the regions.

1.28 The delegate of Senegal said that the term "as appropriate" was restrictive and preferred the text prepared by the Drafting Group.

1.29 The delegate of China said that, in order to avoid any misunderstanding, he was willing to accept the texts proposed by the Drafting Group for ADD CS69C and ADD CS69D.

1.30 ADD CS69C was approved, with the words "the Directors of the Bureaux and the members of the Radio Regulations Board" remaining in square brackets.

1.31 The delegate of India introduced proposal IND/46/5 (Document 46) adding wording to CS69D as prepared by the Drafting Group to the effect that the members of the Radio Regulations Board should not be nationals of the same Members as the elected officials.

1.32 The delegate of Turkey informed the Committee of proposal TUR/66/8 relating to ADD CS69D (Document 66), to the effect that the members of the Radio Regulations Board should be nationals of different Member countries from the Director of the Radiocommunication Bureau.

1.33 The delegate of Mexico was in favour of ADD CS69D as put forward by the Drafting Group.

1.34 The Chairman proposed that the whole of ADD CS69D should be placed in square brackets.

1.35 It was so agreed.

ADD CS69E

1.36 The Chairman said that several European countries had proposed an amendment to CS69E (EUR/27/52).

1.37 That proposal having been accepted, ADD CS69E was approved, as amended.

1.38 The Chairman invited delegations to review the provisions of Article 9A in Basic Document I to which no amendments had been proposed.

ADD CS69A

1.39 Approved.

1.40 Article 9A of the draft Constitution, as amended, was approved, subject to reconsideration of the provisions placed in square brackets.

2. Consideration of proposals relating to Article 1A of the draft Convention (Basic Document II, Documents DT/1 and 57)

2.1 The Chairman invited delegations to review the proposed amendments to Article 1A of the draft Convention submitted by administrations.

ADD CV6A

2.2 The delegates of Oman and Mexico said that, in light of the decisions taken with regard to the Constitution, their proposed amendments OMA/12/13 and MEX/57/28 were no longer valid.

2.3 ADD CV6A was approved as proposed by the Drafting Group.

ADD CV6B

2.4 The Chairman said that since proposal OMA/12/1 relating to CS69B had not been adopted, there was no need to consider proposal OMA/12/14 relating to CV6B2. However, several European countries had proposed the addition of a paragraph in that provision (EUR/27/49).

2.5 The delegate of Spain said that proposal EUR/27/49 put forward by a number of European countries aimed to fill a gap in the draft Convention with regard to the election of a Member to a vacant seat.

2.6 When the delegate of Niger wondered how a secret vote could be held by correspondence, the delegate of Spain, who was a Member of the Administrative Council, pointed out that such a procedure had been followed after the withdrawal of the delegate of the German Democratic Republic. The Members of Region C had submitted candidatures for the election of a new Member and the 163 Members of the Union had been consulted by correspondence.

2.7 The Legal Adviser said that, for a secret ballot by correspondence, each administration was sent an envelope for its ballot paper, which it had to return sealed inside an outer envelope addressed to the Union. The sealed envelope was opened in the presence of several members of permanent missions in Geneva acting as scrutineers.

2.8 Proposal EUR/27/49 was approved.

2.9 ADD CV6B was approved, as amended.

ADD CV6F

2.10 The Chairman said that the Drafting Group had not taken a decision as to whether elected officials could be re-elected once or twice. Several delegations proposed that they should be eligible for re-election only once (CAN/35/44, EUR/27/44, KEN/22/13, KOR/8/6, OMA/12/15 and SNG/38/1).

2.11 The delegate of Italy supported that proposal. The officials held office for eight years, which gave them sufficient time to fulfil their task and complete their programmes of activity. The same rule was, in fact, applied in several other organizations of the United Nations system. He therefore proposed deleting the word "twice" in square brackets. CV6M was a similar case.

2.12 The Chairman noted that most of the delegations seemed to be in favour of deleting the word in square brackets.

2.13 It was so decided.

2.14 MOD CV6F was approved.

ADD CV6J

2.15 The delegate of Oman, introducing his proposal OMA/12/16, said that director's posts were very important and should be filled as soon as they fell vacant; for that reason, he had proposed that the Deputy Secretary-General, in addition to his own duties, should fulfil those of the director whose post has fallen vacant until the Council appointed a new director.

2.16 The delegates of Brazil, the United States and Côte d'Ivoire supported the amendment proposed by the delegation of Oman.

2.17 The delegate of Canada said that there should be a better way of filling a director's post which had fallen vacant. He preferred the draft of CV6J as proposed by the Drafting Group.

2.18 The delegate of Viet Nam expressed doubts as to whether the Deputy Secretary-General would be qualified to perform the duties of a director whose post had fallen vacant.

2.19 The delegate of France noted that the general practice followed among international organizations was to invite the most senior non-elected official to take over a director's post which had fallen unexpectedly vacant.

2.20 The delegate of Tunisia also considered that the post of director was an important post and he suggested in that case adopting the same provision as CV6B2, whereby a post which had become vacant should pass to a candidate from the same region, who had obtained the most votes at the previous election.

2.21 The delegate of Oman sympathized with the fears of the foregoing speakers, but added that there was no provision either in the Constitution or in the Convention to indicate how a director's post which had become vacant should be filled. The Deputy Secretary-General could be invited to serve in that capacity because he was a technician and could assume such responsibilities until the Administrative Council met again. The matter was important and should be referred to either in the Constitution or in the Convention.

2.22 The delegate of New Zealand drew the attention of delegations to the fact that a vacancy could be quite long and could last for almost a year. Such a possibility had to be considered. In his view, it was up to the Secretary-General to make sure that the work proceeded satisfactorily; he was responsible and it was up to him to decide.

2.23 The Chairman suggested making the following change in the proposal OMA/12/16:
"5. If the post of a Director becomes unexpectedly vacant, the Secretary General shall take whatever measures are required until the Council appoints a new Director at its next ordinary session following the occurrence of such a vacancy. A Director so appointed shall serve until the date fixed by the next Plenipotentiary Conference."

2.24 ADD CV6J was approved as amended.

ADD CV6M, ADD CV6N, ADD CV6O

2.25 The Chairman proposed leaving the three provisions and the proposed modifications relating to them between square brackets pending the outcome of Committee 4's discussions.

2.26 It was so decided.

2.27 The Chairman invited delegations to consider the provisions of Article 1A contained in Basic Document II.

ADD CV6C, ADD CV6D, ADD CV6E, ADD CV6G, ADD CV6H, ADD CV6I, ADD CV6K, ADD CV6L

2.28 Approved.

2.29 Article 1A of the draft Convention, as amended, was approved, subject to reconsideration of the provisions in square brackets.

3. Consideration of proposals relating to Article 44 of the draft Constitution (Basic Document I, Documents DT/1, 47, 57 and 66)

3.1 The Chairman invited delegates to consider the proposed modifications to draft Article 44 of the Constitution submitted by administrations.

MOD CS206

3.2 The delegate of the United States said that her country's proposal (USA/26/20) was to delete the last sentence between square brackets of CS206 as proposed by the Drafting Group, and that it came with a similar proposal for the corresponding provision of the Convention (CV422). Her delegation had felt that the sentence was redundant and complicated the question of ratifying all or part of an amending instrument, as well as the question of reservations regarding amending instruments. She had noted, however, that the sentence in square brackets concerned an obligation only for Members which had ratified an amending instrument, and did not affect reservations, which were covered in CV347 and CV348 of the Convention. She understood that the provisions concerning reservations were identical to those of the Nice instruments and the Nairobi Convention and that they would not be modified by the Additional Plenipotentiary Conference. If that interpretation was confirmed by the Legal Adviser, the American delegation was prepared to withdraw its proposal USA/26/20.

3.3 The Legal Adviser confirmed that the purpose of the sentence in square brackets in CS206, just like the identical sentence in CV422 of the Convention, was only to ensure that there should be no partial ratification of an amending instrument. It did not affect the question of reservations in any way. To his knowledge, none of the delegations present at the Conference had any intention of modifying the provisions concerning reservations currently contained in the Nice instruments and in the Nairobi Convention.

3.4 The delegate of the United States was satisfied with that explanation and withdrew proposal USA/26/20 concerning CS206. She pointed out that ITU practice with regard to reservations differed substantially from that of other international organizations and requested that the Union, at its next Plenipotentiary Conference in Kyoto, should revise its rules concerning reservations, which could undermine the very purpose of a basic instrument.

3.5 The delegate of Mexico welcomed the views of the United States and reminded delegates that the matter of reservations had been discussed at length in the Drafting Group. Her delegation was in favour of maintaining the sentence without square brackets; she thought that for any change to be made in that respect, the matter should be specifically included in the agenda of a conference.

3.6 The delegate of Oman, introducing his proposal OMA/12/6 concerning CS206, suggested that the text of No. 206 of the Nice Constitution should be retained, since, in view of the importance of that instrument, the proportion of Members needing to deposit instruments of ratification, acceptance, approval or accession for the amendments to enter into force should be specified.

3.7 The Chairman found that the proposal OMA/12/6 did not seem to be supported.

3.8 The delegate of Turkey introduced proposal TUR/66/16 to remove any reference to the deposit of instruments of ratification, approval or accession in order to speed up the entry into force of the Constitution.

3.9 The delegate of China, introducing proposal CHN/13/24, said that the amendments to basic instruments of the Union should enter into force once a majority of Members had deposited instruments of ratification, approval of, or accession to the Constitution and the amending instrument.

3.10 The delegate of Oman supported China's proposed modification.

3.11 The delegate of France asked what international practice was in that respect, and in particular whether an instrument or an amendment could bind all Members of the Union, including those which had not accepted it.

3.12 The Legal Adviser said that, according to the constitutions of several international organizations, amendments came into force for all Members once instruments of ratification or approval had been deposited by a specified number of countries; that number was generally high and varied from one organization to another. Once that condition had been fulfilled, amendments generally came into force even for Members which had not accepted them.

3.13 The delegate of Canada said that the H.L.C. had discussed that very complex issue at length. It had concluded that the provisions of the Nice Constitution in that respect were too restrictive and constituted a hindrance to the adaptability of the Union. The Additional Plenipotentiary Conference was trying to ensure that the Union was able to adapt to the new telecommunication environment. The basic instruments of Nice required the deposit of a large number of instruments of ratification or accession. As that requirement had not been satisfied, the instruments had not come into force. It had therefore been suggested in the H.L.C. that, in order to ensure that the instruments came into effect as quickly as possible, fewer countries should need to ratify the Constitution and its amendments to make them applicable. He would like to know the number of Union Members which had ratified or approved the Nice instruments, in comparison with the number required by those instruments.

3.14 The Legal Adviser replied that, just prior to the Additional Plenipotentiary Conference, some twenty Members had ratified the Nice instruments, whereas according to the texts they needed to be ratified by fifty-five Members before they could come into force.

3.15 The delegate of the Netherlands welcomed the decision by the American delegation to withdraw its proposed modification. He was in favour of maintaining the last sentence of CS206 without square brackets. He was supported by the delegates of the United Kingdom, Brazil, Spain, Italy, Mexico, France and Argentina.

3.16 The delegate of China commented that the question of how many Members had ratified the Nice instruments had already been raised at the previous session of the Administrative Council.

3.17 The delegate of Kenya was in favour of maintaining the last sentence of CS206 without square brackets, though he recognized that the delegations of China and Oman had raised an important question.

3.18 The Legal Adviser said that the question of the number of Members had been considered at length by the Drafting Group and by the H.L.C. They had considered, firstly, that the basic instruments of the Union should be rapidly adaptable to technological change and, secondly, that the entry into force of instruments should have binding effects only for the Members which had ratified them, as currently provided in the Nairobi Convention. Both the Drafting Group and the H.L.C. had wished that the entry into force of the Constitution and the Convention that would be adopted in Geneva, and that of any subsequent amendments, should bind only the Members that had ratified them. The status of those instruments for Members which had not ratified them was not defined, in accordance with the practice followed by the Union since the Second World War. The texts prepared by the Drafting Group provided for the entry into force of the Constitution and the Convention (CS215) at a particular date (namely 1 July 1994), which had been left in square brackets. After that date, the two instruments would be binding only for Members which had ratified them or acceded to them. The same would apply to the entry into force of any amendments submitted in Kyoto under CS206 and CV422.

3.19 The delegate of Kenya, while not being completely opposed to the Drafting Group's proposal CS206, was not fully convinced that it was right.

3.20 The Chairman noted that a majority of participants was in favour of the Committee removing the square brackets and maintaining the Drafting Group's text of CS206.

3.21 The delegate of China requested that the question of the entry into force of amendments at a date to be fixed by a Plenipotentiary Conference and of the date of deposit, by a majority of Members, of instruments of ratification should be studied in more detail.

3.22 Subject to that comment, ADD CS206 was approved, the last sentence being retained without square brackets.

The meeting rose at 1705 hours.

The Secretary:
M. MALEK ASGHAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 133-E
15 December 1992
Original: French

COMMITTEE 6

SIXTH SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached text, which it is submitting to the Editorial Committee for consideration and transmittal to the Plenary Meeting.

Some numbers have been put in square brackets pending the outcome of the work of Committee 4.

H. VIGNON
Chairman of Committee 5

Annex: 1 (Sixth series of texts of the Convention)

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

ANNEX

NOC ARTICLE 9A

NOC **Invitation and Admission to [Telecommunication Standardization] and Telecommunication Development Conferences When There is an Inviting Government**

NOC CV155A 1. The exact dates and place of each conference shall be fixed in accordance with the provisions of Article 2 above, following consultations with the inviting government.

NOC CV155B 2. One year before the date of the opening of the conference, the Secretary-General, after consultation with the [Director of the Bureau] concerned, shall send an invitation to:

NOC CV155C a) the Administration of each Member of the Union;

ADD [CV155D b) the entities or organizations authorized in accordance with Article 7D above to participate in the activities of the Sector concerned;]

NOC CV155E c) regional telecommunication organizations mentioned in Article 32 of the Constitution;

NOC CV155F d) intergovernmental organizations operating satellite systems;

NOC CV155G e) any other regional organization or other international organization dealing with matters of interest to the conference.

NOC CV155H 3. The Secretary-General shall also invite the following organizations or agencies to send observers:

NOC CV155I a) the United Nations;

NOC CV155J b) the specialized agencies of the United Nations and the International Atomic Energy Agency.

NOC CV155K 4. The replies must reach the Secretary-General at least one month before the date of opening of the conference and should include whenever possible full information on the composition of the delegation or representation.

NOC **CV155L** 5. The General Secretariat and the elected officials of the Union shall be represented at the conference in an advisory capacity.

J/49/47
ADD **[CV155LA** 6. The members of the Radio Regulations Board may participate in a world radio technical conference in an advisory capacity when the conference is discussing matters coming within their competence.]

NOC **CV155M** 6. The following shall be admitted to the conference:

NOC **CV155N** a) delegations;

NOC **CV155O** b) observers of organizations and agencies invited in accordance with Nos. 155E to 155G and 155I and J above;

ADD **[CV155P** c) representatives of entities or organizations referred to in No. 155D above.]

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 134-E
15 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

SIXTH MEETING OF COMMITTEE 4

Thursday, 10 December 1992 at 1405 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:	Documents
1. Consideration of proposals relating to Section 6 of the draft Convention (continued)	Basic Document II, DT/1, 57, 64

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1. Consideration of proposals relating to Section 6 of the draft Convention (continued) (Basic Document II, Documents DT/1, 57, 64)

Article 6: World Telecommunication Standardization Conference (continued)

ADD CV122B (continued)

1.1 The Chairman invited the Committee to resume discussion of the above provision.

1.2 Following a discussion in which the delegates of Australia, Algeria, France, Spain, Uruguay and Mexico participated, the delegate of Australia agreed to withdraw proposal AUS/33/6.

1.3 ADD CV122B was approved as proposed by the Drafting Group.

ADD CV122C

1.4 Approved, with square brackets placed around the part of the text which China proposed to delete (CHN/13/44).

ADD CV122D, ADD CV122E (Basic Document II)

1.5 Approved.

1.6 The delegate of Lebanon raised the question of the GAS activities, stressing their importance to all countries, especially developing ones. Their transfer to the BDT was the subject of Recommendations 50 and 51 of the High Level Committee, and the GAS Groups would be submitting their final reports to the CCITT Plenary Assembly in March 1993. However, no arrangements had been made for the Groups to continue their work after March, until such a time as a world development conference was able to allocate the necessary funds. He would have liked to see a reference to GAS activities in ADD CV128G of the draft Convention and, in particular, he hoped the present Conference would produce a specific resolution to deal with the transfer of GAS activities from the CCITT to the BDT, taking particular account of funding aspects.

1.7 The delegate of Morocco said that he shared the concern expressed by the previous speaker with regard to funding, since the first world development conference was not likely to take place before 1994. However, he was not convinced that a specific resolution was required to cater for the problem; rather, ad hoc Group 4B might be instructed to include, in a relevant resolution on the distribution of tasks, a paragraph referring to the need to give GAS activities due consideration.

1.8 The delegate of Grenada, supporting the previous speaker, said that securing funds for participation by developing countries in standardization work, as referred to in H.L.C. Recommendation 51, was a matter to be dealt with by ad hoc Group 4B.

1.9 The Director of the CCITT said that the three GAS Groups operational during the current study period had already finished their work and would report to the Xth CCITT Plenary Assembly in March. Discussions had been held with the Secretary-General, representatives of the BDT and the GAS Coordinator and, in line with H.L.C. Recommendation 51, it had been agreed that any future initiative with regard to GAS activities was up to the BDT. The CCITT, or future Standardization Bureau, would provide the BDT with all possible support and advice in respect of GAS activities.

1.10 The delegate of Venezuela referred the Committee to the views of his country, set out in paragraph 4.3 of Document 64, regarding the encouragement of participation by developing countries in the work of both the Radiocommunication and the Standardization Sectors. He expressed the hope that those concerns would be taken into account when the issue came up for discussion.

1.11 The Chairman of the High Level Committee, while agreeing with the points made by the previous speakers, felt that the wording of ADD CV128G adequately covered GAS activities, including during the transfer phase. He did not think it advisable to refer to specific kinds of groups individually. It was to be hoped that the GAS activities would be continued and improved upon, but it was premature to endeavour to solve the problem before more was known about the future structure of the BDT. A distinction should be drawn between the continuation of GAS activities on the one hand and, on the other, assistance provided to developing countries for attending information meetings, participating in Study Group activities, and so forth.

1.12 The Chairman said that the delegate of Lebanon might wish to discuss the continuation of GAS activities with representatives of the BDT, the Director of the CCITT and other delegates, possibly with a view to producing a resolution for consideration by the Conference. Since he was reluctant to extend the terms of reference of ad hoc Group 4B, he requested the delegate of Grenada to hold informal consultations on the question of assistance to developing countries for participation in ITU meetings, and, if need be, to produce a written proposal for consideration by the Conference.

ADD CV122F

1.13 Approved.

1.14 Article 6 of the draft Constitution as a whole, as amended, was approved subject to further consideration of the parts of the text placed in square brackets.

Article 6A: Telecommunication Standardization Study Groups and Advisory Group

ADD Title

1.15 It was agreed to defer a decision on the title of Article 6A pending the outcome of discussions on the Advisory Group and, consquently to place square brackets around the text which China proposed to delete (CHN/13/45).

ADD CV122G

1.16 The delegate of Australia, introducing proposal AUS/33/7, observed that it was very similar to the one submitted by the European countries (EUR/27/4) and said that he was willing to hold informal consultations with a view to producing a text which took account of both proposals.

1.17 The delegate of Spain, introducing proposal EUR/27/34, endorsed the comments by the previous speaker. However, he drew attention to the use of the word "normally" in the European proposal and said that given the success of the accelerated approval procedure, the authors of the proposal considered that approval by correspondence should be the standard procedure.

1.18 The delegate of Mexico introduced his proposal MEX/57/61, observing that his country did not object in principle to using the accelerated approval procedure as a means of increasing the efficiency of the ITU's work, particularly in the area of standardization. However, especially when large batches of texts were received for approval by correspondence, countries did not always have sufficient time to give due consideration to each, or to express their disagreement with particular recommendations. In fact, the support of only a relatively small number of countries was required for recommendations to enter into effect under the accelerated procedure. For those main reasons, and also in view of the fact that Plenary Assemblies or their equivalent were to be held every two years instead of four, his Administration considered that recommendations approved under the accelerated procedure should not enjoy the same status as those approved by conferences and should subsequently be submitted to conferences for full approval.

1.19 The delegate of Uruguay supported the Mexican proposal, pointing out that the approval of recommendations by correspondence posed a grave problem for developing countries such as Uruguay where the postal service was unreliable. Although one solution might be to use electronic mail systems or facsimile messages, it would obviously entail higher costs.

1.20 The Chairman invited the Directors of the CCITT and the CCIR to comment on the procedures for the approval of draft recommendations.

1.21 The Director of the CCITT said that a system for approving draft recommendations along the lines of that proposed by the Mexican delegate had been tried out in the CCITT prior to 1988. Under that system the recommendations had been approved only provisionally, pending their formal approval at a Plenary Assembly. The procedure had proved unsuccessful and had eventually been abandoned as administrations had been reluctant to implement the texts lest they be rejected at a subsequent Plenary Assembly. In view of the increasing workload of its standardization activities, the CCITT had found it necessary, under Resolution No. 2, to develop a new and improved procedure which seemed to be working effectively.

1.22 There were two main reasons for the adoption of the Resolution No. 2 procedure in 1988. Firstly, it had been anticipated that the already enormous volume of draft recommendations to be processed at the IXth Plenary Assembly was likely to increase as time went by. Moreover, that same year a number of regional standardization bodies had started up their activities and could of course produce standards more quickly than the ITU. Under the Resolution No. 2 procedure, the CCITT had succeeded in producing recommendations, on average, every 18 months. If recommendations could only be approved at conferences, production time would average two to four years and there was a risk that the regional organizations would not wait for global standards from the ITU, but instead rely on regional or industry standards. Such a situation could have serious consequences for the developing countries.

1.23 Quite apart from the fact that it was practically impossible to deal with the huge volume of draft recommendations at a conference, there were also financial aspects to be taken into account. For instance, the cost of mailing draft recommendations in advance to participants at the forthcoming World Standardization Conference in Helsinki would far exceed the total annual meeting budget of the CCITT for 1993.

1.24 Replying to particular concerns expressed by delegates, he acknowledged that the volume of draft recommendations dispatched for approval by correspondence had been especially high of late. The situation would improve once the Resolution No. 2 procedure became standard practice in the Study Groups and the output of recommendations during the study period became more evenly distributed. With regard to the drawbacks of the postal service in some countries, he said an electronic database called "Teledoc" had been set up, which the CCITT intended to use for information purposes and possibly draft recommendations. Further details would be announced at Helsinki.

1.25 The fact that very few replies were received from administrations, as had been mentioned by the Mexican delegate, could be attributed to the rather small number of administrations active in the Standardization Sector rather than to lack of time or resources to process draft recommendations. An additional reason might be unsatisfactory coordination between the administrations and their operating agencies active in the CCITT.

1.26 In conclusion, and by way of solution, he suggested that the consultation deadline of two months stipulated in Resolution No. 2 might be extended to three or four months. In any case, the matter would be taken up at the forthcoming conference in Helsinki when the resolution was revised.

1.27 The Director of the CCIR endorsed the remarks by the Director of the CCITT. Although the accelerated approval procedure had not been adopted by the CCIR until 1990, it had already proved both effective and economical. Furthermore, despite the fact that the CCIR produced far fewer recommendations than the CCITT, the system whereby texts were dispatched to administrations for consideration six weeks prior to Plenary Assemblies was unsatisfactory in a number of respects. Under the new procedure, which allowed three months for consideration of draft recommendations, some of the regional standardization organizations were paying greater attention to CCIR standards. On the other hand, the procedure proposed by the Mexican delegate would without any doubt considerably slow down the process of producing recommendations within the ITU.

1.28 The delegate of Argentina endorsed the previous speaker's remarks. For a variety of reasons, the procedure whereby draft recommendations were studied at administration headquarters during the course of the study period was by far the most satisfactory solution. Moreover, it was essential not to lose sight of the purpose of such recommendations, namely, to make further progress in the field of standardization. He therefore expressed his full support for the amendment proposed by the European countries.

1.29 The delegate of Finland endorsed the remarks by the Directors of the CCITT and the CCIR. For practical reasons Finland, as one of the smaller administrations, favoured an ongoing system of approval for draft recommendations. However, regardless of the procedure used, it was essential that new recommendations should be approved by consensus and their implications fully understood. The Finnish Administration too found it more economical to study draft recommendations at its headquarters than to send experts to additional and sometimes unnecessary meetings in Geneva or elsewhere. Furthermore, it should be borne in mind that there was never sufficient time for any substantive discussion of recommendations at Plenary Assemblies.

1.30 The delegate of Spain, while fully understanding the concerns expressed by the delegates of Mexico and Uruguay concerning the situation of developing countries, said that the arguments put forward by the Director of the CCITT in favour of approval by correspondence, were convincing enough to justify the adoption of that procedure as the normal one. He endorsed the Finnish delegate's remarks concerning the financial advantages of studying recommendations at administration headquarters. However, the main advantage of approving the texts by correspondence was that it facilitated their widespread distribution. As soon as administrations received them, the draft new recommendations could be circulated among industry and telecommunication operators in order to seek their views and prepare a consolidated reply for the ITU within the three-month deadline.

1.31 The Chairman, in an effort to facilitate the proceedings and meet the concerns expressed by the Mexican delegate, observed that the matter might perhaps be taken up at the forthcoming World Standardization Conference in Helsinki.

1.32 The delegate of Mexico considered that the matter should be dealt with, and appropriate steps taken, at the present Conference. Furthermore, since his proposal had been endorsed, further discussion should be allowed and an opportunity given to other delegates to state their views.

1.33 The delegate of Saudi Arabia stressed the importance of the matter raised by the Mexican delegate and the real difficulties encountered by the developing countries with regard to the accelerated approval procedure. It would have been preferable if other delegates had been given the opportunity to state their views before hearing the arguments put forward by the Directors of the CCIs. He recalled that the Resolution No. 2 procedure had originally been adopted to meet the requirements of four-year study periods, which were likely to be shorter in future. Furthermore, it had been intended to deal with urgent questions and should have been implemented as an

exception rather than the rule. That had not been done, and the developing countries were suffering the consequences. He therefore endorsed the intent of the Mexican proposal, although he would have some difficulty in approving it there and then. Nonetheless, he agreed that some action on the matter had to be taken at the present Conference and said that, at the very least, some information should be circulated to the administrations on the subject.

1.34 The delegate of Morocco, considering the thrust of the proposals submitted by the European and Australian delegations on the one hand and by the Mexican delegation on the other, recalled that the matter had been discussed at length by the High Level Committee. The Australian proposal, however, appeared to represent a fundamental departure from the text derived from the High Level Committee discussions. As mentioned by the previous speaker, the Australian and European proposals would create a rule out of what had originally been intended as an exception. With regard to the Mexican proposal, he said that he had been impressed by the statements made by the Directors of the CCIR and CCITT; however, it must be borne in mind that practical solutions would no doubt be facilitated in the future by advances in telecommunication and computer technology. Rather than dwelling on the number of pages to be dealt with, therefore, it might be more constructive to focus on basic principles.

1.35 While it was true that administrations like his own had considerable difficulty in finding the resources to cope with the quantity of work they were called upon to perform, it was equally true that standardization in order to be effective depended on a rapid consultation procedure. On an earlier occasion, his country had made a proposal similar to the one currently being submitted by the Mexican delegation, which had not been accepted and, as a consequence, his Administration had accepted the accelerated procedure on the understanding that information meetings would be organized - an arrangement which, given the revision of the Convention and the new tasks to be attributed to the BDT, could be expected to be successfully implemented. Moreover, it should be noted that the system already contained certain built-in safeguards in that a draft recommendation could only be subjected to the accelerated procedure if it had been unanimously approved by the members of the Study Group concerned, and it could only be adopted if 60% of the replies received were favourable.

1.36 Given the current state of the discussion, a possible compromise solution might be to stipulate that any administration which had a strong objection to a recommendation and had not had the opportunity of participating in the work of the relevant Study Group, would be able to raise its objection at the appropriate conference; the Study Group concerned could then be requested to reexamine the question as a matter of priority. Such a provision might be incorporated in a resolution or recommendation addressed to the relevant conference, rather than inserted in the Convention itself.

1.37 The delegate of Japan observed that the acceleration of standardization activities was one of the most important challenges currently facing the Union, involving as it did the question of the organization's efficiency and effectiveness. Having listened attentively to the statements of the Director of the CCITT, his delegation was inclined to support the Australian and European proposals.

1.38 The delegate of Uruguay said that a minor amendment to the text proposed by the Drafting Group would make it acceptable to his delegation. Other outstanding questions might be addressed in the form of a resolution or resolutions to the relevant conferences. His country's main concern arose from the fact that draft recommendations were currently sent to administrations through the post and were therefore subject to delay; accordingly, he proposed that CV122G should specify that they could be sent by post or electronic mail, rather than simply "by correspondence".

1.39 The Chairman referred, in that connection, to provision CV122R.

1.40 The delegate of Canada endorsed the comments by the Directors of the CCIR and the CCITT. The accelerated procedure had been introduced in order to improve working methods and any suggestion that it should be abandoned would seem to be counter productive. Further discussion of the matter, if required, could perhaps take place at future appropriate conferences.

1.41 The delegate of the United Kingdom said he had found the statements by the Directors of the two CCIs very convincing; indeed, if the work of the ITU was to continue to be relevant, standards would have to be available on the market when needed, and an urgent procedure was therefore essential. Once recommendations were agreed, their status must be clear, and he feared that the compromise solution suggested by the delegate of Morocco might represent a step backwards in that regard. While he appreciated the difficulties encountered by the developing countries, he observed administrations such as his own also faced difficulties in dealing with the volume of work; however, it was easier to follow matters properly when they could be studied by staff at headquarters rather than during a brief conference period elsewhere. In conclusion, the Mexican proposal was not acceptable to his delegation.

1.42 The delegate of Brazil acknowledged that developing and indeed developed countries were experiencing difficulties in dealing with the volume of work involved. However, a situation in which certain telecommunication systems might have to be implemented in the absence of recommendations would be even more unsatisfactory. The comments by the two Directors had been useful and convincing; it was very important to maintain the possibility of approving recommendations by correspondence and there should be no differentiation between such approval and approval at a conference. However, his delegation was prepared to take a flexible view with regard to the period set for signifying approval or rejection of draft recommendations.

1.43 The delegate of Qatar said that his Administration found it difficult to participate effectively in the work of the Union by means of accelerated procedures. Bearing in mind the need to close the gap between developing and developed countries, it was essential to adopt a pragmatic approach to the problem, and he therefore supported the Mexican proposal.

1.44 The delegate of the United States endorsed the comments by the delegates of the United Kingdom and Brazil and supported the European and Australian proposals. If the latter proposals were not adopted, his delegation would be prepared to accept the text proposed by the Drafting Group, leaving the matter in the hands of the experts attending future standardization and radiocommunication conferences. The Mexican proposal was not acceptable.

1.45 The delegate of Mexico said that, while his delegation fully agreed that the Union should become more dynamic and did not oppose the accelerated procedure for approval by correspondence, it was concerned that the workload being imposed upon administrations was preventing them from devoting the necessary time to the study of draft recommendations. The compromise suggested by the delegate of Morocco certainly deserved consideration; at the same time, his delegation wished to stress the need to seek solutions which would bring the different administrations closer together and which were also practical. He agreed with previous speakers that some action was certainly necessary in the immediate future, although it would perhaps not be possible to settle the matter entirely at the current Conference.

1.46 On specific points, he suggested, first, that consideration should be given to establishing a requirement for a minimum number of replies from administrations before draft recommendations could be approved, second, that the time limit for the receipt of replies might be extended and that, third, if an administration had particular difficulties in agreeing to a recommendation, the matter should be referred to a world conference.

1.47 The delegate of Spain, in an effort to find a way forward, suggested that a joint text might be prepared by the Australian and European delegations. In addition, the Mexican and other interested delegations might prepare a draft resolution to be submitted to a future competent conference, requesting that due account be taken of the problems encountered by countries in applying the accelerated procedure.

1.48 The delegate of Cuba, after observing that the problem was a complex one to which an adequate solution had not yet been found, supported the Mexican proposal.

1.49 The Director of the CCITT, responding to comments made during the discussion, said that in the current study period, 55% of questions - those classified as urgent - had been dealt with under the accelerated procedure whereas 45% were to be submitted to the forthcoming Helsinki conference. With regard to the suggestion by the delegate of Morocco, it should be noted that it was already possible under the existing system for an administration to raise an objection at the Plenary Assembly, in which case the recommendation in question was referred back to the appropriate Study Group for review. The most demanding part of the exercise was not so much the approval by correspondence stage as the Study Group stage, where the unanimous agreement of the administrations involved was required, and he appealed to delegations to avoid introducing any unduly restrictive or time-consuming methods.

1.50 The Chairman asked, in the light of the discussion, whether there would be any objection to agreeing to ADD CV122G as proposed by the Drafting Group. Noting the objection of the delegate of Mexico, he said that consideration of the matter would be resumed at a later stage.

The meeting rose at 1705 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 135-E
15 December 1992

B.4

PLENARY MEETING

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

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

Source	Document		Title
COM 5	116	Constitution	Article 9A
			Article 33
			Article 44
			Article 47
		Convention	Article 1A
			Article 25
			Article 35

Note from Committee 5: Some numbers of the Constitution and the Convention have been put in square brackets pending the outcome of the work of Committee 4.

M. THUE
Chairman of Committee 6

Annex: 29 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR BLUE DOCUMENTS

The purpose of the Conference is to revise the Nice Constitution and Convention.

To this end, the Conference is using the draft texts prepared by the ITU Drafting Group on the basis of the H.L.C. Report, which are set out in Basic Documents I and II (dated 1 May 1992) and Working Documents 1 and 2 (dated 5 May 1992) sent to all Members in May 1992.

It is also using the proposals submitted by Members, who were invited to put forward proposals on the basis of the Working Documents.

The symbols in the margin in the documents submitted by Committee 6 to the Plenary Meeting for first reading (blue documents) indicate changes made by the competent Committee (Committee 4 or 5) to the text of the Working Documents; the symbols have the following meaning:

- NOC	Provision which was modified, added or deleted by the Drafting Group, and for which the modification, addition or suppression in question was accepted unchanged by the competent Committee. A provision added by the Drafting Group bears one or two letters after the number of the provision. Provisions deleted by the Drafting Group are indicated by the symbol (SUP) after the number.
- MOD	Provision modified by the competent Committee
- SUP	Provision deleted by the competent Committee
- ADD	Provision added by the competent Committee

- The absence of a symbol in the margin means that the Nice text has been adopted without change.

- The symbol (MOD) indicates a provision to which Committee 6 has made purely editorial amendments.

NOC

ARTICLE 9A

NOC

Principles Concerning Elections and Related Matters

(MOD) CS69A 1. The Plenipotentiary Conference, at any elections referred to in Nos. 53 to 55 of this Constitution, shall ensure that:

(MOD) CS69B a) the Members of the Council are elected with due regard to the need for equitable distribution of the seats on the Council among all regions of the world;

(MOD) CS69C b) the Secretary-General, the Deputy Secretary-General and the [Directors of the Bureaux] are all nationals of different Members, and at their election due consideration should be given to the principles embodied in No. 133 of this Constitution and to equitable geographical distribution among the regions of the world;

(MOD) CS69D c) [the members of the Radio Regulations Board] are elected, in their individual capacity, from the candidates proposed by Members of the Union in such a way as to ensure equitable distribution among the regions of the world; each Member may propose only one candidate who shall be one of its nationals.

MOD CS69E 2. The procedures for these elections shall be established by the Plenipotentiary Conference. Provisions relating to taking up duties, vacancy and re-eligibility are contained in the Convention.

CHAPTER VII

Special Provisions for Radio

NOC

ARTICLE 33

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

(MOD) **CS174** 1. Members shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end, they shall endeavour to apply the latest technical advances as soon as possible.

CS175 2. In using frequency bands for radio services, Members shall bear in mind that radio frequencies and the geostationary-satellite orbit are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries.

ARTICLE 44

Provisions for Amending this Constitution

CS201 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.

CS202 2. Any proposed modification to any amendment submitted in accordance with No. 201 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

CS203 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.

CS204 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.

CS205 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 **CS206** 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 at a date fixed by the conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.

NOC CS207 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

CS208 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 41 and 42 of this Constitution shall apply to the Constitution as amended.

CS209 9. After 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. 219 of this Constitution shall also apply to any such amending instrument.

ARTICLE 47

Entry into Force and Related Matters

MOD **CS215** 1. This Constitution and the Convention shall enter into force on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession.

NOC **CS216** **(SUP)**

CS217 2. Upon the date of entry into force specified in No. 215 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention (Nairobi, 1982).

CS218 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.

CS219 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.

CS220 5. In case of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail.

NOC

ARTICLE 1A

NOC

Elections and Related Matters

MOD

The Council

NOC CV6A

1. Except in the case of vacancies arising in the circumstances described in Nos. 6C to 6E below, the Members of the Union elected to the Council shall hold office until the date on which a new Council is elected. They shall be eligible for re-election.

(MOD) CV6B

2. (1) If, between two Plenipotentiary Conferences, a seat becomes vacant on the 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.

ADD CV6BA

(2) When for any reason a vacant seat cannot be filled according to the procedure of No. CV6B, the Chairman of the Council shall invite the other Members of the region to seek election within one month of such an invitation being issued. At the end of this period, the Chairman of the Council shall invite Members of the Union to elect a new Member. The election shall be carried out by secret ballot by correspondence. The same majority as indicated above will be required. The new Member shall hold office until the election of the new Council by the next competent Plenipotentiary Conference.

NOC CV6C

3. A seat on the Council shall be considered vacant:

NOC CV6D

a) when a Council Member does not have a representative in attendance at two consecutive ordinary sessions of the Council;

NOC CV6E

b) when a Member of the Union resigns its membership of the Council.

NOC - **Elected officials**

MOD CV6F 1. The Secretary-General, the Deputy Secretary-General and [the Directors of the Bureaux] shall take up their duties on the dates determined by the Plenipotentiary Conference 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 CV6G 2. 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. 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. 6H below shall be applied.

NOC CV6H 3. 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 Council shall appoint a successor for the balance of the term.

NOC CV6I 4. If the posts of the Secretary-General and the Deputy Secretary-General fall vacant simultaneously, the Director who has been longest in office shall discharge the duties of Secretary-General for a period not exceeding 90 days. The 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 Council shall serve for the balance of the term for which his predecessor was elected.

MOD CV6J 5. If the post of a Director becomes unexpectedly vacant, the Secretary-General shall take the necessary steps to ensure that the duties of that Director are carried out until the Council shall appoint a new Director at its next ordinary session following the occurrence of such a vacancy. A Director so appointed shall serve until the date fixed by the next Plenipotentiary Conference.

NOC **CV6K** 6. Subject to the relevant provisions of Article 16 of the Constitution, the Council shall 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 the present Article 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.

NOC **CV6L** 7. Any period of service in the post of an elected official pursuant to an appointment under Nos. 6G through 6K above shall not affect eligibility for election or re-election to such a post.

ADD **[- Members of the Radio Regulations Board]**

ADD **[CV6M*]** [1. The members of the Radio Regulations Board shall take up their duties on the dates determined by the Plenipotentiary Conference 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 [twice] only.]

ADD **[CV6N*]** [2. If, in the interval between two Plenipotentiary Conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the 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 Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.]

ADD **[CV6O*]** [3. A member of the Radio Regulations Board is considered no longer in a position to perform his duties after repeated consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 6N above.]

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* Note by Committee 5 - These numbers will be considered at a later meeting.

CHAPTER IV

Rules of Procedure

ARTICLE 25

Rules of Procedure of Conferences and Other Meetings

CV244 The Rules of Procedure shall apply without prejudice to the amendment provisions contained in Article 44 of the Constitution and in Article 35 of this Convention.

1. Order of Seating

CV245 At meetings of the conference, delegations shall be seated in the alphabetical order of the French names of the Members represented.

2. Inauguration of the Conference

CV246 1. (1) The inaugural meeting of the conference shall be preceded by a meeting of the Heads of delegation 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. 250 below.

CV247 (2) The Chairman of the meeting of Heads of delegation shall be appointed in accordance with the provisions of Nos. 248 and 249 below.

CV248 2. (1) The conference shall be opened by a person appointed by the inviting government.

CV249 (2) When there is no inviting government, it shall be opened by the oldest Head of delegation.

CV250 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.

CV251 (2) If there is no inviting government, the Chairman shall be chosen, taking into account the proposals made by the Heads of delegation at the meeting described in No. 246 above.

CV252 4. The first Plenary Meeting shall also:

CV253 a) elect the Vice-Chairmen of the conference;

CV254 b) set up the conference committees and elect their respective Chairmen and Vice-Chairmen;

(MOD) CV255 c) designate the conference secretariat, in accordance with No. 86 of this Convention; the secretariat may be reinforced, in case of need, by staff provided by the administration of the inviting government.

3. Powers of the Chairman of the Conference

CV256 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.

CV257 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.

CV258 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.

CV259 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.

4. Setting up of Committees

NOC CV260 1. The Plenary Meeting may set up committees to consider matters referred to the conference. These committees may in turn set up sub-committees. Committees and sub-committees may set up working groups.

ADD CV260A 2. In addition to the committees below, a world radiocommunication conference shall include [a Technical Committee and a Radio Regulations Committee] or only one of them, the terms of reference of which are contained in Article 4B of this Convention.

NOC CV261 3. Sub-committees and working groups shall be set up when it is necessary.

NOC CV262 4. Subject to the provisions of Nos. 260 to 261 above, the following committees shall be set up:

4.1 Steering Committee

(MOD) CV263 a) This Committee shall normally be composed of the Chairman of the conference or meeting, who shall be its Chairman, the Vice-Chairmen of the conference and the Chairmen and Vice-Chairmen of committees;

CV264 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.

4.2 Credentials Committee

NOC CV265 A Plenipotentiary Conference, a radiocommunication conference at its [Radio Regulations Committee] or a world conference on international telecommunications shall appoint a Credentials Committee, the mandate of which shall be to verify the credentials of delegations to these conferences. This Committee shall report on its conclusions to the Plenary Meeting within the time specified by the latter.

4.3 Editorial Committee

(MOD) CV266

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.

CV267

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.

4.4 Budget Control Committee

(MOD) CV268

a) At the opening of each conference, 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. In addition to the members of delegations who wish to participate, this Committee shall include a representative of the Secretary-General, [of the Director of the Bureau concerned], and, where there is an inviting government, a representative of that government.

NOC CV269

b) Before the budget approved by the Council for the conference is exhausted, the Budget Control Committee, in collaboration with the secretariat of the conference, 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 after the date when the approved budget will be exhausted.

NOC CV270

c) At the end of each conference, the Budget Control Committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference.

NOC CV271

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 Council at its next ordinary session.

5. Composition of Committees

5.1 Plenipotentiary Conferences

(MOD) CV272 Committees shall be composed of the delegates of Members and the observers referred to in No. 139 of this Convention who have so requested or who have been designated by the Plenary Meeting.

NOC *5.2 Radiocommunication Conferences*

NOC CV273 1. Committees, except the [Technical Committee] of a world radiocommunication conference, shall be composed of the delegates of Members and the observers and representatives, referred to in Nos. 149, 152 and 153 of this Convention, who have so requested or who have been designated by the Plenary Meeting.

ADD [CV273A*] [2. In addition to delegates, observers and representatives referred to in No. 273 above, the Technical Committee may be attended by representatives referred to in No. 153A of this Convention.]

NOC *5.3 Telecommunication Standardization and Telecommunication Development Conferences*

ADD [CV273B*] [In addition to delegates of Members and observers referred to in Nos. 132A to 132D of this Convention, the committees of the telecommunication standardization and telecommunication development conferences may be attended by representatives of any entity or organization authorized in accordance with Article 7D above to take part in the work of the Sector concerned.]

6. Chairmen and Vice-Chairmen of Sub-Committees

NOC CV274 The Chairman of each committee shall propose to his committee the choice of the Chairmen and Vice-Chairmen of the sub-committees which may be set up.

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* Note by Committee 5: These numbers will be considered at a later meeting.

7. Summons to Meetings

CV275 Plenary Meetings and meetings of committees, sub-committees and working groups shall be announced in good time in the meeting place of the conference.

8. Proposals Presented Before the Opening of the Conference

CV276 Proposals presented before the opening of the conference shall be allocated by the Plenary Meeting to the appropriate committees set up in accordance with Section 4 of these Rules of Procedure. Nevertheless, the Plenary Meeting itself shall be entitled to deal with any proposal.

9. Proposals or Amendments Presented During the Conference

CV277 1. Proposals or amendments presented after the opening of the conference shall be delivered to the Chairman of the conference, to the Chairman of the appropriate committee or to the secretariat of the conference for publication and distribution as conference documents.

CV278 2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.

CV279 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.

CV280 4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.

CV281 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. 277 above.

CV282 (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.

CV283 (3) In addition, the Chairman of the conference, on receiving proposals or amendments referred to in No. 277 above, shall refer them to the appropriate committee or to the Plenary Meeting as the case may be.

CV284 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.

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

CV285 1. No proposal or amendment may be discussed unless it is supported by at least one other delegation when it comes to be considered.

CV286 2. Each proposal or amendment duly supported shall be submitted for discussion and thereafter for decision, if necessary by a vote.

11. Proposals or Amendments Passed Over or Postponed

CV287 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.

12. Rules for Debates in Plenary Meetings

12.1 Quorum

CV288 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.

12.2 Order of debates

CV289 (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.

CV290 (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.

12.3 Motions of order and points of order

CV291 (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.

CV292 (2) A delegation submitting a motion of order shall not, during its speech, discuss the substance of the matter in question.

12.4 Priority of motions of order and points of order

CV293 The motions and points of order mentioned in No. 291 of this Convention shall be dealt with in the following order:

CV294 a) any point of order regarding the application of these Rules of Procedure, including voting procedures;

CV295 b) suspension of a meeting;

CV296 c) adjournment of a meeting;

CV297 d) postponement of debate on the matter under discussion;

CV298 e) closure of debate on the matter under discussion;

CV299 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.

12.5 Motion for suspension or adjournment of a meeting

CV300 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.

12.6 Motion for postponement of debate

CV301 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.

12.7 Motion for closure of debate

CV302 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.

12.8 Limitation of speeches

CV303 (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.

CV304 (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.

CV305 (3) When a speaker has exceeded the time allowed, the Chairman shall notify the Meeting and request the speaker to conclude his remarks briefly.

12.9 Closing the list of speakers

CV306 (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.

CV307 (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.

12.10 Questions of competence

CV308 Any question of competence that may arise shall be settled before a vote is taken on the substance of the matter under discussion.

12.11 Withdrawal and resubmission of a motion

CV309 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.

13. Right to Vote

CV310 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 3 of the Constitution.

CV311 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.

(MOD) CV311A 3. When a Member is not represented by an administration in the [Technical Committee of a world radiocommunication conference, a world telecommunication standardization conference] or a telecommunication development conference, the representatives of the recognized 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. 128AE of this Convention. The provisions of Nos. 190 to 193 of this Convention concerning the transfer of powers shall apply to the above conferences.

14. Voting

14.1 Definition of a majority

CV312 (1) A majority shall consist of more than half the delegations present and voting.

CV313 (2) In computing a majority, delegations abstaining shall not be taken into account.

CV314 (3) In case of a tie, a proposal or amendment shall be considered rejected.

CV315 (4) For the purpose of these Rules of Procedure, a "delegation present and voting" shall be a delegation voting for or against a proposal.

14.2 Non-participation in voting

CV316 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. 288 of this Convention, nor as abstaining for the purpose of applying the provisions of No. 318 below.

14.3 Special majority

CV317 In cases concerning the admission of new Members of the Union, the majority described in Article 2 of the Constitution shall apply.

14.4 Abstentions of more than fifty per cent

CV318 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.

14.5 Voting procedures

CV319 (1) The voting procedures are as follows:

CV320 a) by a show of hands as a general rule unless a roll call under b) or secret ballot under c) has been requested;

CV321 b) by a roll call in the alphabetical order of the French names of the Members present and entitled to vote:

CV322 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

CV323 2. if the procedure under a) shows no clear majority;

CV324 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.

CV325 (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.

CV326 (3) In the case of a secret ballot, the secretariat shall at once take steps to ensure the secrecy of the vote.

CV327 (4) Voting may be conducted by an electronic system if a suitable system is available and if the conference so decides.

14.6 Prohibition of interruptions once the vote has begun

CV328 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.

14.7 Reasons for votes

CV329 The Chairman shall authorize any delegations which so request to give the reasons for their vote, after the vote has been taken.

14.8 Voting on parts of a proposal

CV330 (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.

CV331 (2) If all the sections of a proposal are rejected the proposal shall be regarded as rejected as a whole.

14.9 Order of voting on concurrent proposals

CV332 (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.

CV333 (2) After each vote, the meeting shall decide whether or not the following proposal shall be voted on.

14.10 Amendments

CV334 (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.

CV335 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.

CV336 (3) No proposal for modification shall be regarded as an amendment if the meeting considers it to be incompatible with the original proposal.

14.11 Voting on amendments

CV337 (1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

CV338 (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.

CV339 (3) If one or more amendments are adopted, the proposal thus amended shall then be put to the vote.

14.12 Repetition of a vote

CV340 (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.

CV341 (2) In the Plenary Meetings a proposal, a part of a proposal or an amendment shall not be put to the vote again unless:

CV342 a) the majority of the Members entitled to vote so request, and

CV343 b) the request for a repetition of the vote is made at least one full day after the vote has been taken.

15. Rules for Debates and Voting Procedures in Committees and Sub-Committees

CV344 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.

CV345 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.

CV346 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

CV347 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) CV348 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 Member which is not participating in the conference and which has given that delegation proxy powers to sign the Final Acts in accordance with the provisions of Article 15 of this Convention.

17. Minutes of Plenary Meetings

CV349 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.

CV350 2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference any 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.

CV351 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.

CV352 (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.

CV353 4. The right accorded in No. 352 above regarding the insertion of statements in the minutes shall in all cases be used with discretion.

18. Summary Records and Reports of Committees and Sub-Committees

CV354 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.

CV355 (2) Nevertheless, any delegation shall be entitled to invoke No. 352 above.

CV356 (3) The right accorded in No. 355 above shall in all circumstances be used with discretion.

CV357 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.

19. Approval of Minutes, Summary Records and Reports

CV358 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.

CV359 (2) Any interim or final report must be approved by the committee or sub-committee concerned.

CV360 2. (1) The minutes of the last Plenary Meetings shall be examined and approved by the Chairman.

CV361 (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.

20. Numbering

CV362 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.

CV363 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.

21. Final Approval

NOC CV364 The texts of the Final Acts of a Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall be considered final when they have been approved at the second reading in Plenary Meeting. [The texts of the Technical Committee of a world radiocommunication conference shall not be issued in the Final Acts of that conference.]

22. Signature

NOC CV365 The texts of the Final Acts approved by the conferences referred to in No. 364 above 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.

MOD

23. Relations with the Press and the Public

CV366 1. Official releases to the press about the work of the conference shall be issued only as authorized by the Chairman of the conference.

MOD CV366A 2. The press and the public may, to the extent practicable, be present at the conference in accordance with the guidelines approved by the meeting of Heads of delegations referred to in No. 246 above and with the practical arrangements made by the Secretary-General. The presence of the press and the public shall in no way disturb the normal conduct of the work of the meeting.

NOC CV366B 3. Other meetings of the Union shall not be open to the press and the public, unless the meeting in question decides otherwise.

24. Franking Privileges

(MOD) CV367 During the conference, members of delegations, representatives of Members of the Council, [members of the Radio Regulations Board,] senior officials of the General Secretariat and [of the Sectors] of the Union attending the conference and the staff of the Secretariat 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 operating agencies concerned.

ARTICLE 35

Provisions for Amending this Convention

CV417 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.

CV418 2. Any proposed modification to any amendment submitted in accordance with No. 417 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

CV419 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.

CV420 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.

CV421 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 CV422 6. Any amendments to this Convention adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the Conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Convention and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.

CV423 7. Notwithstanding No. 422 above, 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 this Convention shall not enter into force prior to the entry into force of the amendment to the Constitution.

MOD **CV424** 8. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

CV425 9. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 41 and 42 of the Constitution shall apply to the Convention as amended.

CV426 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. 219 of the Constitution shall also apply to any such amending instrument.

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 136-E
15 December 1992

R.1

PLENARY MEETING

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

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

Source	Document		Title
COM 6	94(B.1)	Constitution	Preamble Articles 2 to 6 Articles 18 to 20 Articles 22 to 32 Articles 34 to 43 Articles 45 and 46
		Convention	Article 1 Article 8 Articles 29 to 34

M. THUE
Chairman of Committee 6

Annex: 21 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

CONSTITUTION (CS) OF THE INTERNATIONAL TELECOMMUNICATION UNION

NOC

Preamble

NOC CS1

While fully recognizing the sovereign right of each State to regulate its telecommunication and having regard to the growing importance of telecommunication for the preservation of peace and the economic and social development of all States, the States Parties to this Constitution, as the basic instrument of the International Telecommunication Union, and to the Convention of the International Telecommunication Union (hereinafter referred to as "the Convention") which complements it, with the object of facilitating peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services, have agreed as follows:

NOC

ARTICLE 2

NOC

Composition of the Union

NOC CS17 The International Telecommunication Union shall, having regard to the principle of universality and the desirability of universal participation in the Union, be composed of:

NOC CS18 a) any State which is 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;

NOC CS19 b) any other State, a Member of the United Nations, which accedes to this Constitution and the Convention in accordance with Article 42 of this Constitution;

NOC CS20 c) any other State, not a Member of the United Nations, which applies for membership of the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Constitution and the Convention in accordance with Article 42 of this Constitution. If such application for membership is made during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

NOC

ARTICLE 3

NOC

Rights and Obligations of Members

NOC CS21

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 CS22

2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:

MOD [CS23]

[a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;]

MOD [CS24]

[b) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all study group meetings and, if it is a Member of the Council, all sessions of that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;]

MOD CS25

c) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Members of the region concerned shall have the right to vote.

NOC

ARTICLE 4

NOC

Instruments of the Union

(MOD) CS26

1. The instruments of the Union are:

- this Constitution of the International Telecommunication Union,
- the Convention of the International Telecommunication Union, and
- the Administrative Regulations.

NOC CS27

2. This Constitution, the provisions of which are complemented by those of the Convention, is the basic instrument of the Union.

NOC CS28 3. The provisions of both this Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Members:

- International Telecommunication Regulations,
- Radio Regulations.

NOC CS29 4. In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the case of inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.

NOC

ARTICLE 5

NOC

Definitions

NOC CS30 Unless the context otherwise requires:

NOC CS31 a) the terms used in this Constitution and defined in its Annex, which forms an integral part of this Constitution, shall have the meanings assigned to them in that Annex;

NOC CS32 b) the terms - other than those defined in the Annex to this Constitution - used in the Convention and defined in the Annex thereto, which forms an integral part of the Convention, shall have the meanings assigned to them in that Annex;

NOC CS33 c) other terms defined in the Administrative Regulations shall have the meanings therein assigned to them.

NOC

ARTICLE 6

NOC

Execution of the Instruments of the Union

NOC CS34 1. The Members are bound to abide by the provisions of this Constitution, the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 37 of this Constitution.

MOD CS35 2. The Members are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

NOC

ARTICLE 18

NOC

Languages

NOC CS150 1. (1) The official and working languages of the Union shall be Arabic, Chinese, English, French, Russian and Spanish.

MOD CS151 (2) In accordance with the relevant decisions of the Plenipotentiary Conference, 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 and meetings of the Union.

NOC CS152 (3) In case of discrepancy or dispute, the French text shall prevail.

MOD CS153 2. When all participants in a conference or in a meeting so agree, discussions may be conducted in fewer languages than those mentioned above.

NOC

ARTICLE 19

NOC

Seat of the Union

NOC CS154 The seat of the Union shall be at Geneva.

NOC

ARTICLE 20

NOC

Legal Capacity of the Union

NOC CS155 The Union shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

MOD

CHAPTER VI

NOC

General Provisions Relating to Telecommunications

NOC

ARTICLE 22

NOC

The Right of the Public to Use the International Telecommunication Service

NOC CS158 Members recognize the right of the public to correspond by means of the international service of public correspondence. The services, the charges and the safeguards shall be the same for all users in each category of correspondence without any priority or preference.

NOC

ARTICLE 23

NOC

Stoppage of Telecommunications

(MOD) CS159 1. Members reserve the right to stop the transmission of any private telegram which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency, provided that they immediately notify the office of origin of the stoppage of any such telegram or any part thereof, except when such notification may appear dangerous to the security of the State.

NOC CS160 2. Members also reserve the right to cut off any other private telecommunications which may appear dangerous to the security of the State or contrary to its laws, to public order or to decency.

NOC

ARTICLE 24

NOC

Suspension of Services

NOC CS161 Each Member reserves the right to suspend the international telecommunication service, either generally or only for certain relations and/or for certain kinds of correspondence, outgoing, incoming or in transit, provided that it immediately notifies such action to each of the other Members through the medium of the Secretary-General.

NOC

ARTICLE 25

NOC

Responsibility

NOC CS162 Members accept no responsibility towards users of the international telecommunication services, particularly as regards claims for damages.

NOC

ARTICLE 26

NOC

Secrecy of Telecommunications

NOC CS163 1. Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence.

(MOD) CS164 2. Nevertheless, they reserve the right to communicate such correspondence to the competent authorities in order to ensure the application of their national laws or the execution of international conventions to which they are parties.

NOC

ARTICLE 27

NOC

Establishment, Operation and Protection of Telecommunication Channels and Installations

NOC CS165 1. Members shall take such steps as may be necessary to ensure the establishment, under the best technical conditions, of the channels and installations necessary to carry on the rapid and uninterrupted exchange of international telecommunications.

NOC CS166 2. So far as possible, these channels and installations must be operated by the methods and procedures which practical operating experience has shown to be the best. They must be maintained in proper operating condition and kept abreast of scientific and technical progress.

NOC CS167 3. Members shall safeguard these channels and installations within their jurisdiction.

NOC CS168 4. Unless other conditions are laid down by special arrangements, each Member shall take such steps as may be necessary to ensure maintenance of those sections of international telecommunication circuits within its control.

NOC

ARTICLE 28

NOC

Notification of Infringements

NOC CS169 In order to facilitate the application of the provisions of Article 6 of this Constitution, Members undertake to inform one another of infringements of the provisions of this Constitution, the Convention and of the Administrative Regulations.

NOC

ARTICLE 29

NOC

Priority of Telecommunications Concerning Safety of Life

(MOD) CS170

International telecommunication services must give absolute priority to all telecommunications concerning safety of life at sea, on land, in the air or in outer space, as well as to epidemiological telecommunications of exceptional urgency of the World Health Organization.

NOC

ARTICLE 30

NOC

Priority of Government Telecommunications

NOC CS171

Subject to the provisions of Articles 29 and 35 of this Constitution, government telecommunications (see Annex to this Constitution, No. 1015) shall enjoy priority over other telecommunications to the extent practicable upon specific request by the originator.

NOC

ARTICLE 31

NOC

Special Arrangements

MOD CS172

Members reserve for themselves, for the operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Members in general. Such arrangements, however, shall not be in conflict with the terms of this Constitution, of the Convention or of the Administrative Regulations, so far as concerns the harmful interference which their operation might cause to the radio services of other Members, and in general so far as concerns the technical harm which their operation might cause to the operation of other telecommunication services of other Members.

NOC

ARTICLE 32

NOC

Regional Conferences, Arrangements and Organizations

NOC CS173

Members reserve the right to convene regional conferences, to make regional arrangements and to form regional organizations, for the purpose of settling telecommunication questions which are susceptible of being treated on a regional basis. Such arrangements shall not be in conflict with either this Constitution or the Convention.

NOC

ARTICLE 34

NOC

Harmful Interference

MOD CS176 1. All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Members or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations.

MOD CS177 2. Each Member undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of No. 176 above.

NOC CS178 3. Further, the Members recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 176 above.

NOC

ARTICLE 35

NOC

Distress Calls and Messages

NOC CS179 Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

NOC

ARTICLE 36

NOC

False or Deceptive Distress, Urgency, Safety or Identification Signals

NOC CS180 Members agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations under their jurisdiction transmitting such signals.

NOC

ARTICLE 37

NOC

Installations for National Defence Services

NOC CS181

1. Members retain their entire freedom with regard to military radio installations.

NOC CS182

2. Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Administrative Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

NOC CS183

3. Moreover, when these installations take part in the service of public correspondence or other services governed by the Administrative Regulations, they must, in general, comply with the regulatory provisions for the conduct of such services.

MOD

CHAPTER VIII

NOC

Relations With the United Nations, Other International Organizations and Non-Member States

NOC

ARTICLE 38

NOC

Relations With the United Nations

NOC CS184

The relationship between the United Nations and the International Telecommunication Union is defined in the Agreement concluded between these two organizations.

NOC

ARTICLE 39

NOC

Relations With Other International Organizations

NOC CS185

In furtherance of complete international coordination on matters affecting telecommunication, the Union shall cooperate with international organizations having related interests and activities.

NOC

ARTICLE 40

NOC

Relations With Non-Member States

MOD CS186

Each Member reserves to itself and to the recognized operating agencies the right to fix the conditions on which it admits telecommunications exchanged with a State which is not a Member of the Union. If a telecommunication originating in the territory of such a State is accepted by a Member, it must be transmitted and, in so far as it follows the telecommunication channels of a Member, the obligatory provisions of this Constitution, of the Convention and of the Administrative Regulations and the usual charges shall apply to it.

MOD

CHAPTER IX

NOC

Final Provisions

NOC

ARTICLE 41

NOC

Ratification, Acceptance or Approval

NOC CS187

1. This Constitution and the Convention shall be simultaneously ratified, accepted or approved by any signatory Member, in accordance with its constitutional rules, in one single instrument. This instrument shall be deposited, in as short a time as possible, with the Secretary-General. The Secretary-General shall notify the Members of each deposit of any such instrument.

NOC CS188

2. (1) During a period of two years from the date of entry into force of this Constitution and the Convention, a signatory Member, even though it may not have deposited an instrument of ratification, acceptance or approval, in accordance with No. 187 above, shall enjoy the rights conferred on Members of the Union in Nos. 22 to 25 of this Constitution.

MOD [CS189]

(2) From the end of a period of two years from the date of entry into force of this Constitution and the Convention, a signatory Member which has not deposited an instrument of ratification, acceptance or approval, in accordance with No. 187 above, shall no longer be entitled to vote at any conference of the Union, at any session of the Council, [at any meeting of any of the Sectors of the Union,] or during consultation by correspondence conducted in accordance with the provisions of this Constitution and of the Convention until it has so deposited such an instrument. Its rights, other than voting rights, shall not be affected.

NOC CS190

3. After the entry into force of this Constitution and the Convention in accordance with Article 47 of this Constitution, an instrument of ratification, acceptance or approval, shall become effective on the date of its deposit with the Secretary-General.

NOC

ARTICLE 42

NOC

Accession

NOC CS191

1. A Member which is not a signatory to this Constitution and the Convention, or, subject to the provisions of Article 2 of this Constitution, any other State referred to in that Article may accede to this Constitution and the Convention at any time. Such accession shall be made simultaneously in the form of one single instrument covering both this Constitution and the Convention.

NOC CS192

2. The instrument of accession shall be deposited with the Secretary-General, who shall notify the Members of each deposit of any such instrument when it is received and shall forward to each of them a certified copy thereof.

NOC CS193

3. After the entry into force of this Constitution and the Convention in accordance with Article 47 of this Constitution, an instrument of accession shall become effective on the date of its deposit with the Secretary-General, unless otherwise specified therein.

NOC

ARTICLE 43

NOC

Administrative Regulations

NOC CS194

1. The Administrative Regulations, as specified in Article 4 of this Constitution, are binding international instruments and shall be subject to the provisions of this Constitution and the Convention.

MOD CS195

2. Ratification, acceptance or approval of this Constitution and the Convention, or accession to these instruments, in accordance with Articles 41 and 42 of this Constitution, shall also constitute consent to be bound by the Administrative Regulations adopted by competent world conferences prior to the date of signature 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) CS196

3. Revisions of the Administrative Regulations, either partial or complete, adopted after the aforementioned date shall, to the extent permitted by their national 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.

NOC CS197

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.

NOC CS198

5. If no notification under a) or b) in No. 197 above 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.

NOC CS199

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. 195 above, 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. 198 above, that Member shall be deemed to have consented to be bound by that revision.

NOC CS200

7. The Secretary-General shall inform Members promptly of any notification received pursuant to this Article.

NOC

ARTICLE 45

NOC

Settlement of Disputes

NOC CS210

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.

NOC CS211

2. If none of these methods of settlement is adopted, any Member party to a dispute may have recourse to arbitration in accordance with the procedure defined in the Convention.

NOC CS212

3. The Optional Protocol on the Compulsory Settlement of Disputes Relating to this Constitution, to the Convention, and to the Administrative Regulations shall be applicable as between Members parties to that Protocol.

NOC

ARTICLE 46

NOC

Denunciation of this Constitution and the Convention

NOC CS213

1. Each Member which has ratified, accepted, approved or acceded to this Constitution and the Convention shall have the right to denounce them. In such a case, this Constitution and the Convention shall be denounced simultaneously in one single instrument, by a notification addressed to the Secretary-General. Upon receipt of such notification, the Secretary-General shall advise the other Members thereof.

NOC CS214

2. Such denunciation shall take effect at the expiration of a period of one year from the date of receipt of its notification by the Secretary-General.

CONVENTION (CV) OF THE INTERNATIONAL

TELECOMMUNICATION UNION

MOD CHAPTER I

NOC **Functioning of the Union**

ADD SECTION 1

NOC ARTICLE 1

NOC **Plenipotentiary Conference**

NOC **CV1** 1. (1) The Plenipotentiary Conference shall be convened in accordance with the relevant provisions of Article 8 of the Constitution of the International Telecommunication Union (hereinafter referred to as "the Constitution").

MOD **CV2** (2) If practicable, the precise place and the exact dates of a Plenipotentiary Conference shall be set by the preceding Plenipotentiary Conference; failing this, they shall be fixed by the Council with the concurrence of the majority of the Members of the Union.

MOD **CV3** 2. (1) The precise place and the exact dates of the next Plenipotentiary Conference, or either one of these, may be changed:

NOC **CV4** a) when at least one-quarter of the Members of the Union have individually proposed a change to the Secretary-General; or

MOD **CV5** b) on a proposal of the Council.

MOD **CV6** (2) Any such change shall require the concurrence of a majority of the Members of the Union.

NOC

CHAPTER II

NOC

General Provisions Regarding Conferences

NOC

ARTICLE 8

(MOD)

Invitation and Admission to Plenipotentiary Conferences when There is an Inviting Government

MOD CV129

1. The precise place and the exact dates of the Conference shall be fixed in accordance with the provisions of Article 1 of this Convention, following consultations with the inviting government.

MOD CV130

2. (1) One year before the date of opening of the Conference, the inviting government shall send an invitation to the government of each Member of the Union.

NOC CV131

(2) These invitations may be sent directly or through the Secretary-General or through another government.

MOD CV132

3. The Secretary-General shall invite the following organizations to send observers:

CV132A

a) the United Nations;

CV132B

b) regional telecommunication organizations mentioned in Article 32 of the Constitution;

CV132C

c) intergovernmental organizations operating satellite systems;

CV132D

d) the specialized agencies of the United Nations and the International Atomic Energy Agency.

SUP CV133

(MOD) CV134

4. (1) The replies of the Members must reach the inviting government at least one month before the date of opening of the Conference and should include whenever possible full information on the composition of the delegation.

NOC CV135

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

ADD CV135A

(3) The replies of the organizations and agencies referred to in Nos. 132A to 132D above must reach the Secretary-General one month before the opening date of the Conference.

MOD CV136

5. The General Secretariat and the [three Bureaux] of the Union shall be represented at the Conference in an advisory capacity.

(MOD) CV137

6. The following shall be admitted to Plenipotentiary Conferences:

NOC CV138

a) delegations;

MOD CV139

b) observers of organizations and agencies invited in accordance with Nos. 132A to 132D above.

SUP CV140

SUP CV141

NOC

CHAPTER VI

NOC

Various Provisions Related to the Operation of Telecommunication Services

NOC

ARTICLE 29

NOC

Charges and Free Services

NOC CV394

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 CV395

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 31 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.

MOD CV396

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

NOC CV397

3. The statement of accounts with respect to debits and credits referred to in No. 396 above shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

NOC

ARTICLE 31

NOC

Monetary Unit

NOC CV398 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.

NOC

ARTICLE 32

NOC

Intercommunication

NOC CV399 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 CV400 2. Nevertheless, in order not to impede scientific progress, the provisions of No. 399 above 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 CV401 3. Notwithstanding the provisions of No. 399 above, 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.

NOC

ARTICLE 33

NOC

Secret Language

NOC CV402 1. Government telegrams and service telegrams may be expressed in secret language in all relations.

(MOD) CV403 2. Private telegrams in secret language may be admitted between all Members with the exception of those which have previously notified, through the Secretary-General, that they do not admit this language for that category of correspondence.

NOC CV404 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 24 of the Constitution.

NOC

CHAPTER VII

NOC

Arbitration and Amendment

NOC

ARTICLE 34

NOC

Arbitration: Procedure
(see Article 45 of the Constitution)

NOC CV405 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.

(MOD) CV406 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 CV407 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.

(MOD) CV408 4. If arbitration is to be entrusted to governments, or to administrations thereof, these must be chosen from among the Members which are not involved in the dispute, but which are parties to the agreement, the application of which caused the dispute.

NOC CV409 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 CV410 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. 408 and 409 above, by each of the two groups of parties having a common position in the dispute.

(MOD) CV411 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. 407 above, 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 CV412 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) CV413 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 CV414 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 CV415 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 CV416 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.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 137(Rev.1)-E
16 December 1992
Original: English

COMMITTEE 4

Note from the Chairman of Committee 4

THE RADIOCOMMUNICATION SECTOR

The attached texts on the question of radiocommunication conferences have been coordinated by Mr. M. GODDARD (United Kingdom). They present the main changes necessary to the Constitution and Convention and reflect the consensus achieved.

In addition, it has been suggested that the following, mainly editorial, consequential changes will need to be made:

MOD CS24, CS42, CV116Z, CV116AA, CV128AI, CV153A, CV364, CV265, CV273, CV273A, CV376, CV377.

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C.L. OLIVER
Chairman of Committee 4

Annex: 1

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ANNEX

CONSTITUTION (CS) OF THE INTERNATIONAL

TELECOMMUNICATION UNION

ADD CHAPTER II

ADD **Radiocommunication Sector**

ADD ARTICLE 11A

ADD **Functions and Structure**

ADD **CS85B** (2) The precise responsibilities of the Radiocommunication and the Telecommunication Standardization Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention.

ADD **CS85C** 2. The Radiocommunication Sector shall work through:

MOD **CS85D** a) world and regional radiocommunication conferences;~~ the world radiocommunication conferences shall normally include a Radio Regulations Committee and a Technical Committee;~~

ADD **CS85E** b) the Radio Regulations Board;

ADD **CS85Ebis** b)bis radiocommunications assemblies, which shall be associated with world radiocommunication conferences;

ADD **CS85F** c) radiocommunication study groups;

ADD **CS85G** d) the Radiocommunication Bureau headed by the elected Director.

ADD **CS85H** 3. The Radiocommunication Sector shall have as members:

ADD **CS85I** a) of right, the administrations of all Members of the Union;

ADD **CS85J** b) any entity or organization authorized in accordance with the relevant provisions of the Convention.

ADD ARTICLE 11B

MOD **Radiocommunication Conferences and Radiocommunications Assemblies**

MOD **CS85K** 1. A world radiocommunication conference may~~, at its Radio Regulations Committee,~~ partially or, in exceptional cases, completely revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties~~, to be dealt with by its Technical Committee,~~ are specified in~~ Articles 4B and 5A of~~ the Convention.

MOD **CS85L** 2. A world radiocommunication conference shall normally be convened every two years; however, following the application of the relevant provisions of the Convention, such a conference may not be convened ~~or may be limited to matters to be dealt with by either its Radio Regulations Committee or its Technical Committee~~or an additional one may be convened.

ADD **CS85Lbis** 3. A radiocommunications assembly shall also normally be convened every two years, and shall be associated in time and place with a world radiocommunication conference so as to improve the efficiency and effectiveness of the Radiocommunication Sector. A radiocommunications assembly shall provide the necessary technical basis for the work of a world radiocommunication conference and respond to all requests from world radiocommunication conferences. The duties of a radiocommunications assembly are specified in the Convention.

MOD **CS85M** 3. The d~~D~~ecisions of a world radiocommunication conference~~s must~~ , of a radiocommunications assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. ~~Furthermore, t~~The decisions of ~~the Technical Committee of a world radiocommunication conference and the decisions of~~ a regional radiocommunication conference ~~must~~shall also in all circumstances ~~also~~ be in conformity with the ~~Administrative~~Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ARTICLE 12

MOD

Radio Regulations Board

MOD **CS86** 1. The Radio Regulations Board shall consist of nine elected members highly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.

ADD **CS86A** 2. The duties of the Radio Regulations Board shall consist of:

ADD **CS86B** a) the approval of Rules of Procedure in accordance with the Radio Regulations and in accordance with any decision which may be taken by competent radiocommunication conferences and the interpretation, in this respect, of the provisions of the Radio Regulations. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Members. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;

ADD **CS86C** b) the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;

ADD **CS86D** c) the performance of 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 or by the 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.

ADD **CS86E** 3. (1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust.

ADD **CS86F** (2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a Member thereof, or from any public or private organization or person. Members shall refrain from taking any action or from participating in any decision, which may be incompatible with their status defined in No. 86E above.

ADD **CS86G** (3) Each Member shall respect the exclusively international character of the duties of the members of the Board and refrain from trying to influence them in the performance of their Board duties.

SUP **CS87**

SUP **CS88**

SUP **CS89**

SUP **CS90**

SUP **CS91**

SUP **CS92**

SUP **CS93**

SUP **CS94**

ADD **CS94A** 4. The working arrangements of the Radio Regulations Board are defined in the Convention.

SUP **CS95**

SUP **CS96**

SUP **CS97**

ARTICLE 13

ADD **Radiocommunication Study Groups**

ADD **CS97A** The duties of the radiocommunication study groups are specified in the Convention.

SUP **CS98**

SUP **CS99**

SUP **CS100**

SUP CS101

SUP CS102

SUP CS103

SUP CS104

SUP CS105

SUP CS106

CONVENTION (CV) OF THE INTERNATIONAL TELECOMMUNICATION UNION

ARTICLE 1A

Elections and Related Matters

ADD CV6N

2. If, in the interval between two Plenipotentiary Conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the 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 Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.

ADD CV6O

3. A member of the Radio Regulations Board is considered no longer in a position to perform his duties after repeated consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 6N above.

ARTICLE 2

MOD

Other Conferences

ADD CV6P

1. In conformity with the relevant provisions of the Constitution, the following world conferences of the Union shall normally be convened within the period between two Plenipotentiary Conferences:

ADD CV6Q

a) two world radiocommunication conferences;

ADD **CV6R** b) one world telecommunication standardization conference;

ADD **CV6S** c) one world telecommunication development conference.

ADD d) two radiocommunications assemblies, associated in time and place with world radiocommunication conferences.

SUP **CV7**

SUP **CV8**

SUP **CV9**

MOD **CV10** ~~2. The second world radiocommunication conference may be cancelled or limited to matters to be dealt with by either its Technical Committee or its Radio Regulations Committee, and a second telecommunication standardization conference may be convened:~~

2. Within the period between Plenipotentiary Conferences:

- a world radiocommunication conference and its associated radiocommunications assembly may both be cancelled, or either one may be cancelled; or
- an additional world radiocommunication conference or telecommunication standardization conference may be convened.

These actions shall be taken:

MOD **CV11** a) by a decision of a Plenipotentiary Conference;

MOD **CV12** b) on the recommendation of the previous world conference of the Sector concerned, if approved by the Council;

CV13 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

MOD **CV14** d) on a proposal of the Council.

SUP **CV15**

MOD **CV16** 3. A regional conference shall be convened:

CV17 a) by a decision of a Plenipotentiary Conference;

MOD **CV18** b) on the recommendation of a previous world or regional conference if approved by the Council;

CV19 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

MOD **CV20** d) on a proposal of the Council.

MOD **CV20A** 4. (1) The place and the exact dates of a world or regional conference or radiocommunications assembly may be fixed by a Plenipotentiary Conference.

MOD **CV20B** (2) In the absence of such a decision, the Council shall determine the place and the exact dates of a world conference or radiocommunications assembly with the concurrence of a majority of the Members of the Union, and of a regional conference with the concurrence of a majority of the Members of the Union belonging to the region concerned; in both cases the provisions of No. 29 below shall apply.

SUP **CV21**

MOD **CV22** 5. (1) The place and the exact dates of a conference or assembly may be changed:

MOD **CV23** a) at the request of at least one-quarter of the Members of the Union in the case of a world conference or assembly, or of at least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

MOD **CV24** b) on a proposal of the Council.

MOD **CV25** (2) In cases specified in Nos. 23 and 24 above 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 conference or assembly, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 29 below.

SUP **CV26**

SUP **CV27**

SUP **CV28**

MOD **CV29** 6. In the consultations referred to in Nos. 20B, 25, 109L, 109Q, 109AC, 158, 163, 164, 164B and 168 of this Convention, Members of the Union who have not replied within the time limits specified by the 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.

ADD **CV29A** 7. (1) World conferences on international telecommunications shall be held upon decision by the Plenipotentiary Conference.

ADD **CV29B** (2) The provisions for the convening and for the adoption of the agenda of a world radiocommunication conference shall, as appropriate, equally apply to world conferences on international telecommunications.

SUP **CV30**

ADD SECTION 2

ARTICLE 3

MOD **Council**

SUP **CV31**

SUP **CV32**

SUP **CV33**

SUP **CV34**

SUP **CV35**

SUP **CV36**

SUP **CV37**

MOD **CV38** 1. (1) The Council shall hold an ordinary session annually at the seat of the Union.

CV39 (2) During this session it may decide to hold, exceptionally, an additional session.

MOD **CV40** (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. 6K of this Convention.

SUP **CV41**

SUP **CV42**

ADD **CV109D** 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 Council. In such circumstances he shall report promptly in writing on such matters to the Members of the 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 Council.

ADD **CV109E** 3. The Chairman shall convene the Committee at least once a month; the Committee may also be convened when necessary at the request of two of its members.

ADD **CV109F** 4. A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Members of the Council.

ADD SECTION 5

ADD **Radiocommunication Sector**

ADD ARTICLE 4B

ADD **World Radiocommunication Conference**

MOD **CV109G** 1. In accordance with No. 85L of the Constitution, a world radiocommunication conference shall be convened to consider specific radiocommunication matters. A world radiocommunication conference shall deal ~~at its Radio Regulations Committee~~ with those items which are included in its agenda adopted in accordance with the relevant provisions of this Article. ~~It shall deal at its Technical Committee only with radiocommunication matters specified in Nos. 109S through 109W and Article 5A of this Convention.~~

MOD **CV109H** 2. (1) ~~In relation to matters to be considered by its Radio Regulations Committee, t~~The agenda of a world radiocommunication conference may include:

ADD **CV109I** a) the partial or, exceptionally, complete revision of the Radio Regulations referred to in Article 4 of the Constitution;

ADD **CV109J** b) any other question of a worldwide character within the competence of the conference;

(MOD) **CV109K** c) an item concerning instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities and a review of those activities~~.~~;

ADD d) the adoption of questions to be studied by the radiocommunications assembly as well as matters that this assembly shall consider in relation to future radiocommunication conferences.

ADD **CV109L** (2) This agenda shall be established by the Council with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 29 above.

ADD **CV109M** (3) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

ADD **CV109N** 3. (1) This agenda may be changed:

ADD **CV109O** a) at the request of at least one-quarter of the Members of the Union to be addressed individually to the Secretary-General, who shall transmit such requests to the Council for approval; or

ADD **CV109P** b) on a proposal of the Council.

ADD **CV109Q** (2) The proposed changes to the agenda of a world radiocommunication conference shall not be finally adopted until accepted by a majority of the Members of the Union, subject to the provisions of No. 29 above.

(MOD) **CV109Y** ~~7.~~4. The conference shall also:

ADD **CV109Z** (1) consider and approve the report of the Director of the Bureau on the activities of the Sector since the last conference;

MOD **CV109AA** (2) recommend to the Council items for inclusion in the agenda of a future conference ~~relating to matters to be considered by its Radio Regulations Committee~~ and give its views on such agendas for at least a four-year cycle of radiocommunication conferences and an estimate of the financial implications;

ADD **CV109AB** (3) include in its decisions instructions or requests, as appropriate, to the Secretary-General and the Sectors of the Union.

ADD **CV109XX** 5. The Chairman and Vice-Chairmen of the radiocommunications assembly, or of the relevant study group(s), may participate in the associated world radiocommunication conference, including its Steering Committee.

ADD

ARTICLE 4Bbis

ADD

Radiocommunications Assemblies

MOD **CV109R** ~~4.~~1. ~~The Technical Committee of a world radiocommunication conference~~A radiocommunications assembly shall deal with and issue, as appropriate, recommendations on questions adopted pursuant to its own procedures or referred to the ~~conference~~assembly by the Plenipotentiary Conference, any other conference, the Council or the Radio Regulations Board.

MOD **CV109S** ~~5.~~2. With regard to No. 109R above, the ~~Technical Committee of the conference~~radiocommunications assembly shall:

ADD **CV109T** (1) consider the reports of Study Groups prepared in accordance with No. 116R below and approve, modify or reject the draft recommendations contained in these reports;

ADD **CV109U** (2) bearing in mind the guidance of the Advisory Group referred to in No. 116U of this Convention and the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

ADD **CV109V** (3) decide, in the light of the approved programme of work derived from No. 109U above, on the need to maintain, terminate or establish Study Groups and allocate to each of them the questions to be studied;

ADD **CV109W** (4) group, as far as possible, questions of interest to the developing countries to facilitate their participation in these studies.

SUP **CV109X**

ADD (5) give advice on matters within its competence in response to requests from a world radiocommunication conference.

ADD (6) report to the associated world radiocommunication conference on the progress in matters that may be included in the agenda of future radiocommunication conferences.

ADD **CVYY** 3. A radiocommunications 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 the meeting held at the seat of the Union, by a person elected by the assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the assembly.

ADD

ARTICLE 4C

ADD

Regional Radiocommunication Conference

ADD **CV109AC** The agenda of a regional radiocommunication conference may provide only for specific radiocommunication questions of a regional nature, including instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Only items

included in its agenda may be discussed by such a conference. The provisions contained in Nos. 109L to Q above shall apply to a regional radiocommunication conference but only with regard to the Members of the region concerned.

ARTICLE 5

MOD

Radio Regulations Board

SUP CV110

SUP CV111

SUP CV112

SUP CV113

SUP CV114

SUP CV115

SUP CV116

ADD CV116A

1. In addition to the duties specified in Article 12 of the Constitution, the Board shall also consider reports of the Director of the Radiocommunication Bureau on investigations, at the request of one or more of the interested administrations, of harmful interference and formulate recommendations with respect thereto.

ADD CV116B

2. Members of the Board may participate, in an advisory capacity, in the Plenipotentiary Conference and the radiocommunication conferences.

ADD CV116C

3. Only the travelling, subsistence and insurance expenses incurred by the members of the Board in the exercise of their duties for the Union shall be borne by the Union.

ADD CV116D

4. The working arrangements of the Board shall be as follows:

ADD CV116E

(1) The members of the Board shall elect from their own members 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. In the absence of the Chairman and Vice-Chairman, the Board shall elect a temporary Chairman for the occasion from among its members.

ADD CV116F

(2) The Board shall hold up to four meetings a year at the seat of the Union, at which at least six members shall be present, and may carry out its duties using modern means of communication.

ADD CV116G

(3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall only be valid if at least five members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

ADD CV116H

(4) The Board may make such internal arrangements as it may consider necessary in conformity with the provisions of the Constitution, this Convention and the Radio Regulations. Such arrangements shall be published as part of the Board's Rules of Procedure.

ADD

ARTICLE 5A

ADD

Radiocommunication Study Groups and Advisory Group

MOD CV116I

1. Radiocommunication study groups are set up by ~~the Technical Committee of a world~~a radiocommunications ~~conference~~assembly.

MOD CV116J

2. (1) The Radiocommunication Study Groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions in Article 4B of this Convention. These draft recommendations shall be submitted to a ~~world~~ radiocommunications ~~conference~~assembly for approval ~~by its Technical Committee~~, or between two such ~~conferences~~assemblies by correspondence to administrations in accordance with procedures adopted by the ~~conference~~assembly. Recommendations approved in either manner shall have equal status.

ADD CV116K

(2) The study of the above questions shall, subject to No. 116S below, focus on the following:

ADD CV116L

a) use of the radio-frequency spectrum in terrestrial and space radiocommunications (including the geostationary orbit);

ADD CV116M

b) characteristics and performance of radio systems;

ADD CV116N

c) operation of radio stations;

ADD CV116O

d) radiocommunication aspects of distress and safety matters.

ADD CV116P

(3) These studies shall not generally address economic questions, but when they involve comparing technical alternatives, economic factors may be taken into consideration.

ADD CV116Q

3. The Radiocommunication Study Groups shall also carry out preparatory studies on the technical, operating and procedural matters to be considered by world and regional radiocommunication conferences and elaborate reports thereon in accordance with a programme of work adopted in this respect by a radiocommunication conference or following instructions by the Council.

MOD CV116R

4. Each Study Group shall prepare for ~~the Technical Committee of a world~~the radiocommunications ~~conference~~assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 116J and any draft new or revised recommendation for consideration by the ~~conference~~assembly.

ADD CV116S

5. Taking into account No. 85B of the Constitution, the tasks enumerated in Nos. 116L to 116O above and in No. 122H below in relation to the Telecommunication Standardization Sector shall be kept under continuing review by the Radiocommunication and the Telecommunication Standardization Sectors with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such reviews and reach such agreements in a timely and effective manner. If agreement is not reached, even at the level of the world radiocommunication conference and the world telecommunication standardization conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 137-E
15 December 1992
Original: English

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ADD **CS85G** d) the Radiocommunication Bureau headed by the elected Director.

ADD **CS85H** 3. The Radiocommunication Sector shall have as members:

ADD **CS85I** a) of right, the administrations of all Members of the Union;

ADD **CS85J** b) any entity or organization authorized in accordance with Article 7D of the Convention.

ADD ARTICLE 11B

MOD **Radiocommunication Conferences and Radiocommunications Assemblies**

MOD **CS85K** 1. A world radiocommunication conference may~~, at its Radio Regulations Committee,~~ partially or, in exceptional cases, completely revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties~~, to be dealt with by its Technical Committee,~~ are specified in~~ Articles 4B and 5A of~~ the Convention.

MOD **CS85L** 2. A world radiocommunication conference shall be convened every two years; however, following the application of the relevant provisions of the Convention, such a conference may not be convened ~~or may be limited to matters to be dealt with by either its Radio Regulations Committee or its Technical Committee~~.

ADD **CS85Lbis** 3. A radiocommunications assembly shall normally be convened every two years, and shall be associated in time and place with a world radiocommunication conference so as to improve the efficiency and effectiveness of the Radiocommunication Sector. The duties of a radiocommunications assembly are specified in the Convention.

MOD **CS85M** 3. Decisions of radiocommunication conferences must in all circumstances be in conformity with this Constitution and the Convention. Furthermore, the decisions of ~~the Technical Committee of a world radiocommunication conference~~a radiocommunications assembly and the decisions of a regional radiocommunication conference must in all circumstances also be in conformity with the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ARTICLE 12

MOD **Radio Regulations Board**

MOD **CS86** 1. The Radio Regulations Board shall consist of nine elected members highly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.

ADD **CS86A** 2. The duties of the Radio Regulations Board shall consist of:

ADD **CS86B** a) the approval of Rules of Procedure in accordance with the Radio Regulations and in accordance with any decision which may be taken by competent radiocommunication conferences and the interpretation, in this respect, of the provisions of the Radio Regulations. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Members. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;

ADD **CS86C** b) the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;

ADD **CS86D** c) the performance of 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 or by the 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.

ADD **CS86E** 3. (1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust.

ADD **CS86F** (2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a Member thereof, or from any public or private organization or person. Members shall refrain from taking any action or from participating in any decision, which may be incompatible with their status defined in No. 86E above.

ADD **CS86G** (3) Each Member shall respect the exclusively international character of the duties of the members of the Board and refrain from trying to influence them in the performance of their Board duties.

SUP **CS87**

SUP **CS88**

SUP **CS89**

SUP **CS90**

SUP **CS91**

SUP **CS92**

SUP **CS93**

SUP **CS94**

ADD **CS94A** 4. The working arrangements of the Radio Regulations Board are defined in Article 5 of the Convention.

SUP **CS95**

SUP **CS96**

SUP **CS97**

ARTICLE 13

ADD **Radiocommunication Study Groups**

ADD **CS97A** The duties of the radiocommunication study groups are specified in Article 5A of the Convention.

SUP **CS98**

SUP **CS99**

SUP **CS100**

SUP CS101

SUP CS102

SUP CS103

SUP CS104

SUP CS105

SUP CS106

CONVENTION (CV) OF THE INTERNATIONAL TELECOMMUNICATION UNION

ARTICLE 1A

Elections and Related Matters

ADD CV6N

2. If, in the interval between two Plenipotentiary Conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the 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 Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.

ADD CV6O

3. A member of the Radio Regulations Board is considered no longer in a position to perform his duties after repeated consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 6N above.

ARTICLE 2

MOD

Other Conferences

ADD CV6P

1. In conformity with the relevant provisions of the Constitution, the following world conferences of the Union shall normally be convened within the period between two Plenipotentiary Conferences:

ADD CV6Q

a) two world radiocommunication conferences;

ADD **CV6R** b) one world telecommunication standardization conference;

ADD **CV6S** c) one world telecommunication development conference.

ADD d) two radiocommunications assemblies, associated in time and place with world radiocommunication conferences.

SUP **CV7**

SUP **CV8**

SUP **CV9**

MOD **CV10** 2. ~~The second~~A world radiocommunication conference and its associated radiocommunications assembly may be cancelled or ~~limited to matters to be dealt with by either its Technical Committee or its Radio Regulations Committee,~~either one may be cancelled and a second telecommunication standardization conference may be convened:

MOD **CV11** a) by a decision of a Plenipotentiary Conference;

MOD **CV12** b) on the recommendation of the previous world conference of the Sector concerned, if approved by the Council;

CV13 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

MOD **CV14** d) on a proposal of the Council.

SUP **CV15**

MOD **CV16** 3. A regional conference shall be convened:

CV17 a) by a decision of a Plenipotentiary Conference;

MOD **CV18** b) on the recommendation of a previous world or regional conference if approved by the Council;

CV19 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

MOD **CV20** d) on a proposal of the Council.

MOD **CV20A** 4. (1) The place and the exact dates of a world or regional conference or radiocommunications assembly may be fixed by a Plenipotentiary Conference.

MOD **CV20B** (2) In the absence of such a decision, the Council shall determine the place and the exact dates of a world conference or radiocommunications assembly with the concurrence of a majority of the Members of the Union, and of a regional conference with the concurrence of a majority of the Members of the Union belonging to the region concerned; in both cases the provisions of No. 29 below shall apply.

SUP **CV21**

MOD **CV22** 5. (1) The place and the exact dates of a conference or assembly may be changed:

MOD **CV23**

a) at the request of at least one-quarter of the Members of the Union in the case of a world conference or assembly, or of at least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

MOD **CV24**

b) on a proposal of the Council.

MOD **CV25**

(2) In cases specified in Nos. 23 and 24 above 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 conference or assembly, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 29 below.

SUP **CV26**

SUP **CV27**

SUP **CV28**

MOD **CV29**

6. In the consultations referred to in Nos. 20B, 25, 109L, 109Q, 109AC, 158, 163, 164, 164B and 168 of this Convention, Members of the Union who have not replied within the time limits specified by the 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.

ADD **CV29A**

7. (1) World conferences on international telecommunications shall be held upon decision by the Plenipotentiary Conference.

ADD **CV29B**

(2) The provisions for the convening and for the adoption of the agenda of a world radiocommunication conference shall, as appropriate, equally apply to world conferences on international telecommunications.

SUP **CV30**

ADD

SECTION 2

ARTICLE 3

MOD

Council

SUP **CV31**

SUP **CV32**

SUP **CV33**

SUP **CV34**

SUP **CV35**

SUP **CV36**

SUP **CV37**

MOD **CV38** 1. (1) The Council shall hold an ordinary session annually at the seat of the Union.

CV39 (2) During this session it may decide to hold, exceptionally, an additional session.

MOD **CV40** (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. 6K of this Convention.

SUP **CV41**

SUP **CV42**

ADD **CV109D** 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 Council. In such circumstances he shall report promptly in writing on such matters to the Members of the 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 Council.

ADD **CV109E** 3. The Chairman shall convene the Committee at least once a month; the Committee may also be convened when necessary at the request of two of its members.

ADD **CV109F** 4. A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Members of the Council.

ADD SECTION 5

ADD **Radiocommunication Sector**

ADD ARTICLE 4B

ADD **World Radiocommunication Conference**

MOD **CV109G** 1. In accordance with No. 85L of the Constitution, a world radiocommunication conference shall be convened to consider specific radiocommunication matters. A world radiocommunication conference shall ~~deal at its Radio Regulations Committee~~ with those items which are included in its agenda adopted in accordance with the relevant provisions of this Article. ~~It shall deal at its Technical Committee only with radiocommunication matters specified in Nos. 109S through 109W and Article 5A of this Convention.~~

MOD **CV109H** 2. (1) ~~In relation to matters to be considered by its Radio Regulations Committee, t~~The agenda of a world radiocommunication conference may include:

ADD **CV109I** a) the partial or, exceptionally, complete revision of the Radio Regulations referred to in Article 4 of the Constitution;

ADD **CV109J** b) any other question of a worldwide character within the competence of the conference;

(MOD) **CV109K** c) an item concerning instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities and a review of those activities~~.~~;

ADD d) the identification of items for study by a radiocommunications assembly.

ADD **CV109L** (2) This agenda shall be established by the Council with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 29 above.

ADD **CV109M** (3) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

ADD **CV109N** 3. (1) This agenda may be changed:

ADD **CV109O** a) at the request of at least one-quarter of the Members of the Union to be addressed individually to the Secretary-General, who shall transmit such requests to the Council for approval; or

ADD **CV109P** b) on a proposal of the Council.

ADD **CV109Q** (2) The proposed changes to the agenda of a world radiocommunication conference shall not be finally adopted until accepted by a majority of the Members of the Union, subject to the provisions of No. 29 above.

(MOD) **CV109Y** ~~7.~~4. The conference shall also:

ADD **CV109Z** (1) consider and approve the report of the Director of the Bureau on the activities of the Sector since the last conference;

MOD **CV109AA** (2) recommend to the Council items for inclusion in the agenda of a future conference~~ relating to matters to be considered by its Radio Regulations Committee~~ and give its views on such agendas for at least a four-year cycle of radiocommunication conferences and an estimate of the financial implications;

ADD **CV109AB** (3) include in its decisions instructions or requests, as appropriate, to the Secretary-General and the Sectors of the Union.

ADD **CV109XX** The Chairman and Vice-Chairmen of the radiocommunications assembly shall participate in the Plenary Meeting and Steering Committee of the associated world radiocommunication conference.

ADD

ARTICLE 4Bbis

ADD

Radiocommunications Assemblies

MOD **CV109R** ~~4.~~1. ~~The Technical Committee of a world radiocommunication conference~~A radiocommunications assembly shall deal with and issue, as appropriate, recommendations on questions adopted pursuant to its own procedures or referred to the ~~conference~~assembly by the Plenipotentiary Conference, any other conference, the Council or the Radio Regulations Board.

MOD **CV109S** ~~5~~.2. With regard to No. 109R above, the ~~Technical Committee of the conference~~radiocommunications assembly shall:

ADD **CV109T** (1) consider the reports of Study Groups prepared in accordance with No. 116R below and approve, modify or reject the draft recommendations contained in these reports;

ADD **CV109U** (2) bearing in mind the guidance of the Advisory Group referred to in No. 116U of this Convention and the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

ADD **CV109V** (3) decide, in the light of the approved programme of work derived from No. 109U above, on the need to maintain, terminate or establish Study Groups and allocate to each of them the questions to be studied;

ADD **CV109W** (4) group, as far as possible, questions of interest to the developing countries to facilitate their participation in these studies.

SUP **CV109X** 6.

ADD (5) give advice on matters within its competence in response to requests from a world radiocommunication conference.

ADD **CVYY** At each of these meetings, the radiocommunications 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 the 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.

ADD ARTICLE 4C

ADD **Regional Radiocommunication Conference**

ADD **CV109AC** The agenda of a regional radiocommunication conference may provide only for specific radiocommunication questions of a regional nature, including instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Only items included in its agenda may be discussed by such a conference. The provisions contained in Nos. 109L to Q above shall apply to a regional radiocommunication conference but only with regard to the Members of the region concerned.

ARTICLE 5

MOD **Radio Regulations Board**

SUP **CV110**

SUP **CV111**

SUP **CV112**

SUP **CV113**

SUP **CV114**

SUP **CV115**

SUP **CV116**

ADD **CV116A** 1. In addition to the duties specified in Article 12 of the Constitution, the Board shall also consider reports of the Director of the Radiocommunication Bureau on investigations, at the request of one or more of the interested administrations, of harmful interference and formulate recommendations with respect thereto.

ADD **CV116B** 2. Members of the Board may participate, in an advisory capacity, in the Plenipotentiary Conference and the radiocommunication conferences.

ADD **CV116C** 3. Only the travelling, subsistence and insurance expenses incurred by the members of the Board in the exercise of their duties for the Union shall be borne by the Union.

ADD **CV116D** 4. The working arrangements of the Board shall be as follows:

ADD **CV116E** (1) The members of the Board shall elect from their own members 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. In the absence of the Chairman and Vice-Chairman, the Board shall elect a temporary Chairman for the occasion from among its members.

ADD **CV116F** (2) The Board shall hold up to four meetings a year at the seat of the Union, at which at least six members shall be present, and may carry out its duties using modern means of communication.

ADD **CV116G** (3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall only be valid if at least five members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

ADD **CV116H** (4) The Board may make such internal arrangements as it may consider necessary in conformity with the provisions of the Constitution, this Convention and the Radio Regulations. Such arrangements shall be published as part of the Board's Rules of Procedure.

ADD ARTICLE 5A

ADD **Radiocommunication Study Groups and Advisory Group**

MOD **CV116I** 1. Radiocommunication study groups are set up by ~~the Technical Committee of a world~~a radiocommunications ~~conference~~assembly.

MOD CV116J 2. (1) The Radiocommunication Study Groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions in Article 4B of this Convention. These draft recommendations shall be submitted to a ~~world~~ radiocommunications ~~conference~~assembly for approval by its Technical Committee, or between two such ~~conferences~~assemblies by correspondence to administrations in accordance with procedures adopted by the ~~conference~~assembly. Recommendations approved in either manner shall have equal status.

ADD CV116K (2) The study of the above questions shall, subject to No. 116S below, focus on the following:

ADD CV116L a) use of the radio-frequency spectrum in terrestrial and space radiocommunications (including the geostationary orbit);

ADD CV116M b) characteristics and performance of radio systems;

ADD CV116N c) operation of radio stations;

ADD CV116O d) radiocommunication aspects of distress and safety matters.

ADD CV116P (3) These studies shall not generally address economic questions, but when they involve comparing technical alternatives, economic factors may be taken into consideration.

ADD CV116Q 3. The Radiocommunication Study Groups shall also carry out preparatory studies on the technical, operating and procedural matters to be considered by world and regional radiocommunication conferences and elaborate reports thereon in accordance with a programme of work adopted in this respect by a radiocommunication conference or following instructions by the Council.

MOD CV116R 4. Each Study Group shall prepare for ~~the Technical Committee of~~ a ~~world~~ radiocommunications ~~conference~~assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 116J and any draft new or revised recommendation for consideration by the conference.

ADD CV116S 5. Taking into account No. 85B of the Constitution, the tasks enumerated in Nos. 116L to 116O above and in No. 122H below in relation to the Telecommunication Standardization Sector shall be kept under continuing review by the Radiocommunication and the Telecommunication Standardization Sectors with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such reviews and reach such agreements in a timely and effective manner. If agreement is not reached, even at the level of the world radiocommunication conference and the world telecommunication standardization conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 138-E
15 December 1992
Original: Spanish

COMMITTEE 4
COMMITTEE 5

Eastern Republic of Uruguay

PROPOSALS FOR THE WORK OF THE CONFERENCE

Proposed modification of CS163 of Article 26 of the Constitution, as follows:

URG/138/1
MOD CS163

1. Members agree to take all possible measures, compatible with the system of telecommunication used, with a view to ensuring the secrecy of international correspondence, as well as measures to protect the right to privacy of all users.

Reasons: In view of its growing importance, the principle of the "right to privacy" should be given consideration and should be covered by appropriate regulations.

This proposal is based on the following antecedents:

I. Of fact

a) The institution of a new authority in Germany, in the person of the Commissioner for the Protection of Data (Datenschutzbeauftragter).

b) The creation in Spain of the Data Protection Agency, with a view to safeguarding very diverse data, such as those concerning childhood, living or consumption habits, the use of so-called plastic money, personal relations and even religious and ideological beliefs.

II. In law

a) Law of 7 October 1970, on data protection - Datenschutzgesetz of the Land of Hesse, Germany.

b) Article 35 of the Portuguese Constitution of 1976.

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c) Article18.4 of the Spanish Constitution, which stipulates that: "the law shall restrict the use of informatics for the purpose of safeguarding the personal and family honour and privacy of citizens and the full exercise of their rights";

Article 105 of that Constitution, whereby: "the law shall regulate citizens' access to administrative archives and registries, except where the security and defense of the State, the investigation of offences and the privacy of persons are concerned".

d) European Convention on the Protection of Data, signed on 17 September 1980.

III. Doctrine

a) The right to privacy - 1890 Harvard Law Review (USA) - S. Warren and L. Brandeis.

b) Fair Reporting Act, 26 October 1970 - Congress of the United States of America.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 3 to
Document 139-E
20 December 1992
Original: French

PLENARY MEETING

MODIFICATIONS TO THE REPORT BY COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

Following the submission of the Report by Committee 2 to the Sixth Plenary Meeting, the following amendments should be made to the Annex to Document 139:

Section 2	Insert	Mauritania
Section 4	Delete	Mauritania

R. BLOIS
Chairman of Committee 2

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 2 to
Document 139-E
18 December 1992
Original: French

PLENARY MEETING

MODIFICATIONS TO THE REPORT BY COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

Following the submission of the Report by Committee 2 to the Sixth Plenary Meeting, the following amendments should be made to the Annex to Document 139:

Section 1:	Insert	ALBANIA
Section 4:	Delete	ALBANIA

R. BLOIS
Chairman of Committee 2

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 1 to
Document 139-E
18 December 1992
Original: French

PLENARY MEETING

MODIFICATIONS TO THE REPORT BY COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

Following the submission of the Report by Committee 2 to the Sixth Plenary Meeting, the following amendments should be made to the Annex to Document 139:

Section 1:

Insert	ITALY
	MADAGASCAR
	MEXICO
	TANZANIA
	CHAD
	URUGUAY

Section 2:

Delete	CHAD

Section 4:

Insert	ALBANIA
Delete	ITALY
	MADAGASCAR
	MEXICO
	TANZANIA
	URUGUAY

R. BLOIS
Chairman

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 139-E
17 December 1992
Original: French

PLENARY MEETING

REPORT BY COMMITTEE 2 TO THE PLENARY MEETING

(CREDENTIALS)

1. Terms of reference

The terms of reference of the Committee are described in Document 69.

2. Meetings

The Committee met twice, on 10 and 16 December 1992.

At its first meeting, it set up a working group comprised of the Chairman and Vice-Chairmen of the Committee and a delegate from each of the following countries: Spain, the United States, Czech and Slovak Federal Republic and Cameroon, to verify the credentials of delegations in accordance with Article 67 of the International Telecommunication Convention (Nairobi, 1982).

3. Transfer of powers

In accordance with the provisions of No. 391 of the International Telecommunication Convention (Nairobi, 1982), transfers of powers were approved at the first meeting of Committee 2 and at the meeting of the working group.

4. Conclusions

The Committee's conclusions are given in the Annex to the present document and are submitted to the Plenary Meeting for approval.

5. Closing remarks

The Committee recommends the Plenary Committee to authorize the Chairman and the Vice-Chairman of Committee 2 to verify the credentials received after the date of this report and to submit their conclusions in that respect to the Plenary Meeting.

R. BLOIS
Chairman

Annex: 1

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ANNEX

1. Credentials deposited by the delegations of countries having the right to vote and found to be in order

AFGHANISTAN
ALGERIA
GERMANY
SAUDI ARABIA
ARGENTINA
AUSTRALIA
AUSTRIA
BAHAMAS
BAHRAIN
BARBADOS
BELARUS
BELGIUM
BENIN
BHUTAN
BOTSWANA*
BRAZIL
BRUNEI DARUSSALAM
BULGARIA
BURKINA FASO
BURUNDI
CAMEROON
CANADA
CAPE VERDE
CENTRAL AFRICAN REP.
CHILE
CHINA
CYPRUS
VATICAN CITY STATE
COLOMBIA

---

* Transfer of powers to Lesotho from 15 December 1992.

COMOROS
KOREA (REP. OF)
COTE D'IVOIRE
CROATIA*
CUBA
DENMARK
DJIBOUTI
EGYPT
UNITED ARAB EMIRATES
SPAIN
ESTONIA
UNITED STATES OF AMERICA
ETHIOPIA
FIJI
FINLAND
FRANCE
GABON
GAMBIA
GHANA
GREECE
GUINEA
HONDURAS
HUNGARY
INDIA
INDONESIA
IRAN (ISLAMIC REPUBLIC OF)
IRELAND
ICELAND
ISRAEL
JAPAN
JORDAN
KENYA
KUWAIT
LESOTHO
LATVIA

---

* Transfer of powers to Slovenia from 11 December 1992.

LEBANON
LIBERIA
LITHUANIA
LUXEMBOURG
MALAYSIA
MALAWI
MALI
MALTA
MOROCCO
MAURITIUS
MONACO
MONGOLIA
MOZAMBIQUE*
MYANMAR
NEPAL
NIGER
NIGERIA
NORWAY
NEW ZEALAND
OMAN
PAKISTAN
PANAMA
PAPUA NEW GUINEA
NETHERLANDS
PHILIPPINES
POLAND
PORTUGAL
QATAR
DEMOCRATIC PEOPLE'S REP. OF KOREA
ROMANIA
UNITED KINGDOM
RUSSIA
SAN MARINO
SENEGAL
SINGAPORE

---

* Transfer of power to Cape Verde from 11 December 1992.

SLOVENIA
SUDAN
SRI LANKA
SWEDEN
SWITZERLAND
SURINAME
SWAZILAND
CZECH AND SLOVAK FED. REP.
THAILAND
TRINIDAD AND TOBAGO
TUNISIA
TURKEY
UKRAINE
VENEZUELA
VIET NAM
YEMEN
ZAMBIA
ZIMBABWE

Conclusion

The delegations of the above countries are entitled to vote and to sign the Final Acts.

2. Credentials deposited by the delegations of countries without the right to vote and found to be in order (see Document 43)

GRENADA
CHAD

Conclusion

The delegation of the above country is not entitled to vote but may sign the Final Acts.

3. Transfer of powers deposited by countries unable to send their own delegations to the Conference (No. 391 of the Convention), found to be in order

Column 1 (FROM)	Column 2 (TO)
ANGOLA	PORTUGAL
ARMENIA	FRANCE
EL SALVADOR	UNITED STATES
JAMAICA	BAHAMAS
LIECHTENSTEIN	SWITZERLAND
MALDIVES	SRI LANKA
MOLDOVA	ROMANIA

Conclusion

The delegations of the countries mentioned in column 2 above are entitled to vote and to sign on behalf of the countries listed in column 1, as detailed in Conference Documents 88, 90, 97, 98, 99, 115 and 123.

4. Delegations participating in the Conference which have not deposited credentials

BANGLADESH
BELIZE
BOLIVIA*
CONGO
ECUADOR
ITALY
LIBYA
MADAGASCAR
MAURITANIA*
MEXICO
NICARAGUA*
UZBEKISTAN**
PARAGUAY
PERU*
SYRIAN ARAB REPUBLIC
ST. VINCENT AND THE GRENADINES
SOMALIA*
TANZANIA
URUGUAY
ZAIRE

Conclusion

The delegations of the above countries are not entitled to vote or to sign the Final Acts.

---

* Included in the list of countries which have lost their right to vote (See Document 43).

** Transfer of powers to Russia from 15 December 1992.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 140-E
16 December 1992
Original: English/
French

PLENARY MEETING

Note by the Secretary-General

CANDIDATURES FOR THE ELECTION OF THE DIRECTOR OF THE TELECOMMUNICATIONS DEVELOPMENT BUREAU (BDT)

On withdrawing his candidature for election to the post of Director of the Telecommunications Development Bureau (BDT), Mr. Terrefe RAS-WORK has sent me the letter to be found in the annex.

Pekka TARJANNE
Secretary-General

Annex: 1

ANNEX

15 December 1992

Dr. Pekka TARJANNE
Secretary General
International Telecommunications Union
Place des Nations
CH-1211 Geneva 20

Dear Sir,

In Document 52 I decided to present myself to the post of BDT Director in order to offer my services to the Members of the Union in the field of development to which I remain fully committed.

I am reassured by the confidence that many countries from around the world demonstrated in my capability to direct the BDT. I should like to take this occasion to sincerely thank the many African governments and others who have voted for me in the first and second ballots.

In order to facilitate the election process and after consulting my supporters, I have decided to withdraw my candidature.

Yours sincerely,

Terrefe Ras-Work

UNION INTERNATIONALE DES TELECOMMUNICATIONS

APP-92 CONFERENCE DE PLENIPOTENTIAIRES ADDITIONNELLE

GENEVE, DECEMBRE 1992

Corrigendum 2 au ✓
Document 141(Rév.1)-F/E/S
21 décembre 1992
Original: français

SEANCE PLENIERE

Algérie, Bahamas, Bahreïn, Barbade, Bénin, Burkina Faso, Cameroun, Chypre, Comores, Congo, Côte d'Ivoire, Etats-Unis d'Amérique, Ethiopie, Gabon, Guinée, Iran (République islamique d'), Libéria, Liban, Madagascar, Mali, Maroc, Niger, Pays-Bas, Qatar, Sénégal, Soudan, Suriname, Tchad, Venezuela, Zambie

PROPOSITIONS POUR LES TRAVAUX DE LA CONFERENCE

Ajouter "Uruguay" dans la liste des pays cosignataires de ce document.

Add "Uruguay" in the list of countries cosponsoring this document.

Añádase "Uruguay" en la lista de los países cofirmadores de este documento.

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UNION INTERNATIONALE DES TELECOMMUNICATIONS

APP-92 CONFERENCE DE PLENIPOTENTIAIRES ADDITIONNELLE

GENEVE, DECEMBRE 1992

Corrigendum 1 au ✓
Document 141(Rév.1)-F/E/S
19 décembre 1992
Original: français

SEANCE PLENIERE

Algérie, Bahamas, Bahreïn, Barbade, Bénin, Burkina Faso, Cameroun, Chypre, Comores, Congo, Côte d'Ivoire, Etats-Unis d'Amérique, Ethiopie, Gabon, Guinée, Iran (République islamique d'), Libéria, Liban, Madagascar, Mali, Maroc, Niger, Pays-Bas, Qatar, Sénégal, Soudan, Suriname, Tchad, Zambie

PROPOSITIONS POUR LES TRAVAUX DE LA CONFERENCE

Ajouter "Venezuela" dans la liste des pays cosignataires de ce document.

Add "Venezuela" in the list of countries cosponsoring this document.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 141(Rev.1)-E
19 December 1992
Original: French

PLENARY MEETING

Algeria, Bahamas, Bahrain, Barbados, Benin, Burkina Faso, Cameroon, Chad, Comoros, Congo, Côte d'Ivoire, Cyprus, Ethiopia, Gabonese Republic, Guinea, Islamic Republic of Iran, Lebanon, Liberia, Madagascar, Mali, Morocco, Netherlands, Niger, Qatar, Senegal, Sudan, Suriname, United States, Zambia

PROPOSALS FOR THE WORK OF THE CONFERENCE

ALG/BAH/BHR/BRB/BEN/BFA/CME/TCD/COM/COG/CTI/CYP/ETH/GAB/GUI/IRN/LBN/LBR/MDG/MLI/MRC/HOL/NIG/QAT/SEN/SDN/SUR/USA/ZMB/141/1 ADD

DRAFT RESOLUTION ON THE PRIORITY TASKS OF THE BDT

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

aware

of the fact that telecommunications constitute a fundamental tool for socio-economic development of countries,

considering

a) that it has adopted a new structure for the Union, including a Telecommunication Development Sector, so as, inter alia, to reduce the existing imbalance between North and South in the field of telecommunications;

b) that it has redefined the functions of world and regional telecommunication development conferences in the relevant provisions of the Constitution and the Convention;

c) that these decisions reflect the international community's determination to provide the Union with an essential tool to strengthen cooperation and partnership for the benefit of the developing countries;

d) that the adoption of the agenda of a development conference should be the object of an extensive consultation amongst the Members of the Union,

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requests the Council

1. to convene the first world telecommunication development conference as soon as possible before the Plenipotentiary Conference to be held in Kyoto in 1994;

2. to adopt at the 1993 session, the agenda of this Conference, based on the report of the Director of the BDT and on the comments from Members of the Union, in accordance with provision CV128F,

entrusts

the Secretary-General with the task of undertaking an extensive consultation with the Members of the ITU on the points to be dealt with by the world telecommunication development conference, pointing out the following:

- support for developing countries in order to increase their effective participation in the activities of the different Sectors of the Union;
- training of human resources in the fields of planning, technical network management, financial management and the marketing of goods and services;
- means enabling the promotion of a policy for the industrialization in the field of telecommunications of the developing countries in conjunction with the bilateral and multilateral organizations concerned;
- promotion of mobilization of the resources necessary for the execution of the activities mentioned above, particularly the financing of projects in development plans;
- strengthening of the Union's regional presence through the allocation of adequate resources to regional programmes and harmonization of headquarter activities with those of decentralized structures at the regional and area levels;
- support to the least developed countries to foster the development of their telecommunication networks.

UNION INTERNATIONALE DES TELECOMMUNICATIONS

APP-92 CONFERENCE DE PLENIPOTENTIAIRES ADDITIONNELLE

GENEVE, DECEMBRE 1992

Corrigendum 1 au
Document 141-F/E/S
18 décembre 1992
Original: anglais

SEANCE PLENIERE

Algérie, Bénin, Burkina Faso, Cameroun, Comores, Côte d'Ivoire, Gabon, Madagascar, Mali, Maroc, Sénégal

PROPOSITIONS POUR LES TRAVAUX DE LA CONFERENCE

Ajouter "Soudan" dans la liste des pays cosignataires de ce document.

Add "Sudan" in the list of countries cosponsoring this document.

Añádase "Sudán" en la lista de los países cofirmadores de este documento.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 141-E
16 December 1992
Original: French

PLENARY MEETING

Algeria, Benin, Burkina Faso, Cameroon, Comoros, Côte d'Ivoire, Gabonese Republic, Madagascar, Mali, Morocco, Senegal

PROPOSALS FOR THE WORK OF THE CONFERENCE

ALG/BEN/BFA/CME/COM/CTI/GAB/MDG/MLI/MRC/SEN/141/1 ADD

DRAFT RESOLUTION ON THE TASKS AND OBJECTIVES OF THE BDT

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) that it has adopted a new structure for the Union, including a Telecommunication Development Sector, so as to reduce the existing imbalance between North and South in the field of telecommunications;

b) that it has defined the functions of world and regional telecommunication development conferences in the relevant provisions of the Constitution and the Convention;

c) that this decision reflects the international community's determination to provide the Union with an essential tool to strengthen cooperation and partnership for the benefit of the developing countries,

noting

that this fundamental objective is in keeping with the aim of universal access to services for users throughout the world,

resolves

1. to convene the first world telecommunication development conference as soon as possible before the Plenipotentiary Conference to be held in Kyoto in 1994;

2. that the work of this first world telecommunication development conference should concern itself inter alia with the following matters:

- support for developing countries in order to increase their effective participation in the activities of the different Sectors of the Union;

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- training of human resources in the fields of planning, technical network management, financial management and the marketing of goods and services;
- implementation of a policy for the industrialization of the developing countries in conjunction with the bilateral and multilateral organizations concerned;
- mobilization of the resources necessary for the execution of the activities mentioned above, particularly the financing of projects in development plans;
- strengthening of the Union's regional presence through the allocation of adequate resources to regional programmes and harmonization of headquarter activities with those of decentralized structures at the regional and area levels,

instructs

the Director of the BDT to study the above points immediately and report to the forthcoming world development conference with appropriate recommendations,

recommends

that the Council should include this item in the agenda of the Plenipotentiary Conference (Kyoto, 1994).

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 142-E
16 December 1992
Original: French

COMMITTEE 6

SEVENTH SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached text, which it is submitting to the Editorial Committee for consideration and transmittal to the Plenary Meeting.

H. VIGNON
Chairman of Committee 5

Annex: 1

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ANNEX

EUR/27/32
ADD

DRAFT RESOLUTION No. [EUR-2]

Duration of Plenipotentiary Conferences of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) in Recommendation 14 of the High Level Committee that Plenipotentiary Conferences of the Union should be held at set intervals of four years and that this would enable such future conferences to be of shorter duration and to focus on longer-term policy issues;

b) the increasing demands on the resources of the Union and on Administrations and on delegates involved in international conferences on telecommunications subjects,

resolves

1. that, from and including the Plenipotentiary Conference to be held in Kyoto in 1994, future Plenipotentiary Conferences shall, unless there is a pressing need otherwise, be limited to a maximum duration of four weeks;

2. that the Secretary-General shall take measures to facilitate the more efficient use of time during such conferences;

3. that Plenipotentiary Conferences should focus on longer-term policy issues and, in this respect, consider and take decisions on a draft Strategic Plan submitted by the Council outlining the objectives, work programmes and desired outcomes of all the organs of the Union until the next Plenipotentiary Conference

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 143-E
16 December 1992
Original: English

COMMITTEE 6

THIRD SERIES OF TEXTS FROM COMMITTEE 4 TO THE EDITORIAL COMMITTEE

1. Committee 4 has adopted the enclosed texts which it wishes to submit to the Editorial Committee for examination and ultimate transmission to the Plenary Session.

2. The delegation of MEX has reserved its position on CV122G.

The delegations of ALG, ARS, CHN, CUB, IRN and SEN have reserved their position on CV122L.

C.L. OLIVER
Chairman, Committee 4

Annexes: 3

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ANNEX 1

DRAFT RESOLUTION No. COM4/1

Allocation of Work to the Standardization and Radiocommunication Sectors

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for this Additional Plenipotentiary Conference to give appropriate general principles and guidance to the Sectors;

b) the broad objectives for the work of the Sectors contained in Articles 11A and 13B of the Constitution which specify the functions of the Radiocommunication Sector and Standardization Sector, and Articles [5A] and [6A] of the Convention of the International Telecommunication Union, which further elaborates the basis of work allocation and future coordination between Sectors;

c) the initial allocation of work between the Standardization and Radiocommunication Sectors recommended by the High Level Committee on the structure and functioning of the Union in its Recommendation 37, and Recommendation 38 proposing continuing review of the allocation of work between the two Sectors;

d) Recommendations 49 and 51 of the High Level Committee to assist developing countries to participate in the work of the Standardization Sector and Radiocommunication Sector by the extraction and grouping of matters under active study which may be of particular interest to these countries, and the promotion of such participation;

e) the necessity of improving the efficiency and responsiveness of the Standardization and Radiocommunication Sectors, maintaining flexibility in the allocation of work with continuing review of work allocations between the Study Groups of the Radiocommunication Sector and the Standardization Sector to take account of changing conditions, and

f) that [Advisory Groups have been established] in each of the Radiocommunication and Standardization Sectors to review priorities, strategies and progress of work of each respective Sector and to foster cooperation and coordination between these Sectors and the regional standardization bodies,

taking note of

a) the work of the Directors of the CCIR and the CCITT in developing an initial indicative list of questions affected by Recommendation 37 of the High Level Committee, and the report by the Directors to the Additional Plenipotentiary Conference;

b) the work done by the ad hoc Groups established under CCIR Resolution 106 and CCITT Resolution No. 18, in particular the principles agreed at the meeting of the CCIR ad hoc Group in June 1992 for detailed allocation of work and ongoing management of the interface between the two ITU Sectors, and

c) the proposals of the Directors of the CCIR and CCITT to hold a joint meeting of the groups established under CCIR Resolution 106 and CCITT Resolution No. 18 in January 1993,

decides

to endorse Recommendations 37, 38, 49 and 51 of the H.L.C. with respect to the broad terms of reference of the Radiocommunication and Standardization Sectors, and the promotion of the participation of the developing countries in the work of the Sectors,

instructs

the Directors of the Standardization and Radiocommunication Bureaux to work together to develop proposals for an initial allocation of work between the Sectors, ensuring that:

- there is minimum disruption to the continuing work of the Sectors;
- the grouping of work ensures that there is maximum opportunity for efficient participation by experts from all countries;
- there is minimum overlap between respective Study Groups of the Sectors,

and report to the initial World Telecommunication Standardization Conference and World Radiocommunication Conference on the proposed initial allocation,

and resolves

1. that the World Telecommunication Standardization Conference and the World Radiocommunication Conference confirm a detailed allocation of work;

2. that joint meeting of [the Advisory Groups of] the Radiocommunication and Standardization Sectors shall be held to continue to review and distribution of new and existing work between the Sectors, subject to confirmation by the Members;

3. that, with the assistance of [the Directors and the Advisory Groups,] the World Telecommunication Standardization Conference and World Radiocommunication Conference establish procedures for the ongoing review and reallocation of work as appropriate to achieve the necessary effectiveness and efficiency goals of the ITU, bearing in mind that the objective of the review is to consider, in accordance with the spirit of the H.L.C. Report, such allocations as to:

- minimize the duplication of activities of the Sectors;
- group the standardization activities in order for further cooperation and coordination of the work of the Standardization Sector with regional standardization bodies;

4. the Directors of the Standardization Sector and the Radiocommunication Sector shall report on the broad outcomes of this allocation and review process to the Plenipotentiary Conference, Kyoto, 1994,

and invites the Members of the Union

a) to ensure that this review is objective, and takes full account of the rapidly developing international requirements, by providing broad, competent and senior-level representation [in the Advisory Groups];

b) to consider and to contribute to discussion on the procedures for the ongoing review and reallocation of work for the joint meeting of the CCIR Resolution 106 and CCITT Resolution No. 18 ad hoc Groups in January 1993;

c) to consider, in preparation for the World Telecommunication Standardization and World Radiocommunication Conferences, the report of the Directors on the allocation of work to the two Sectors, with a view to making a joint recommendation for initial implementation by these Conferences,

invites the Secretary-General

to draw the attention of the [Administrative] Council to the report of the Directors on the application of this Resolution.

ANNEX 2

NOC CHAPTER II

NOC **Radiocommunication Sector**

NOC ARTICLE 11A

NOC **Functions and Structure**

MOD CS85A 1. (1) The functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication~~,~~; by ensuring the rational, equitable efficient and economical use of the radio-frequency spectrum and the geostationary-satellite orbit ~~and~~subject to the provisions of Article 33 of this Constitution, and by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.

NOC CS85B [(2) The precise responsibilities of the Radiocommunication and the Telecommunication Standardization Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention.]

NOC CS85C 2. The Radiocommunication Sector shall work through:

NOC CS85D [a) world and regional radiocommunication conferences; the world radiocommunication conferences shall normally include a Radio Regulations Committee and a Technical Committee;]

NOC CS85E b) the Radio Regulations Board;

NOC CS85F c) Radiocommunication Study Groups;

NOC CS85G d) the Radiocommunication Bureau headed by the elected Director.

NOC CS85H 3. The Radiocommunication Sector shall have as members:

NOC CS85I a) of right, the Administrations of all Members of the Union;

MOD CS85J b) any entity or organization authorized in accordance with ~~Article 7D~~the relevant provisions of the Convention.

ANNEX 3

NOC SECTION 6

NOC **Telecommunication Standardization Sector**

ARTICLE 6

NOC **World Telecommunication Standardization Conference**

NOC CV122A 3. In accordance with No. 111B of the Constitution, the conference shall:

NOC CV122B a) consider the reports of Study Groups prepared in accordance with No. 122I below and approve, modify or reject draft recommendations contained in these reports;

NOC CV122C b) bearing in mind [the guidance of the Advisory Group referred to in No. 122L of this Convention and] the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

NOC CV122D c) decide, in the light of the approved programme of work derived from No. 122C above, on the need to maintain, terminate or establish Study Groups and allocate to each of them the questions to be studied;

NOC CV122E d) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;

NOC CV122F e) consider and approve the report of the Director on the activities of the Sector since the last conference.

NOC

ARTICLE 6A

NOC

Telecommunication Standardization Study Groups [and Advisory Group]

NOC CV122G

1. (1) Telecommunication Standardization Study Groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions of Article 6 of this Convention. Those drafts shall be submitted for approval to a world telecommunication standardization conference or, between two such conferences, by correspondence to Administrations in accordance with procedures adopted by the conference. Recommendations approved in either manner shall have equal status.

NOC CV122H

(2) The Study Groups shall, subject to No. 122J below, study technical, operating and tariff questions and prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis, including recommendations on interconnection of radio systems in public telecommunication networks and on the performance required for these interconnections. Technical or operating questions specifically related to radiocommunication as enumerated in Nos. 116L to 116O above shall be within the purview of the Radiocommunication Sector.

NOC CV122I

(3) Each Study Group shall prepare for the telecommunication standardization conference a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 122G above, and any draft new or revised recommendations for consideration by the conference.

NOC CV122J

2. Taking into account No. 111C of the Constitution, the tasks enumerated in No. 122H above and those enumerated in Nos. 116L to 116O above in relation to the Radiocommunication Sector shall be kept under continuing review by the Telecommunication Standardization and the Radiocommunication Sectors with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such review and reach agreements in a timely and effective manner. If agreement is not reached even at the level of the world telecommunication standardization conference and the world radiocommunication conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

NOC CV122K 3. In the performance of their studies, the Telecommunication Standardization Study Groups 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. They shall conduct their work with due consideration of the work of national, regional and other international standardization organizations, and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of worldwide standardization for telecommunications.

MOD CV122L 4. A Telecommunication Standardization Advisory Group shall review priorities and strategies in the Union's standardization activities and progress in the implementation of the Sector's work programme and shall provide guidance on the work of the Study Groups; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations concerned with telecommunications standardization and with the Radiocommunication and the Telecommunication Development Sectors. It shall be ~~established~~organized by the Director and shall be ~~composed of~~open to representatives from Administrations, entities and organizations authorized in accordance with Article 7D of this Convention and Chairmen of Study Groups; the Director ~~should~~shall participate in its meetings and report annually to the Council.

NOC ARTICLE 6B

NOC **Telecommunication Standardization Bureau**

NOC CV122M 1. The Director of the Telecommunication Standardization Bureau shall organize and coordinate the work of the Telecommunication Standardization Sector.

NOC CV122N 2. The Director shall, in particular:

MOD CV122O a) update annually the work programme approved by the world telecommunication standardization conference, in consultation with the Chairman of the Telecommunication Standardization ~~Advisory Group~~Study Groups;

NOC CV122P b) participate as of right, but in an advisory capacity, in the deliberations of the world telecommunication standardization conferences and of the Telecommunication Standardization Study Groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Standardization Sector in consultation, with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

NOC CV122Q c) process information received from Administrations in application of the relevant provisions of the International Telecommunication Regulations or decisions of the world telecommunication standardization conference and prepare it, as appropriate, in a suitable form for publication;

NOC CV122R d) exchange with members data in machine readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Standardization Sector, and arrange with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

NOC CV122S e) submit to the world telecommunication standardization conference a report on the activities of the Sector since the last conference; the Director shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference, unless a second conference is convened;

NOC CV122T f) prepare a cost-based budget estimate for the requirements of the Telecommunication Standardization Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

NOC CV122U 3. The Director shall choose the technical and administrative personnel of the Telecommunication Standardization Bureau within the framework of the budget as approved by the 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 CV122V 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

NOC ARTICLE 7C

NOC **Telecommunication Development Bureau and Advisory Board**

NOC CV128K b) process information received from Administrations in application of the relevant resolutions and decisions of the Plenipotentiary Conference and telecommunication development conferences and prepare it, as appropriate, in a suitable form for publication;

NOC

ARTICLE 7E

Conduct of Business of Study Groups

MOD CV128AI

1. The ~~world~~ radiocommunication ~~conference at its Technical Committee~~assembly, the world telecommunication standardization conference and the world telecommunication development conference shall normally appoint a Chairman ~~and one Vice-Chairman~~ of each Study Group. ~~If the workload of any Study Group requires, they shall appoint such additional Vice-Chairmen as they feel necessary for such Study Group or Groups~~The Study Group shall normally appoint one Vice-Chairman. 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 conferences of the Sector concerned, a Study 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 more than one Vice-Chairman has been appointed, 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.~~

EUR/27/22
ADD CV128AIB

2. If the workload of any Study Group requires, the Study Group shall appoint such additional Vice-Chairmen as it deems necessary, normally not more than two in total. If, in the interval between two conferences of the Sector concerned, a Study Group Chairman is unable to carry out his or her duties and only one Vice-Chairman has been appointed by the Study Group, then that Vice-Chairman shall take the Chairman's place.

EUR/27/23
ADD CV128AIC

3. In the case of a Study Group for which more than one Vice-Chairman has been appointed, 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 or her duties during that period.

(MOD) CV128AJ

~~2.~~4. Study Groups shall conduct their work as far as possible by correspondence, using modern means of communication.

(MOD) CV128AK

~~3.~~5. The Director of the Bureau of each Sector, on the basis of the decisions of the competent conference, after consultation with the Secretary-General and the [Advisory Group or] Board concerned, shall draw up the general plan of meetings of Study Groups.

(MOD) CV128AL ~~4.~~6. Study Groups may initiate action for obtaining approval from Members for recommendations completed between two conferences. The procedures to be applied for obtaining such approval shall be those approved by the relevant conference. Recommendations so approved shall have the same status as ones approved by the conference itself.

(MOD) CV128AM ~~5.~~7. Where necessary, joint working parties may be established for the study of questions requiring the participation of experts from several Study Groups.

(MOD) CV128AN ~~6.~~8. The Director shall send the final reports of the Study Groups to the Administrations, organizations and entities participating in the Sector. Such reports shall include a listing of the recommendations approved in conformity with No. 128AL above. These reports 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 conference concerned.

NOC ARTICLE 7F

NOC **Recommendations from One Conference to Another**

NOC CV128AO 1. Any conference may submit to another conference of the Union recommendations arising from its field of competence.

NOC CV128AP 2. Such recommendations shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in No. 175 of this Convention.

NOC ARTICLE 7G

NOC **Relations Between Sectors Themselves and With International Organizations**

NOC CV128AQ 1. The Directors of the Bureaux may agree, after appropriate consultation with their respective Advisory Group or Board, to organize joint meetings of Study Groups of two or three Sectors, to study and prepare draft recommendations on questions of common interest. Such draft recommendations shall be submitted to the competent conferences of the Sectors concerned.

MOD **CV128AR** 2. Conferences or meetings of a Sector may be attended in an advisory capacity by the Secretary-General, the Deputy Secretary-General[, the Chairman of the Radio Regulations Board] and the Directors of the Bureaux of the other Sectors, or their representatives. If necessary, they may invite, in an advisory capacity, representatives of any other Sector or the General Secretariat which has not considered it necessary to be represented.

NOC **CV128AS** 3. When one Sector is invited to participate in a meeting of an international organization, the Director of the invited Sector is authorized to make arrangements for such representation in an advisory capacity, taking into account the provisions of No. 109B of this Convention.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 2 to
Document 144-E
22 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 4

Paragraph 1.37 should read as follows:

1.37 The delegate of Portugal, speaking on behalf of the European countries supporting the European common proposals contained in Document 27, welcomed the H.L.C. recommendation for a part-time Board but stressed the need to maintain confidence in the Board's impartiality, which had been built up over many years by the IFRB. Two proposals (EUR/27/30 and 31) were therefore made to prevent Board Members from intervening in decisions directly concerning their own administration, and from participating in conferences as members of their national delegations.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 1 to
Document 144-E
20 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 4

Friday, 11 December 1992 at 0905 hours

Paragraphs 1.7 and 1.10 should read as follows:

1.7 Thirdly, the H.L.C. had considered whether a Board was necessary at all, but had concluded that, although relatively few questions arose which involved difficult interpretation of the Radio Regulations, they were important enough to justify the continued existence of a Board, but not of full-time members. In the H.L.C.'s view, the proposed change would not diminish the Board's importance, but would lead to better service.

.....

.....

1.10 Sixthly, the H.L.C. hoped that the VGE's work would make a substantial contribution to the Board; nevertheless, a majority felt that a board having part-time members would be the best solution even if the current rather complex Radio Regulations were to remain.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 144-E
16 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 4

Friday, 11 December 1992 at 0905 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:	Documents
1. Proposals relating to the Radio Regulations Board	Basic Documents I and II, DT/1, 9, 13, 18, 22, 23, 27, 28, 35, 40, 45, 46, 47, 49, 51, 55 + Corr.1, 57, 60, 61, 62(Rev.1), 65, 66

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Proposals relating to the Radio Regulations Board (Basic Documents I and II, Documents DT/1, 9, 13, 18, 22, 23, 27, 28, 35, 40, 45, 46, 47, 49, 51, 55 + Corr.1, 57, 60, 61, 62(Rev.1), 65, 66)

1.1 The Chairman said that the Committee had to examine the proposals relating to the Radio Regulations Board. In doing so, it must consider what action would be best for the ITU and for its Member administrations, particularly from the aspects of equity, transparency, efficiency and adaptation to the changing telecommunications environment. The Committee would be embarking on a procedure which would lead to major policy decisions relating to the structure of the Union. He therefore appealed to delegations to take a positive approach and to refrain from entering into details of drafting.

1.2 Replying to an observation by the delegate of Algeria, he confirmed that, despite the wording of the current agenda item, the topic embraced the current IFRB as well as the proposed Radio Regulations Board. The primary issue was whether to adopt a Radio Regulations Board consisting of nine part-time members, as recommended by the H.L.C., to maintain the structure of the current IFRB, with its five full-time Members, or to decide upon some other form. He invited the Committee to concentrate on that broad issue.

1.3 The Chairman of the High Level Committee said that during the Nice Plenipotentiary Conference a number of developing country administrations had proposed the conversion of the IFRB to a part-time board. Most of the developed countries, however, had wanted time to reflect on the proposal and to study the H.L.C.'s analysis of the ITU's structure. Even before the Nice Conference, a panel of experts had been formed, chaired by Mr. Stojanovic and attended by a balanced cross-section of the Union's membership, including three former Members of the IFRB (Mr. Kurihara, Mr. Kurakov and Mr. Berrada). Those Members, as well as Mr. Stojanovic and the members of the H.L.C., were available for consultation.

1.4 None of the H.L.C.'s meetings had been closed to any elected official, and a number of IFRB Members had contributed to its deliberations. It had analysed all the main options in respect of the Board's structure, including the three mentioned by the Chairman; the third option would mean reliance on an elected Director and a Bureau. The H.L.C.'s recommendations were based on six considerations.

1.5 Firstly, it had studied what the five current IFRB Members actually did. At the 1991 Administrative Council, which had considered the H.L.C.'s recommendations, it had been noted that the IFRB Members presented only a general outline, as a collegiate body, of the Board's tasks. The H.L.C. had concluded, from its own experience and analysis, that most of each Member's work was of a routine nature, consisting in endorsing work carried out by the specialized secretariat. The small number of complex questions which required collegiate decisions was insufficient to warrant even three full-time Members. As a result, the Members became involved in matters which could be left to the secretariat. The situation tended to stifle the initiative and creativity of talented staff; and although some delegation of work had taken place since the start of the H.L.C.'s work, it had been too little, too late. The small volume of the work was also a reason for not recommending permanent membership.

1.6 Secondly, the H.L.C. had noted that only one of the five Members was from a developing country, and it had concluded that a minimum membership of nine was essential to strike a good balance; there should be no problem in distributing nine seats equitably.

1.7 Thirdly, the H.L.C. had considered whether a Board was necessary at all, but had concluded that, although relatively few questions arose which involved interpretation of the Radio Regulations, they were important enough to justify the continued existence of a Board, but not of full-time members. In the H.L.C.'s view, the proposed change would not diminish the Board's importance, but would lead to better service.

1.8 Fourthly, as could be seen from its proposals, the H.L.C. believed that part-time members could act impartially. There were other bodies with part-time membership which dealt with international matters just as important as those relating to the frequency spectrum and the use of the geostationary-satellite orbit.

1.9 Fifthly, the H.L.C. had concluded that a part-time membership of nine would lead to a substantial saving compared to a full-time membership of five. It did not, however, deem that matter a key consideration; factors such as equity, transparency and efficiency were more important.

1.10 Sixthly, the H.L.C. hoped that the VGE's work would make a substantial contribution to the Board; nevertheless, a majority felt that a board having part-time members would be the best solution.

1.11 On the basis of those considerations, the H.L.C. had adopted its recommendation by consensus.

1.12 The delegate of Cuba said that his Administration attached great important to the current debate and had devoted careful attention to the issues involved. In studying the advantages and disadvantages of a new form of Radio Regulations Board, it had pinpointed a number of relevant factors: impartiality, competence, speed of action, relations with administrations, and assistance, especially for developing countries, in the preparation of conferences. It had also borne in mind that the work of the Board often involved highly sensitive issues such as the sovereignty of administrations, relations between the latter and the Board, and the Board's relations with the ITU. Having studied the various factors, his Administration had concluded that the work could be equitably carried out only by a full-time board.

1.13 With regard to the factor of impartiality, it was difficult to see how a board member who belonged to an administration could avoid promoting, even involuntarily, that administration's interests rather than those of the Union, especially in matters in which that administration was involved. Despite possible safeguards, trust might be undermined.

1.14 The competence of members was ensured through the process of personal selection for election at a Plenipotentiary Conference. An equivalent level of competence could perhaps be achieved by such a process in respect of a part-time board; nevertheless, full-time membership surely made for a higher degree of involvement, dedication and maintenance of high standards. It was hoped, of course, that the VGE's work would help to rationalize matters, but that could not be taken for granted; the situation was not straightforward, as WARC-92 had shown.

1.15 With regard to speed of action, the Board was continually required to take decisions involving interpretation of the Radio Regulations. It was hard to see how a non-permanent board, not based at headquarters, could do so as promptly as had hitherto been the case.

1.16 Relations with administrations constituted an important factor in the Board's work, which not only promoted the exchange of experience but enhanced the Board's prestige. That important process would be hampered, and direct contact diminished, if the Board's membership was part-time. Another important aspect was assistance in the preparation of conferences, a task in which the IFRB helped not only the Secretariat but also delegations who needed advice and help in matters such as the presentation of proposals.

1.17 His Administration, therefore, had three questions. The first was whether non-permanent members would participate as members or as part of their own administrations. The second was how to ensure that the members of a part-time board could assume tasks entrusted to them by a conference and ensure their immediate implementation. The third was how, at planning conferences, the interests of countries unable to participate could be safeguarded, as they currently were by the IFRB. His delegation had prepared a specific proposal aimed at maintaining a permanent Board of collegiate membership elected by a Plenipotentiary Conference on the basis of equitable distribution of posts.

1.18 The delegate of Mexico said that his Administration could agree with the H.L.C.'s views on the allocation to Sectors, but had noted no convincing argument to support a change from the current IFRB to a board having part-time membership. The H.L.C. had admitted, in fact, that the main reason for having a collegiate body was the difficulty of entrusting matters such as the interpretation of the Radio Regulations to a Director, given that the sovereignty of countries could be affected by such action. The H.L.C. had also noted that the Board's Rules of Procedure and technical criteria allowed most notices from administrations to be treated in a routine manner; that meant, however, that some were not so treated. It had also been said that the results of the work of the VGE were expected greatly to facilitate the Board's activities; but there was no certainty that they would. Therefore, the H.L.C.'s Recommendation 61 was based on assumptions and failed to take account of any expansion of the IFRB's responsibilities. It was contended that the IFRB did not have enough to do; even if that were so, it could be given more.

1.19 The question of savings had also been raised, a figure of 2.5 million Swiss francs per year having been mentioned. It was not clear, however, how that figure had been arrived at. In any case, it was not very large: the cost of the current Conference, for example, had been put at some 936,000 Swiss francs. There was also the question of whether the considerable expense stemming from a non-permanent membership, such as travel and insurance, temporary office accommodation, translation, mailing of documentation, and so forth, had been taken into account.

1.20 The idea of abolishing or replacing the IFRB was not new, having been raised as early as 1965, but no progress had been made in promoting that idea, which the developing countries had opposed. The current IFRB, with its independent and impartial experts, was the only structure capable of safeguarding the interests of all and of inspiring confidence that the Radio Regulations would be properly interpreted - a matter of particular importance for countries which lacked the means to conduct bilateral negotiations unaided. Throughout the continuous cycle of conferences during the 1980s, including planning conferences, the IFRB had always protected administrations unable to participate, guaranteeing them access to spectrum resources and to the geostationary-satellite orbit. A board as proposed by the H.L.C. would have a diminished status and would be unable to provide such constant safeguards and assistance. Nor would the proposed increased membership ensure adequate representation of the developing countries.

1.21 As could be seen in Document 60, Mexico recognized the need for speedy adaptation to the changing telecommunication environment. In that connection, the H.L.C.'s work had been completed in 1991; it therefore failed to take into account the consequences of new technology, which had already been felt at WARC-92 and made clear the need for a collegiate body, especially for the settlement of disputes. His Administration's views on the matter were summarized in section 1 of Document 57 and in Document 60. The collegiate basis of the Board and its hierarchical status should be maintained. Although some of its functions could perhaps be handed over to the Radiocommunication Sector or entrusted directly to a specialized secretariat, others should be strengthened in order to clarify the objectives it was required to pursue. Its functions should be adapted to match the Union's new structure and its activity pending the imminent operational introduction of new services; its main objectives should be the interpretation of the Radio Regulations and the settlement of disputes; and its basic characteristics should be reviewed at the 1994 Plenipotentiary Conference.

1.22 The Chairman said that, reluctantly, he was obliged to appeal to speakers to be brief.

1.23 The delegate of Argentina drew attention to Document 28 submitted by his Administration, which was in favour of reallocating the functions of the proposed part-time Radio Regulations Board to the Director of the proposed Radiocommunication Bureau. There were legal, practical and economic reasons for not creating a Board of part-time officials answerable to their own administrations. Concentrating decision-making in the hands of the Director of the Radiocommunication Bureau would improve efficiency for there would be inevitable delays in coordinating the work of nine part-time officials, and it would cost much less in terms of travel and other expenses. Moreover, the impartiality required of international civil servants working for the ITU was ensured by legal rules making such conduct obligatory and disciplinary measures in the event of misconduct were provided, with organs empowered to apply them. The rules applicable to elected officials, including the future Director of the Radiocommunication Bureau, were set out in the Staff Regulations and Staff Rules applicable to elected officials, and the Council was empowered to apply disciplinary measures to elected officials who failed to carry out their duties in a satisfactory manner or were guilty of misconduct.

1.24 The final draft revised Constitution (Working Document 1) included rules to the effect that the members of the Board should perform their duties independently and on a part-time basis, that they should serve not as representing their respective Member States or a region but as custodians of an international public trust, and that they should neither question nor receive instructions relating to the performance of their duties from any government or a member thereof, or from any public or private organization or person. There were proposals before the Conference to prohibit members of the part-time Board from participating in decisions affecting their own administrations and from attending conferences as members of the delegations of their own administrations.

1.25 Clearly, members of the part-time Board would not be elected officials and therefore would not be covered by the relevant Staff Regulations and Staff Rules; moreover, they could not be bound by the provisions of the Constitution, the Convention or the Radio Regulations, which were binding on States Parties but not on individuals; nor would they be entitled to the privileges and immunities granted to elected officials.

1.26 He endorsed the conclusions of the delegates of Cuba and Mexico with respect to functionality and impartiality. Unfortunately, the statement of the Chairman of the High Level Committee had not met his delegation's concern. Progress might be made by deciding first of all on the advisability of establishing a part-time board and then on the number of members and their functions. If his Administration's proposals did not meet with the Committee's approval, his delegation would be happy to join a consensus which took account of the importance it attached to the question of impartiality and legal status.

1.27 The delegate of Algeria, supported by the delegate of Spain, suggested that it would be useful to hear the views of the IFRB. Thereafter speakers should be called in the order in which their administrations proposals were listed on the agenda of the meeting.

1.28 The Chairman replied that he would take the proposals in numerical order, except those relating only to drafting matters.

1.29 The Chairman of the IFRB said that he would not enter into the discussion about a part-time Board but would try to explain how the present Board operated. It essential duties were the orderly recording of frequency usage with a view to formal international recognition and the furnishing of advice to Members with a view to the effective use of the frequency spectrum and the avoidance of harmful interference. The Board registered frequency assignments in a master international frequency register in conformity with the Radio Regulations, and coordinated results. It assisted Members in achieving agreement on coordination and in solving technical interference problems, in particular in response to the needs of the developing countries. It assisted in preparatory, conference, post-conference and intersessional work. The latter type of activity included HFBC planning exercises and its most recent post-conference involvement had concerned the resolution of incompatibilities in the African Broadcasting Plan.

1.30 In performing its duties the Board was assisted by a specialized secretariat of qualified experts and administrative officials, and written work was prepared by the secretariat staff. An important part of the Board's duties consisted in interpreting the Radio Regulations in which there were ambiguities, both involuntary and voluntary. In addition, detailed procedures and technical standards were needed: hence the importance of the Board's interpretative role.

1.31 In applying the rules the Board formulated its findings, gave advice to Members and helped to solve cases of harmful interference. There were many cases in which it had to develop Rules of Procedure, a recent example of which was Resolution No. 46 of the WARC-92 Conference. In addition, the number of requests for assistance was increasing and, because of the complexity of programmes, many of them tapped IFRB resources and involved its Members. It was not correct to say that the Board Members were merely rubber-stamping material prepared by the secretariat. They were responsible for all the Board's findings, and the current Members took their duties very seriously.

1.32 The Member of the IFRB said that the Members of the Union required information on which to base their decision. But it was difficult to obtain truly objective information and, with the greatest respect to the H.L.C. and its Chairman, he wished to correct some erroneous impressions. First, following a recent decision, the management of the Board and its Specialized Secretariat was undertaken by the Chairman of the Board alone. Secondly, the Board had already implemented a process of restructuring; following a 1990 consultant's report, the Board had been reorganized into three Departments and a huge backlog of work had been cleared. Furthermore, one staff member at headquarters could provide complete information on the processing of a notice, a facility of great use to administrations. Rumours that Board Members had excessive leisure time were unfounded. The Board was increasingly involved in dealing with the controversial decisions adopted at WARC-92. The frequency spectrum and geostationary orbit were natural resources which belonged to all the countries of the world. Members of the ITU accepted a limitation of their sovereignty because they agreed to be bound by the Radio Regulations which, by virtue of being annexed to the Convention, had the status of an international treaty. Any decisions taken on such weighty matters should surely be based on correct information.

1.33 The delegate of the Russian Federation said that the majority of the H.L.C.'s recommendations were well founded and should be implemented. However, some of them required clarification and others were unacceptable. An example of the latter was the H.L.C.'s proposal for a part-time Board. In addition to its day-to-day work of managing the frequency spectrum and geostationary orbit, including dealing with new problems as they arose, emphasis should be placed on the Board's ability to protect the interests of developed as well as developing countries, and to deal with technical matters in a highly political environment where the sovereignty of Member States was at stake. Various criticisms had been made of the present structure of the IFRB, the first being that Board Members were underemployed. Without even wishing to address the validity of that criticism, he stated categorically that the decisions taken by the Board were of

such vital importance that the time taken to reach them was irrelevant. The cost-based argument for a part-time Board was unconvincing. Furthermore, the outcome of the work of the VGE should be taken into consideration in any proposal for a restructuring of the Board. The views of his delegation and the relevant proposal (URS/9/2) were clearly set out in Document 9 which discussed, in particular, the need to separate the regulatory and executive functions, and the desirability of maintaining a collegiate body. A part-time Board was not a viable option for many reasons, not least the difficulty of maintaining impartiality and expertise. A single Director of the Specialized Secretariat was a possible alternative to a collegiate body. His delegation was not opposed to change in principle; but it seemed logical to await the outcome of the VGE before taking a decision to restructure the IFRB. Meanwhile, the Board should remain as it was, located in Geneva.

1.34 The delegate of China paid tribute to the important role of the IFRB in the management of radiocommunications worldwide. His country's proposals (CHN/13/18-22) contained in Document 13 had been based on the H.L.C.'s Report and recommendations, and sought to ensure the impartiality, neutrality and independence of the Board. Different information and views had now been presented, and his delegation would like to hear further speakers in order to be able to take a position based on the fullest possible understanding of the situation.

1.35 The delegate of Senegal, introducing his country's proposal (SEN/18/4) contained in Document 18, said it was important that developing countries with limited means, such as Senegal, should nevertheless be able to participate in the monitoring of ITU activities. That possibility was being eroded, with the practice of adopting recommendations by correspondence rather than in Plenary Assembly, and the trend towards transferring responsibility for the management of the Union from the Administrative Council to the General Secretariat. The arguments presented by the Chairman of the H.L.C. required careful analysis. Given the same regional structure of the Union, why should a nine-Member Board or, indeed, a much larger Board be more representative of developing countries than the present five-Member Board? Could a part-time Board be impartial when each of its Members spent a portion of their time working for a national administration? How significant was the cost of the Board in terms of the overall budget of the Union? How could a rational proposal for restructuring the Board be made until the results of the VGE were known? It would be more logical to retain the present full-time five-Member Board until the Kyoto Plenipotentiary Conference in 1994.

1.36 The delegate of Spain presented his country's proposals (E/23/10-16), as contained in Document 23, which aimed to replace the present IFRB by a Director heading an International Frequency Registration Bureau. Like the H.L.C., the delegation of Spain had based its proposal on an analysis of the present and future work of the IFRB. Unlike the H.L.C. or, indeed, the Chairman of the IFRB, the delegation of Spain did not consider the interpretation of regulations as one of the IFRB's functions. Article 10 of the Nairobi Convention dealt with the IFRB but made no mention of an interpretative role. Spain's proposal called for a technical bureau containing the expertise, knowledge and knowhow to carry out the necessary work, with the aid of the computer. The present structure of the Board was extremely costly and, without wishing to go into detail about the leisure activities of the elected Board Members, he felt that such a fine array of talent was being put to little use. Spain's proposal was also motivated by concerns of impartiality. There was no doubt about the impartiality of an international official, but the elected Board Members were released by their administrations for the period of their term of office and would surely, however unconsciously, exhibit some slight partiality. With the computerization of much of the Board's work and the simplification of the Radio Regulations, it would surely no longer be necessary to have five full-time or nine part-time Board Members. A well managed Bureau headed by a Director certainly ought to be able to carry out the tasks of the IFRB more effectively.

1.37 The delegate of Portugal, speaking on behalf of the European countries supporting the European common proposals contained in Document 27, welcomed the H.L.C. recommendation for a part-time Board but stressed the need to maintain confidence in the Board's impartiality, which had been built up over many years by the IFRB. Two proposals (EUR/27/30 and 31) were therefore made to prevent Board Members from intervening in decisions directly concerning their own administration, and from participating in radiocommunication conferences as members of their national delegations.

The meeting rose at 1200 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 145(Rev.1)-E
20 December 1992
Original: English

PLENARY MEETING

Australia, Belgium, Bulgaria, Cyprus, Czech and Slovak Federal Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Malta, Netherlands, Norway, Portugal, Poland, Romania, Sweden, Switzerland, United Kingdom

AUS/EUR/145/1
ADD

DRAFT RESOLUTION No. [ ]

Provisional Application of Certain Parts of the Constitution and the Convention of the International Telecommunication Union, Geneva, 1992

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having considered

a) the Report "**Tomorrow's ITU: The Challenges of Change**" of the High Level Committee (H.L.C.) that was set up to review the structure and functioning of the Union, including proposals for improvements in the efficiency and responsiveness in all activities of the Union;

b) the texts of the ITU Constitution and Convention (Geneva, 1992) adopted by it following consideration of that Report,

emphasizing

the need to maintain the pre-eminence of the ITU in the world of telecommunications by adapting its organizational structure to the challenges of the continuing changes in the global telecommunications environment with the least possible delay,

noting

a) that the Constitution and the Convention (Geneva, 1992) will enter into force on 1 July 1994 between the Parties thereto;

b) that this Conference has provided for an improved structure and more efficient working methods for the Union and that it is essential and consistent with the changes adopted to introduce them as soon as possible,

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recognizing

the continuing value to the Union of the expertise and service of the Directors of the CCIR and the CCITT, and the present members of the IFRB,

resolves

1. that the provisions of the Constitution and the Convention (Geneva, 1992) relating to the new structure and working methods of the Union shall be applied provisionally as from 1 March 1993;

2. that the Director of the BDT elected by this Conference shall take office not later than 1 February 1993;

3. that until the date to be specified by the next Plenipotentiary Conference (Kyoto, 1994) for the taking of office of the Director of the Telecommunication Standardization Bureau, the Director of the CCITT shall discharge the duties of the Director of the Telecommunication Standardization Bureau;

4. that until the date to be specified by the next Plenipotentiary Conference (Kyoto, 1994) for the taking of office of the Director of the Radiocommunication Bureau, the Director of the CCIR shall discharge the duties of the Director of the Radiocommunication Bureau;

5. that the Directors of the Telecommunication Standardization and Radiocommunication Bureaux shall cooperate in ensuring a smooth transition to the new structure;

6. that until the date to be specified by the next Plenipotentiary Conference (Kyoto, 1994) for the taking of office of the nine members elected there, the members of the International Frequency Registration Board shall discharge the duties of the Radio Regulations Board and:

a) shall assist in the ongoing work of the simplification of the Radio Regulations, and carry out any special task the Secretary-General may entrust to them;

b) and shall refer any significant difficulty that may arise in the application of the Final Acts of world and regional administrative conferences to the next world radiocommunication conference;

should a vacancy occur on the present membership of the board, it shall not be filled until the elections by the Plenipotentiary Conference (Kyoto, 1994);

7. that all other employment conditions of the elected officials referred to in paragraphs 3, 4 and 6 above shall remain unchanged;

8. that the present staff of the specialized CCITT, CCIR and IFRB secretariats shall be assigned to the new Bureaux as soon as possible by the Secretary-General in consultation with the Directors of these Bureaux;

9. for the application of CV6F of the Convention:

a) with regard to the Director of the BDT, the election by this Conference shall not count as a first election to that post;

b) with regard to the Directors of the CCIs, their election by the Nice Plenipotentiary Conference, 1989, shall count as their first election as Directors of the Standardization and Radiocommunication Bureaux, respectively,

instructs the Secretary-General

1. to take all necessary measures towards the implementation of the new structure and working methods, in accordance with the relevant provisions of the revised Constitution and Convention adopted by this Conference and the terms and conditions of this Resolution;

2. to submit a progress report to the Council at its next two ordinary sessions (1993 and 1994);

3. to circulate these reports together with the views and conclusions of the Council to all Members of the Union,

instructs the Council

to consider the progress reports of the Secretary-General and take any necessary decisions to give full effect to this Resolution.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 145-E
16 December 1992
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COMMITTEE 4

Australia, Belgium, Cyprus, Czech and Slovak Federal Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Lithuania, Liechenstein, Malta, Netherlands, Norway, Portugal, Poland, Romania, Sweden, Switzerland and United Kingdom,

AUS/EUR
ADD

DRAFT RESOLUTION No. [ ]

INTERIM ARRANGEMENTS FOR THE EARLY IMPLEMENTATION OF THE NEW ITU STRUCTURE

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having considered

a) the Report "**Tomorrow's ITU: The Challenges of Change**" of the High Level Committee (H.L.C.) that was set up to review the structure and functioning of the Union, including proposals for improvements in the efficiency and responsiveness in the radiocommunication and standardization activities of the Union;

b) the texts of the ITU "Constitution" and "Convention" agreed following consideration of that report,

emphasizing

the need to maintain the pre-eminence of the ITU in the world of telecommunications by adapting its organizational structure to the challenges of the continuing changes in the global telecommunications environment with the least possible delay,

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noting

a) that the "Constitution" and "Convention" (Geneva, 1992) will enter into force [on 1 July 1994];

b) the election at this Conference of the Director of the Telecommunication Development Bureau;

c) that the election of the Director of the Telecommunication Standardization Bureau, [and] the Director of the Radiocommunication Bureau [and the members of the Radio Regulations Board] is to occur at the Plenipotentiary Conference to be held in Kyoto in 1994;

d) that this Conference has provided for more efficient working methods for the Radiocommunication and Telecommunication Standardization Sectors in Section 5 and Section 6 of the Convention (Geneva, 1992) and that it is essential and consistent with the agreed changes to introduce these methods as soon as possible to improve the efficiency of the work carried out until now;

e) that it is desirable to have transitional provisions in place as soon as possible to implement the improvements in efficiency and responsiveness in the activities of the Union in the fields of standardization and radiocommunications,

appreciating

the value to the Union of the expertise and service of the Directors of the CCIR and the CCITT, and the members of the IFRB,

recognizing

that the Directors of the CCIR and the CCITT and the members of the IFRB can continue to make a major contribution to the reform of the Radiocommunication and Telecommunication Standardization Sectors of the ITU,

resolves

1. that the Radiocommunication and the Telecommunication Standardization Sectors under the new structure of the ITU as described in Chapters II and III of the "Constitution" and in Sections 5 and 6 of Chapter I of the "Convention" (Geneva, December 1992) should become operational as soon as possible after the signature of the Final Acts and that the relevant provisions of the afore-mentioned provisions of the "Constitution" and "Convention" shall be applied provisionally as from [date];

2. that, for this reason, the present CCITT, CCIR and IFRB shall be discontinued as soon as possible and their duties transferred to the appropriate bodies under the new structure. This transfer should be completed by the end of 1993 at the latest;

3. that from [1 January 1993] the present five Members of the IFRB shall constitute an interim Radio Regulations Board to perform the duties of the Board as set out in Article 12 of the Constitution and Article 5 of the Convention consistent with interim arrangements established for management of the work of the Radiocommunication Sector;

4. that the Secretary-General be authorized to implement all the measures necessary to make the above possible;

5. that the Director of the BDT elected at this Conference shall take office on [date];

6. that until the election of the Director of the Telecommunication Standardization Bureau at the next Plenipotentiary Conference (Kyoto, 1994) and assumption of office, the present Director of the CCITT shall discharge the duties of the Director of the Telecommunication Standardization Bureau on the understanding that all his other employment conditions remain unchanged;

7. that until the election of the Director of the Radiocommunication Bureau at the next Plenipotentiary Conference (Kyoto, 1994) and assumption of office, the present Director of the CCIR shall discharge the duties of the Director of the Radiocommunication Bureau on the understanding that all his other employment conditions remain unchanged. The Director shall in alia be responsible for ensuring a smooth transition of the agreed part of activities from the present work of the CCIR to the new Radiocommunication and Standardization Bureaux, and to this effect shall work closely with the acting Director of the Standardization Bureau;

8. that in addition to their duties to be carried out in the interim Radio Regulations Board the present members of the IFRB shall give their active support to the Director of the Radiocommunication Bureau in implementing the Radiocommunication Sector, to the ongoing work on the simplification of the Radio Regulations, and carrying out any special task the Secretary-General may entrust to them. All other employment conditions shall remain unchanged;

9. that the present staff of the specialized CCITT, CCIR and IFRB secretariats shall be allocated to the new Bureaux as soon as possible by the Secretary-General in consultation with the interim Directors of these Bureaux and will report to their respective interim Director from the moment of establishing the relevant Bureaux;

10. that the election of the Directors of the Bureaux of the three Sectors of the ITU shall take place at the next ordinary Plenipotentiary Conference in Kyoto, 1994 and, should any acting Director apply for election, the period between the Additional Plenipotentiary Conference 1992 and the Plenipotentiary Conference 1994 shall not be taken into account when their eligibility for re-election is defined,

instructs the Director of the CCIR, the Director of the CCITT, the members of the IFRB, and the Secretary-General

1. to cooperate in the adaptation of the internal working methods and structures of Study Groups in the Radiocommunication and Telecommunication Standardization Sectors to the constantly changing telecommunications environment, and

2. to assist as far as possible the work of the Voluntary Group of Experts on the Allocation and Improved Use of the Radio-Frequency Spectrum and the Simplification of the Radio Regulations, and the initial world telecommunication standardization and radiocommunication conferences,

instructs the Secretary-General

1. to take all necessary measures towards the implementation of the new Sectors in accordance with the relevant provisions of the revised "Constitution" and "Convention" adopted by this Conference;

2. to submit a progress report to the Council at its next two annual sessions (1993 and 1994);

3. to circulate these reports together with the considerations of the Council to all Members of the Union,

invites the Council

to consider the progress reports of the Secretary-General and to take the necessary decisions to give effect to the intent of this Resolution.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 146-E
16 December 1992
Original: French

COMMITTEE 4

Algeria, Bahrain, China, Côte d'Ivoire, Cuba, Kuwait, Lebanon, Qatar, Saudi Arabia, Senegal, United Arab Emirates

PROPOSALS FOR THE WORK OF THE CONFERENCE

ALG/ARS/BHR/CHN/ CTI/CUB/UAE/KWT/ LBN/QAT/SEN/146/1 ADD

DRAFT RESOLUTION

Establishment of an Advisory Group on Telecommunication Standardization

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

the need for bodies responsible for reviewing priorities and strategies in the Union's standardization activities and advising the Director of the Telecommunication Standardization Bureau,

recognizing

a) that telecommunications are constantly evolving;

b) that the duties of the Telecommunication Standardization Sector should be continually reviewed,

decides

to establish an advisory group on telecommunication standardization, responsible for:

- reviewing priorities and strategies in the Union's standardization activities;
- reviewing progress in the implementation of the Sector's work programme;
- providing guidelines for the work of Study Groups;
- recommending measures amongst others to foster cooperation and coordination with other telecommunication standards bodies and with the Radiocommunication and Development Sectors,

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requests the Council

to include an item on the establishment of this advisory group on the agenda of the next world standardization conference,

instructs

the Director of the Standardization Sector to organize the advisory group, which shall include, in addition to the Director of the Sector, representatives of administrations, of entities and organizations approved in accordance with the provisions of Article 7D of the Convention, and Study Group Chairmen,

furthermore instructs

the Director of the Telecommunication Standardization Bureau to report each year to the Council.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 147-E
16 December 1992
Original: English

COMMITTEE 5

Australia, Canada, Cyprus, Denmark, Ireland, Netherlands, Norway, Poland, Sweden, Switzerland, Turkey, United Kingdom, United States

PROPOSALS FOR THE WORK OF THE CONFERENCE

AUS/CAN/CYP/DNK/USA/IRL/NOR/HOL/POL/G/S/SUI/TUR/147/1 ADD

DRAFT RESOLUTION NO. [ ]

Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

taking into account

the desire expressed in the Report of the High Level Committee to enable the Union to adapt rapidly to the changing telecommunication environment,

considering

the relevant provision of Article 47 of the said Constitution which provides for the entry into force of the instruments of the Union referred to above on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession,

considering further

that it is in the interest of the Union that the said Constitution and Convention enter into force on 1 July 1994 between as many Members as possible,

resolves

to urge hereby all the Members of the Union to expedite their respective national procedures for ratification, acceptance or approval of (see Article 41 of the said Constitution), or accession (see Article 42 of the said Constitution) to, the Geneva Constitution and Convention of the International Telecommunication Union, 1992, and to deposit their respective "one single instrument" with the Secretary-General at the earliest possible date, preferably prior to 1 July 1994,

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resolves further

to invite Members of the Union not to take up, or if appropriate, to discontinue their respective national ratification, acceptance, approval or accession procedures with regard to the Nice Constitution and Convention of the International Telecommunication Union, 1989, or to any earlier International Telecommunication Convention,

instructs the Secretary-General

to bring the present Resolution immediately to the attention of all the Members of the Union and to recall the contents of the present Resolution periodically, as he sees fit, to those Members of the Union which, at that time, have not yet deposited their respective instrument.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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16 December 1992
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COMMITTEE 4

Note from the Chairman of Committee 4

The attached revision of Section 8, Article 7D of the Convention is the result of coordinated efforts undertaken by USA, G, SUI, F, MRC and S.

C.L. OLIVER
Chairman of Committee 4

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ADD

SECTION 8

ADD

Provisions Common to the Three Sectors

ADD

ARTICLE 7D

ADD

Participation of Entities and Organizations Other Than Administrations in the Union's Activities

MOD **CV128T** 1. The Secretary-General and the Directors shall encourage the enhanced participation in the activities of the Union of the following entities and organizations ~~in the activities of the Union~~:

MOD **CV128U** a) recognized operating agencies, scientific or industrial organizations and financial or development institutions which are approved by the Member concerned;

SUP **CV128V** b)

SUP **CV128W** c)

MOD **CV128X** ~~d)~~b) other entities dealing with telecommunication matters~~, and~~ which are approved by the Member concerned;

(MOD) **CV128Y** ~~e)~~c) regional and other international telecommunication, standardization, financial or development organizations.

ADD **CV128Z** 2. The Directors of the Bureaux shall maintain close working relations with those entities and organizations which are authorized to participate in the activities of one or more of the Sectors of the Union.

MOD **CV128AA** 3. Any request from an entity listed in Nos. 128U ~~to 128X~~ above to participate in the work of a Sector, in accordance with the relevant provisions of the Constitution and this Convention, ~~must be~~ approved by the Member concerned ~~and~~is forwarded by the latter to the Secretary-General.

ADD **CV128AAA** 4. Any request from an entity referred to in No. 128X above presented by the Member concerned shall be handled in conformity with a procedure established by the Council. Such a request shall be reviewed by the Council with respect to its conformity with the above procedure.

MOD **CV128AB** ~~4.~~5. Any request from any entity or organization listed in ~~No. 128X (approved by the Member concerned in accordance with No. 128AA above) and~~ No. 128Y above (other than those referred to in Nos. 132B and 132C below) to participate in the work of a Sector shall be sent to the Secretary-General and acted upon in accordance with procedures established by the Council.

MRC/31/1

ADD **CV128ABA** 6. Any request from an organization referred to in Nos. 132B to 132D below to participate in the work of a Sector shall be sent to the Secretary-General and the organization concerned shall be included in the list referred to in No. 128AC below.

(MOD) CV128AC ~~5.~~7. The Secretary-General shall compile and maintain a list of all entities and organizations referred to in Nos. 128U to 128Y of this Convention that are authorized to participate in the work of each Sector. The Secretary-General shall distribute these lists to all Members and the Director of the Sector concerned, who shall advise that entity of the action taken on its request.

(MOD) CV128AD ~~6.~~8. Organizations and entities contained in the lists referred to in No. 128AC above are also referred to as "members" of the Sectors of the Union; the conditions of their participation in these Sectors are specified in this Article, in Article 26 and other relevant provisions of this Convention. The provisions of Article 3 of the Constitution do not apply to them.

MOD CV128AE ~~7.~~9. A recognized operating agency may act on behalf of the Member which has recognized it provided that Member informs the Director of the Bureau concerned ~~in each particular case~~ that it is authorized to do so.

(MOD) CV128AF ~~8.~~10. Any entity or organization authorized to take part in the work of a Sector has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member concerned. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

(MOD) CV128AG ~~9.~~11. The Secretary-General shall delete from the list of entities and organizations any entity or organization that is no longer authorized to participate in the work of a Sector, in accordance with criteria and procedures determined by the Council.

(MOD) CV128AH ~~10.~~12. The Secretary-General shall publish, at appropriate intervals, the lists referred to in No. 128AC above.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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COMMITTEE 5

SUMMARY RECORD

OF THE

SEVENTH MEETING OF COMMITTEE 5

Friday, 11 December 1992 at 0905 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed		Documents
1.	Consideration of proposals relating to Article 44 of the draft Constitution (continued)	Basic Document I, DT/1
2.	Consideration of proposals relating to Article 35 of the draft Convention	Basic Document II, DT/1, 57
3.	Consideration of proposals relating to Article 47 of the draft Constitution	Basic Document I, DT/1, 46, 49, 57, 66
4.	Consideration of proposals relating to Article 25 of the draft Convention (continued)	Basic Document II, DT/1, 85
5.	Consideration of proposals relating to Article 33 of the draft Constitution (continued)	Basic Document I
6.	Organization of work	-

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1. Consideration of proposals relating to Article 44 of the draft Constitution (continued) (Basic Document I, DT/1)

1.1 The Chairman invited the Committee to continue its consideration of Article 44 relating to provisions for amending the Constitution.

CS201, CS202, CS203, CS204, CS205

1.2 Approved.

MOD CS206

1.3 The Chairman said that the text had been approved at the previous meeting with deletion of the square brackets from around the last sentence.

MOD CS207

1.4 The delegate of Kenya, introducing proposal KEN/22/10, said that the Drafting Group had argued that the words deleted were no longer necessary once there was a fixed date of entry into force. There was a remote possibility that the instrument might not enter into force due to the necessary prerequisites not being met, and he therefore advocated that the text adopted at Nice should be retained.

1.5 The Chairman said that there appeared to be no support for the Kenyan proposal.

1.6 MOD CS207 was approved as proposed by the Working Group in Basic Document I.

CS208, CS209

1.7 Approved.

1.8 Article 44 of the draft Constitution as a whole, as amended, was approved.

2. Consideration of proposals relating to Article 35 of the draft Convention (Basic Document II, Documents DT/1, 57)

2.1 The Chairman invited the Committee to examine Article 35 relating to provisions for amending the Convention.

CV417, CV418, CV419, CV420, CV421

2.2 Approved.

MOD CV422

2.3 The Chairman said that the text was the same as that of MOD CS206 in Article 44 of the draft Constitution. He therefore suggested that the square brackets should be deleted from around the last sentence, in accordance with the decision taken on that provision.

2.4 It was so agreed.

2.5 MOD CV422, as amended, was approved.

CV423

2.6 Approved.

CV424

2.7 The delegate of Belgium pointed out that the phrase "and of the date of entry into force of any such amending instrument" was the same as that which had been deleted from provision CS207. Since the principle of a fixed date of entry into force had been adopted, it was redundant in provision CV424 also and should therefore be deleted.

2.8 It was so agreed.

2.9 CV424, as amended, was approved.

CV425, CV426

2.10 Approved.

2.11 Article 35 of the draft Convention as a whole, as amended, was approved.

3. Consideration of proposals relating to Article 47 of the draft Constitution (Basic Document I, Documents DT/1, 46, 49, 57, 66)

MOD CS215

3.1 The delegate of China, introducing proposal CHN/13/25, said that strict measures should be established for entry into force. He could, however, be flexible regarding the number of members required to have deposited their instrument.

3.2 The delegate of Kenya, introducing proposal KEN/22/11, said that it concerned chiefly the practical side of the question and compliance with the statutes of the Union. If 1 July 1994 were the date chosen, it would not be possible for there to be compliance with the provision already adopted by Committee 5 requiring that proposals be submitted four months before the date of the Conference. He also drew attention to the fact that administrations for whom the Nice instruments had come into force would be basing their proposals to the Kyoto Conference on those texts. Consequently, the date for entry into force should be earlier than that proposed by the Drafting Group, and his delegation proposed that it should be 1 March 1994.

3.3 The delegate of Korea said that proposal KOR/8/4 was on the same lines as the Kenyan proposal. He drew attention to the wording of CV171 and CV175 in Basic Document II, noting that compliance with those provisions would not leave sufficient time for submission of proposals before the date of the Plenipotentiary Conference in Kyoto.

3.4 The delegate of Oman, introducing proposal OMA/12/7, said that, given the importance of the two basic instruments of the Union, they should not enter into force until a considerable number of parties had deposited their instrument. Like the delegate of China, he could be flexible as to the exact number.

3.5 The delegate of India, introducing proposal IND/46/13, said that a specific date should be fixed for entry into force. The decision taken at the Nice Plenipotentiary Conference that it should be fixed in relation to the number of instruments or ratifications deposited had led to many practical problems. Although his Administration proposed 1 July 1994, following the lead of the Drafting Group, its position was not a hard and fast one. With regard to the Kenyan delegate's comments on the difficulty of filing proposals in good time for the next Plenipotentiary Conference, that question could be dealt with by means of a resolution or other text of the present Conference providing for entry into force of some provisions at an earlier date than the overall one.

3.6 The delegate of Mexico, introducing proposal MEX/57/27, said that the length of the necessary constitutional procedures varied considerably form country to country and that time must be allowed for them to be completed. He therefore supported the date suggested by the Drafting Group.

3.7 The delegate of Turkey, introducing proposal TUR/66/17, explained that many problems would be created in the application of the Constitution if amendments were binding only on Members who had deposited their instrument. His Administration therefore proposed deletion of the part of the text which came after the date, so that no distinction was made between those who had deposited their instruments and those who had not.

3.8 The delegate of the Russian Federation supported a specific date for entry into force but pointed out that the decision would depend to a certain extent on matters being discussed elsewhere. He therefore suggested that the text should include square brackets but that no date should appear so that the Plenary Meeting would have complete freedom of choice.

3.9 The Chairman observed that discussion of the date came within the terms of reference of Committee 5, which had to prepare the work of the Plenary Meeting and submit its findings in a report.

3.10 The delegate of Kenya asked for clarification on the question of entry into force of the Convention and the Constitution regardless of whether instruments had been deposited.

3.11 The delegate of Niger said that questions concerning dates of entry into force were always difficult to resolve. Referring to the problem of fixing a specific date by which instruments had to be deposited, he asked whether there was any relationship between that date and the loss of voting rights.

3.12 The Legal Adviser, replying to points raised by previous speakers, confirmed that the Constitution could only enter into force between Members who had deposited their instruments of ratification. That was the long-established practice of the Union, enshrined in No. 193 of the Nairobi Convention; it had been changed at the Nice Plenipotentiary Conference, but its reinstatement had been recommended by the H.L.C.

3.13 With regard to the question raised by the delegate of Niger, he drew attention to No. 189 of the Constitution, according to which voting rights of Members who had failed to deposit an instrument of ratification were lost only two years after the date on which the Constitution and Convention entered into force. In other words, if the date of 1 July 1994 were accepted for provision CS215, no voting rights could be lost before 1 July 1996.

3.14 With regard to the amendment procedures and their bearing on the forthcoming Kyoto Plenipotentiary Conference, he agreed that under CS201 any proposed amendment to the Constitution would have to be submitted no later than eight months before the opening date of the Conference, which would be impossible if the date of 1 July 1994 were adopted in provision CS215. The Drafting Group, however, taking into account the considerable time needed in most countries for ratification, had considered that although the Constitution should enter into force before the Kyoto Conference it should do so as late as possible, thereby ensuring that some Members would have been able to ratify it by that date.

3.15 Members who had not ratified the two instruments were not legally bound by their provisions. In accordance with past practice, however, the Convention would be applied from 1 July 1994 if that date were approved. Adoption of the wording proposed by the Drafting Group would constitute a return to the Union's previous practice. Therefore, while the effective date of

entry into force for some Members would be 1 July 1994, it was likely that, owing to the time required for the national ratification procedure, most Members would not be legally bound by the instrument as of that date, although they would certainly not be free to act in a way that was not in keeping with its aims and purposes.

3.16 The delegate of Tunisia said that there was still some doubt in his mind as to the status of Members which, for any reason, were unable to deposit their instruments before the date of entry into force; however, it seemed to him that the date proposed by the Working Group gave all countries sufficient time for ratification.

3.17 The Chairman noted that the majority of delegates appeared to be in favour of the principle of specifying a date, namely, 1 July 1994. In reply to a question by the delegate of the Russian Federation, he said that the Committee's decisions had the status of proposals agreed to by delegates for submission to the Plenary Meeting, which took final decisions in the light of the discussions held in all the committees. To place the date of 1 July 1994 between square brackets would be to indicate that the Committee had not reached agreement.

3.18 The delegate of Kenya said that he could support the date 1 July 1994 for entry into force of the new Constitution and Convention. However, the problem of compliance with the deadline for submission of proposals and amendments, to which he had alluded earlier in the discussion, had not been settled and would need to be addressed at some stage.

3.19 Following further discussion in which the delegates of Israel, Côte d'Ivoire, Guinea and Kenya and the Legal Adviser took part, MOD CS125 was approved as proposed by the Drafting Group, subject to deletion of the square brackets from around the date 1 July 1994.

SUP CS216

3.20 Approved.

CS217

3.21 The delegate of Japan drew attention to proposal J/49/1, the aim of which was to ensure that the Optional Protocol on the Compulsory Settlement of Disputes adopted at Nice would be revised by the present Conference and adopted as a new instrument at the same time as the new Constitution and Convention which were to abrogate and replace the Nairobi Convention. The proposal entailed no amendment of substance to either CS217 or the text of the Optional Protocol itself.

3.22 The Legal Adviser confirmed that the Japanese proposal did not affect the wording of provision CS217. On the other hand, the Japanese delegation was perfectly correct in stating that the Optional Protocol needed to be considered by the present Conference, and a revised version, comprising only a very few minor changes to references and dates, would be submitted to Committee 5 as soon as possible for approval.

3.23 CS217 was approved on that understanding.

CS218, CS219, CS220

3.24 Approved.

3.25 Article 47 as a whole, as amended, was approved.

4. Consideration of proposals relating to Article 25 of the draft Convention (continued) (Basic Document II, Documents DT/1, 85)

4.1 The Chairman invited the Committee to resume its consideration of Article 25 of the draft Convention, relating to rules of procedure of conferences and other meetings.

CV244, CV245, CV246, CV247, CV248, CV249, CV250, CV251, CV252, CV253, CV254, MOD CV255, CV256, CV257, CV258, CV259, MOD 260

4.2 Approved.

ADD CV260A

4.3 The Chairman reminded the Committee that it had been agreed at a previous meeting to place the titles of bodies in square brackets pending Committee 4's decision.

4.4 The delegate of the United States, pointing out that proposal USA/26/51 to provision CV260A also contained an amendment of substance, namely, the replacement of the word "shall" by "may", requested that the whole paragraph be placed in square brackets pending further substantive discussion of the matter.

4.5 It was so agreed.

MOD CV261, (MOD) CV262, CV263, CV264

4.6 Approved.

MOD CV265

4.7 The Chairman reminded the Committee that MOD CV265 had already been approved, with square brackets inserted where appropriate.

CV266, CV267, MOD CV268, MOD CV269, MOD CV270, MOD CV271, MOD CV272, MOD Title 5.2

4.8 Approved.

MOD CV273

4.9 The Chairman reminded the Committee that MOD CV273 had already been approved, with square brackets inserted where appropriate.

ADD CV273A, ADD CV273B

4.10 The Chairman reminded the Committee that it had already been agreed that provisions CV273A and CV273B should be placed in square brackets pending a decision on Article 7D.

CV274, CV275, MOD CV276, CV277, CV278, CV279, CV280, CV281, CV282, CV283, CV284, CV285, CV286, CV287, CV288, CV289, CV290, CV291, CV292, CV293, CV294, CV295, CV296, CV297, CV298, CV299, CV300, CV301, CV302, CV303, CV304, CV305, CV306, CV307, CV308, CV309, CV310, CV311

4.11 Approved.

ADD CV311A

4.12 The Chairman reminded the Committee that ADD CV311A had already been approved, with square brackets inserted where appropriate.

CV312, CV313, CV314, CV315, CV316, CV317, CV318, CV319, CV320, CV321, CV322, CV323, CV324, CV325, CV326, CV327, CV328, CV329, CV330, CV331, CV332, CV333, CV334, CV335, CV336, CV337, CV338, CV339, CV340, CV341, CV342, CV343, CV344, CV345, CV346, CV347, CV348, CV349, CV350, CV351, CV352, CV353, CV354, CV355, CV356, CV357, CV358, CV359, CV360, CV361, CV362, CV363

4.13 Approved.

MOD CV364

4.14 The Chairman reminded the meeting that MOD CV364 had already been approved, with square brackets inserted where appropriate.

MOD CV365, MOD Title 23, CV366

4.15 Approved.

ADD CV366A

4.16 The Chairman invited the Committee to resume its discussion of amendment CAN/35/43.

4.17 The delegate of Niger, stressing the power of the press in both developed and developing countries and the importance of the communication issue for the ITU, proposed a further amendment to CAN/35/43, replacing "arrangements made by the Secretary-General" by "arrangements made by the Administrative Council".

4.18 The delegate of Canada said that, in view of the importance of the Union's relations with the press and the public, as reflected in Recommendations 15 and 16 of the High Level Committee, and taking into account the views already expressed concerning the amendment, it might be preferable to maintain references to both the Secretary-General and the Heads of delegations. He suggested the following wording: "in accordance with arrangements made by the Secretary-General and with the guidelines approved by the meeting of Heads of delegations referred to in No. 246 above".

4.19 The delegate of Kenya, stressing how important it was for Heads of delegations to maintain control over the presence of the press and the public at meetings, was in favour of retaining the Drafting Group's text of CV366A.

4.20 The delegate of France, while agreeing with the High Level Committee's recommendations regarding the press and the public, felt that there should be some control over the way in which publicity was managed. His Administration could not approve the delegate of Canada's second amendment, which made it appear as though the Heads of delegations were merely following arrangements already made by the Secretary-General. He therefore preferred the Drafting Group's text of CV366A.

4.21 The delegate of the United States considered that "arrangements made by the Secretary-General" might consist merely of press releases announcing conferences or meetings, in other words a purely administrative matter, whereas the Heads of delegations could still remain in control. He had no objection, therefore, to the second amendment proposed by the delegate of Canada.

4.22 The delegate of France proposed the following wording as a compromise solution: "in accordance with the guidelines approved by the meeting of Heads of delegations referred to in No. 246 above, and with the practical arrangements made by the Secretary-General".

4.23 The delegate of Niger still preferred wording such as "in accordance with the practical arrangements made by the Administrative Council", which would facilitate planning of arrangements for forthcoming conferences.

4.24 The delegates of Kenya and Canada said that the French amendment was acceptable to them.

4.25 As the proposal by the delegate of Niger was not supported, the Chairman invited the Committee to consider the amendment by the delegate of France to Canadian proposal CAN/35/43.

4.26 Proposal CAN/35/43, as amended by the delegate of France, was approved.

ADD CV366B

4.27 Approved.

MOD CV367

4.28 The Chairman reminded the Committee that two pairs of square brackets had been inserted in MOD CV367.

4.29 He invited the delegate of Malta to introduce proposal MLT/85/2, which concerned Article 25 as a whole.

4.30 The delegate of Malta said that the purpose of his delegation's proposal, which was to delete the whole of Article 25 and to issue it as a separate publication, was to give greater freedom to Members of the Union to adopt their own rules of procedure or to amend existing rules.

4.31 As the proposal was not seconded, the Chairman said that he took it that Article 25 would be maintained in the draft Convention.

4.32 It was so agreed.

4.33 In reply to a request for clarification by the delegate of Argentina, the Chairman said that proposal ARG/28/26 ADD to add a new Article after Article 25 would be discussed at a subsequent meeting.

5. Consideration of proposals relating to Article 33 of the draft Constitution (continued) (Basic Document I)

5.1 The delegate of Brazil withdrew the request he had made at the Committee's first meeting to place square brackets round the provisions of Article 33 of the Constitution.

5.2 The Chairman, observing that Article 33 would have been approved if the delegate of Brazil had not requested its deferral, invited the Committee to approve that Article.

5.3 Article 33 of the draft Constitution was approved.

6. Organization of work

6.1 In reply to requests for clarification by the delegates of the United Kingdom, and the United Arab Emirates concerning proposed amendments to Article 26, the Chairman confirmed that that Article would be placed on the agenda of a subsequent meeting of Committee 5.

6.2 The Secretary of the Committee, replying to a question by the delegate of Côte d'Ivoire, assured the Committee that all items for subsequent review had been noted and would also be reflected in the relevant summary records, which were being processed.

The meeting rose at 1145 hours.

The Secretary:
M. MALEK ASGHAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 150-E
17 December 1992

LIST OF DOCUMENTS
(101-149)

No.	Origin	Title	Destination
101	C4	Summary Record of the Second Meeting of Committee 4 ...	C4
102	BRB, GRD,BAH	Proposals for the work of the Conference	PL
103	C5	Third Series of texts from Committee 5 to the Editorial Committee	C6
104	J	Proposals for the work of the Conference	C5
105	IRN	Proposals for the work of the Conference	C4
106	C2	Summary Record of the First Meeting of Committee 2	C2
107	C3	Summary Record of the First Meeting of Committee 3	C3
108	C4	Summary Record of the Third Meeting of Committee 4	C4
109	*	Missions and objectives of the BDT	C4, C5
110	C6	B.2 - Second Series of texts submitted by the Editorial Committee to the Plenary Meeting.....	PL
111	C4	Second Series of texts from Committee 4 to the Editorial Committe	C6
112	C5	Summary Record of the Third Meeting of Committee 5.....	C5
113	IRN	Proposals for the work of the Conference	C4, C5
114	C5	Summary Record of the Fourth Meeting of Committee 5.....	C5
115	ARM	Transfer of Powers	PL

* ALG, BEN, BOT, BFA, CME, CPV, CAF, COM, COG, CTI, EGY, ETH, GAB, GMB, GHA, GUI, LSO, LBR, MDG, MWI, MLI, MRC, MAU, NIG, NGR, SEN, SDN, SWZ, TCD, TUN, ZAI, ZMB

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No.	Origin	Title	Destination
116	C5	Fourth Series of texts from Committee 5 to the Editorial Committee	C6
117	SG	Candidacies for the post of Director of the BDT	PL
118	GT 2A	First Report by Working Group 2A to Committee 2	C2
119	BOT	Transfer of Powers	PL
120	Ad hoc 4B	Report from ad hoc Group 4B to Committe 4	C4
121	C4	Summary Record of the Fourth Meeting of Committee 4	C4
122	C4	Summary Record of the Fifth Meeting of Committee 4	C4
123	SLV	Transfer of Powers	PL
124	C5	Summary Record of the Fifth Meeting of Committee 5	C5
125	C5	Fifth Series of texts from Committee 5 to the Editorial Committee	C6
126	SG	List of countries having ratified or accepted (or acceded to) the Constitution and Convention of the International Telecommunication Union, Nice, 1989	PL
127	UZB	Transfer of Powers	PL
128	GRD, JOR, LBN, ARS, VEN	Proposals for the work of the Conference	C4
129(Rev.1)	NIG	Proposals for the work of the Conference	C4
130	C6	B.3 - Third Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
131	MEX	Proposals for the work of the Conference	C4
132	C5	Summary Record of the Sixth Meeting of Committee 5	C5
133	C5	Sixth Series of texts from Committee 5 to the Editorial Committee	C6
134	C4	Summary Record of the Sixth Meeting of Committee 4	C4
135	C6	B.4 - Fourth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL

No.	Origin	Title	Destination
136	C6	R.1 - First Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
137(Rev.1)	C4	The Radiocommunication Sector	C4
138	URG	Proposals for the work of the Conference	C4, C5
139	C2	Report by Committee 2 to the Plenary	PL
140	SG	Candidatures for the election of the Director of the BDT	PL
141	*	Proposals for the work of the Conference	PL
142	C5	Seventh Series of texts from Committee 5 to the Editorial Committee	C6
143	C4	Third Series of texts from Committee 4 to the Editorial Committee	C6
144	C4	Summary Record of the Seventh Meeting of Committee 4 ..	C4
145	**	Proposals for the work of the Conference	C4
146	***	Proposals for the work of the Conference	C4
147	****	Proposals for the work of the Conference	C5
148	C4	Note from the Chairman of Committee 4	C4
149	C5	Summary Record of the Seventh Meeting of Committee 5	C5
150	SG	List of documents	-

* ALG, BEN, BFA, CME, COM, CTI, GAB, MDG, MLI, MRC, SEN

** D, AUS, BEL, CYP, DNK, EST, FNL, F, GRC, HOL, IRL, ISL, I, LIE, LTU, MLT, NOR, POL, POR, ROU, G, S, SUI, TCH

*** ALG, ARS, BHR, CHN, CTI, CUB, UAE, KWT, LBN, QAT, SEN

**** AUS, CAN, CYP, DNK, USA, IRL, NOR, HOL, POL, G, S, SUI, TUR

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 151-E
16 December 1992

B.5

PLENARY MEETING

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

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

Source	Document		Title
COM 5	125	Constitution	Article 1
	125/194(B.1)		Article 3
	125		Article 10 (CS70)
			Annex
	133	Convention	Article 9A
	125		Article 26
			Article 28
			Annex

M. THUE
Chairman of Committee 6

Annex: 16 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR BLUE DOCUMENTS

The purpose of the Conference is to revise the Nice Constitution and Convention.

To this end, the Conference is using the draft texts prepared by the ITU Drafting Group on the basis of the H.L.C. Report, which are set out in Basic Documents I and II (dated 1 May 1992) and Working Documents 1 and 2 (dated 5 May 1992) sent to all Members in May 1992.

It is also using the proposals submitted by Members, who were invited to put forward proposals on the basis of the Working Documents.

The symbols in the margin in the documents submitted by Committee 6 to the Plenary Meeting for first reading (blue documents) indicate changes made by the competent Committee (Committee 4 or 5) to the text of the Working Documents; the symbols have the following meaning:

- **NOC** Provision which was modified, added or deleted by the Drafting Group, and for which the modification, addition or suppression in question was accepted unchanged by the competent Committee.

  A provision added by the Drafting Group bears one or two letters after the number of the provision. Provisions deleted by the Drafting Group are indicated by the symbol (SUP) after the number.

- **MOD** Provision modified by the competent Committee

- **SUP** Provision deleted by the competent Committee

- **ADD** Provision added by the competent Committee

- The absence of a symbol in the margin means that the Nice text has been adopted without change.

- The symbol (MOD) indicates a provision to which Committee 6 has made purely editorial amendments.

CHAPTER I

Basic Provisions

ARTICLE 1

Purposes of the Union

	CS2	1.	The purposes of the Union are:
MOD	**CS3**	a)	to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds;
ADD	**CS3A**	b)	to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material and financial resources needed for implementation;
(MOD)	**CS4**	c)	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;
ADD	**CS4A**	d)	to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants;
(MOD)	**CS5**	e)	to promote the use of telecommunication services with the objective of facilitating peaceful relations;
(MOD)	**CS6**	f)	to harmonize the actions of Members in the attainment of those ends;
MOD	**CS6A**	g)	to promote, at the international level, an approach to the broader issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.

CS7 2. To this end, the Union shall in particular:

CS8 a) effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and registration of radio-frequency assignments and any associated orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different countries;

CS9 b) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum and of the geostationary-satellite orbit for radiocommunication services;

CS10 c) facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;

CS11 d) foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;

CS12 e) coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;

CS13 f) foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;

CS14 g) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;

CS15 h) undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;

NOC CS16 i) promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, inter alia, at extending telecommunication services to the most isolated areas in countries.

ARTICLE 3

Rights and Obligations of Members

CS21* 1. Members of the Union shall have the rights and shall be subject to the obligations provided for in this Constitution and the Convention.

CS22* 2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:

CS23 a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;

(MOD) CS24 b) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all [study group meetings] and, if it is a Member of the Council, all sessions of that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;

(MOD) CS25* c) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Members of the region concerned shall have the right to vote.

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* Note by Committee 6: Text already examined on first reading.

ARTICLE 10

MOD **The Council**

MOD **CS70** 1. (1) The Council shall be composed of Members of the Union elected by the Plenipotentiary Conference in accordance with the provisions of No. 69B of this Constitution.

ANNEX

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

CS1001 For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

CS1002 *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.

CS1003 *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.

CS1004 *Public Correspondence:* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

MOD CS1005 *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, inter alia, in the capacity of delegates, advisers or attachés, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.

(MOD) CS1006 *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 a conference or at a meeting of the Union.

MOD CS1007 *Operating Agency:* Any individual, company, corporation or governmental establishment which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

NOC CS1008 *Recognized Operating Agency:* Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 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.

NOC CS1009

NOC CS1010 *Radiocommunication:* Telecommunication by means of radio waves.

CS1011 *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.

CS1012 *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.

CS1013 *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.

CS1014 *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

CS1015 *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.

CS1016 *Private Telegrams:* Telegrams other than government or service telegrams.

CS1017 *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.

CS1018 *Telephony:* A form of telecommunication primarily intended for the exchange of information in the form of speech.

NOC

ARTICLE 9A

NOC

Invitation and Admission to Telecommunication Standardization and Telecommunication Development Conferences When There is an Inviting Government

(MOD) CV155A 1. The precise place and exact dates of each conference shall be fixed in accordance with the provisions of Article 2 above, following consultations with the inviting government.

NOC CV155B 2. One year before the date of the opening of the conference, the Secretary-General, after consultation with the Director of the Bureau concerned, shall send an invitation to:

(MOD) CV155C a) the administration of each Member of the Union;

ADD [CV155D] [b) the entities or organizations authorized in accordance with Article 7D above to participate in the activities of the Sector concerned;]

NOC CV155E c) regional telecommunication organizations mentioned in Article 32 of the Constitution;

NOC CV155F d) intergovernmental organizations operating satellite systems;

NOC CV155G e) any other regional organization or other international organization dealing with matters of interest to the conference.

NOC CV155H 3. The Secretary-General shall also invite the following organizations or agencies to send observers:

NOC CV155I a) the United Nations;

NOC CV155J b) the specialized agencies of the United Nations and the International Atomic Energy Agency.

(MOD) CV155K 4. The replies must reach the Secretary-General at least one month before the date of opening of the conference and should, whenever possible, include full information on the composition of the delegation or representation.

NOC **CV155L** 5. The General Secretariat and the elected officials of the Union shall be represented at the conference in an advisory capacity.

ADD **[CV155LA]** [6. The members of the Radio Regulations Board may participate in a world radio technical conference in an advisory capacity when the conference is discussing matters coming within their competence.]

NOC **CV155M** 6. The following shall be admitted to the conference:

NOC **CV155N** a) delegations;

(MOD) **CV155O** b) observers of organizations and agencies invited in accordance with Nos. 155E to 155G and 155I and 155J above;

ADD **[CV155P]** [c) representatives of entities or organizations referred to in No. 155D above.]

Convention
B.5/10

CHAPTER V

Other Provisions

ARTICLE 26

Finances

NOC CV368 1. (1) The scale from which each Member shall choose its class of contribution, in conformity with the relevant provisions of Article 17 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 1/2 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 Council.)

CV369 (2) In addition to the classes of contribution listed in No. 368 above, any Member may choose a number of contributory units over 40.

CV370 (3) The Secretary-General shall communicate the decision of each Member as to the class of contribution chosen by it to all the Members of the Union.

CV371 (4) Members may at any time choose a class of contribution higher than the one already adopted by them.

CV372 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.

CV373 (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.

CV374 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.

MOD **[CV375]** [4. The following provisions shall apply to contributions by entities or organizations authorized to participate in the Union's activities in accordance with the provisions of Article 7D above and by other international organizations:]

MOD **[CV376]** [a) entities or organizations referred to in No. 375 above and participating in the Telecommunication Standardization Sector, in the Telecommunication Development Sector, or in the Technical Committee of a world radiocommunication conference and its Study Groups, shall share in defraying the expenses of the Sector in which they have agreed to participate; in this respect they shall freely chose from the scale in No. 368 above their class of contribution for defraying the Sector 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; this exception does not apply to the Development Sector; they may at any time choose a class of contribution higher than the one already adopted by them; the amount of the contribution per unit payable by them towards the expenses of each Sector concerned 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. 374 above;]

MOD **[CV377]** [b) an entity or organization referred to in No. 375 above participating in the Radio Regulations Committee of a world radiocommunication conference, a telecommunication development conference (if this entity or organization is not a member of the Telecommunication Development Sector), or a world conference on international telecommunications, shall share in defraying the expenses related thereto, except those international organizations which are exempted by the Council, subject to reciprocity; to this effect, they shall freely choose from the scale in No. 368 above their class of contribution for defraying conference 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; the latter exception does not apply to telecommunication development conferences; they may at any time choose a class of contribution higher than the one already adopted by them. The amount of the contribution per unit payable towards the expenses 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. 374 above;]

SUP **[CV378]**

SUP **[CV379]**

(MOD) **CV380** c) reduction in the number of contributory units shall be possible only in accordance with the principles stipulated in the relevant provisions of Article 17 of the Constitution;

NOC **CV381** d) in the case of denunciation of participation in the work of a Sector or of termination of such participation (see No. 128AF above), the contribution shall be paid up to the last day of the month in which such denunciation or termination takes effect.

NOC **CV382** **(SUP)**

NOC **CV383** **(SUP)**

NOC **CV384** 5. The sale price of publications shall be determined by the Secretary-General, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.

NOC CV385 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 Council on the basis of expected requirements. At the end of each biennial budgetary period 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.

NOC CV385A 7. (1) The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent with the purposes of the Union and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.

NOC CV385B (2) Such voluntary contributions shall be reported by the Secretary-General to the Council in the financial operating report as well as in a summary indicating for each case the origin, proposed use and action taken with respect to each voluntary contribution.

ARTICLE 28

Languages

NOC CV388 1. (1) At conferences and meetings of the Union, including meetings of the Council, languages other than those mentioned in the relevant provisions of Article 18 of the Constitution may be used:

NOC CV389 a) if an application is made to the Secretary-General or to the Director of the Bureau 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;

CV390 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 18 of the Constitution.

NOC CV391 (2) In the case provided for in No. 389 above, the Secretary-General or the Director of the Bureau 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.

CV392 (3) In the case provided for in No. 390 above, 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 18 of the Constitution.

CV393 2. Any of the documents referred to in the relevant provisions of Article 18 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.

ANNEX

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) CV1001 *Expert*: A person sent by either:

a) the Government or the administration of his country, or

b) an entity or an organization authorized in accordance with [Article 7D of this Convention], or

c) an international organization

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

NOC CV1002 *Observer:* A person sent by:

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

in accordance with the relevant provisions of this Convention.

CV1003 *Mobile Service:* A radiocommunication service between mobile and land stations, or between mobile stations.

NOC CV1003A *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 CV1003B *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 Nos. 116J to 116O of this Convention, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.

(MOD) CV1004 *Service Telecommunication:* A telecommunication that relates to public international telecommunications and that is exchanged among the following:

- administrations,
- recognized operating agencies, and
- the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 152-E
16 December 1992
Original: English

PLENARY MEETING

MINUTES

OF THE

SECOND PLENARY MEETING

Friday, 11 December 1992 at 1435 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Election of the Director of the Telecommunications Development Bureau (BDT)	3, 4[+Add.1, 2(+A.1), 3(Rev.1), 4, 5], 7, 10, 11, 17, 20, 21, 34, 37, 48, 52, 75, 80
2.	Election of a Member of the Administrative Council for Region C	63, 75, 80, 87
3.	Oral reports by Committee Chairmen	-
4.	First series of texts submitted by the Editorial Committee for first reading (B.1)	94

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1. Election of the Director of the Telecommunications Development Bureau (BDT) (Documents 3, 4[+Add.1, 2(+A.1), 3(Rev.1), 4, 5], 7, 10, 11, 17, 20, 21, 34, 37, 48, 52, 75, 80)

1.1 At the request of the Chairman, the Secretary-General explained the voting procedure.

1.2 The Chairman invited the tellers, provided by the delegations of Germany, Bulgaria, Malaysia, Mali and Mexico representing the five regions of the ITU, to take their places. He then announced the commencement of voting.

1.3 The delegations were called up in turn to deposit their ballot papers.

1.4 The Executive Secretary announced that all the delegations which were entitled to vote had voted.

1.5 Following verification by the tellers, the Chairman announced that one ballot paper was invalid. A total of 131 votes had therefore been cast; the required majority was 66.

1.6 The result of voting, in reverse order, was:

Mr. M. Camara	3
Mr. C. Thongma	9
Mr. J. Deniaud	16
Mr. T. Ras-Work	16
Mr. A. Djiwatampu	21
Mr. J. Jipguep	21
Mr. A. Laouyane	22
Mr. J. Angelo	23

1.7 The Chairman said that since no candidate had obtained the required majority, a second ballot would be carried out at the following Plenary Meeting.

2. Election of a Member of the Administrative Council for Region C (Documents 63, 75, 80, 87)

2.1 The Chairman said that the voting procedure would be the same as for the previous election. After inviting the tellers, provided by the delegations of the Republic of Korea, Cuba, France, Senegal and the Czech and Slovak Federal Republic, to take their places, he announced the commencement of voting.

2.2 The delegations were called up in turn to cast their votes.

2.3 The Chairman, on completion of the voting, said that a total of 129 ballot papers had been cast of which 7 were blank, giving a total of 122 valid votes. The result was:

Romania	84
Hungary	38

2.4 Romania was elected a Member of the Administrative Council for Region C.

(Applause)

2.5 The delegate of Romania, thanking all those delegations which had voted for his Administration, said that Romania would participate actively in the work of the Council, and in ensuring that Council decisions, resolutions and recommendations, as well as those of the Additional Plenipotentiary Conference, were implemented effectively. His Administration would do everything within its power to represent the interests of all countries in Region C.

(Applause)

2.6 The delegate of Hungary congratulated the Romanian Administration on its election and wished it every success. His own country was pleased that the vacant seat on the Council had been filled by one of Hungary's closest neighbours, and was confident that Romania would represent the interests of all countries in Region C admirably. He expressed his appreciation to those countries which had voted for Hungary.

(Applause)

3. Oral reports by Committee Chairmen

3.1 The Chairman invited the Committee Chairmen to report orally on the progress of work in their Committees.

3.2 The Chairman of Committee 2 said that his Committee had held one meeting, by which time some 80 administrations had presented their credentials. A Working Group had been set up and would meet early the following week to examine the credentials received.

3.3 The Chairman of Committee 3 said that his Committee had held one meeting. Its second meeting would be held the following week, to discuss the Committee's report and situation with regard to the Conference budget, by which stage other Committees would no doubt have taken decisions regarding key issues.

3.4 The Chairman of Committee 4 said that his Committee had held seven meetings and established two Working Groups. Ad hoc Group 4A set up to prepare texts on the Development Advisory Board had completed its work, the results of which the Committee would examine in due course. Ad hoc Group 4B, set up to prepare a consolidated draft resolution on the allocation of work between the Radiocommunication and Telecommunication Standardization Sectors, would meet on Saturday, 12 December. The Committee had examined most of the treaty texts relating to the Development Sector, and the remaining ones would be taken up once ad hoc Group 4A had submitted its report. Other texts were being prepared by delegations informally. The Committee had examined some of the treaty texts relating to the Telecommunication Standardization Sector and had also started to discuss proposals relating to the future Radio Regulations Board. Some texts could only be examined on a provisional basis at the present juncture, since certain issues would only become clear once the Committee had fully completed its work. Also, a number of draft resolutions relating to the three future Sectors had yet to be considered.

3.5 The Chairman of Committee 5 said that his Committee had held seven meetings and had examined most of the Articles of the Convention and Constitution allocated to it. Square brackets had been left around some sections of texts, especially the names of the future Sectors and organs, pending decisions yet to be taken by Committee 4. Committee 5 still had to discuss

Article 1 of the Constitution and Articles 9A, 26 and 28 of the Convention, as well as the Annexes to both texts. It had referred two series of texts to the Editorial Committee, one of which was before the present Plenary Meeting for first reading.

3.6 The Chairman of Committee 6 said that his Committee had held one formal meeting on 8 December, at which it had established its working methods. Four working meetings had been held, and so far one blue document had been prepared for consideration by the Plenary Meeting.

3.7 The Chairman, after thanking the Committee Chairmen, urged all participants to make every effort to ensure that the Conference work progressed at a satisfactory pace.

4. First series of texts submitted by the Editorial Committee for first reading (B.1) (Document 94)

4.1 The Chairman of Committee 6, introducing Document 94, drew attention to the explanatory note on page B.1/2 concerning symbols in the margin. The document contained Articles examined by Committee 5 in respect of which no proposals had been submitted by administrations. Texts which had not been finalized appeared in square brackets, and the Plenary Meeting would be required to return to them at a later date. The explanatory note would apply to all the blue and pink documents transmitted to the Plenary Meeting.

4.2 In reply to a question by the delegate of the Russian Federation, he confirmed that Document 94 had been prepared on the basis of Document 82 produced by Committee 5. Only the layout of the two documents differed. It was the usual practice for the Plenary Meeting to consider only blue and pink documents, and not the original white ones emanating from the Committees.

4.3 The delegate of the Russian Federation nevertheless expressed concern that the revised texts had apparently not been formally approved by Committee 5. Attempts to speed up the proceedings in that way might in fact prove counter-productive, and lead to detailed discussion of texts in Plenary Meetings.

4.4 The Chairman invited delegates to consider Document 94 Article by Article.

Preamble, Article 2 of the draft Constitution

4.5 Approved.

Article 3 of the draft Constitution

4.6 In reply to a query by the delegate of Algeria concerning (MOD) CS24, the Chairman of Committee 5 confirmed that the text in Document 94 incorporated an amendment which the Drafting Group had made to the text adopted at Nice and which Committee 5 had accepted.

4.7 The delegate of the United Kingdom suggested that (MOD) CS24 be placed in square brackets, pending the outcome of the discussions on world conferences.

4.8 It was so agreed.

4.9 With the exception of provisions CS23 and (MOD) CS24 placed in square brackets, Article 3 was approved.

Article 4 of the draft Constitution

4.10 In reply to the delegate of Côte d'Ivoire, the Legal Adviser said that the expression "this Convention", together with its equivalent in other languages, was the usual term employed in texts of a legal nature. It appeared throughout the Constitution and Convention adopted by the Nice Plenipotentiary Conference.

4.11 Article 4 was approved.

Article 5 of the draft Constitution

4.12 Approved.

Article 6 of the draft Constitution

4.13 In response to a request for clarification from the delegate of Algeria, the Chairman of Committee 6 explained that an editorial amendment had been made to the title of Article 6 in French only, that there was no change in CS34 in relation to the Nice text and that the text of CS35 was that proposed not by the Editorial Committee but by the Drafting Group in Basic Document I. The Chairman of Committee 5, referring to the annotation "NOC", said that the symbols indicated the status of the texts in relation to Basic Documents I and II prepared by the Drafting Group.

4.14 The delegate of the Russian Federation said that it was not clear whether the texts in Document 94 were based on the Instruments approved at the Nice Plenipotentiary Conference or on the Basic Documents prepared by the Drafting Group. He observed that, in accordance with Resolution No. 1020 of the Administrative Council, the terms of reference of the Additional Plenipotentiary Conference were to revise the Nice Instruments.

4.15 The Vice-Chairman of Committee 6 said that care should be taken to differentiate changes made by the Drafting Group and those made by the Editorial Committee. The origin of the changes was made clear in Document 94.

4.16 Article 6 was approved.

Articles 18-20, 22-32 and 34-40 of the draft Constitution

4.17 Approved.

Article 41 of the draft Constitution

4.18 The delegate of the Russian Federation, having proposed that NOC CS189 should be placed in square brackets until a final decision had been taken on the new structure, the Chairman suggested that only the words "at any meetings of any of the Sectors of the Union" should be placed in square brackets, until such time as discussions on the matter had been concluded in Committee 4.

4.19 It was so agreed.

4.20 Article 41 was approved on that understanding.

Articles 42, 43, 45 and 46 of the draft Constitution

4.21 Approved.

Article 1 of the draft Convention

4.22 Approved.

Article 8 of the draft Convention

4.23 In response to a point raised by the Chairman of Committee 6, the Legal Adviser confirmed that, from the legal point of view, any ambiguity in the first phrase of (MOD) CV129 would be removed by amending it to read "the precise place and the exact dates". The Chairman of Committee 6 observed that the phrase also occurred elsewhere in the Instruments and that there should be consistency throughout.

4.24 The delegate of Algeria reiterated his dissatisfaction with the symbols in the margin of Document 94, both generally and in relation to (MOD) CV136 specifically. In his view, the annotation "NOC" should indicate that there had been no change from the Nice Instruments not that there had been no change from the text of a Basic Document. The Chairman of Committee 6 again referred delegates to the explanatory note on page B.1/2 of Document 94.

4.25 In response to a request by the Chairman for a legal opinion, the Legal Adviser confirmed that the terms of reference of the Additional Plenipotentiary Conference were to revise the Nice Instruments. As those Instruments had not yet come into force, however, their revision must be governed by the provisions of the Nairobi Instruments. In order to carry out the revision exercise, the Administrative Council had set up a Drafting Group whose task had been to prepare a draft text for the Constitution and one for the Convention. Those drafts had been sent to all administrations in May 1992 for their comments and proposals. The texts contained in Basic Documents I and II were therefore intended as reference documents, and there was no legal obstacle to using them as a basis for proposals from administrations.

4.26 The delegate of Mexico associated himself with the comments by the delegate of Algeria. The texts provided by the Drafting Group were merely additional documents which might serve as guidelines for the Conference; it was the Nice Instruments which should be taken as the basis.

4.27 The Chairman of Committee 6, having referred to the explanatory note in Document 94, the delegate of the Russian Federation said that the point at issue was not one of understanding the note but one of fundamental perception. It should not be necessary for delegates in the Plenary Meeting to request clarification on individual points from the Chairman of each Committee in turn; explanations of changes in relation to the Nice Instruments should be given in the draft texts submitted to the Plenary Meeting.

4.28 The Chairman said that the matter would be further clarified with the assistance of the Secretariat so that agreement could be reached on which texts were to be used as a basis for the work of the Conference. In the meantime, he invited the meeting to continue its examination of the draft texts contained in Document 94.

4.29 Article 8, as amended at the suggestion of the Legal Adviser, was approved.

Articles 29-34 of the draft Convention

4.30 Approved.

4.31 With the exception of the provisions in square brackets, the first series of texts submitted by the Editorial Committee (B.1), as amended, was approved on first reading.

The meeting rose at 1755 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 153-E
16 December 1992

R.2

PLENARY MEETING

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

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

Source	Document		Title
COM 6	110(B.2)	Constitution	Article 8 Article 10 Article 11 Articles 15 to 17 Article 21
		Convention	Articles 3 and 4 Article 4A Article 9 Articles 10 to 15 Article 27

M. THUE
Chairman of Committee 6

Annex: 26 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

NOC

ARTICLE 8

NOC

Plenipotentiary Conference

MOD CS46 1. The Plenipotentiary Conference shall be composed of delegations representing Members. It shall be convened every four years.

NOC CS47 2. The Plenipotentiary Conference shall:

NOC CS48 a) determine the general policies for fulfilling the purposes of the Union prescribed in Article 1 of this Constitution;

MOD CS49 b) after considering the reports by the Council on the activities of the Union since the previous Plenipotentiary Conference and on the recommended strategic policy and planning for the Union, adopt all decisions it considers appropriate;

MOD CS50 c) establish the basis for the budget of the Union and determine, in the light of its decisions taken on the reports referred to in No. 49 above, a ceiling 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;

NOC CS51 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 CS52 e) examine the accounts of the Union and finally approve them, if appropriate;

MOD CS53 f) elect the Members of the Union which are to serve on the Council;

MOD CS54 g) elect the Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux of the Sectors as elected officials of the Union;

MOD CS55 h) elect the members of the Radio Regulations Board;

SUP CS56 and CS57

MOD CS58 i) consider and adopt, if appropriate, proposals for amendments to this Constitution and the Convention in accordance with the provisions of Article 44 of this Constitution and the relevant provisions of the Convention respectively;

MOD CS59 j) conclude or revise, if necessary, agreements between the Union and other international organizations, examine any provisional agreements with such organizations concluded by the Council on behalf of the Union, and take such measures in connection therewith as it deems appropriate;

(MOD) CS60 k) deal with such other telecommunication questions as may be necessary.

NOC

ARTICLE 10

MOD

The Council

MOD [CS70] [1. (1) The Council shall be composed of Members of the Union elected by the Plenipotentiary Conference in accordance with the provisions of No. 69B of this Constitution.]

NOC CS71 (2) Each Member of the Council shall appoint a person to serve on the Council who may be assisted by one or more advisers.

MOD CS72 2. The Council shall adopt its own Rules of Procedure.

MOD CS73 3. In the interval between Plenipotentiary Conferences, the Council shall act, as governing body of the Union, on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter.

MOD CS74 4. (1) The 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.

SUP CS75

ADD CS75A (2) It shall consider broad telecommunication policy issues in keeping with the guidelines given by the Plenipotentiary Conference in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment.

MOD CS76 (3) It shall ensure the efficient coordination of the work of the Union and exercise effective financial control over the General Secretariat and the three Sectors.

MOD CS77 (4) It shall contribute, in accordance with the purposes of the Union, to the development of telecommunications in the developing countries by every means at its disposal, including through the participation of the Union in the appropriate programmes of the United Nations.

NOC

ARTICLE 11

NOC

General Secretariat

NOC CS78

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

SUP CS79

ADD CS79A

(2) The Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities.

SUP CS80

MOD CS81

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

ADD CS81A

(4) The Secretary-General shall act as the legal representative of the Union.

SUP CS82 to CS84

MOD CS85

2. The Deputy Secretary-General shall be responsible to the Secretary-General; he 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.

NOC

ARTICLE 15

NOC

Coordination Committee

MOD CS125

1. The Coordination Committee shall consist of the Secretary-General, the Deputy Secretary-General and the Directors of the three Bureaux. It shall be presided over by the Secretary-General, and in his absence by the Deputy Secretary-General.

MOD CS126

2. The Coordination Committee shall act as an internal management team which advises and gives the Secretary-General practical assistance on all administrative, financial, information system and technical cooperation matters which do not fall under the exclusive competence of a particular Sector or of the General Secretariat 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 Council and the interests of the Union as a whole.

SUP CS127

NOC

ARTICLE 16

NOC

Elected Officials and Staff of the Union

NOC CS128

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

MOD CS129

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

NOC CS130

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

MOD CS131 (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 or Director of a Bureau shall refrain, as far as possible, from recalling that national between two Plenipotentiary Conferences.

MOD [CS132] [~~2. The Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the Director of the Telecommunications Development Bureau as well as 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. 133 below and to equitable geographical distribution amongst the regions in the world.~~]

(MOD) CS133 2. 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.

NOC ARTICLE 17

NOC **Finances of the Union**

NOC CS134 1. The expenses of the Union shall comprise the costs of:

MOD CS135 a) the Council;

ADD CS135A b) the General Secretariat and the Sectors of the Union;

MOD CS136 c) Plenipotentiary Conferences and world conferences on international telecommunications;

SUP CS137

MOD CS138 2. The expenses of the Union shall be met from the contributions of its Members and of entities and organizations authorized to participate in the Union's activities in accordance with the relevant provisions of the Convention. Each Member and any such authorized entity or organization shall pay a sum proportional to the number of units in the class of contribution it has chosen in accordance with the relevant provisions of the Convention.

NOC CS139 3. (1) Members shall be free to choose their class of contribution for defraying Union expenses.

MOD CS140 (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 contained in the Convention.

NOC CS141 (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 CS142 (4) The class of contribution chosen by each Member, in accordance with No. 140 or No. 141 above, is applicable only as from 1 January following one year after the expiry of the six-month period referred to in Nos. 140 or 141 above.

NOC CS143 4. Members who have failed to make known their decision in the time specified respectively in Nos. 140 and 141 above shall retain the class of contribution previously chosen.

MOD CS144 5. The class of contribution chosen by a Member can only be reduced in accordance with Nos. 140, 141 and 142 above. However, under exceptional circumstances such as natural disasters necessitating international aid programmes, the 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.

MOD CS145 6. Likewise, Members may, subject to the approval of the Council, choose a class of contribution lower than the one selected under No. 140 above, if their relative contributory positions are, from the date fixed in No. 142 above for a new period of contribution, substantially worse than their previous positions.

MOD CS146 7. Expenses incurred by the regional conferences referred to in No. 42 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.

MOD CS147 8. Members, entities and organizations referred to in No. 138 above shall pay in advance their annual contributory shares, calculated on the basis of the biennial budget approved by the Council as well as of any adjustment adopted by the Council.

NOC CS148 9. A Member which is in arrear in its payments to the Union shall lose its right to vote as defined in Nos. 24 and 25 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.

MOD CS149 10. Specific provisions, which apply to the financial contributions by entities and organizations referred to in No. 138 above and by other international organizations, are contained in the Convention.

NOC

ARTICLE 21

NOC

Rules of Procedure of Conferences and Other Meetings

MOD CS156

1. For the organization of their work and the conduct of their discussions, conferences and meetings of the Union shall apply the Rules of Procedure in the Convention.

MOD CS157

2. Conferences and the Council may adopt such rules as they consider to be essential in addition to those in the Rules of Procedure. Such additional rules must, however, be compatible with this Constitution and the Convention; those adopted by conferences shall be published as conference documents.

ADD

SECTION 2

NOC

ARTICLE 3

MOD

The Council

MOD CV31

1. (1) The Council is composed of forty-three Members of the Union elected by the Plenipotentiary Conference.

SUP CV32 to CV37

MOD CV38

1. (1) The Council shall hold an ordinary session annually at the seat of the Union.

NOC CV39

(2) During this session it may decide to hold, exceptionally, an additional session.

MOD CV40

(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. 6K of this Convention.

[SUP CV41*]

SUP CV42

MOD CV43

2. The Council shall make decisions only in session. Exceptionally, the Council in session may agree that any specific issue shall be decided by correspondence.

ADD CV43A

3. At the beginning of each ordinary session, the 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 ordinary session and shall not be eligible for re-election. The Vice-Chairman shall serve as Chairman in the absence of the latter.

ADD CV43B

4. The person appointed to serve on the Council by a Member of the 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.

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* Note by Committee 5 - This number will be considered at a later meeting.

SUP **CV44**

MOD **CV45** 5. Only the travelling, subsistence and insurance expenses incurred by the representative of each Member of the Council in his capacity at Council sessions shall be borne by the Union.

ADD **CV45A** 6. The representative of each Member of the Council shall have the right to attend, as an observer, all meetings of the Sectors of the Union.

ADD **CV45B** 7. The Secretary-General shall act as Secretary of the Council.

ADD **CV45C** 8. The Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux may participate as of right in the deliberations of the Council, but without taking part in the voting. Nevertheless, the Council may hold meetings confined to the representatives of its own Members.

ADD **CV45D** 9. The Council shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union in keeping with the guidelines given by the Plenipotentiary Conference and shall take appropriate action.

MOD **CV46** 10. The Council shall, in the interval between two Plenipotentiary Conferences, supervise the overall management and administration of the Union; it shall in particular:

SUP **CV47 to CV51**

MOD **CV52** a) approve and revise the Staff Regulations and the Financial Regulations of the Union and any other regulations as it may consider necessary, taking account of current practice of the United Nations and of the specialized agencies applying the common system of pay, allowances and pensions;

SUP **CV53 to CV55**

(MOD) CV56 b) adjust as necessary:

(MOD) CV57 1. the basic salary scales for staff in the professional and higher categories, 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 CV58 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 CV59 3. the post adjustment for professional and higher categories, including posts filled by election, in accordance with decisions of the United Nations for application at the seat of the Union;

(MOD) CV60 4. the allowances for all staff of the Union, in accordance with any changes adopted in the United Nations common system;

ADD CV60A c) take decisions to ensure equitable geographical distribution of the staff of the Union and monitor the implementation of such decisions;

ADD CV60B d) decide on proposals for major organizational changes within the General Secretariat and the Bureaux of the Sectors of the Union consistent with the Constitution and this Convention, submitted to it by the Secretary-General following their consideration by the Coordination Committee;

ADD CV60C e) examine and decide on plans concerning Union posts and staff and human resources development programmes covering several years, and give guidelines for the staffing of the Union, including on staffing levels and structures, taking into account the guidelines given by the Plenipotentiary Conference and the relevant provisions of Article 16 of the Constitution;

MOD	**CV61**	f)	adjust, as necessary, the contributions payable by the Union and its staff to the United Nations Joint Staff Pension Fund, in accordance with the Fund's rules and regulations, as well as the cost of living allowances to be granted to beneficiaries of the Union Staff Superannuation and Benevolent Funds on the basis of the practice followed by the Fund;
SUP	**CV62**		
ADD	**CV62A**	g)	review and approve the biennial budget of the Union, and consider the budget forecast for the two-year period following that budget, taking account of the decisions of the Plenipotentiary Conference in relation to No. 49 of the Constitution and of the limits for expenditures set by that Conference in accordance with No. 50 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 76A and the financial operating report mentioned in No. 105 of this Convention;
ADD	**CV62B**	h)	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;
MOD	**CV63**	i)	arrange for the convening of the conferences of the Union and provide, with the consent of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, appropriate directives to the General Secretariat and the Sectors of the Union with regard to their technical and other assistance in the preparation for and organization of conferences;
ADD	**CV63A**	j)	take decisions in relation to No. 10 of this Convention;

ADD	**CV63B**	k)	decide upon the implementation of any decisions which have been taken by conferences and which have financial implications;
SUP	**CV64 to CV68**		
[SUP	**CV69*]**		
MOD	**CV70**	l)	to the extent permitted by the Constitution, this Convention and the Administrative Regulations, take any other action deemed necessary for the proper functioning of the Union;
MOD	**CV71**	m)	take any 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;
ADD	**CV71A**	n)	be responsible for effecting the coordination with all international organizations referred to in Articles 38 and 39 of the Constitution and to this end, conclude, on behalf of the Union, provisional agreements with the international organizations referred to in Article 39 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 8 of the Constitution;
ADD	**CV71B**	o)	send to Members of the Union, as soon as possible after each of its sessions, summary records on the activities of the Council and other documents deemed useful;
MOD	**CV72**	p)	submit to the Plenipotentiary Conference a report on the activities of the Union since the previous Plenipotentiary Conference and any appropriate recommendations.
SUP	**CV73 to CV74**		

* Note by Committee 5 - This number will be considered at a later meeting.

Convention
R.2/14

ADD

SECTION 3

NOC

ARTICLE 4

NOC

General Secretariat

NOC	CV75	1.	The Secretary-General shall:
ADD	CV75A	a)	be responsible for the overall management of the Union's resources; he may delegate the management of part of these resources to the Deputy Secretary-General and the Directors of the Bureaux, in consultation as necessary with the Coordination Committee;
MOD	CV76	b)	coordinate the activities of the General Secretariat and the Sectors of the Union, taking into account the views of the Coordination Committee, with a view to assuring the most effective and economical use of the resources of the Union;
ADD	CV76A	c)	after consultation with the Coordination Committee and taking into account its views, prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommended action relating to the Union's future policies and strategy, as stipulated in No. 45D of this Convention, together with their financial implications;
MOD	CV77	d)	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 Council;
MOD	CV78	e)	undertake administrative arrangements for the Bureaux of the Sectors of the Union and appoint their staff on the basis of the choice and proposals of the Director of the Bureau concerned, although the final decision for appointment or dismissal shall rest with the Secretary-General;
MOD	CV79	f)	report to the Council any decisions taken by the United Nations and the specialized agencies which affect common system conditions of service, allowances and pensions;
MOD	CV80	g)	ensure the application of any regulations adopted by the Council;

MOD **CV81** h) provide legal advice to the Union;

MOD **CV82** i) supervise, for administrative management purposes, the staff 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 Bureaux shall be under the administrative control of the Secretary-General and shall work under the direct orders of the Directors concerned but in accordance with administrative guidelines given by the Council;

MOD **CV83** j) in the interest of the Union as a whole and in consultation with the Directors of the Bureaux concerned, temporarily reassign staff members from their appointed position as necessary to meet fluctuating work requirements at headquarters;

ADD **CV83A** k) make, in agreement with the Director of the Bureau concerned, the necessary administrative and financial arrangements for the conferences and meetings of each Sector;

MOD **CV84** l) taking into account the responsibilities of the Sectors, undertake appropriate secretariat work preparatory to and following conferences of the Union;

(MOD) **CV85** m) prepare recommendations for the first meeting of the Heads of delegations referred to in No. 246 of this Convention, taking into account the results of any regional consultation;

MOD **CV86** n) 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 Union, in collaboration, as appropriate, with the Director concerned, drawing from the Union's staff as he deems necessary in accordance with No. 83 above. The Secretary-General may also, when so requested, provide the secretariat of other telecommunication meetings on a contractual basis;

ADD **CV86A**

o) take necessary action for the timely publication and distribution of service documents, information bulletins, and other documents and records prepared by the General Secretariat and the Sectors, communicated to the Union or whose publication is requested by conferences or the Council; the list of documents to be published shall be maintained by the Council, following consultation with the conference concerned, with respect to service documents and other documents whose publication is requested by conferences;

SUP **CV87 to CV89**

[SUP **CV90*]**

SUP **CV91 to CV97**

(MOD) **CV98**

p) 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;

SUP **CV99 and CV100**

MOD **CV101**

q) after consultation with the Coordination Committee and making all possible economies, prepare and submit to the Council a biennial draft budget covering the expenditures of the Union within the limits laid down by the Plenipotentiary Conference. This draft shall consist of a consolidated budget, including cost-based budgets for the three Sectors, prepared in accordance with the budget guidelines issued by the Secretary-General, 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 budget resolution, after approval by the Council, shall be sent for information to all Members of the Union;

SUP **CV102 to CV104**

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* Note by Committee 5 - This number will be considered at a later meeting.

MOD **CV105** r) with the assistance of the Coordination Committee, prepare an annual financial operating report in accordance with the Financial Regulations and submit it to the Council. A recapitulative financial operating report and accounts shall be prepared and submitted to the next Plenipotentiary Conference for examination and final approval;

MOD **CV106** s) with the assistance of the Coordination Committee, prepare an annual report on the activities of the Union which, after approval by the Council, shall be sent to all Members;

(MOD) **CV107** t) perform all other secretarial functions of the Union;

MOD **CV108** u) perform any other functions entrusted to him by the Council.

MOD **CV109** 2. The Secretary-General or the Deputy Secretary-General may participate, in a consultative capacity, in conferences of the Union; the Secretary-General or his representative may participate in a consultative capacity in all other meetings of the Union.

ADD

SECTION 4

ADD

ARTICLE 4A

NOC

Coordination Committee

ADD CV109A

1. (1) The Coordination Committee shall assist and advise the Secretary-General on all matters mentioned under the relevant provisions of Article 15 of the Constitution and the relevant Articles of this Convention.

ADD CV109B

(2) The Committee shall be responsible for ensuring coordination with all the international organizations mentioned in Articles 38 and 39 of the Constitution as regards representation of the Union at conferences of such organizations.

ADD CV109C

(3) The Committee shall examine the progress of the work of the Union and assist the Secretary-General in the preparation of the report referred to in No. 76A of this Convention for submission to the Council.

ADD CV109D

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 Council. In such circumstances he shall report promptly in writing on such matters to the Members of the 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 Council.

ADD CV109E

3. The Chairman shall convene the Committee at least once a month; the Committee may also be convened when necessary at the request of two of its members.

ADD CV109F

4. A report shall be made of the proceedings of the Coordination Committee and will be made available on request to Members of the Council.

NOC

ARTICLE 9

MOD

Invitation and Admission to Radiocommunication Conferences when There is an Inviting Government

ADD CV141A

1. The precise place and exact dates of the conference shall be fixed in accordance with the provisions of Article 2 of this Convention, following consultations with the inviting government.

MOD CV142

2. (1) The provisions of Nos. 130 to 135A of this Convention shall apply to radiocommunication conferences.

MOD [CV143]

(2) The Secretary-General shall invite those entities and organizations authorized in accordance with Article 7D of this Convention to participate in the [Technical Committee] of the world radiocommunication conference. Members of the Union should inform the recognized operating agencies of the invitation they have received to participate in this radiocommunication conference.

MOD CV144

3. (1) The inviting government, in agreement with or on a proposal by the Council, may notify the international organizations other than those referred to in Nos. 132A to 132D of this Convention which may be interested in sending observers to participate in the conference in an advisory capacity.

MOD CV145

(2) The interested international organizations referred to in No. 144 above shall send an application for admission to the inviting government within a period of two months from the date of notification.

NOC CV146

(3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.

MOD CV147

4. The following shall be admitted to radiocommunication conferences:

NOC CV148

a) delegations;

MOD CV149

b) observers of organizations and agencies referred to in Nos. 132A to 132D of this Convention;

SUP CV150 and CV151

(MOD) CV152

c) observers of international organizations admitted in accordance with Nos. 144 to 146 above;

MOD [CV153]

d) representatives of recognized operating agencies authorized [in accordance with Article 7D of this Convention to participate in the radiocommunication study groups] and duly authorized by the Member concerned;

ADD **[CV153A]** e) representatives of other entities or organizations authorized [in accordance with Article 7D of this Convention to participate in the radiocommunication study groups]; they may only participate in [the Technical Committee] of the world radiocommunication conference;

MOD **[CV154*]** [f) the elected officials and the members of the Radio Regulations Board, in an advisory capacity, when the conference is discussing matters coming within their competence;]

MOD **CV155** g) observers of Members of the Union participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Members belong.

NOC ARTICLE 10

MOD **Procedure for Convening or Cancelling World Conferences at the Request of Members of the Union or on a Proposal of the Council**

ADD **[CV155Q]** 1. The procedures to be applied for convening a second world telecommunication standardization conference in the interval between successive Plenipotentiary Conferences and fixing its precise place and exact dates or for cancelling the second world radiocommunication conference or limiting it to either its [Technical Committee or its Radio Regulations Committee] are set forth in the following provisions.

MOD **CV156** 2. (1) Any Member of the Union wishing to have a second world telecommunication standardization conference convened shall so inform the Secretary-General, indicating the proposed place and dates of the conference.

MOD **CV157** (2) On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

MOD **CV158** (3) If a majority of the Members, determined in accordance with No. 29 of this Convention, agree to the proposal as a whole, that is to say, if they accept the proposed place and dates, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication.

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* To be considered later.

MOD **CV159**

(4) If the proposal accepted is for a conference elsewhere than at the seat of the Union, the Secretary-General, with the assent of the government concerned, shall take the necessary steps to convene the conference.

SUP **CV160 to CV162**

MOD **CV163**

(5) If the proposal as a whole (place and dates) is not accepted by the majority of the Members determined in accordance with No. 29 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.

(MOD) **CV164**

(6) Such points shall be regarded as adopted when they have been approved by a majority of the Members, determined in accordance with No. 29 of this Convention.

ADD **[CV164A]**

3. (1) Any Member of the Union wishing to have a second world radiocommunication conference cancelled or limited only to either its [Technical or its Radio Regulations Committee], shall so inform the Secretary-General. On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

ADD **[CV164B]**

(2) If a majority of the Members, determined in accordance with No. 29 of this Convention, agree to the proposal, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication and the conference shall be cancelled or, as appropriate, limited to either its [Technical or its Radio Regulations Committee].

MOD **[CV165]**

4. The procedures indicated in Nos. 157 to 164B above, with the exception of No. 164A, shall also be applicable when the proposal to convene a second world telecommunication standardization conference or to cancel a second radiocommunication conference or limit it only to either its [Technical or its Radio Regulations Committee] is initiated by the Council.

ADD **CV165A**

5. Any Member of the Union wishing to have a world conference on international telecommunications convened shall propose it to the Plenipotentiary Conference; the agenda, precise place and exact dates of such a conference shall be determined in accordance with the provisions of Article 2 of this Convention.

NOC

ARTICLE 11

MOD

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

MOD CV166

In the case of a regional conference, the procedure described in Nos. 156 to 164 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. The procedure described in Nos. 157 to 164 of this Convention shall also be applicable when the proposal to convene such a conference is initiated by the Council.

NOC

ARTICLE 12

(MOD)

Provisions for Conferences Meeting when There is no Inviting Government

MOD CV167

When a conference is to be held without an inviting government, the provisions of Articles 8, 9 and 9A of this Convention shall 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.

NOC

ARTICLE 13

NOC

Provisions Common to All Conferences

(MOD)

Change in the Place or Dates of a Conference

MOD CV168

1. The provisions of Articles 10 and 11 of this Convention for convening a conference shall apply, by analogy, when a change in the precise place and/or exact dates of a conference is requested by Members of the Union or is proposed by the 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.

MOD CV169

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

(MOD) CV170 3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in No. 157 of this Convention, the probable financial consequences of a change in the place or dates, as, for example, when there has been an outlay of expenditure in preparing for the conference at the place initially chosen.

NOC

ARTICLE 14

[ ]

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

MOD CV171 1. Immediately after the invitations have been despatched, the Secretary-General shall ask Members to send him, at least four months before the start of the conference, their proposals for the work of the conference.

NOC CV172 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.

NOC CV173 3. Each proposal received from a Member of the Union shall be annotated by the Secretary-General to indicate its origin by means of the symbol established by the Union for that Member. 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 CV174 4. The Secretary-General shall communicate the proposals to all Members as they are received.

MOD CV175 5. The Secretary-General shall assemble and coordinate the proposals received from Members and shall communicate them to Members as they are received, but in any case at least two 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 conferences in accordance with the relevant provisions of this Convention, shall not be entitled to submit proposals.

MOD CV176 6. The Secretary-General shall also assemble reports received from Members, the Council and the Sectors of the Union and recommendations by conferences and shall communicate them to Members, along with any reports by the Secretary-General, at least four months before the opening of the conference.

NOC CV177 7. Proposals received after the time-limit specified in No. 171 above shall be communicated to all Members by the Secretary-General as soon as practicable.

NOC CV178 8. The provisions of the present Article shall apply without prejudice to the amendment provisions contained in Article 44 of the Constitution and in Article 35 of this Convention.

NOC

ARTICLE 15

MOD

Credentials for Conferences

MOD [CV179] 1. The delegation sent by a Member of the Union to a Plenipotentiary Conference, a radiocommunication conference [within the framework of its Radio Regulations Committee] (see No. 193A below) or a world conference on international telecommunications shall be duly accredited in accordance with Nos. 180 to 186 below.

NOC CV180 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.

MOD CV181 (2) Accreditation of delegations to the other conferences referred to in No. 179 above 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.

NOC CV182 (3) Subject to confirmation prior to the signature of the Final Acts, by one of the authorities mentioned in Nos. 180 or 181 above, 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.

NOC CV183 3. Credentials shall be accepted if they are signed by one of the competent authorities mentioned in Nos. 180 to 182 above, and fulfil one of the following criteria:

NOC CV184 - they confer full powers on the delegation;

NOC CV185 - they authorize the delegation to represent its government, without restrictions;

NOC **CV186** - they give the delegation, or certain members thereof, the right to sign the Final Acts.

NOC **CV187** 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. 148 and 189 of the Constitution, and to sign the Final Acts.

NOC **CV188** (2) A delegation whose credentials are found not to be in order by the Plenary Meeting shall not be entitled to exercise the right to vote or to sign the Final Acts until the situation has been rectified.

NOC **CV189** 5. Credentials shall be deposited with the secretariat of the conference as early as possible. The Committee referred to in No. 265 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 **CV190** 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. 180 or 181 above.

NOC **CV191** 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 **CV192** 8. A delegation may not exercise more than one proxy vote.

NOC **CV193** 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.

ADD **[CV193A]** 10. A Member or an authorized entity or organization intending to send a delegation or representatives to a telecommunication standardization conference, a telecommunication development conference or the [Technical Committee] of a world radiocommunication conference shall so inform the Director of the Bureau of the Sector concerned, indicating the name and function of the members of the delegation or of the representatives.

NOC

ARTICLE 27

MOD

Financial Responsibilities of Conferences

MOD CV386

1. Before adopting proposals or taking decisions with financial implications, the conferences of the Union shall take account of all the Union's budgetary provisions with a view to ensuring that they will not result in expenses beyond the credits which the Council is empowered to authorize.

MOD CV387

2. No decision of a conference shall be put into effect if it will result in a direct or indirect increase in expenses beyond the credits that the Council is empowered to authorize.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 1 to
Document 154-E
19 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 4

Paragraph 1.27 should read as follows:

"1.27 The delegate of Brazil said that, at the Nice Plenipotentiary Conference, he had opposed the establishment of a part-time Board and advocated maintaining the status quo. However, after deep re-examination of the matter and having the opportunity of participating in the work of the H.L.C., he had reconsidered his position, since few matters called for a collegiate decision, which showed that a full-time Board was not really necessary. He also noted that the developing countries wished to secure broader representation in the IFRB, a wish which could be met by applying the H.L.C. recommendations. Moreover, most of the tasks could be entrusted to the Secretariat, run by a single Director, whose decisions could in any event be reviewed by the Board. As to the financial aspect, the establishment of a part-time Board would make for savings which would be important for several countries. In conclusion, he supported what had been said by the delegates of Canada and Uruguay and endorsed the H.L.C. recommendations."

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 154-E
16 December 1992
Original: English/French

COMMITTEE 4

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 4

Saturday, 12 December 1992 at 0910 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed	Documents
1. Proposals relating to the Radio Regulations Board/IFRB (continued)	Basic Documents I and II, DT/1, 9, 13, 18, 22, 23, 26 + Corr.1, 27, 28, 35, 40, 45, 46, 47, 49, 51, 55 + Corr.1, 57, 60, 61, 62(Rev.1), 65, 66, 72

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1. Proposals relating to the Radio Regulations Board/IFRB (continued) (Basic Documents I and II, DT/1, 9, 13, 18, 22, 23, 26 + Corr.1, 27, 28, 35, 40, 45, 46, 47, 49, 51, 55 + Corr.1, 57, 60, 61, 62(Rev.1), 65, 66, 72)

1.1 The Chairman invited the meeting to resume its discussion concerning the Board.

1.2 The delegate of Canada made the statement reproduced in Annex 1.

1.3 The delegate of Algeria said that none of the arguments put forward during the discussion at the previous meeting had called in question the impartiality and independence or the collegiate nature of the current IFRB, whose structure had been judged satisfactory by an eminent international consultant. He wondered how those principles could be adhered to in a body whose members would come from different administrations, meeting for a few days once a quarter. Also, the H.L.C. had not considered the decisions of WARC-92 or the conclusions of the VGE. Not all of the matters dealt with by the IFRB fell within the domain of the exact sciences, but the fact remained that there had to be machinery for coordination, since a single provision of the Radio Regulations could be interpreted in different ways according to the case at issue. He pointed out that WARC-92 had not defined sharing criteria for coordination between geostationary satellites and low-Earth orbit (LEO) satellites, and wondered whom countries should approach if they had a problem, in particular developing countries, which lacked the necessary resources to settle problems of that kind. He was certain that the savings to be made could be achieved in other parts of the Union rather than the IFRB. In conclusion, until persuaded otherwise, his delegation was in favour of maintaining the full-time, collegiate, independent and impartial IFRB. He pointed out that his comments only related to the principle of maintaining a full-time Board, and not to the number of its members.

1.4 The delegate of Chile said that he was not convinced by the arguments put forward in favour of a part-time Board. As his delegation had stated in Document 45, a Board made up of officials representing administrations did not offer sufficient guarantees of impartiality and the work of a part-time Board would suffer from lack of continuity. Furthermore, the explosive development of new telecommunication services would increase the Board's workload, making it essential to have a collegiate, full-time body. The H.L.C.'s proposal to appoint nine members solely on the basis of their qualifications in the radiocommunication field was not consistent with the principle of equitable geographical distribution. In conclusion, he supported the statement by the delegate of Algeria in favour of maintaining a full-time Board, although he was willing to consider the findings of the VGE Report. With regard to the financial aspect, he believed that savings could be made in other areas of the ITU.

1.5 The delegate of India considered that a part-time Board offered more advantages than a full-time Board and that the impartiality of the part-time Board's decisions would be safeguarded by the fact that it would have a larger membership. He was therefore in favour of a part-time Board.

1.6 The delegate of Kuwait observed that the H.L.C. Report said nothing about the Board's impartiality and independence. In his opinion, there was a danger that those principles would be undermined by the establishment of a Board whose members came from administrations. In addition, as new technologies developed, it was highly likely that their application would give rise to more and more disputes about the use of the spectrum which meant that a full-time Board would be needed. On the financial side, the H.L.C. Report gave no details of the implications of a change in the Board, nor did it specify whether the members of the new Board would be allowed to represent their countries at a Plenipotentiary Conference. Finally, the appointment of a Director, as suggested in the H.L.C. Report, would not do anything to facilitate assistance by the IFRB to Members, since he would have to handle all the routine work throughout the year.

1.7 The delegate of New Zealand said that the Board performed necessary functions in meeting administrations' needs, taking entirely impartial decisions and providing specialized advice to administrations which requested it. Those functions should not be modified. Duly supported by the Secretariat, the Board could concentrate on the important decisions. It might be useful to draw up a code of conduct clearly setting out the rules to be followed to guarantee impartiality. His delegation believed that the Board could quite easily discharge its duties by meeting on a part-time basis. As there were fewer collegiate decisions to be taken than in the past, the members of the new Board could meet on request. The Secretariat, under the guidance of the Director, would be responsible for routine matters. The essential thing was that the Board's functions should be performed as efficiently as possible.

1.8 The delegate of the Islamic Republic of Iran said that Members should not lose sight of the Union's primary objective, which was to strengthen national and international telecommunication services. The changes which had undeniably to be made in the Union's structure should not run counter to that objective. His delegation therefore backs the view that the Board as it had functioned for many years offered guarantees of impartiality and safeguarded the rights of the developing countries, something which a part-time Board could not do. The Board as proposed by the H.L.C. would not have time to deal with all the matters which would undoubtedly arise with the introduction of new telecommunication technologies (HDTV, broadcasting-satellite service, LEO satellites). As to the financial aspects of the question, his delegation considered that guaranteeing efficient use of the spectrum was more important than any minor savings which could be made within the Board. He was therefore in favour of maintaining the five-member full-time Board.

1.9 The delegate of Guinea, while approving the results of the work of the H.L.C. and acknowledging that, while it was efficient, the IFRB must adapt, thought it would be preferable to await the results of the work of the Voluntary Group of Experts before taking a decision. For the time being, he was in favour of maintaining a full-time Board.

1.10 The delegate of Côte d'Ivoire said he was not convinced by the arguments put forward in favour of a part-time Board. Automation of the work of the Secretariat in no way changed the role and functions of the Board's five members; it was merely a useful tool for the engineers in the current Specialized Secretariat. As the Board was responsible for applying the Radio Regulations, it necessarily had to interpret them. The duties of the Board as defined in 1947 had not changed. The Board's impartiality and collegiate structure guaranteed equitable use of the spectrum. The same impartiality would not be guaranteed by a Board whose members met on a part-time basis. He was in favour of maintaining a five-member full-time Board.

1.11 The delegate of Uruguay, before referring to his country's proposal in Document 65, wished to comment on the question of impartiality which had been raised by several delegates. To his mind, it could be looked at from two standpoints. A person could be impartial because when appointed to discharge a particular function, he was asked to be impartial, in other words not to allow himself to be influenced by interests other than those of the Union, or he could be naturally impartial, impartiality being a virtue reflected in his behaviour. Just as, in law, people were presumed innocent until proved guilty, it could not be assumed that people working for the Union would act unethically and without due impartiality. Moreover, the confidence placed in a person would be the same whether he was a member of a full-time or a part-time Board. Finally, the concept of impartiality must be taken to apply to all Members of the Union.

1.12 With regard to the functions and structure of the IFRB, Uruguay advocated that the IFRB should retain the functions laid down in the Nairobi and Nice Conventions, but should work more rigorously, more efficiently and more quickly. Most of the work was carried out in the Secretariat and the volume of work falling to the Board did not warrant a full-time arrangement. Members of a

part-time Board would be no less impartial than members of a permanent Board. Regarding the qualifications required of Board members, no one could be expected to know everything about all the problems which arose. What was important was to make the management of the IFRB more efficient with its current functions.

1.13 Any change in the structure of the IFRB could not be implemented overnight and a transition period would be necessary. Accordingly, he proposed that the period between the Additional Plenipotentiary Conference and the Kyoto Plenipotentiary Conference should be considered as a trial period for the structure proposed by the H.L.C., during which the IFRB would operate on a part-time basis; the persons currently on the Board would continue to reside in Geneva. A final decision on the IFRB's structure could then be taken at the Kyoto Plenipotentiary Conference.

1.14 The delegate of Turkey introduced his country's proposals in Document 66. He favoured a full-time Radio Regulations Board, in order to ensure continuity in its work and to be sure that the members of the Board would be fully available for its meetings. There was a danger that the management of frequency assignments would take longer and longer if the Board only met from time to time.

1.15 Given that the work of the VGE was to continue until the Kyoto Plenipotentiary Conference, it would be wise to consider the results at that juncture. In conclusion, Turkey was in favour of a full-time Board. The actual name of the Board was not very important. Irrespective of the number of members it was decided the Board should have, more of them should come from developing countries.

1.16 The delegate of Malawi agreed on the whole with the views expressed by the delegations of Cuba, Argentina, Algeria, the Islamic Republic of Iran, Guinea, Côte d'Ivoire and Turkey. A full-time Board should be maintained, since it was difficult to see how a part-time Board could preserve the necessary objectivity.

1.17 The delegate of Malaysia said that the duties of the IFRB should be the subject of careful consideration before any decision was taken. Clearly, while the financial aspects should be taken into account, they should not be a decisive factor. Seeing that the IFRB had hitherto been dominated by certain groups of countries and certain individuals, it was important to ensure that groups of countries, such as the developing countries, were equitably represented. Also, as the H.L.C. was proposing, it would be desirable to improve the Board's management and functioning. He fully endorsed H.L.C. Recommendations 61 to 65.

1.18 The delegate of the United Kingdom endorsed the comments made by the delegate of Canada. The Board should concentrate on those decisions which had to be taken on a collegial basis. As had been said, thanks to the computer software, much of the work could be handled effectively by the Secretariat staff under the management of a single Director. There was no reason why the members of the Board could not be elected before the VGE had completed its work. In his delegation's opinion, the Board should thus be a part-time body, taking collegiate decisions only in cases where such decisions were necessary and working efficiently under the responsibility of a Director assisted by a Secretariat. By applying the H.L.C. recommendations, it would also be possible to increase the number of members on the Board, thereby reducing any risk of one group of members dominating another.

1.19 The delegate of Morocco wished first of all to express his most sincere respect for his former colleagues or collaborators on the IFRB and hoped that the Committee would not raise questions of personalities. As far as the IFRB was concerned, there were three fundamental questions: Was the IFRB necessary? If so, what should its duties be? How should it be structured? On the first question, it was clear from the VGE's Report that the ITU needed an independent IFRB acting in the interests of the whole membership. Indeed, it appeared that a large majority of participants at the Conference were in favour of a big, strong IFRB.

1.20 With respect to the IFRB's functions, the H.L.C. Report suggested that the IFRB should retain the duties assigned to it under the Convention. In that connection, he was grateful to the delegate of Canada, who had cleared up some misunderstandings regarding the IFRB's functions. The IFRB's main role was to examine frequency assignments and register them, and provide countries, both developed or developing, with assistance in applying the procedures and in gaining access to the frequency spectrum and geostationary-satellite orbit. It also encouraged administrations to reach bilateral agreements on any interference problems which might arise.

1.21 With respect to the IFRB's structure, he said that over the years the workload had increased, both for the Board members and for the Secretariat assisting the Board. It was becoming necessary for the Secretariat to be coordinated by a Director, a VGE recommendation which the H.L.C. had endorsed early on in its meetings. Since the IFRB would be run by a Director and would be equipped with a particularly sophisticated computer system, the role of its members would be confined to taking decisions on the most difficult cases. Were there enough such cases to warrant weekly Board meetings, as at present? Most probably not, particularly since there was often a quorum problem at the frequent meetings held under the present arrangement and around 25 per cent of meetings were devoted to considering computer-generated findings, sometimes lasting little more than five minutes.

1.22 On the question of objectivity, he thought that no one in the world was totally objective. Everyone acted to some extent, even without being aware of it, in accordance with his cultural background. No one could be a super expert, competent in all areas of telecommunications and wholly objective. As the delegate of Uruguay had said, a person would remain as objective as possible because he had been elected to act on behalf of the Union, irrespective of whether the Board of which he was a member was a full-time or part-time body.

1.23 With regard to the composition of the Board, many delegations had observed with regret that at present only one member came from a developing country. It was therefore necessary to find some way of securing better geographical distribution, by increasing the number of Board members. The smallest number necessary to ensure equitable geographical distribution was nine members, since, if the minimum majority required to carry a decision was set at six votes a minority could block decisions. In that way, one of the two groups of countries would always need the support of part of the other group to adopt a decision.

1.24 In conclusion, the first priority, for Morocco, was to increase the number of Board members from five to nine. The second was to determine whether a part-time or full-time Board was required. In that connection, it would be useful if the General Secretariat could draw up a document sharing the costs of running a full-time nine-member Board and a part-time nine-member Board respectively. Such financial data should be taken into account, while not being a decisive factor. It was also necessary to determine precisely whether the IFRB's workload justified its being a permanent organ.

1.25 The delegate of Colombia considered that decisions on such an important matter as sharing of the radio spectrum could not be entrusted to a single Director. The number of Board members was less important; indeed, each State must retain its sovereignty. Having heard the arguments put forward by a number of speakers for maintaining the full-time Board, he supported their view, having regard to the fact that the Board must guarantee the sovereign rights of all States, whether or not they were Members of the ITU, as regards the sharing of the radio-frequency spectrum and geostationary-satellite orbit.

1.26 The delegate of the United States agreed with much of what had been said by the delegates of Canada, the United Kingdom, India, Morocco, Uruguay and Portugal and fully supported the H.L.C. recommendations for the establishment of a part-time Board with nine members. As to the Board's functions, they were important and remained as hitherto set forth in the basic texts.

1.27 The delegate of Brazil said that, at the Nice Plenipotentiary Conference, he had opposed the establishment of a part-time Board and advocated maintaining the status quo. However, after having participated in the work of the H.L.C. and having heard the statement by the Chairman of the H.L.C., he had reconsidered his position, since few matters called for a collegiate decision, which showed that a full-time Board was not really necessary. He also noted that the developing countries wished to secure broader representation in the IFRB, a wish which could be met by applying the H.L.C. recommendations. Moreover, most of the tasks could be entrusted to the Secretariat, run by a single Director, whose decisions could in any event be reviewed by the Board. As to the financial aspect, the establishment of a part-time Board would make for savings which would be important for several countries. In conclusion, he supported what had been said by the delegates of Canada and Uruguay and endorsed the H.L.C. recommendations.

1.28 The delegate of the Netherlands said that the H.L.C. Report had convinced her delegation of the need to have a part-time Board. The delegates of Canada and Morocco had simply underlined the ideas embodied in the H.L.C. Report and had pointed out that most of the work was carried out by the Secretariat, using a computer, and that very few questions were submitted to the Board. A part-time Board would thus be quite appropriate, and a number of European countries had put forward two proposals in favour of establishing such a Board. She shared the Brazilian delegation's opinion on the savings which could be made and fully supported the H.L.C. recommendations.

1.29 The delegate of Papua New Guinea supported the H.L.C.'s proposal to set up a Board comprising nine members discharging their duties independently and on a part-time basis, despite the arguments put forward against a part-time Board. He fully endorsed the H.L.C. recommendations.

1.30 The delegate of Australia wished it to be placed on record that his delegation fully supported the H.L.C. Report. He had listened to previous speakers with great interest, noting in general that much emphasis had been laid on the fact that members must fulfil their duties in a wholly impartial manner. He considered that a nine-member Board would make it possible to take a broader view of the work. Cost considerations should be secondary. In any event, he could agree to an arrangement whereby the full-time Board would continue in office during a transition period up to 1994.

1.31 The delegate of Japan supported the Report submitted by the H.L.C. without reservation. He was in favour of a nine-member part-time Board. The radiocommunication field was evolving and had worldwide implications, making it necessary to have an efficient body to manage the new radiocommunication services in a constructive manner. Routine tasks could be handled by a Secretariat. In his opinion, a part-time Board would make the Union more efficient.

1.32 The delegate of Zimbabwe said he was in favour of the establishment of a part-time Board.

1.33 The delegate of Venezuela observed, on the subject of impartiality, that if a member was elected, it was because, as the delegate of Uruguay had stated, it was felt that he would act impartially and objectively. He was in favour of establishing a part-time Board, considering, on the financial side, that it was important to make savings. The statement by the delegate of Morocco had summed up the situation regarding the IFRB quite admirably. The Additional Plenipotentiary Conference could either take a decision which would be reviewed at the Kyoto Plenipotentiary Conference, or defer any decision to that Conference. He would prefer the second option, but could go along with the majority view.

1.34 The delegate of Saudi Arabia said that at the Nice Plenipotentiary Conference his delegation had advocated maintaining the status quo. He had since participated in the work of the H.L.C., but had not changed his opinion. He agreed with the Moroccan delegate, who had called for a realistic study to be made on the potential savings resulting from the establishment of a nine-

member part-time Board. Several administrations had pointed to the need for regional representation. All the Arab Administrations were in favour of increasing the number of Board members. The Saudi Arabian Administration would not want decisions to be taken by a single elected Director. In any event, the Board should continue to operate in its present form until 1994.

1.35 The Chairman observed that there seemed to be general agreement on the IFRB's basic functions, such as frequency registration or coordination. Apart from that, a dozen delegations had spoken in favour of the status quo, while a larger number had advocated the establishment of a part-time Board. The question of the Board's composition had also been discussed. Before any decision was taken, he suggested that delegations should conduct informal consultations before the next meeting.

1.36 It was so agreed.

The meeting rose at 1215 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

Annex: 1

ANNEX

Statement by the delegate of Canada

As by now we are all aware, the thrust of the H.L.C.'s recommendations is aimed at strengthening the ITU by adapting it to the rapidly changing telecommunication environment. This is essential for the survival of the ITU. This is particularly critical with respect to the IFRB.

Before continuing, I would like to define some terminology so as to be as clear as possible. By "IFRB", I mean the five-member Board and the Specialized Secretariat taken together. When I use the term "Board", I mean just the five members. It might be useful it we could standardize on this terminology to avoid any confusion in our deliberations. When I listened yesterday to the Chairman and Vice-Chairman of the Board, I must admit, with respect, that it was not clear to me when they were speaking of what the IFRB does and when they were referring to what the Board does. My branch back in Canada is roughly the size of the IFRB's Specialized Secretariat. Now if I were to describe to you what it is that I am responsible for, it would be a fairly long list. But if you asked me what I personally get involved in, it would only be a very small subset of the former list as most routine activities are handled solely by staff in my branch. Besides providing overall direction for the radio regulatory branch and the spectrum management programme, I am personally involved in only the most sensitive files. I believe in discussions of the Board itself. We must be clear on what it is that the five or whatever number of members actually do themselves.

Unfortunately, the IFRB's influence is clearly declining. It is viewed by many as a creature of the past. Just consider some of the vital signs that all is not well with the patient. Look, for example, at the low rate of reply to the IFRB when it sends out circular letters or even letters addressed to specific administrations.

The Board and the Secretariat do a considerable amount of work. Their clients, administrations, should be keenly interested in what they do. Yet, when the IFRB, in its Circular-letter No. 817 in April 1990, asked administrations what they thought of the IFRB's detailed annual report and how it might be improved, not even one administration replied! Not one! Now, either all administrations thought that the IFRB's annual report was perfect or administrations didn't really care. I would like to be an optimist but somehow I am afraid this might be unwarranted here!

Perhaps the IFRB should stop doing some things without telling administrations. It would be interesting to see if anyone would even notice! Like many governments around the world, we in Canada have had continuing budgetary cutbacks, on occasion, after all possible efficiency improvements have been made. We have simply stopped doing some things. In such cases, it can be very interesting to discover that something which was thought to be of value is not even missed when it is discontinued!

The IFRB is becoming increasingly irrelevant and is often being ignored. Is this the kind of organization which is going to be able to protect the sovereign interests of countries - particularly those of developing countries, since the developed countries would likely be able to coordinate their use of frequencies among themselves?

While I cannot claim the number of years of experience that a few people in this room have had inside the IFRB, I have seen from within the house just how the IFRB operates when I had the privilege of working there. And now in my Administration, part of my branch's spectrum management responsibilities includes Canada's dealings with the IFRB. I would like to make it clear that I am not casting any doubt on the professionalism, dedication or conduct of any elected or appointed official neither now nor in the past. It is simply that I am honestly fearful that the IFRB's declining influence will be a great loss for us all.

From the Conference documents which I have studied and from discussions which I have had, it would seem that there is some misunderstanding about the role and responsibilities of even the current IFRB with its Board of five full-time members. Informed debate cannot be based on such incorrect understandings. For example, one document says that "since its establishment, the IFRB has efficiently and impartially managed the radio-frequency spectrum and the geostationary orbit". Well, the IFRB does not manage the spectrum nor the orbit! This is the sovereign responsibility of administrations. As far as the use of the spectrum and orbit by Canadian stations, it is the Minister of Communications who, through his officials, is responsible for the management of the spectrum and orbit resource consistent with the Canadian and ITU Radio Regulations. In its simplest form, the responsibility of the IFRB is administrative in nature as it exists to carry out the wishes of administrations as set out in the treaty documents including the Radio Regulations. This is not management of the spectrum! Management of the spectrum involves granting or denying access to the spectrum, licensing stations, approving radio equipment for use, etc.

Also, at least one document suggests that the Board's role involves "the resolution of disputes". Again, this reveals a lack of understanding of the Board's responsibilities and authority. Nowhere in the Convention in force nor in the Radio Regulations is the Board or the IFRB given the power to resolve disputes. Its powers extend only to the application of the Radio Regulations and to following the instructions of Plenipotentiary and administrative radio conferences. It can issue findings as to whether a planned use of the spectrum is in conformity with the Radio Regulations or, sometimes, it can offer suggestions to administrations, but it has no power to resolve disputes. There is a separate, general dispute settlement provision, Article 50 of the Nairobi Convention, and an optional additional protocol for the compulsory settlement of disputes among ITU Members. I understand that this has never been employed, however.

Now, some have said that a part-time Board presents problems of impartiality and independence for custodians of an international public trust. And yet with a maximum of two terms, even full-time Board members coming from administrations may have to return to their administrations, so should we suspect that even full-time Board members may favour those who may have a say in their reintegration into their administration? Furthermore, we plenipotentiaries entrust the management of our Union in between Plenipotentiary Conferences to part-time custodians known as councillors. These councillors are supposed to act for the good of all Member administrations as a whole and not represent the narrow interests of their own administration. How is it that we can trust part-time councillors but not part-time Board members to act as impartial custodians? A logical extension of some arguments I have heard would lead us to create a full-time council! Impartiality and independence is more a quality of the individual than a quality of a given structure or the result of legal rules. Notwithstanding this, Canada can agree to clarifying the impartiality of part-time Board members by means of provisions such as those proposed by some at this Conference, for example, to restrict part-time Board members from participating in matters involving their own administrations and to not allow attendance of part-time Board members at Plenipotentiary and radiocommunication conferences as part of national delegations.

The options in the documents before us at this Conference range from an eleven-member part-time Board to a nine-member part-time Board to the current five-member full-time Board to a three-member full-time Board to abolishing the Board altogether! The nine-member part-time Board recommended by the H.L.C. seems like a good compromise given this range of views! This, by the way, is no accident! The H.L.C., which represented a broad cross-section of the Union's membership, debated the pros and cons of these same options.

Why should the other options be rejected? Let us consider the full-time options first. There simply is not the workload to occupy three or five high officials on a full-time basis. With the increasing use of automation and skilled Secretariat staff, most frequency notifications can be processed in a routine manner. Only a very few cases really require collegiate decisions. Furthermore, professional Secretariat staff cannot be effectively and efficiently managed by a

committee! In recognition of this fact, for better management some have suggested that the Bureau be headed by an appointed or elected full-time official and yet still retain the full-time Board. But as just stated, there is simply not enough of a workload to warrant this expenditure of scarce resources. As a result, a full-time Board turns its attention to making decisions which do not require collegiality. Obviously making decisions which do not require a collegiate body such as which Secretariat staff member should have which office, or recommending who should be appointed to which post takes longer if five people have to agree than if a single person were responsible for such decisions. Can anyone imagine the General Secretariat being managed by five Secretaries-General? Management by committee does not result in timely decisions in any organization!

One could consider abolishing the Board but for those few cases where establishing a finding is not so routine, would administrations really be prepared to entrust these decisions which affect their sovereign rights to a single person? I don't think so! Also, if an administration is not satisfied with any decision or action of the Director of the Bureau which affects its sovereign rights, it seems useful to have a Board to which to appeal. Of course, administrations not happy with a decision of the Board could bring the matter before a world radiocommunication conference much as is possible now under Resolution No. 35 and Radio Regulation 1001.1.

So, we are left with the option of a part-time Board as the most logical choice. Now, in moving from a full-time to a part-time Board, costs would be significantly lower and so it would be possible to obtain broader representation on the Board. Whereas in the recent Boards, only one out of the five members has come from a developing country, with nine part-time members, there would be a much better chance of greater involvement by radiocommunication professionals from developing countries.

Some have suggested that a part-time Board could not take decisions in a timely enough manner. First of all, one should really examine the timeliness of decisions even today with a full-time Board, particularly concerning those matters which do not require a collegiate decision. Also, we are all supposed to be in the business of telecommunications so shouldn't we be making better use of telecommunication facilities? Part-time Board members could deliver timely decisions if materials presented to them by the Director whether in preparation for formal Board meetings or in the period in between meetings were well prepared and communicated using modern means of communications.

Some have suggested that we do not accept the H.L.C.'s recommendations on the Board until the work of the VGE has been completed. I know something of the work of the VGE as I am the Canadian representative on the VGE. Furthermore, we have the Chairman of the VGE with us at this Conference. It is Canada's view that even with today's Radio Regulations, administrations can be better served by a part-time Board and a Director heading the Radiocommunication Bureau and the preceding arguments should convince people that it is time for making that improvement.

Some here have called for further study. The IFRB has been under the microscope for more than 25 years. In the last ten years, I have participated in not only the H.L.C. review, but also in the review, as directed by the 1982 Plenipotentiary Conference, of the long-term future of the IFRB which was chaired by Professor Stojanovic. More recently, in the H.L.C., the composition of the Board was the subject of much analysis and discussion. It is not the time for further study as some are advocating; it is decision time! We cannot wait for the next Plenipotentiary Conference, for completion of the work of the VGE or for any other event! Canada has studied the proposals for the transition from a full-time to a part-time Board which are before this Conference and is flexible in this regard, but, the decision to reform the IFRB must not be postponed! It must be taken at this Conference.

Thank you, Mr. Chairman.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 155-E
16 December 1992
Original: Spanish

PLENARY MEETING

Argentina, Brazil, Chile, Paraguay and Uruguay

DRAFT PROPOSALS FOR THE WORK OF THE CONFERENCE

The countries of the region have found that the position expressed in Committees 4 and 5 in favour of adopting the H.L.C. recommendations represents a majority view and constitutes the common spirit of the plenipotentiaries meeting at the APP-92 with regard to adapting the ITU to the changing telecommunications environment.

Aware of this fact, and convinced of the importance of coordinating positions among administrations in the same region, and of giving preference to reaching decisions by consensus within the APP-92, they have considered it appropriate to bring closer together and make compatible their proposals, which differed originally, concerning the establishment of a Radio Regulations Board consisting of nine part-time members. In this respect, the undersigned countries express their support for the establishment of such a Board.

With regard to this decision, they consider that, on the basis of the H.L.C.'s proposal, the Conference should draft appropriate texts such as will provide ITU Members with sufficient guarantees regarding the efficiency, impartiality and economy of the future Radio Regulations Board.

Furthermore, the Member countries of the Common Market of the South - MERCOSUR - (Argentina, Brazil, Paraguay and Uruguay) and the Republic of Chile reiterate their approval of the principles which have inspired the reforms proposed by the H.L.C., feeling sure of the important role the ITU should play in the progress of telecommunications, an essential precondition for economic and social development.

Lastly, the undersigned countries express the hope that the openness and the spirit of consensus expressed in this document should be taken into account and shared by all the delegations present at the Conference.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 1 to
Document 156-E
22 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

NINTH MEETING OF COMMITTEE 4

Paragraphs 1.19 and 1.23 should read as follows:

1.19 The Chairman of the High Level Committee said that the opinions being expressed at present in Committee 4 had already been voiced and considered with an open mind by the H.L.C., in the presence of ITU officials. He referred to Chapter II of the H.L.C. Report, which explained how the H.L.C. had carried out its work. Chapter VI of the Report addressed improved management of the Union, paragraphs 1.4 and 3.1 dealing with problems identified by the consultants. It had been decided in principle that the consultants should not criticize any particular organ of the Union. The consultants had referred to the fact that the IFRB Specialized Secretariat had been reorganized into three departments. By January 1991, however, the H.L.C. had realized that the slight improvements had been too little, too late. Accordingly, in addition to its earlier recommendation for a Director of the Radiocommunication Bureau, the H.L.C. had decided to recommend a part-time nine-member Board to replace the current permanent five-member Board, to deal with the small number of difficult issues that arose. The case that a part-time Board could be impartial had been well expressed by the delegates of Uruguay, Lesotho and Grenada. Members of the Union will soon see how well a part-time Board was able to function; should any of its members prove to be unsatisfactory, they should not be re-elected. The whole thrust of the H.L.C. recommendations was to enable the ITU to change and adapt on a continuing basis. Many developing countries supported the idea of a part-time Board; indeed, such an arrangement had been proposed at the Nice Plenipotentiary Conference by developing countries.

...

1.23 The delegate of Lithuania said that his delegation, together with those of Estonia and Latvia, supported the proposals of the H.L.C.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 156-E
17 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

NINTH MEETING OF COMMITTEE 4

Monday, 14 December 1992 at 0905 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Discussion on the Radio Regulations Board/IFRB (continued)	H.L.C. Report, DT/9, 27

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Discussion on the Radio Regulations Board/IFRB (continued) (H.L.C. Report, DT/9, 27)

1.1 The delegate of Cape Verde endorsed the arguments presented by previous speakers in favour of a permanent Board, on the grounds of independence, impartiality, effectiveness and support to developing countries in the application of the Radio Regulations and in resolving difficulties regarding the use of the radio spectrum.

1.2 The delegate of Bahrain favoured retaining the status quo, with a full-time independent Board. The restructuring already carried out within the Board enabled it to keep up with developments in the telecommunication environment and provide the necessary assistance for developing countries. The smooth operation of the Board's work would be disrupted by changing to a part-time membership.

1.3 The delegate of Lesotho said that weighing both sides of the argument, in the context of the need for the present Conference to adopt the necessary changes to enable the Union of the future to respond to the needs of all developing countries, led to the conclusion that the number of Board Members should be increased to be more representative of developing countries. Obviously, increasing the number of Board Members would have the undesirable effect of increasing costs; it therefore did not seem wise to retain a permanent Board. Some speakers had argued against a part-time Board on the grounds of the difficulty of maintaining impartiality. Surely impartiality depended on personal integrity, whether Board Members were in Geneva or elsewhere. Furthermore, impartiality could be safeguarded by relevant provisions. Under the H.L.C. recommendations, the Board's routine tasks would be carried out more efficiently within a Radiocommunication Bureau under the leadership of a Director. The reduced workload of the IFRB would not be sufficient to occupy the five full-time highly qualified experts of whom the Board was at present composed. Experts of that calibre would, however, be needed to resolve the few controversial issues which went beyond the competence of the Director and which required both the impartiality and the high level of qualification of the Board. A part-time Board would save about one million Swiss francs annually, a large sum of money that could better be used for development purposes. If a permanent Board were to be maintained, it should be reduced to two Members, one from a developed and one from a developing country, in order to make a similar cost saving. On the basis of all the arguments, however, he supported the H.L.C. proposals.

1.4 The delegate of Sudan supported the comments by the delegate of Lesotho, adding that a Board composed of only two permanent Members would decrease the participation of developing countries. That would run counter to the wishes expressed at the Nice Plenipotentiary Conference. The H.L.C. proposals, on the other hand, increased the number of Members of the IFRB and, hence, the participation of developing countries. They were in line with the decisions taken at Nice, and he fully supported them. Furthermore, any savings made should be diverted to telecommunications development in developing countries.

1.5 The delegate of Ethiopia said that his delegation maintained the position that it had taken at the Nice Plenipotentiary Conference. Despite the common human response of resistance to change, the time that had elapsed since that Conference as well as the discussions which had taken place in the Administrative Council, the H.L.C. and its Drafting Group should have allowed the ideas put forward at Nice to become more familiar. The ITU should operate efficiently and in a cost-effective manner; a saving of one million Swiss francs was not insignificant. The impartiality of a part-time Board had been called into question. Surely, increasing the number of Board Members would provide a better guarantee of the impartiality of its decisions. He therefore supported the H.L.C. proposal for a nine-Member part-time Board, and stressed that the decision should be taken at the present Conference. Implementation could wait until the Kyoto Plenipotentiary Conference in 1994.

1.6 The delegate of Qatar considered that the IFRB should continue as a full-time Board, perhaps with increased membership.

1.7 The delegate of the Philippines said that, having listened to the arguments with an open mind, her delegation was convinced that a part-time Board could be more effective, efficient and impartial in the new changing telecommunications environment. A decision to that effect should now be taken.

1.8 The delegate of Grenada supported the H.L.C. recommendations. Three ex-Members of the Board had served on the H.L.C., so the latter's proposals were likely to be of a practical nature. Furthermore, he would like to see money being put to use in developing countries, rather than needlessly paying for a permanent Board. The question of impartiality arose with regard to any elected official seconded by an administration. Like the delegates of Lesotho and Uruguay, he considered that impartiality was a personal characteristic. Was it necessary for 80% of the staff of the Union to come from developing countries in order to guarantee the impartiality of their work? The role of the ITU was to provide answers. But in order to do so, questions had to be well defined. The representation of developing countries was not so much to do with impartiality as with the need to ensure that the Union was addressing relevant subjects. Sometimes it had not done so in the past. In practice, how often could it be arranged that those running for office had no connection with an administration?

1.9 The delegate of Suriname said that, having listened to all the statements and considered the various proposals, her delegation endorsed the H.L.C. recommendation to replace the present IFRB by a nine-Member part-time Board, in particular to improve geographical representation and allow for more efficient work. That decision should be taken now but only brought into effect at the next Plenipotentiary Conference.

1.10 The delegate of Pakistan considered that the key attributes of the Board, such as impartiality, consistency and continuity, could only be achieved with a full-time Board. He was therefore in favour of that opinion.

1.11 The delegate of Chad acknowledged that the H.L.C. had done an excellent job; however, it was the duty of the Conference to assess its recommendations. On the basis of the various arguments put forward, his delegation supported a permanent Board, perhaps with a reduced number of Members.

1.12 The delegate of Hungary considered that the tasks of the present IFRB could well be fulfilled by a part-time Board. He therefore fully supported the H.L.C. recommendations, as well as the European proposals contained in Document 27.

1.13 The delegate of Fiji endorsed the H.L.C. recommendation for a part-time nine-Member Board. Telecommunication technology was changing rapidly and the concomitant management changes to ensure efficiency, effectiveness and better customer response were a part of working life. The H.L.C. recommendations for the restructuring of the Union were timely.

1.14 The delegate of Kenya supported the H.L.C. recommendation for a part-time nine-Member Board and said that the resultant saving should be channelled to the Development Sector.

1.15 The delegate of Afghanistan considered that it was in the interests of the developing countries for the present membership of the Board to be maintained.

1.16 The delegate of Singapore was in favour of a part-time Board, on the grounds of efficient working procedures as well as cost. He had an open mind with respect to the actual number of Members. The present Conference should take a decision to implement the change, leaving transitional arrangements and other issues, such as impartiality, to be addressed in due course.

1.17 The delegate of Liberia regretted that the utility of a permanent Board could not be assessed on the basis of an actual work study. Nevertheless, bearing in mind advances in telecommunications and the possibility of the Board meeting by teleconference, he supported the H.L.C. recommendation. Any savings made in costs could be devoted to development.

1.18 The delegate of Mexico welcomed the cost estimates presented in Document DT/9 but would have preferred to see more recent figures. The arguments put forward in support of the H.L.C. recommendation were not convincing. While accepting the overall proposals to restructure the Union in three Sectors, he considered that the Board should remain a permanent and independent body having the same status as those three Sectors. Its impartiality was ensured by its composition of elected officials acting permanently as a collegiate body. The proposal for a larger part-time Board with a view to increasing the participation of developing countries was impractical, since those countries would find it difficult to maintain continuity by releasing the same official for Board duties. With their greater availability of expertise, developed countries would not face to same the problem. Therefore, the quorum in a part-time Board would tend to be made up of representatives of developed countries. He reiterated his support for a full-time Board.

1.19 The Chairman of the High Level Committee said that the opinions being expressed at present in Committee 4 had already been voiced and considered with an open mind by the H.L.C., in the presence of ITU officials. He referred to Chapter II of the H.L.C. Report, which explained how the H.L.C. had carried out its work. Chapter VI of the Report addressed improved management of the Union, paragraphs 1.4 and 3.1 dealing with problems identified by the consultants. Although it had been decided in principle that the consultants should not criticize any particular organ of the Union, various improvements had been suggested with respect to the IFRB. As a consequence, the Specialized Secretariat had been reorganized into three departments but, by January 1991, the H.L.C. had realized that the concept of permanent improvement was not being implemented; too little had been done, too late. Accordingly, in addition to its earlier recommendation for a Director of the Radiocommunication Bureau, the H.L.C. had decided to recommend a part-time nine-Member Board to replace the current permanent five-Member Board, to deal with the small number of difficult issues that arose. The arguments for a part-time Board had been well expressed by the delegates of Uruguay, Lesotho and Grenada. Members of the Union would soon see how well a part-time Board was able to function; should any of its Members prove to be unsatisfactory, they would simply not be re-elected. The whole thrust of the H.L.C. recommendations was to enable the ITU to change and adapt on a continuing basis. Many developing countries supported the idea of a part-time Board; indeed, such an arrangement had been proposed at the Nice Plenipotentiary Conference by developing countries.

1.20 The delegate of the United States noted that most of the work produced for developing countries was carried out by the Board's staff even though it might be delivered by a Member of the Board. He suggested that a decision should be taken in principle to change over to a part-time nine-Member Board, with suitable transitional arrangements. The Conference should consider adopting a resolution which would set that change in motion, possibly deferring implementation until the Kyoto Plenipotentiary Conference in 1994, as some speakers had suggested.

1.21 The delegate of Malta supported the H.L.C. recommendation for a part-time nine-Member Board with a view to increasing regional representation. Funds saved should be used for development. He endorsed the European proposals, contained in Document 27, which sought to safeguard the impartiality of Board Members. On the basis of the discussion in Committee 4, he felt even more certain that the Conference should take steps to implement the recommendation for a part-time Board.

1.22 The delegate of the Russian Federation said that the Committee still had before it a wide range of proposals relating to the future Radio Regulations body, and had little time left in which to reach a decision. In an effort to narrow the differences, his delegation proposed the establishment of an ad hoc Group chaired by the Chairman of Committee 4 and given a limited amount of time, perhaps 24 hours, to produce a consolidated proposal which, as far as possible, accommodated all points of view.

1.23 The delegate of Lithuania said that his delegation, together with those of Estonia and Latvia, supported that proposal.

1.24 The delegate of Senegal said that his delegation was not fully satisfied with the appraisal of the cost of a part-time Board given in Document DT/9, since it was based on certain assumptions which might change. Furthermore, it seemed that CCI Study Groups were to be requested to study the allocation of tasks to the Standardization and Radiocommunication Sectors; that procedure did not seem feasible at the current stage where both operational structure and objectives remained undefined. It should also be noted that a Board having full-time Members would not incur the risk of those Members being called back for duties elsewhere. Moreover, his delegation was not convinced that a part-time nine-Member Board would necessarily ensure better representation of the developing countries; the pro-rata representation of Africa, for example, might remain unchanged. His Administration had never contended that a five-Member Board had to be maintained for ever, neither had it categorically rejected the idea of having nine Members; however, it did feel very strongly that hasty decisions should be avoided.

1.25 The delegate of Cuba endorsed the previous speaker's observations, and supported the proposal by the delegate of the Russian Federation. With regard to possible savings under the proposed new structure, the H.L.C. document reproduced in Document DT/9 did not shed enough light on the matter; further information was needed on the budget estimates for all the structures stemming from the reorganization, in order to provide a picture of all the sums involved. The possibility that the total might be excessive was surely a matter for concern.

1.26 The delegate of Spain said that the details given in Document DT/9 seemed somewhat tendentious. For example, the maximum meeting time contemplated for a part-time Board was four weeks; if meetings ran to ten weeks, however, the cost could well exceed that of a full-time Board. There was also the question whether persons who were not international officials would be competent to interpret texts of an instrument which had the status of an international treaty. On the subject of competence, it was not clear why nine persons would be needed to endorse work carried out by specialized secretariat staff. As for recruitment, most countries would find it virtually impossible to spare any of their few national experts. The delegates of Mexico and Senegal had rightly emphasized the need to maintain the status of the Radio Regulations body, whatever form it took, and the perceived status of a part-time Board was bound to be lower than that of a permanent body.

1.27 The delegate of Kuwait said that his Administration was in favour of maintaining the current status of the IFRB with five permanent Members, with a view to protecting the developing countries' rights and interests, a matter which was more important than that of possible savings. As for using such savings for the benefit of the developing countries, a better approach would be for other countries to increase the number of their contributory units, as some had already done.

1.28 The delegate of Lebanon agreed with previous speakers that the details in the documents before the Committee were not clear; in particular, he joined the delegate of Cuba in stressing the need for an overall budget picture. His delegation saw merit in the proposal by the delegate of the Russian Federation to set up an ad hoc Group.

1.29 The delegate of Argentina supported the proposal to establish an ad hoc Group, which in his view should include both the delegate of Morocco and the Chairman of the H.L.C.

1.30 The delegate of Malawi said that he too supported the proposal.

1.31 The delegate of Japan said that the current debate had already lasted three days. He suggested that the Chairman should give a summing up and then seek a decision by the Committee.

1.32 The Chairman said that he would endeavour to sum up the discussion. There had been complete support for the view that the ITU should maintain a strong, independent Radio Regulations body to deal with matters such as frequency assignments, problems of harmful interference, assistance in the preparation of conferences and implementation of conference decisions, and that such a body should maintain the highest standards of independence and impartiality. Accordingly, there should be little difficulty in reaching a consensus with regard to functions and objectives. The subject on which agreement had not been reached was the H.L.C.'s recommendation to establish a part-time Radio Regulations Board, supported by a full-time Director and Bureau.

1.33 The tradition of the ITU was to proceed by consensus as far as possible. In the current situation, which did not seem amenable to compromise, the majority view must prevail; as provided in the rules of procedure, however, due protection must be accorded for the views of the minority, and the latter must likewise conform to the majority view. As he saw it, the clear wish of the majority was to take a decision in principle at the present juncture in favour of establishing a part-time nine-Member Radio Regulations Board. One of the areas in which further agreement could perhaps be reached was in regard to rules: some speakers had suggested interim arrangements for the transitional period to 1994, and others had suggested the adoption of a resolution. Another area was that of the financial implications of the decision; that matter, however, would be affected by other decisions not yet taken.

1.34 The delegate of Turkey requested clarification of the proposal by the delegate of the Russian Federation.

1.35 The delegate of the Russian Federation, speaking on a point of order, said that under No. 505 of the Nairobi Convention his delegation's proposal, which had been supported, should first of all be put to the meeting. The Committee had certainly not arrived at the decision stage alluded to by the Chairman; indeed, his delegation's proposal to set up an ad hoc Group was intended precisely in order to help the Committee to reach a decision.

1.36 The delegates of Mexico and Côte d'Ivoire supported the previous speaker.

1.37 The Chairman, replying to a question raised by the delegate of Colombia on a point of order, said it was his understanding that an ad hoc Group could be set up to consider transitional issues such as a review of the current IFRB Secretariat, bearing in mind such matters as the change in responsibilities and the need to maintain the highest standards; he suggested that the ad hoc Group should work on an informal basis. He had borne in mind the desire of many delegations to avoid formal voting and he felt that the first step was to take a broad decision of principle, before proceeding to consider any specific text. As he had said, a majority in the Committee appeared to be in favour of taking a decision forthwith to establish a part-time nine-Member Radio Regulations Board; it had not been his understanding that the purpose of the proposed ad hoc Group would be to facilitate such a decision.

1.38 The delegate of Spain, speaking on a point of order, insisted that the Committee was not yet in a position to take a decision on the establishment of a part-time nine-Member Radio Regulations Board.

1.39 The delegate of Morocco moved the closure of the debate under No. 520 of the Nairobi Convention and requested a vote by secret ballot on whether to adopt the H.L.C.'s recommendation, subject to possible subsequent amendments.

1.40 The delegate of Argentina proposed the suspension of the meeting.

The meeting broke for coffee at 1100 hours and resumed at 1135 hours.

1.41 The delegate of Morocco said that following discussions with delegations that had favoured the establishment of an ad hoc Group, a compromise had been reached to the effect that the H.L.C. recommendation should be adopted on a provisional basis and that the Chairmen should be asked to hold consultations with all the parties concerned and report back to the Committee at a later stage. If that proposal was accepted, he would withdraw his motion for closure of the debate.

1.42 The delegate of Spain opposed the latest Moroccan proposal. The Chairman's consultations could not be based on a decision that there should be a part-time Board. In any case, any decision of the Committee remained provisional until it was ratified by the Plenary Meeting.

1.43 The delegate of Côte d'Ivoire, speaking on a point of order, pointed out that the proposal to set up an ad hoc Group, which had been made and supported before the suspension of the meeting, still had to be taken up. He believed that it would be preferable to set up such a Group rather than for the Chairman to hold consultations.

1.44 The Chairman said it was his understanding that the delegations which had proposed the establishment of an ad hoc Group were not pressing the point but were willing to accept the new Moroccan compromise proposal.

1.45 The delegate of Saudi Arabia considered that the Committee itself must settle the matter, and that to take a vote was contrary to the interests of the Union. Possibilities other than a full- or part-time Board existed, on which the Committee might reach a consensus.

1.46 The delegate of Morocco, clarifying his compromise proposal, said that since a number of delegations had opposed the Chairman's summary, a vote would be the only way of settling the matter; an ad hoc Group would not solve the problem since the positions would remain the same. He had understood from those opposing the Chairman's summary that they had other approaches that might provide a compromise. It was in a desire to advance the Committee's work that he was proposing to consider the Chairman's summary as provisional, the Committee could return to it if no acceptable alternative solution could be found.

1.47 The delegate of Sudan endorsed the remarks by the delegate of Saudi Arabia. Since the majority supported a nine-Member Board, he also endorsed the Moroccan proposal.

1.48 The Chairman said that he took it that the Committee was prepared to accept the Moroccan proposal.

1.49 The delegate of Spain, speaking on a point of order, again opposed that proposal. His delegation did not consider that the Committee had taken any decision about the Board. Indeed, it was inconceivable that the Chairman should take a decision overlooking the views expressed by delegations.

1.50 The delegate of Mexico, speaking on a point of order, endorsed that view and advocated the establishment of an ad hoc Group to pinpoint areas of agreement.

1.51 The delegate of the Russian Federation proposed, in accordance with No. 518 of the Nairobi Convention, that the debate be postponed until the following morning to allow time for the Chairman to hold consultations.

1.52 The Chairman said that under No. 512 of the Nairobi Convention the motion by the Russian Federation had precedence of debate. He would give the floor to one speaker in favour of the motion and two speakers opposing it.

1.53 The delegates of Morocco and Mexico supported the motion.

1.54 The delegate of the United Kingdom, supported by the delegate of Liberia, said that since the Moroccan proposal was sensible and had been widely supported, he opposed the motion for postponement of the debate.

1.55 The Chairman put to the vote the Russian Federation's motion for postponement of the debate.

1.56 The motion was rejected by 57 votes to 50, with two abstentions.

The meeting rose at 1210 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 157-E
17 December 1992
Original: English

COMMITTEE 2

SUMMARY RECORD

OF THE

SECOND MEETING OF COMMITTEE 2

(CREDENTIALS)

Wednesday, 16 December 1992 at 0900 hours

Chairman: Mr. R. BLOIS (Brazil)

Subjects discussed:		Documents
1.	Approval of the summary record of the first meeting	106
2.	First report of Working Group 2A	118
3.	Draft report of Committee 2 to the Plenary Meeting	DT/10

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Approval of the summary record of the first meeting (Document 106)

1.1 The summary record of the first meeting was approved.

2. First report of Working Group 2A (Document 118)

2.1 The report of Working Group 2A was approved.

3. Draft report of Committee 2 to the Plenary Meeting (Document DT/10)

3.1 The Secretary of the Committee said that since the preparation of Document DT/10 some further credentials had been received, namely, from Bahamas, Belgium, Grenada, Hungary, Mongolia, Panama, Republic of Korea, Trinidad and Tobago and the United States. The corresponding additions would be made to the final report to be submitted to the Plenary Meeting on 18 December.

3.2 Replying to a question by the delegate of the Russian Federation, he said that the transfer of powers from Uzbekistan to the Russian Federation was reflected in Document 127 and would likewise appear in the Committee's report to the Plenary Meeting. In response to an observation by the delegate of the United States, he said that the transfer of powers from Botswana and Croatia to Lesotho and Slovenia respectively, under No. 391 of the International Telecommunication Convention (Nairobi, 1982) had been approved, as reflected in the draft report.

3.3 The Committee approved the draft report.

The meeting rose at 0910 hours.

The Secretary:
X. ESCOFET

The Chairman:
R. BLOIS

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 158-E
17 December 1992

B.6

PLENARY MEETING

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

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

Source	Document		Title
COM 4	143	Constitution	Article 11A
	143/130(B.3) 143	Convention	Article 6 Article 6A Article 6B Article 7C (CV128K) Article 7E Article 7F Article 7G
COM 5	142		Resolution COM5/1

Note from Committee 4:

The delegation of MEX has reserved its position on CV122G.

The delegations of ALG, ARS, CHN, CUB, IRN and SEN have reserved their position on CV122L.

M. THUE
Chairman of Committee 6

Annex: 9 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR BLUE DOCUMENTS

The purpose of the Conference is to revise the Nice Constitution and Convention.

To this end, the Conference is using the draft texts prepared by the ITU Drafting Group on the basis of the H.L.C. Report, which are set out in Basic Documents I and II (dated 1 May 1992) and Working Documents 1 and 2 (dated 5 May 1992) sent to all Members in May 1992.

It is also using the proposals submitted by Members, who were invited to put forward proposals on the basis of the Working Documents.

The symbols in the margin in the documents submitted by Committee 6 to the Plenary Meeting for first reading (blue documents) indicate changes made by the competent Committee (Committee 4 or 5) to the text of the Working Documents; the symbols have the following meaning:

- NOC	Provision which was modified, added or deleted by the Drafting Group, and for which the modification, addition or suppression in question was accepted unchanged by the competent Committee. A provision added by the Drafting Group bears one or two letters after the number of the provision. Provisions deleted by the Drafting Group are indicated by the symbol (SUP) after the number.
- MOD	Provision modified by the competent Committee
- SUP	Provision deleted by the competent Committee
- ADD	Provision added by the competent Committee

- The absence of a symbol in the margin means that the Nice text has been adopted without change.

- The symbol (MOD) indicates a provision to which Committee 6 has made purely editorial amendments.

NOC

CHAPTER II

NOC

Radiocommunication Sector

NOC

ARTICLE 11A

NOC

Functions and Structure

MOD CS85A

1. (1) The functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication, by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum and the geostationary-satellite orbit subject to the provisions of Article 33 of this Constitution, by carrying out studies without limit of frequency range and by adopting recommendations on radiocommunication matters.

NOC [CS85B]

[(2) The precise responsibilities of the Radiocommunication and the Telecommunication Standardization Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention.]

NOC CS85C

2. The Radiocommunication Sector shall work through:

NOC [CS85D]

[a) world and regional radiocommunication conferences; the world radiocommunication conferences shall normally include a Radio Regulations Committee and a Technical Committee;]

NOC CS85E

b) the Radio Regulations Board;

(MOD) CS85F

c) radiocommunication study groups;

NOC CS85G

d) the Radiocommunication Bureau headed by the elected Director.

NOC CS85H

3. The Radiocommunication Sector shall have as members:

(MOD) CS85I

a) of right, the administrations of all Members of the Union;

MOD CS85J

b) any entity or organization authorized in accordance with the relevant provisions of the Convention.

NOC

SECTION 6

NOC

Telecommunication Standardization Sector

ARTICLE 6

NOC

World Telecommunication Standardization Conference

NOC **CV117 to CV120** **(SUP)**

NOC **[CV120A]** 1. In accordance with No. 111B of the Constitution, a world standardization conference shall be convened to consider specific matters related to telecommunication standardization.

NOC **CV121** 2. The questions to be studied by a world telecommunication standardization conference, on which recommendations shall be issued, shall be those adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, or the Council.

NOC **CV122** **(SUP)**

NOC **CV122A** 3. In accordance with No. 111B of the Constitution, the conference shall:

(MOD) **CV122B** a) consider the reports of study groups prepared in accordance with No. 122I of this Convention and approve, modify or reject draft recommendations contained in those reports;

NOC **[CV122C]** b) bearing in mind [the guidance of the Advisory Group referred to in No. 122L of this Convention and] the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

(MOD) **CV122D** c) decide, in the light of the approved programme of work derived from No. 122C above, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

NOC **CV122E** d) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;

NOC **CV122F** e) consider and approve the report of the Director on the activities of the Sector since the last conference.

NOC

ARTICLE 6A

NOC

Telecommunication Standardization Study Groups [and Advisory Group]

(MOD) CV122G

1. (1) Telecommunication standardization study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions of Article 6 of this Convention. Those drafts shall be submitted for approval to a world telecommunication standardization conference or, between two such conferences, by correspondence to administrations in accordance with procedures adopted by the conference. Recommendations approved in either manner shall have equal status.

(MOD) CV122H

(2) The study groups shall, subject to No. 122J below, study technical, operating and tariff questions and prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis, including recommendations on interconnection of radio systems in public telecommunication networks and on the performance required for these interconnections. Technical or operating questions specifically related to radiocommunication as enumerated in Nos. 116L to 116O of this Convention shall be within the purview of the Radiocommunication Sector.

(MOD) CV122I

(3) Each study group shall prepare for the telecommunication standardization conference a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 122G above, and any draft new or revised recommendations for consideration by the conference.

(MOD) CV122J

2. Taking into account No. 111C of the Constitution, the tasks enumerated in No. 122H above and those enumerated in Nos. 116L to 116O of this Convention in relation to the Radiocommunication Sector shall be kept under continuing review by the Telecommunication Standardization Sector and the Radiocommunication Sector with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such review and reach agreements in a timely and effective manner. If agreement is not reached, even at the level of the world telecommunication standardization conference and the world radiocommunication conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

(MOD) CV122K 3. In the performance of their studies, the telecommunication standardization study groups 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 at both the regional and international levels. They shall conduct their work giving due consideration to the work of national, regional and other international standardization organizations, and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of worldwide standardization for telecommunications.

MOD CV122L 4. A Telecommunication Standardization Advisory Group shall review priorities and strategies in the Union's standardization activities and progress in the implementation of the Sector's work programme and shall provide guidance on the work of the study groups; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication and the Telecommunication Development Sectors. It shall be organized by the Director and shall be open to representatives from administrations, entities and organizations authorized in accordance with Article 7D of this Convention and to Chairmen of study groups; the Director shall participate in its meetings and report annually to the Council.

NOC ARTICLE 6B

NOC **Telecommunication Standardization Bureau**

NOC CV122M 1. The Director of the Telecommunication Standardization Bureau shall organize and coordinate the work of the Telecommunication Standardization Sector.

NOC CV122N 2. The Director shall, in particular:

MOD CV122O a) update annually the work programme approved by the world telecommunication standardization conference, in consultation with the Chairmen of the telecommunication standardization study groups;

(MOD) CV122P b) participate, as of right, but in an advisory capacity, in the deliberations of the world telecommunication standardization conferences and of the telecommunication standardization study groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Standardization Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council concerning these preparations;

(MOD) CV122Q c) process information received from administrations in application of the relevant provisions of the International Telecommunication Regulations or decisions of the world telecommunication standardization conference and prepare it, where appropriate, in a suitable form for publication;

(MOD) CV122R d) exchange with members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Standardization Sector, and arrange with the Secretary-General, where appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

(MOD) CV122S e) submit to the world telecommunication standardization conference a report on the activities of the Sector since the last conference; he shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference, unless a second conference is convened;

NOC CV122T f) prepare a cost-based budget estimate for the requirements of the Telecommunication Standardization Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

NOC CV122U 3. The Director shall choose the technical and administrative personnel of the Telecommunication Standardization Bureau within the framework of the budget as approved by the 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 CV122V 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

NOC

ARTICLE 7C

NOC

Telecommunication Development Bureau and Advisory Board

(MOD) CV128K b) process information received from administrations in application of the relevant resolutions and decisions of the Plenipotentiary Conference and telecommunication development conferences and prepare it, where appropriate, in a suitable form for publication;

NOC

ARTICLE 7E

(MOD)

Conduct of Business of Study Groups

MOD CV128AI

1. The radiocommunication assembly, the world telecommunication standardization conference and the world telecommunication development conference shall normally appoint a Chairman of each study group. The study group shall normally appoint one Vice-Chairman. 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.

ADD CV128AIB

2. If the workload of any study group requires, the study group shall appoint such additional Vice-Chairmen as it deems necessary, normally not more than two in total. If, in the interval between two conferences of the Sector concerned, a study group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed by the study group, then that Vice-Chairman shall take the Chairman's place.

ADD CV128AIC

3. In the case of a study group for which more than one Vice-Chairman has been appointed, the study group at its next meeting shall elect a new Chairman from among those 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) CV128AJ

4. Study groups shall conduct their work as far as possible by correspondence, using modern means of communication.

(MOD) [CV128AK]

5. The Director of the Bureau of each Sector, on the basis of the decisions of the competent conference, after consultation with the Secretary-General and the [Advisory Group or] Board concerned, shall draw up the general plan of study group meetings.

(MOD) CV128AL 6. Study groups may initiate action for obtaining approval from Members for recommendations completed between two conferences. The procedures to be applied for obtaining such approval shall be those approved by the competent conference. Recommendations so approved shall have the same status as ones approved by the conference itself.

(MOD) CV128AM 7. Where necessary, joint working parties may be established for the study of questions requiring the participation of experts from several study groups.

(MOD) CV128AN 8. The Director shall send the final reports of the study groups to the administrations, organizations and entities participating in the Sector. Such reports shall include a list of the recommendations approved in conformity with No. 128AL above. These reports 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 conference concerned.

NOC ARTICLE 7F

NOC **Recommendations from One Conference to Another**

(MOD) CV128AO 1. Any conference may submit to another conference of the Union recommendations within its field of competence.

NOC CV128AP 2. Such recommendations shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in No. 175 of this Convention.

NOC ARTICLE 7G

NOC **Relations Between Sectors Themselves and With International Organizations**

(MOD) CV128AQ 1. The Directors of the Bureaux may agree, after appropriate consultation with their respective Advisory Group or Board, to organize joint meetings of study groups of two or three Sectors, to study and prepare draft recommendations on questions of common interest. Such draft recommendations shall be submitted to the competent conferences of the Sectors concerned.

MOD [CV128AR] 2. Conferences or meetings of a Sector may be attended in an advisory capacity by the Secretary-General, the Deputy Secretary-General[, the Chairman of the Radio Regulations Board] and the Directors of the Bureaux of the other Sectors, or their representatives. If necessary, they may invite, in an advisory capacity, representatives of the General Secretariat or of any other Sector which has not considered it necessary to be represented.

(MOD) CV128AS 3. When a Sector is invited to participate in a meeting of an international organization, the Director of the invited Sector is authorized to make arrangements for its representation in an advisory capacity, taking into account the provisions of No. 109B of this Convention.

ADD

RESOLUTION COM5/1

Duration of Plenipotentiary Conferences of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) in Recommendation 14 of the High Level Committee that Plenipotentiary Conferences of the Union should be held at set intervals of four years and that this would enable them to be of shorter duration and to focus on longer-term policy issues;

b) the increasing demands on the resources of the Union and on administrations and on delegates involved in international conferences on telecommunication subjects,

resolves

1. that, from [and including] the Plenipotentiary Conference to be held in Kyoto in 1994, future Plenipotentiary Conferences shall, unless there is a pressing need otherwise, be limited to a maximum duration of four weeks;

2. that the Secretary-General shall take appropriate measures to facilitate the most efficient use of time during such conferences;

3. that Plenipotentiary Conferences should focus on longer-term policy issues and, in this respect, consider and take decisions on a draft Strategic Plan submitted by the Council outlining the objectives, work programmes and desired results of the General Secretariat and the three Sectors of the Union until the next Plenipotentiary Conference.

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 159-E
17 December 1992

R.3

PLENARY MEETING

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

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

Source	Document		Title
COM 6	130(B.3)	Constitution	Articles 13B to 13E Article 14 Articles 14A to 14C
		Convention	Article 7A Article 7C

M. THUE
Chairman of Committee 6

Annex: 10 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

ADD

CHAPTER III

ADD

Telecommunication Standardization Sector

ADD

ARTICLE 13B

ADD

Functions and Structure

ADD CS111B 1. (1) The functions of the Telecommunication Standardization Sector shall be to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a worldwide basis.

ADD [CS111C]* [2. The precise responsibilities of the Telecommunication Standardization and the Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention.]

ADD CS111D 2. The Telecommunication Standardization Sector shall work through:

ADD CS111E a) world telecommunication standardization conferences;

ADD CS111F b) telecommunication standardization study groups;

ADD CS111G c) the Telecommunication Standardization Bureau headed by the elected Director.

ADD CS111H 3. The Telecommunication Standardization Sector shall have as members:

ADD CS111I a) of right, the administrations of all Members of the Union;

ADD CS111J b) any entity or organization authorized in accordance with the relevant provisions of the Convention.

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* This number has not yet been transmitted to the Editorial Committee.

ADD

ARTICLE 13C

ADD

World Telecommunication Standardization Conferences

ADD CS111K

1. The duties of world telecommunication standardization conferences are specified in the Convention.

ADD CS111L

2. World telecommunication standardization conferences shall be convened every four years; however, an additional conference may be held in accordance with the relevant provisions of the Convention.

ADD CS111M

3. Decisions of world telecommunication standardization conferences must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ADD

ARTICLE 13D

ADD

Telecommunication Standardization Study Groups

ADD CS111N

The duties of the telecommunication standardization study groups are specified in the Convention.

ADD

ARTICLE 13E

ADD

Telecommunication Standardization Bureau

ADD CS111O

The functions of the Director of the Telecommunication Standardization Bureau are specified in the Convention.

ADD

CHAPTER IV

MOD

Telecommunication Development Sector

NOC

ARTICLE 14

ADD

Functions and Structure

[CS112]*

[1. The functions of the Telecommunication Development Sector shall be to fulfil the purposes of the Union as stated in Article 1 of this Constitution and to discharge, within its specific sphere of 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.]

MOD **CS113**

2. Within the foregoing framework, the specific functions of the Telecommunication Development Sector shall be to:

MOD **CS114**

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 and structural options;

NOC **CS115**

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;

MOD **CS116**

c) enhance the growth of telecommunications through cooperation with regional telecommunications organizations and with global and regional development financing institutions, monitoring the status of projects included in its development programme to ensure that they are properly executed;

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* This number has not yet been transmitted to the Editorial Committee.

ADD	**CS116A**	d)	activate the mobilization of resources to provide assistance in the field of telecommunications to developing countries by promoting the establishment of preferential and favourable lines of credit, and cooperating with international and regional financial and development institutions;
ADD	**CS116B**	e)	promote and coordinate programmes to accelerate the transfer of appropriate technologies to the developing countries in the light of changes and developments in the networks of the developed countries;
MOD	**CS117**	f)	encourage participation by industry in telecommunication development in developing countries, and offer advice on the choice and transfer of appropriate technology;
MOD	**CS118**	g)	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;
MOD	**CS119**	h)	collaborate with the other Sectors, the General Secretariat 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	**CS119A**	i)	in carrying out the above functions, give special attention to the requirements of the least developed countries.
SUP	**CS120**		
MOD	**CS121**	3.	The Telecommunication Development Sector shall work through:
MOD	**CS122**	a)	world and regional telecommunication development conferences;
ADD	**CS122A**	b)	telecommunication development study groups;
MOD	**CS123**	c)	the Telecommunication Development Bureau headed by the elected Director.
ADD	**CS123A**	4.	The Telecommunication Development Sector shall have as members:
ADD	**CS123B**	a)	of right, the administrations of all Members of the Union;
ADD	**CS123C**	b)	any entity or organization authorized in accordance with the relevant provisions of the Convention.
SUP	**CS124**		

ADD

ARTICLE 14A

ADD

Telecommunication Development Conferences

ADD CS124A

1. Telecommunication development conferences shall be a forum for the discussion and consideration of topics, projects and programmes relevant to telecommunication development and for the provision of direction and guidance to the Telecommunication Development Bureau.

ADD CS124B

2. Telecommunication development conferences shall comprise:

ADD CS124C

a) world telecommunication development conferences;

ADD CS124D

b) regional telecommunication development conferences.

ADD CS124E

3. There shall be, between two Plenipotentiary Conferences, one world telecommunication development conference and, subject to resources and priorities, regional telecommunication development conferences.

ADD CS124F

4. The telecommunication development conferences shall not produce Final Acts. Their conclusions shall take the form of resolutions, decisions, recommendations or reports. They must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ADD CS124G

5. The duties of telecommunication development conferences are specified in the Convention.

ADD

ARTICLE 14B

ADD

Telecommunication Development Study Groups

ADD **CS124H**

The duties of telecommunication development study groups are specified in the Convention.

ADD

ARTICLE 14C

ADD

Telecommunication Development Bureau

ADD **CS124I**

The functions of the Director of the Telecommunication Development Bureau are specified in the Convention.

Convention
R.3/7

ADD

SECTION 7

ADD

Telecommunication Development Sector

ADD

ARTICLE 7A

ADD

Telecommunication Development Conferences

ADD CV128A

1. In accordance with No. 112 of the Constitution, the duties of the telecommunication development conferences shall be as follows:

ADD CV128B

a) world telecommunication development conferences shall establish work programmes and guidelines for defining telecommunication development questions and priorities and shall provide direction and guidance for the work programme of the Telecommunication Development Sector. They may set up study groups, as necessary;

ADD CV128C

b) regional telecommunication development conferences may give advice to the Telecommunication Development Bureau concerning the specific telecommunication requirements and characteristics of the region concerned, and may also submit recommendations to world telecommunication development conferences;

ADD [CV128D]

[c) the telecommunication development conferences [should fix] the objectives and strategies for the balanced worldwide and regional development of telecommunications, giving particular consideration to the expansion and modernization of the networks and services of the developing countries as well as the mobilization of the resources required for this purpose. They shall serve as a forum for the study of policy, organizational, operational, regulatory, technical and financial questions and related aspects, including the identification and implementation of new sources of funding;]

ADD CV128E

d) world and regional telecommunication development conferences, within their respective sphere of competence, shall consider reports submitted to them and evaluate the activities of the Sector; they may also consider telecommunication development aspects related to the activities of the other Sectors of the Union.

ADD CV128F

2. The draft agenda of telecommunication development conferences shall be prepared by the Director of the Telecommunication Development Bureau and be submitted by the Secretary-General to the Council for approval with the concurrence of a majority of the Members of the Union in the case of a world conference, or of a majority of the Members of the Union belonging to the region concerned in the case of a regional conference, subject to the provisions of No. 29 of this Convention.

ADD

ARTICLE 7C

ADD

Telecommunication Development Bureau and Advisory Board

ADD CV128H

1. The Director of the Telecommunication Development Bureau shall organize and coordinate the work of the Telecommunication Development Sector.

ADD CV128I

2. The Director shall, in particular:

ADD CV128J

a) participate as of right, but in an advisory capacity, in the deliberations of the telecommunication development conferences and of the telecommunication development study groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Development Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

ADD [CV128K]

[b) process information received from administrations in application of the relevant resolutions and decisions of the Plenipotentiary Conference and telecommunication development conferences and prepare it, where appropriate, in a suitable form for publication;]

ADD CV128L

c) exchange with members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Development Sector, and arrange with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

ADD CV128M

d) assemble and prepare for publication, in cooperation with the General Secretariat and the other Sectors 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;

ADD **CV128N**

e) submit to the world telecommunication development conference a report on the activities of the Sector since the last conference; the Director shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference;

ADD **CV128O**

f) prepare a cost-based budget estimate for the requirements of the Telecommunication Development Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

ADD **[CV128P]**

3. The Director shall work collegially with the other elected officials in order to ensure that the Union's [catalytic role] in stimulating telecommunication development is strengthened and shall make the necessary arrangements with the Director of the Bureau concerned for the convening of information meetings on the activities of the Sector concerned.

ADD **CV128Q**

4. At the request of the Members concerned, the Director, with the assistance of the Directors of the other Bureaux and, where appropriate, the Secretary-General, shall study and offer advice concerning their national telecommunication problems; where a comparison of technical alternatives is involved, economic factors may be taken into consideration.

ADD **CV128R**

5. The Director shall choose the technical and administrative personnel of the Telecommunication Development Bureau within the framework of the budget as approved by the Council. The appointment of the personnel is made by the Secretary-General in agreement with the Director. The final decision for appointment or dismissal rests with the Secretary-General.

ADD **CV128S**

6. A Telecommunication Development Advisory Board shall be established and the members of the Board shall be appointed by the Director in consultation with the Secretary-General. The Board shall be composed of persons with a wide and equitable cross-section of interests and expertise in telecommunication development and shall elect its chairman from among its members. The Board shall advise the Director, who shall participate in its meetings, on priorities and strategies in the Union's telecommunication development activities; it shall, inter alia, recommend steps to foster cooperation and coordination with other organizations interested in telecommunication development.

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 160-E
17 December 1992

R.4

PLENARY MEETING

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

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

Source	Document		Title
COM 6	135(B.4)	Constitution	Article 44 Article 47
		Convention	Article 1A Article 25 Article 35

Note: Algeria expresses reservations concerning CV367.

M. THUE
Chairman of Committee 6

Annex: 27 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

NOC

ARTICLE 44

NOC

Provisions for Amending this Constitution

NOC CS201 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.

NOC CS202 2. Any proposed modification to any amendment submitted in accordance with No. 201 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

NOC CS203 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.

NOC CS204 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 CS205 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 CS206 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 at a date fixed by the conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Constitution and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.

MOD CS207 7. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

NOC CS208 8. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 41 and 42 of this Constitution shall apply to the Constitution as amended.

NOC CS209 9. After 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. 219 of this Constitution shall also apply to any such amending instrument.

NOC

ARTICLE 47

NOC

Entry into Force and Related Matters

MOD CS215

1. This Constitution and the Convention shall enter into force on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession.

SUP CS216

NOC CS217

2. Upon the date of entry into force specified in No. 215 above, this Constitution and the Convention shall, as between Parties thereto, abrogate and replace the International Telecommunication Convention (Nairobi, 1982).

NOC CS218

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 CS219

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 CS220

5. In case of any discrepancy among the various language versions of this Constitution and the Convention, the French text shall prevail.

ADD ARTICLE 1A

ADD **Elections and Related Matters**

ADD - **The Council**

ADD CV6A 1. Except in the case of vacancies arising in the circumstances described in Nos. 6C to 6E below, the Members of the Union elected to the Council shall hold office until the date on which a new Council is elected. They shall be eligible for re-election.

ADD CV6B 2. (1) If, between two Plenipotentiary Conferences, a seat becomes vacant on the 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.

ADD CV6BA (2) When for any reason a vacant seat cannot be filled according to the procedure of No. 6B above, the Chairman of the Council shall invite the other Members of the region to seek election within one month of such an invitation being issued. At the end of this period, the Chairman of the Council shall invite Members of the Union to elect a new Member. The election shall be carried out by secret ballot by correspondence. The same majority as indicated above will be required. The new Member shall hold office until the election of the new Council by the next competent Plenipotentiary Conference.

ADD CV6C 3. A seat on the Council shall be considered vacant:

ADD CV6D a) when a Council Member does not have a representative in attendance at two consecutive ordinary sessions of the Council;

ADD CV6E b) when a Member of the Union resigns its membership of the Council.

ADD - **Elected officials**

ADD CV6F 1. The Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux shall take up their duties on the dates determined by the Plenipotentiary Conference 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.

ADD CV6G

2. 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. 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. 6H below shall be applied.

ADD CV6H

3. 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 Council shall appoint a successor for the balance of the term.

ADD CV6I

4. If the posts of the Secretary-General and the Deputy Secretary-General fall vacant simultaneously, the Director who has been longest in office shall discharge the duties of Secretary-General for a period not exceeding 90 days. The 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 Council shall serve for the balance of the term for which his predecessor was elected.

ADD CV6J

5. If the post of a Director becomes unexpectedly vacant, the Secretary-General shall take the necessary steps to ensure that the duties of that Director are carried out until the Council shall appoint a new Director at its next ordinary session following the occurrence of such a vacancy. A Director so appointed shall serve until the date fixed by the next Plenipotentiary Conference.

ADD CV6K

6. Subject to the relevant provisions of Article 16 of the Constitution, the Council shall 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 the present Article 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.

ADD CV6L

7. Any period of service in the post of an elected official pursuant to an appointment under Nos. 6G through 6K above shall not affect eligibility for election or re-election to such a post.

ADD **[- Members of the Radio Regulations Board]**

ADD **[CV6M*]** [1. The members of the Radio Regulations Board shall take up their duties on the dates determined by the Plenipotentiary Conference 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 [twice] only.]

ADD **[CV6N*]** [2. If, in the interval between two Plenipotentiary Conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Members of the Union of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the 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 Council takes office or until the new members of the Board elected by the next Plenipotentiary Conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.]

ADD **[CV6O*]** [3. A member of the Radio Regulations Board is considered no longer in a position to perform his duties after repeated consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member of the Union concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 6N above.]

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* Note by Committee 5 - These numbers will be considered at a later meeting.

NOC

CHAPTER IV

NOC

Rules of Procedure

NOC

ARTICLE 25

NOC

Rules of Procedure of Conferences and Other Meetings

NOC CV244 The Rules of Procedure shall apply without prejudice to the amendment provisions contained in Article 44 of the Constitution and in Article 35 of this Convention.

NOC

1. Order of Seating

NOC CV245 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 CV246 1. (1) The inaugural meeting of the conference shall be preceded by a meeting of the Heads of delegation 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. 250 below.

NOC CV247 (2) The Chairman of the meeting of Heads of delegation shall be appointed in accordance with the provisions of Nos. 248 and 249 below.

NOC CV248 2. (1) The conference shall be opened by a person appointed by the inviting government.

NOC CV249 (2) When there is no inviting government, it shall be opened by the oldest Head of delegation.

NOC CV250 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 CV251 (2) If there is no inviting government, the Chairman shall be chosen, taking into account the proposals made by the Heads of delegation at the meeting described in No. 246 above.

NOC CV252 4. The first Plenary Meeting shall also:

NOC CV253 a) elect the Vice-Chairmen of the conference;

NOC CV254 b) set up the conference committees and elect their respective Chairmen and Vice-Chairmen;

MOD CV255 c) designate the conference secretariat, in accordance with No. 86 of this Convention; the secretariat may be reinforced, in case of need, by staff provided by the administration of the inviting government.

NOC **3. Powers of the Chairman of the Conference**

NOC CV256 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 CV257 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 CV258 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 CV259 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. Setting up of Committees

MOD CV260

1. The Plenary Meeting may set up committees to consider matters referred to the conference. These committees may in turn set up sub-committees. Committees and sub-committees may set up working groups.

ADD [CV260A]

2. In addition to the committees below, a world radiocommunication conference shall include [a Technical Committee and a Radio Regulations Committee] or only one of them, the terms of reference of which are contained in Article 4B of this Convention.

MOD CV261

3. Sub-committees and working groups shall be set up when necessary.

MOD CV262

4. Subject to the provisions of Nos. 260 to 261 above, the following committees shall be set up:

NOC

4.1 Steering Committee

(MOD) CV263

a) This Committee shall normally be composed of the Chairman of the conference or meeting, who shall be its Chairman, the Vice-Chairmen of the conference and the Chairmen and Vice-Chairmen of committees;

NOC CV264

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

MOD CV265

A Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall appoint a Credentials Committee, the mandate of which shall be to verify the credentials of delegations to these conferences. This Committee shall report on its conclusions to the Plenary Meeting within the time specified by the latter.

NOC

4.3 Editorial Committee

(MOD) CV266

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 CV267

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

MOD CV268

a) At the opening of each conference, 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. In addition to the members of delegations who wish to participate, this Committee shall include a representative of the Secretary-General, of the Director of the Bureau concerned, and, where there is an inviting government, a representative of that government.

MOD CV269

b) Before the budget approved by the Council for the conference is exhausted, the Budget Control Committee, in collaboration with the secretariat of the conference, 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 after the date when the approved budget will be exhausted.

MOD CV270

c) At the end of each conference, the Budget Control Committee shall present a report to the Plenary Meeting showing, as accurately as possible, the estimated total expenditure of the conference, as well as an estimate of the costs that may be entailed by the execution of the decisions taken by such conference.

MOD CV271

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 Council at its next ordinary session.

NOC

5. Composition of Committees

NOC

5.1 Plenipotentiary Conferences

MOD CV272

Committees shall be composed of the delegates of Members and the observers referred to in No. 139 of this Convention who have so requested or who have been designated by the Plenary Meeting.

MOD

5.2 Radiocommunication Conferences

MOD [CV273]

1. Committees, except the [Technical Committee] of a world radiocommunication conference, shall be composed of the delegates of Members and the observers and representatives, referred to in Nos. 149, 152 and 153 of this Convention, who have so requested or who have been designated by the Plenary Meeting.

ADD [CV273A*]

[2. In addition to delegates, observers and representatives referred to in No. 273 above, the Technical Committee may be attended by representatives referred to in No. 153A of this Convention.]

ADD

5.3 Telecommunication Standardization and Telecommunication Development Conferences

ADD [CV273B*]

[In addition to delegates of Members and observers referred to in Nos. 132A to 132D of this Convention, the committees of the telecommunication standardization and telecommunication development conferences may be attended by representatives of any entity or organization authorized in accordance with Article 7D of this Convention to take part in the work of the Sector concerned.]

NOC

6. Chairmen and Vice-Chairmen of Sub-Committees

NOC CV274

The Chairman of each committee shall propose to his committee the choice of the Chairmen and Vice-Chairmen of the sub-committees which may be set up.

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* Note by Committee 5: These numbers will be considered at a later meeting.

NOC

7. Summons to Meetings

NOC CV275

Plenary Meetings and meetings of committees, sub-committees and working groups shall be announced in good time in the meeting place of the conference.

NOC

8. Proposals Presented Before the Opening of the Conference

MOD CV276

Proposals presented before the opening of the conference shall be allocated by the Plenary Meeting to the appropriate committees set up in accordance with Section 4 of these Rules of Procedure. Nevertheless, the Plenary Meeting itself shall be entitled to deal with any proposal.

NOC

9. Proposals or Amendments Presented During the Conference

NOC CV277

1. Proposals or amendments presented after the opening of the conference shall be delivered to the Chairman of the conference, to the Chairman of the appropriate committee or to the secretariat of the conference for publication and distribution as conference documents.

NOC CV278

2. No written proposal or amendment may be presented unless signed by the Head of the delegation concerned or by his deputy.

NOC CV279

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 CV280

4. Every proposal or amendment shall give, in precise and exact terms, the text to be considered.

NOC CV281 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. 277 above.

NOC CV282 (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 CV283 (3) In addition, the Chairman of the conference, on receiving proposals or amendments referred to in No. 277 above, shall refer them to the appropriate committee or to the Plenary Meeting as the case may be.

NOC CV284 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.

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

NOC CV285 1. No proposal or amendment may be discussed unless it is supported by at least one other delegation when it comes to be considered.

NOC CV286 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 CV287 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.

NOC

12. Rules for Debates in Plenary Meetings

NOC

12.1 Quorum

NOC CV288 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 CV289 (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 CV290 (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 CV291 (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 CV292 (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 CV293 The motions and points of order mentioned in No. 291 of this Convention shall be dealt with in the following order:

NOC CV294 a) any point of order regarding the application of these Rules of Procedure, including voting procedures;

NOC CV295 b) suspension of a meeting;

NOC CV296 c) adjournment of a meeting;

NOC CV297 d) postponement of debate on the matter under discussion;

NOC CV298 e) closure of debate on the matter under discussion;

NOC CV299 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 CV300 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 CV301 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 CV302 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 CV303 (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 CV304 (2) However, as regards questions of procedure, the Chairman shall limit the time allowed for a speech to a maximum of five minutes.

NOC CV305 (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*

NOC CV306 (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 CV307 (2) The list of speakers having been exhausted, the Chairman shall declare discussion on the matter closed.

NOC *12.10 Questions of competence*

NOC CV308 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*

NOC CV309 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 CV310 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 3 of the Constitution.

NOC CV311 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.

ADD [CV311A] [3. When a Member is not represented by an administration in the [Technical Committee of a world radiocommunication conference, a world telecommunication standardization conference] or a telecommunication development conference, the representatives of the recognized 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. 128AE of this Convention. The provisions of Nos. 190 to 193 of this Convention concerning the transfer of powers shall apply to the above conferences.]

NOC **14. Voting**

NOC *14.1 Definition of a majority*

NOC CV312 (1) A majority shall consist of more than half the delegations present and voting.

NOC CV313 (2) In computing a majority, delegations abstaining shall not be taken into account.

NOC CV314 (3) In case of a tie, a proposal or amendment shall be considered rejected.

NOC CV315 (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*

NOC CV316 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. 288 of this Convention, nor as abstaining for the purpose of applying the provisions of No. 318 below.

NOC

14.3 Special majority

NOC CV317 In cases concerning the admission of new Members of the Union, the majority described in Article 2 of the Constitution shall apply.

NOC

14.4 Abstentions of more than fifty per cent

NOC CV318 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 CV319 (1) The voting procedures are as follows:

NOC CV320 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 CV321 b) by a roll call in the alphabetical order of the French names of the Members present and entitled to vote:

NOC CV322 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 CV323 2. if the procedure under a) shows no clear majority;

NOC CV324 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 CV325 (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 CV326 (3) In the case of a secret ballot, the secretariat shall at once take steps to ensure the secrecy of the vote.

NOC CV327 (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 CV328 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 CV329 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 CV330 (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 CV331 (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 CV332 (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 CV333 (2) After each vote, the meeting shall decide whether or not the following proposal shall be voted on.

NOC *14.10 Amendments*

NOC CV334 (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 CV335 (2) Any amendment to a proposal accepted by the delegation submitting the proposal shall at once be embodied in the original proposal.

NOC CV336 (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 CV337 (1) When an amendment to a proposal is submitted, a vote shall first be taken on the amendment.

NOC CV338 (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 CV339 (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 CV340 (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 CV341 (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 CV342 a) the majority of the Members entitled to vote so request, and

NOC CV343 b) the request for a repetition of the vote is made at least one full day after the vote has been taken.

NOC

15. Rules for Debates and Voting Procedures in Committees and Sub-Committees

NOC CV344 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.

NOC CV345 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.

NOC CV346 3. The provisions of Section 14 of the present Rules of Procedure shall also apply to votes taken in committees and sub-committees.

NOC

16. Reservations

NOC CV347

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) CV348

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 Member which is not participating in the conference and which has given that delegation proxy powers to sign the Final Acts in accordance with the provisions of Article 15 of this Convention.

NOC

17. Minutes of Plenary Meetings

NOC CV349

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.

NOC CV350

2. After the minutes have been distributed, delegations may submit in writing to the secretariat of the conference any 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.

NOC CV351

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 CV352

(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 CV353

4. The right accorded in No. 352 above 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 CV354 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 CV355 (2) Nevertheless, any delegation shall be entitled to invoke No. 352 above.

NOC CV356 (3) The right accorded in No. 355 above shall in all circumstances be used with discretion.

NOC CV357 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 CV358 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 CV359 (2) Any interim or final report must be approved by the committee or sub-committee concerned.

NOC CV360 2. (1) The minutes of the last Plenary Meetings shall be examined and approved by the Chairman.

NOC CV361 (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

NOC CV362

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 CV363

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

21. Final Approval

MOD [CV364]

The texts of the Final Acts of a Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall be considered final when they have been approved at the second reading in Plenary Meeting. [The texts of the Technical Committee of a world radiocommunication conference shall not be issued in the Final Acts of that conference.]

NOC

22. Signature

MOD CV365

The texts of the Final Acts approved by the conferences referred to in No. 364 above 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.

MOD

23. Relations with the Press and the Public

NOC CV366

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

ADD CV366A

2. The press and the public may, to the extent practicable, be present at the conference in accordance with the guidelines approved by the meeting of Heads of delegations referred to in No. 246 above and with the practical arrangements made by the Secretary-General. The presence of the press and the public shall in no way disturb the normal conduct of the work of the meeting.

ADD CV366B

3. Other meetings of the Union shall not be open to the press and the public, unless the meeting in question decides otherwise.

NOC

24. Franking Privileges

MOD CV367

During the conference, members of delegations, representatives of Members of the Council, members of the Radio Regulations Board, senior officials of the General Secretariat and of the Sectors of the Union attending the conference and the staff of the Secretariat 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 operating agencies concerned.

NOC

ARTICLE 35

NOC

Provisions for Amending this Convention

NOC CV417

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.

NOC CV418

2. Any proposed modification to any amendment submitted in accordance with No. 417 above may, however, be submitted at any time by a Member of the Union or by its delegation at the Plenipotentiary Conference.

NOC CV419

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.

NOC CV420

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 CV421

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 CV422

6. Any amendments to this Convention adopted by a Plenipotentiary Conference shall, as a whole and in the form of one single amending instrument, enter into force at a date fixed by the Conference between Members having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, both this Convention and the amending instrument. Ratification, acceptance or approval of, or accession to, only a part of such an amending instrument shall be excluded.

NOC CV423 7. Notwithstanding No. 422 above, 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 this Convention shall not enter into force prior to the entry into force of the amendment to the Constitution.

MOD CV424 8. The Secretary-General shall notify all Members of the deposit of each instrument of ratification, acceptance, approval or accession.

(MOD) CV425 9. After entry into force of any such amending instrument, ratification, acceptance, approval or accession in accordance with Articles 41 and 42 of the Constitution shall apply to this Convention as amended.

NOC CV426 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. 219 of the Constitution shall also apply to any such amending instrument.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 161-E
17 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

TENTH MEETING OF COMMITTEE 4

Monday, 14 December 1992 at 1410 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Discussion on the Radio Regulations Board/IFRB (continued)	-
2.	Consideration of reports of Drafting Groups	DT/7(Rev.1), DT/8

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Discussion on the Radio Regulations Board/IFRB (continued)

1.1 The Chairman, recalling the discussion held during the previous meeting, drew the Committee's attention to the compromise solution proposed by the delegate of Morocco. He had been informed that if there were still objections to that proposal, the delegate of Morocco would insist on submitting a motion of order for the closure of the debate and, consequently, a vote on the High Level Committee's recommendation relating to the Radio Regulations Board.

1.2 The delegate of Spain maintained his objection to the compromise solution proposed by the Moroccan delegate.

1.3 The Chairman said he took it that the compromise solution was not acceptable to the Committee and asked the delegate of Morocco whether he would withdraw his motion of order.

1.4 The delegate of Morocco regretted that, in view of the circumstances, he would need to insist on his motion for closure of the debate. He had endeavoured to find a means of reaching compromise, endorsing the proposal by the delegate of the Russian Federation for the postponement of the debate with that end in view. At the present juncture, however, there was no alternative but to vote on the H.L.C.'s recommendation relating to the Radio Regulations Board.

1.5 Following comments by the delegate of Mexico, the delegate of Algeria, speaking on a point of order, said that if the delegate of Morocco failed to withdraw his motion of order, he would submit a motion of order for the suspension of the meeting.

1.6 Following a request for clarification of procedure from the delegate of France, the Legal Adviser said that, under No. 508 of the Convention, the motion of order submitted by the Algerian delegate must be dealt with before that of the Moroccan delegate. If the Algerian delegate insisted on his motion of order, the provisions of No. 516 of the Convention would be applicable.

1.7 Responding to a request by the delegate of Turkey, and in accordance with No. 516 of the Convention, the delegate of Algeria explained the rationale behind his proposal. It was clear from earlier discussions that the Committee was divided on the High Level Committee's recommendation for a Radio Regulations Board. He regretted that such an important issue, which would have serious implications for the future of the ITU, should be handled in such an unsatisfactory manner, recalling the Moroccan delegate's reluctance when making his proposal in that connection. He considered that every possible means should be exhausted by the Committee before resorting to such an extreme solution.

1.8 In the discussion which followed, the delegate of the Russian Federation seconded the motion of order submitted by the Algerian delegate. The delegates of Liberia and the Netherlands opposed suspension of the meeting on the grounds that there had already been ample opportunity for discussion of the issue.

1.9 The delegate of Algeria requested that the vote be taken by secret ballot.

1.10 The Chairman, noting that there was adequate support for a vote by secret ballot, requested the delegations of Cameroon, the Republic of Korea and Denmark to provide tellers.

1.11 The tellers having taken their places, the Chairman explained the voting procedure and announced the commencement of voting.

1.12 The Executive Secretary called up the countries in turn to cast their votes.

1.13 On completion of the voting, the Chairman announced that a total of 117 votes had been cast, of which two were invalid and one blank, giving a total of 115 valid votes. The required majority was therefore 58.

1.14 The result was:

Number of votes in favour 40

Number of votes against 74

1.15 The required majority not having been obtained, the motion for suspension of the meeting was rejected.

1.16 The Chairman asked whether any delegation opposed the motion to close the debate submitted by the delegate of Morocco under No. 520 of the Convention. If he heard no objection, he would take it that the motion was carried.

1.17 It was so agreed.

1.18 The delegate of Algeria said that, given the importance of the issue, he hoped that there would be no subsequent regret at having dealt with it in that way.

1.19 The Chairman invited the Committee to vote on the H.L.C.'s recommendation to replace the current full-time five-member International Frequency Registration Board by a part-time nine-member Radio Regulations Board. The delegate of Morocco confirmed his request that the vote should be taken by secret ballot.

1.20 The Chairman, noting that there was adequate support for a vote by secret ballot, requested one delegation from each Region, namely, Brazil, Spain, Indonesia, the Russian Federation and Senegal, to provide tellers.

1.21 The tellers having taken their places, the Chairman explained the voting procedure and announced the commencement of voting.

1.22 The Executive Secretary called up the countries in turn to cast their votes.

1.23 On completion of the voting, the Chairman announced that a total of 121 votes had been cast, of which one was invalid and three blank, giving a total of 117 valid votes. The required majority was therefore 59.

The result was:

Number of votes in favour 79

Number of votes against 38

1.24 The required majority having been obtained, the recommendation to replace the current full-time five-member Board by a part-time nine-member Radio Regulations Board was approved.

1.25 The delegates of Algeria, Mexico and Turkey reserved the right to revert to the matter in Plenary. The delegate of the Russian Federation, also reserving the right to revert to the matter in Plenary, said that the results of the vote clearly showed that the Committee was divided on the matter. He urged that all available forms of recourse should be exhausted prior to final discussion of the matter in the Plenary Meeting, in order to reach a final decision which would unite rather than divide the Conference.

2. Consideration of reports of Drafting Groups (Documents DT/7(Rev.1), DT/8)

Consolidated revised proposal (Document DT/7(Rev.1))

2.1 The Chairman introduced Document DT/7(Rev.1), containing a consolidated revised proposal relating to Articles 14 and 14A of the draft Constitution and Article 7A of the draft Convention, prepared further to informal consultations between delegations.

NOC CS114 (CUB/71/5/Rev.)

2.2 Approved.

MOD CS116 (CAF/74/1/Rev.)

2.3 Approved, subject to the replacement of "situation as regards" by "status of".

MOD CS116A (CUB/71/6/Rev.)

2.4 The delegate of Uruguay observed that the revised proposal had been prepared by his and the Cuban delegations, with the assistance of the Spanish delegation.

2.5 The proposed text was approved.

NOC CS124A (CUB/71/14/Rev.)

2.6 Approved.

MOD CV128D (CUB/71/15/Rev.)

2.7 The Chairman observed that the new text was intended to replace the original text prepared by the Drafting Group.

2.8 The delegate of the United Kingdom suggested that "political" be replaced by "policy" in the second sentence.

2.9 It was so agreed.

2.10 The delegate of the United States, referring to the first sentence, suggested that the words "shall fix the" should be replaced by "may establish", and the words "to obtaining" by "consideration of".

2.11 The delegate of Cuba said that the phrase "shall fix the" was the result of lengthy discussions, and that the proposed amendment was a substantive one.

2.12 The delegate of Morocco observed that the phrase "shall fix the" appeared to place an obligation on Member countries; furthermore, the objectives and strategies imposed might be contrary to the sovereignty and interests of individual countries, an eventuality that his own country could not accept.

2.13 The delegate of the United States, agreeing with the previous speaker, said that the basic question was whether to use the word "shall" or "may". It was of little consequence whether the word "fix", "set" or "establish" was used.

2.14 The Chairman suggested that the words "shall fix" be replaced by "[shall fix/may establish]", and that the matter be discussed informally.

2.15 It was so agreed.

2.16 The delegate of Congo, referring to the second of the amendments proposed by the United States, drew attention to H.L.C. Recommendation 31 and its accompanying text, which referred specifically to "mobilizing resources".

2.17 The delegate of Iran suggested that, as in the case of the previous amendment, the words "to obtaining" should be replaced by "[to obtaining/consideration of]".

2.18 It was so agreed.

2.19 The Chairman said that MOD CV128D would be taken up again at a later stage; meanwhile delegates might wish to discuss the unresolved texts informally.

Report of ad hoc Group 4A (Document DT/8)

2.20 The delegate of Singapore introduced Document DT/8 containing a consolidated text proposed for provision CV128S by the delegations which had participated in the ad hoc Group's discussions. The new text was based on the one proposed by the Drafting Group, but took into consideration the proposals and views of the countries concerned. The Group's discussion had centred around the points listed in paragraph 1 of its report. With regard to Member administrations' attendance at Board meetings, particular account had been taken of H.L.C. Recommendation 33 and its accompanying paragraph 6.3. With regard to the provision of guidance to the work of Study Groups, the ad hoc Group's view had been that the Board should confine itself to advising the Director and should not deal directly with the Study Groups themselves, which should receive their guidance from world development conferences. As far as the Board's terms of reference were concerned, it had been felt that only the Board's key functions regarding priorities and strategies in relation to other organizations interested in telecommunications development should be highlighted in the provision. In order to take account of the interests and needs of developing countries in particular, the words "a wide and equitable cross-section" had been incorporated in the text. It had also been pointed out that the interests of developing countries would best be served if the Director consulted the Secretary-General when appointing the Board's members. The Group had not thought it appropriate to base the Board's membership solely on geographical distribution, in view of the desirability of promoting participation by all economic, commercial and industrial players. Finally, he drew attention to the reservation expressed by the Islamic Republic of Iran (Document DT/8, paragraph 3) with regard to the new text proposed for CV128S.

2.21 The Chairman observed that, given the late hour, any substantive discussion of the text would have to be deferred until the next meeting.

2.22 Following a brief discussion on the use of the word "individuals" and its possible equivalents in the Spanish language, it was agreed to defer further discussion of the new text of CV128S.

The meeting rose at 1720 hours.

The Secretary:	The Chairman:
K. OLMS	C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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17 December 1992
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COMMITTEE 6

FOURTH SERIES OF TEXTS FROM COMMITTEE 4 TO THE EDITORIAL COMMITTEE

Committee 4 has adopted the enclosed texts which it wishes to submit to the Editorial Committee for examination and ultimate transmission to the Plenary session.

With the exception of the title of Article 11B, these texts have been unanimously adopted. The delegations of J, F and SUI reserve the right to reconsider that title in Plenary session.

C.L. OLIVER
Chairman, Committee 4

Annexes: 3

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ANNEX 1

DRAFT RESOLUTION No. COM4/2

[Approval of Recommendations]

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

bearing in mind

a) that a World Telecommunication Standardization Conference is to be held in Helsinki in 1993;

b) that the Administrative Council has included the holding of a first World Radiocommunication Conference in 1993 in the ITU budget and meetings schedule,

pointing out

a) that the Union will, at international level, promote a broader focus on telecommunications in the world economy and society;

b) that there should be greater participation by the Member countries in the standardization function, in order to ensure that the adoption of recommendations on radiocommunications and standardization is duly legitimized through approval by a qualified majority,

considering

a) the H.L.C.'s statements to the effect that it is "of paramount importance that the standardization function become more relevant to developing countries", that "the multilateral coordination of the use of radio needs to be transparent and must ensure fairness and equitable access to the spectrum and orbit resource", and that "developing countries need to be involved in a more meaningful way. Otherwise, the technological gap will widen";

b) that while the process of preparing and adopting standards is vital to the development of telecommunications, increased involvement of developing countries should be facilitated;

c) that it is essential that practical difficulties should be resolved for greater participation by developing countries in the process of preparing and adopting recommendations on standardization and radiocommunications, in the light of the results of H.L.C. Recommendations 49, 50, 51, 52 and 53,

resolves

1. that the first World Telecommunication Standardization Conference (Helsinki, 1993) and the first World Radiocommunication Conference (Geneva, 1993) should review Resolution No. 2 of the CCITT and Resolution 92 of the CCIR, with a view to: modifying the Rules of Procedure so that:

1.1 recommendations for approval by correspondence should be approved by a certain majority of favourable replies;

1.2 establishing a means by which a Member who may be affected adversely by a recommendation, may raise any concerns with the Director of the relevant Sector for rapid resolution;

2. that the Director shall report to the next relevant conference on all such concerns drawn to his attention,

instructs the Council

to include the revision of CCITT Resolution No. 2 and CCIR Resolution 92 on the agendas of the World Telecommunication Standardization Conference (Helsinki, 1993) and the World Radiocommunication Conference (Geneva, 1993), with a view to amending them along the lines indicated in this Resolution,

also instructs the Director of the BDT

to explore all the possibilities offered by H.L.C. Recommendations 50, 51, 52 and 53, with a view to promoting and increasing the participation of developing countries in the preparation and approval of recommendations on standardization and radiocommunications.

ANNEX 2

CONSTITUTION (CS) OF THE INTERNATIONAL TELECOMMUNICATION UNION

NOC CHAPTER II

NOC **Radiocommunication Sector**

NOC ARTICLE 11A

NOC **Functions and Structure**

MOD CS85A 1. (1) The functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication~~,~~:

- by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum ~~and~~by all radiocommunication services, including those using the geostationary-satellite orbit, ~~and~~subject to the provisions of Article 33 of this Constitution, and
- by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.

MOD CS85B (2) The precise responsibilities of the Radiocommunication and the Telecommunication Standardization Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Development, Radiocommunication and Telecommunication Standardization Sectors.

NOC CS85C 2. The Radiocommunication Sector shall work through:

MOD CS85D a) world and regional radiocommunication conferences; ~~the world radiocommunication conferences shall normally include a Radio Regulations Committee and a Technical Committee;~~

NOC CS85E b) the Radio Regulations Board;

ADD CS85Ebis b)bis radiocommunication assemblies, which shall be associated with world radiocommunication conferences;

MOD CS85F c) radiocommunication study groups and the Advisory Group;

NOC CS85G d) the Radiocommunication Bureau headed by the elected Director.

NOC CS85H 3. The Radiocommunication Sector shall have as members:

NOC CS85I a) of right, the administrations of all Members of the Union;

MOD CS85J b) any entity or organization authorized in accordance with ~~Article 7D~~the relevant provisions of the Convention.

NOC

ARTICLE 11B

MOD

Radiocommunication Conferences[and Radiocommunication Assemblies]

MOD CS85K 1. A world radiocommunication conference may~~, at its Radio Regulations Committee,~~ partially or, in exceptional cases, completely revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties~~, to be dealt with by its Technical Committee,~~ are specified in ~~Articles 4B and 5A of~~ the Convention.

MOD CS85L 2. A world radiocommunication conference shall normally be convened every two years; however, following the application of the relevant provisions of the Convention, such a conference may not be convened ~~or may be limited to matters to be dealt with by either its Radio Regulations Committee or its Technical Committee~~or an additional one may be convened.

ADD CS85Lbis 3. A radiocommunication assembly shall also normally be convened every two years, and shall be associated in time and place with a world radiocommunication conference so as to improve the efficiency and effectiveness of the Radiocommunication Sector. A radiocommunication assembly shall provide the necessary technical basis for the work of a world radiocommunication conference and respond to all requests from world radiocommunication conferences. The duties of a radiocommunication assembly are specified in the Convention.

MOD **CS85M**

~~3.~~4. The d~~D~~ecisions of a world radiocommunication conference~~s must~~ , of a radiocommunication assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. ~~Furthermore, t~~The decisions of ~~the Technical Committee of a world radiocommunication conference and the decisions of~~ a regional radiocommunication conference ~~must~~shall also in all circumstances ~~also~~ be in conformity with the ~~Administrative~~Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ARTICLE 12

NOC

Radio Regulations Board

MOD **CS86**

1. The Radio Regulations Board shall consist of ~~nine~~ elected members ~~highly~~thoroughly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.

NOC **CS86A**

2. The duties of the Radio Regulations Board shall consist of:

MOD **CS86B**

a) the approval of Rules of Procedure, which include technical criteria, in accordance with the Radio Regulations and in accordance with any decision which may be taken by competent radiocommunication conferences ~~and the interpretation, in this respect, of the provisions of the Radio Regulations~~. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Members. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;

NOC CS86C

b) the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;

MOD CS86D

c) the performance of any additional duties, concerned with the assignment and utilization of frequencies ~~and with the equitable utilization of the geostationary satellite orbit~~as indicated in CS85A above, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the 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 CS86E

3. (1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member's own administration.

NOC CS86F

(2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a Member thereof, or from any public or private organization or person. Members shall refrain from taking any action or from participating in any decision, which may be incompatible with their status defined in No. 86E above.

NOC CS86G

(3) Each Member shall respect the exclusively international character of the duties of the members of the Board and refrain from trying to influence them in the performance of their Board duties.

NOC CS87

NOC CS88

NOC CS89

NOC CS90

NOC CS91

NOC CS92

NOC CS93

NOC CS94

MOD CS94A

4. The working arrangements of the Radio Regulations Board are defined in ~~Article 5~~ of the Convention.

NOC CS95

NOC CS96

NOC CS97

ARTICLE 13

NOC **Radiocommunication Study Groups**

MOD CS97A The duties of the radiocommunication study groups are specified in ~~Article 5A~~ of the Convention.

NOC CS98

NOC CS99

NOC CS100

NOC CS101

NOC CS101

NOC CS102

NOC CS103

NOC CS104

NOC CS105

NOC CS106

NOC CS107

NOC CS108

NOC CS109

NOC CS110

NOC CS111

NOC ARTICLE 13A

NOC **Radiocommunication Bureau**

MOD CS111A The functions of the Director of the Radiocommunication Bureau are specified in ~~Article 5B~~ of the Convention.

NOC

CHAPTER III

NOC

Telecommunication Standardization Sector

NOC

ARTICLE 13B

NOC

Functions and Structure

MOD CS111C

(2) The precise responsibilities of the Telecommunication Standardization and the Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close cooperation shall be carried out between the Development, Radiocommunication and Telecommunication Standardization Sectors.

NOC

CHAPTER IV

NOC

Telecommunication Development Sector

ARTICLE 14

NOC

Functions and Structure

NOC CS112

1. The functions of the Telecommunication Development Sector shall be to fulfil the purposes of the Union as stated in Article 1 of this Constitution and to discharge, within its specific sphere of 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 CS112A

The activity of the Development, Radiocommunication and Telecommunication Standardization Sectors shall be the subject of close cooperation with regard to matters relating to development in accordance with the relevant provisions of the Constitution.

ANNEX 3

CONVENTION (CV) OF THE INTERNATIONAL TELECOMMUNICATION UNION

ARTICLE 2

NOC

Other Conferences

NOC CV6P 1. In conformity with the relevant provisions of the Constitution, the following world conferences of the Union shall normally be convened within the period between two Plenipotentiary Conferences:

NOC CV6Q a) two world radiocommunication conferences;

NOC CV6R b) one world telecommunication standardization conference;

NOC CV6S c) one world telecommunication development conference.

ADD d) two radiocommunication assemblies, associated in time and place with world radiocommunication conferences.

NOC CV7

NOC CV8

NOC CV9

MOD CV10 ~~2. The second world radiocommunication conference may be cancelled or limited to matters to be dealt with by either its Technical Committee or its Radio Regulations Committee, and a second telecommunication standardization conference may be convened:~~

2. Exceptionally, within the period between Plenipotentiary Conferences:

- the second world radiocommunication conference and its associated radiocommunication assembly may both be cancelled, or either one may be cancelled; or
- an additional [world radiocommunication conference or] telecommunication standardization conference may be convened.

These actions shall be taken:

NOC CV11 a) by a decision of a Plenipotentiary Conference;

NOC CV12 b) on the recommendation of the previous world conference of the Sector concerned, if approved by the Council;

NOC CV13 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 CV14 d) on a proposal of the Council.

NOC CV15

MOD CV16 3. A regional radiocommunication conference shall be convened:

NOC CV17 a) by a decision of a Plenipotentiary Conference;

MOD CV18 b) on the recommendation of a previous world or regional radiocommunication conference if approved by the Council;

NOC CV19 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 CV20 d) on a proposal of the Council.

MOD CV20A 4. (1) The place and the exact dates of a world or regional conference or radiocommunication assembly may be fixed by a Plenipotentiary Conference.

MOD CV20B (2) In the absence of such a decision, the Council shall determine the place and the exact dates of a world conference or radiocommunication assembly with the concurrence of a majority of the Members of the Union, and of a regional conference with the concurrence of a majority of the Members of the Union belonging to the region concerned; in both cases the provisions of No. 29 below shall apply.

NOC CV21

MOD CV22 5. (1) The place and the exact dates of a conference or assembly may be changed:

MOD CV23 a) at the request of at least one-quarter of the Members of the Union in the case of a world conference or assembly, or of at least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

NOC CV24 b) on a proposal of the Council.

MOD CV25 (2) In cases specified in Nos. 23 and 24 above 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 conference or assembly, or of a majority of the Members of the Union belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 29 below.

NOC CV26

NOC CV27

NOC CV28

NOC CV29 6. In the consultations referred to in Nos. 20B, 25, 109L, 109Q, 109AC, 158, 163, 164, 164B and 168 of this Convention, Members of the Union who have not replied within the time limits specified by the 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.

NOC **CV29A** 7. (1) World conferences on international telecommunications shall be held upon decision by the Plenipotentiary Conference.

NOC **CV29B** (2) The provisions for the convening and for the adoption of the agenda of a world radiocommunication conference shall, as appropriate, equally apply to world conferences on international telecommunications.

NOC **CV30**

NOC SECTION 5

NOC **Radiocommunication Sector**

NOC ARTICLE 4B

NOC **World Radiocommunication Conference**

MOD **CV109G** 1. In accordance with No. 85L of the Constitution, a world radiocommunication conference shall be convened to consider specific radiocommunication matters. A world radiocommunication conference shall deal ~~at its Radio Regulations Committee~~ with those items which are included in its agenda adopted in accordance with the relevant provisions of this Article. ~~It shall deal at its Technical Committee only with radiocommunication matters specified in Nos. 109S through 109W and Article 5A of this Convention.~~

MOD **CV109H** 2. (1) ~~In relation to matters to be considered by its Radio Regulations Committee, t~~The agenda of a world radiocommunication conference may include:

NOC **CV109I** a) the partial or, exceptionally, complete revision of the Radio Regulations referred to in Article 4 of the Constitution;

NOC **CV109J** b) any other question of a worldwide character within the competence of the conference;

(MOD) **CV109K** c) an item concerning instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities and a review of those activities~~.~~;

ADD d) the adoption of questions to be studied by the radiocommunication assembly as well as matters that this assembly shall consider in relation to future radiocommunication conferences.

MOD **CV109L** (2) ~~This~~The general scope of this agenda should be established four years in advance, and the final agenda shall be established by the Council preferably two years before the conference with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 29 above.

NOC **CV109M** (3) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

NOC **CV109N** 3. (1) This agenda may be changed:

NOC **CV109O** a) at the request of at least one-quarter of the Members of the Union to be addressed individually to the Secretary-General, who shall transmit such requests to the Council for approval; or

NOC **CV109P** b) on a proposal of the Council.

NOC **CV109Q** (2) The proposed changes to the agenda of a world radiocommunication conference shall not be finally adopted until accepted by a majority of the Members of the Union, subject to the provisions of No. 29 above.

(MOD) **CV109Y** ~~7.~~4. The conference shall also:

NOC **CV109Z** (1) consider and approve the report of the Director of the Bureau on the activities of the Sector since the last conference;

MOD **CV109AA** (2) recommend to the Council items for inclusion in the agenda of a future conference ~~relating to matters to be considered by its Radio Regulations Committee~~ and give its views on such agendas for at least a four-year cycle of radiocommunication conferences and an estimate of the financial implications;

NOC **CV109AB** (3) include in its decisions instructions or requests, as appropriate, to the Secretary-General and the Sectors of the Union.

ADD **CV109XX** 5. The Chairman and Vice-Chairmen of the radiocommunication assembly, or of the relevant study group(s), may participate in the associated world radiocommunication conference.

ADD

ARTICLE 4Bbis

ADD

Radiocommunication Assemblies

MOD **CV109R**

~~4.~~1. ~~The Technical Committee of a world radiocommunication conference~~A radiocommunication assembly shall deal with and issue, as appropriate, recommendations on questions adopted pursuant to its own procedures or referred to the ~~conference~~assembly by the Plenipotentiary Conference, any other conference, the Council or the Radio Regulations Board.

MOD **CV109S**

~~5.~~2. With regard to No. 109R above, the ~~Technical Committee of the conference~~radiocommunication assembly shall:

NOC **CV109T**

(1) consider the reports of study groups prepared in accordance with No. 116R below and approve, modify or reject the draft recommendations contained in these reports;

NOC **CV109U**

(2) bearing in mind [the guidance of the Advisory Group referred to in No. 116U of this Convention and the need] to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

NOC **CV109V**

(3) decide, in the light of the approved programme of work derived from No. 109U above, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

NOC **CV109W**

(4) group, as far as possible, questions of interest to the developing countries to facilitate their participation in these studies;

SUP **CV109X**

ADD

(5) give advice on matters within its competence in response to requests from a world radiocommunication conference;

ADD (6) report to the associated world radiocommunication conference on the progress in matters that may be included in the agenda of future radiocommunication conferences.

[ADD CVYY 3. A radiocommunication assembly shall be presided over by the Head of the delegation of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the assembly.]

NOC ARTICLE 4C

NOC **Regional Radiocommunication Conference**

NOC CV109AC The agenda of a regional radiocommunication conference may provide only for specific radiocommunication questions of a regional nature, including instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Only items included in its agenda may be discussed by such a conference. The provisions contained in Nos. 109L to Q above shall apply to a regional radiocommunication conference but only with regard to the Members of the region concerned.

ARTICLE 5

NOC **Radio Regulations Board**

NOC CV110

NOC CV111

NOC CV112

NOC CV113

NOC CV114

NOC CV115

NOC CV116

ADD CV116AA 1. The Board is composed of nine Members of the Union elected by the Plenipotentiary Conference.

(MOD) CV116A ~~1.~~2. In addition to the duties specified in Article 12 of the Constitution, the Board shall also consider reports of the Director of the Radiocommunication Bureau on investigations, at the request of one or more of the interested administrations, of harmful interference and formulate recommendations with respect thereto.

MOD CV116B ~~2.~~3. Members of the Board ~~may~~have also as a duty to participate, in an advisory capacity, in the Plenipotentiary Conference and the radiocommunication conferences. They are not allowed to participate in these conferences as members of their national delegations.

Alternate text:

[MOD CV116B 3. Members of the Board have a duty to participate, in an advisory capacity, in radiocommunication conferences and radiocommunication assemblies. The Chairman and Vice-Chairman of the Board, or their nominated representatives, have a duty to participate, in an advisory capacity, in Plenipotentiary Conferences. In all of these cases, the Members concerned shall not participate in these conferences as members of their national delegations.]

NOC ARTICLE 5A

MOD **Radiocommunication Study Groups [and Advisory Group]**

MOD CV116I 1. Radiocommunication study groups are set up by ~~the Technical Committee of~~ a ~~world~~ radiocommunication ~~conference~~assembly.

MOD CV116J 2. (1) The Radiocommunication study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions in Article 4B of this Convention. These draft recommendations shall be submitted [for approval either] to a world radiocommunication ~~conference~~assembly ~~for approval by its Technical Committee,~~ or between two such ~~conferences~~assemblies by correspondence to administrations in accordance with procedures adopted by the ~~conference~~assembly. Recommendations approved in either manner shall have equal status.

NOC CV116K (2) The study of the above questions shall, subject to No. 116S below, focus on the following:

NOC CV116L a) use of the radio-frequency spectrum in terrestrial and space radiocommunication (including the geostationary orbit);

NOC CV116M b) characteristics and performance of radio systems;

NOC CV116N c) operation of radio stations;

NOC CV116O d) radiocommunication aspects of distress and safety matters.

NOC CV116P (3) These studies shall not generally address economic questions, but when they involve comparing technical alternatives, economic factors may be taken into consideration.

MOD* CV116Q 3. The Radiocommunication study groups shall also carry out preparatory studies ~~on~~of the technical, operat~~ing~~ional and procedural matters to be considered by world and regional radiocommunication conferences and elaborate reports thereon in accordance with a programme of work adopted in this respect by a radiocommunication ~~conference~~assembly or following instructions by the Council.

MOD CV116R 4. Each study group shall prepare for the ~~Technical Committee of a world~~ radiocommunication ~~conference~~assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 116J and any draft new or revised recommendation for consideration by the ~~conference~~assembly.

MOD CV116S 5. Taking into account No. 85B of the Constitution, the tasks enumerated in Nos. 116L to 116O above and in No. 122H below in relation to the Telecommunication Standardization Sector shall be kept under continuing review by the Radiocommunication and the Telecommunication Standardization Sectors with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such reviews and reach such agreements in a timely and effective manner. If agreement is not reached, even at the level of the ~~world~~ radiocommunication ~~conference~~assembly and the world telecommunication standardization conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

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* Note by the Chairman of Committee 4: From CV116Q to CV116U, the text reflects editorial changes by the Chairman of Committee 4, as authorized by the Committee, to align the texts with those adopted by the Committee for the telecommunication Standardization Sector study groups and advisory group.

NOC **CV116T** 6. In the performance of their studies, the Radiocommunication study groups 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. They shall conduct their work with due consideration for the work of national, regional and other international organizations concerned with radiocommunication and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of telecommunications.

MOD **CV116U** 7. A Radiocommunication Advisory Group shall provide guidance on the work of the study groups. It shall, inter alia, recommend steps to foster cooperation and coordination with other organizations concerned with radiocommunication and with the Telecommunication Standardization and the Telecommunication Development Sectors. It shall be ~~established~~organized by the Director and shall be ~~composed of~~open to representatives from administrations, entities and organizations authorized in accordance with Article 7D of this Convention and Chairmen of study groups; the Director ~~should~~shall participate in its meetings and report annually to the Council.

NOC

NOC SECTION 8

NOC **Provisions Common to the Three Sectors**

NOC

NOC ARTICLE 7D

NOC **Participation of Entities and Organizations Other Than Administrations in the Union's Activities**

MOD **CV128T** 1. The Secretary-General and the Directors shall encourage the enhanced participation in the activities of the Union of the following entities and organizations ~~in the activities of the Union~~:

MOD **CV128U** a) recognized operating agencies, scientific or industrial organizations and financial or development institutions which are approved by the Member concerned;

SUP **CV128V** b)

SUP **CV128W** c)

MOD CV128X ~~d)~~b) other entities dealing with telecommunication matters~~, and~~ which are approved by the Member concerned;

(MOD) CV128Y ~~e)~~c) regional and other international telecommunication, standardization, financial or development organizations.

NOC CV128Z 2. The Directors of the Bureaux shall maintain close working relations with those entities and organizations which are authorized to participate in the activities of one or more of the Sectors of the Union.

MOD CV128AA 3. Any request from an entity listed in No~~s~~. 128U ~~to 128X~~ above to participate in the work of a Sector, in accordance with the relevant provisions of the Constitution and this Convention, ~~must be~~ approved by the Member concerned ~~and~~is forwarded by the latter to the Secretary-General.

ADD CV128AAA 4. Any request from an entity referred to in No. 128X above presented by the Member concerned shall be handled in conformity with a procedure established by the Council. Such a request shall be reviewed by the Council with respect to its conformity with the above procedure.

MOD CV128AB ~~4.~~5. Any request from any entity or organization listed in ~~No. 128X (approved by the Member concerned in accordance with No. 128AA above) and~~ No. 128Y above (other than those referred to in Nos. 132B and 132C below) to participate in the work of a Sector shall be sent to the Secretary-General and acted upon in accordance with procedures established by the Council.

MRC/31/1

ADD CV128ABA 6. Any request from an organization referred to in Nos. 132B to 132D below to participate in the work of a Sector shall be sent to the Secretary-General and the organization concerned shall be included in the list referred to in No. 128AC below.

MOD CV128AC ~~5.~~7. The Secretary-General shall compile and maintain ~~a list~~lists of all entities and organizations referred to in Nos. 128U to 128Y of this Convention that are authorized to participate in the work of each Sector~~. The Secretary-General~~ and shall, at appropriate intervals, publish and distribute these lists to all Members and the Director of the ~~Sector~~Bureau concerned, who shall advise that entity of the action taken on its request.

(MOD) CV128AD ~~6.~~8. Organizations and entities contained in the lists referred to in No. 128AC above are also referred to as "members" of the Sectors of the Union; the conditions of their participation in these Sectors are specified in this Article, in Article 26 and other relevant provisions of this Convention. The provisions of Article 3 of the Constitution do not apply to them.

MOD CV128AE ~~7.~~9. A recognized operating agency may act on behalf of the Member which has recognized it provided that Member informs the Director of the Bureau concerned ~~in each particular case~~ that it is authorized to do so.

(MOD) CV128AF ~~8.~~10. Any entity or organization authorized to take part in the work of a Sector has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member concerned. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

(MOD) CV128AG ~~9.~~11. The Secretary-General shall delete from the list of entities and organizations any entity or organization that is no longer authorized to participate in the work of a Sector, in accordance with criteria and procedures determined by the Council.

SUP CV128AH 10.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

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COMMITTEE 5

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 5

Monday, 14 December 1992 at 0910 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 1 of the draft Constitution (continued)	Basic Document I, 57, 71
2.	Consideration of proposals relating to Article 3 of the draft Constitution (continued)	Basic Document I, 57
3.	Consideration of proposals relating to Article 10 of the draft Constitution (continued)	Basic Document I, DT/1, 62
4.	Consideration of proposals relating to the Annex to the draft Constitution	Basic Document I, DT/1, 47

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

1. Consideration of proposals relating to Article 1 of the draft Constitution (continued) (Basic Document I, Documents 57, 71)

1.1 The Chairman invited the Committee to consider the amendments to Article 1 proposed by the Mexican and Cuban Administrations in Documents 57 and 71 respectively.

1.2 The delegate of Cuba, introducing proposals CUB/71/1-CUB/71/4 (respectively, MOD CS3, ADD CS3A, (MOD) CS4 and ADD CS4A), said that their intention was to make clear some basic strategic concepts with regard to the Development Sector. While acknowledging that any amendment of Article 1 was a weighty matter, he observed that changes had to be made to reflect development trends and the actual work of the Union. The proposed modification to CS3 was in three parts. First, the role of the Union in promoting international cooperation would be stated in paragraph a); second, the clause concerning the technical assistance role would become a separate second paragraph and expanded by the addition of a reference to the material and financial resources needed for implementation; third, a new paragraph d) concerning the extension of the benefits of new technologies would be added.

1.3 Following a comment by the delegate of Mexico to the effect that the proposed addition to paragraph b) might impose an unwelcome obligation on the Union to provide resources beyond its means, he observed that the Union had a duty to endeavour to engage all possible sources of funding in order to ensure that projects could be implemented.

1.4 Informal discussions having been held on the subject, he proposed the following wording for paragraph b): "to promote and to offer technical assistance to developing countries in the field of telecommunications, as well as to promote the mobilization of the material and financial resources needed for implementation".

1.5 The delegates of Canada and the United States supported that proposal.

1.6 The new text proposed for ADD CS3A by the delegate of Cuba was approved.

1.7 With regard to ADD CS4A, the delegate of Niger, supported by the delegates of Brazil and Malta, said it was doubtful whether the ITU would have the necessary resources to ensure the establishment of a balanced distribution of telecommunications in the world.

1.8 It was agreed to delete the part of the text of ADD CS4A following the word "inhabitants".

1.9 MOD CS3, ADD CS3A, (MOD) CS4 and ADD CS4A proposed by Cuba, as amended orally during the discussion, were approved.

1.10 The delegate of Mexico, introducing amendment MEX/57/1 (MOD CS6A), said that the new wording was designed to make the meaning of the provision clearer.

1.11 The proposal was supported by the delegate of Cuba.

1.12 At the suggestion of the delegate of Spain, it was agreed to amend the first part of the text to read: "to promote, at the international level, a broader approach to issues of telecommunications".

1.13 MOD CS6A, as amended by Spain, was approved.

1.14 The delegate of Mexico introduced proposal MEX/57/2 (MOD CS8), stressing that it was important, in view of the decisions taken at WARC-92, not to restrict the competence of the Union to geostationary satellites.

1.15 The proposal was supported by the delegates of Colombia and Cuba, the latter suggesting some drafting changes which would make the text more explicit and which were endorsed in general terms by the delegate of Spain.

1.16 The delegate of the United States observed that the specific reference to the geostationary-satellite orbit had been included in provision CS8 following a brief discussion on the matter in the H.L.C. Had that addition not been made, the existing wording would have covered all satellites anyway. Perhaps consideration of the type of modification in question would best be deferred until the Kyoto Plenipotentiary Conference.

1.17 The Vice-Chairman of the IFRB said that in the early days of space radiocommunications, the ITU had recognized the geostationary-satellite orbit as a unique natural resource which should be protected. The orbit was now defined in the Radio Regulations and protected against non-geostationary systems. The situation was changing quickly and at WARC-92 specific bands had been attributed to a service using low-Earth orbits (LEOs) not defined in the Radio Regulations but treated by the IFRB as non-geostationary-satellite orbits. Today, the ITU was being asked to add to its functions work relating to the characteristics of non-geostationary satellites. There now existed far more detailed regulatory provisions in WARC-92 Resolution No. 46 than had hitherto been the case, stipulating the task of the IFRB in studying networks using non-geostationary orbits. The IFRB was therefore involved in that work already, regardless of whether the Members decided to refer to the matter in the new Constitution.

1.18 The delegate of Mexico, supported by the delegate of Brazil, suggested that the text be amended to read "... radio-frequency assignments and the relevant orbital characteristics associated with them in order to avoid ...", pointed out that agreement had not been reached on that wording.

1.19 The delegate of France said that he was in favour of the Constitution including a reference to non-geostationary satellites falling within the purview of the ITU and the IFRB; however, he feared that the oral amendment proposed by Mexico might lead to confusion. Since it was impossible to record the positions of non-geostationary satellites, the reference should be to the orbits of geostationary-satellite and non-geostationary-satellite systems. He therefore preferred the wording of proposal MEX/57/2. That view was shared by the delegate of Zimbabwe.

1.20 The delegate of Sweden observed that there were several kinds of satellite systems, all of which carried radio transmitters whose transmission frequencies were recorded by the IFRB. In addition, the United Nations in New York had the task of recording all satellites and it would be highly undesirable for the ITU to duplicate that work. The Committee should therefore restrict its considerations to telecommunication satellites, distinguishing between geostationary and non-geostationary orbits. He would welcome further clarification of the issue from the IFRB.

1.21 The Vice-Chairman of the IFRB said it was inappropriate to use the term "orbital position" when speaking of satellites using non-geostationary orbits. In any case, great caution was required on the matter; it had taken a long time to include a definition of the geostationary orbit in the Convention and the reference should not be dismissed lightly.

1.22 The delegate of Canada agreed that it was a difficult and delicate subject requiring a cautious approach. The present Conference had been convened only to consider the findings contained in the final Report of the H.L.C. and to adopt proposals for revision of the Nice Instruments relating to the structure and functioning of the Union; it might therefore be preferable to defer discussion of the matter presently under consideration until the Plenipotentiary Conference scheduled for 1994.

1.23 At the request of the Chairman, the delegate of Mexico, with the agreement of the delegate of Brazil, withdrew his oral amendment.

1.24 It was decided to refer the matter to the Plenipotentiary Conference scheduled for 1994.

1.25 The Chairman invited the Committee to consider those provisions of Article 1 in Basic Document I to which no amendments had been proposed by administrations.

CS2, CS4, CS5, CS6, CS7, CS9 ,CS10, CS11, CS12, CS13, CS14, CS15, MOD CS16

1.26 Approved.

1.27 Article 1 of the draft Constitution as a whole, as amended, was approved.

2. Consideration of proposals relating to Article 3 of the draft Constitution (continued) (Basic Document I, Document 57)

2.1 The Chairman reminded delegates that, with the exception of MOD CS23, Article 3 of the draft Constitution had been approved at the Committee's first meeting.

2.2 The delegate of Mexico, introducing proposal MEX/57/3, said that it followed logically from his Administration's support for a permanent Radio Regulations Board.

2.3 It was agreed to place square brackets around the phrase "or as members of the Radio Regulations Board" pending the outcome of Committee 4's work.

MOD CS24

2.4 The Chairman, referring to MOD CS24, reminded the meeting that the words "Study Group meetings" should be placed in square brackets.

3. Consideration of proposals relating to Article 10 of the draft Constitution (continued) (Basic Document I, Document DT/1, 62)

3.1 The Chairman invited the Committee to consider the amendments proposed to MOD CS70 by the Administrations of Oman and Côte d'Ivoire in Documents DT/1 and 62 respectively.

3.2 The delegate of Oman withdrew proposal OMA/12/3 in view of the fact that proposal OMA/12/1 relating to Article 9A had not been adopted.

3.3 The delegate of Côte d'Ivoire introduced proposal CTI/62/1, the intention of which was to emphasize the composition of the Council rather than the election process. The proposal was supported by the delegate of Gabon.

3.4 The delegates of the United States and Canada considered that the proposed change to CS70 was redundant, the point at issue being adequately reflected in CS69B. That view was supported by the delegate of Kenya.

3.5 Following informal discussions, the delegate of Côte d'Ivoire proposed the addition of the words "in conformity with the provisions of Article CS69B" at the end of the text proposed by the Drafting Group in Basic Document I.

3.6 It was so agreed.

3.7 The Chairman said that the Committee had now completed its consideration of Article 10 of the draft Constitution, all the other provisions of which had been approved at previous meetings.

4. Consideration of proposals relating to the Annex to the draft Constitution (Basic Document I, Documents DT/1, 47)

4.1 The Chairman invited the Committee to consider the amendments proposed by administrations to the Annex to the draft Constitution in Documents DT/1 and 47.

MOD CS1007

4.2 The delegate of Denmark, introducing proposal EUR/27/42 to MOD CS1007 on behalf of several CEPT countries, said that the proposal to delete the phrase in square brackets had been put forward with the aim of drafting a simple, flexible definition. The legal status of operating agencies varied from one country to another, some being private, some public and some a combination of both. Proposal KEN/22/12 had been put forward in the same spirit. He noted that the Korean proposal KOR/8/5 seemed to have a similar aim; on the other hand, the Kuwaiti proposal KWT/47/9 would not be acceptable to the CEPT countries.

4.3 The delegate of Israel was in favour of deleting the words in square brackets because in his country, for instance, the government agency was in the process of selling off shares in the operating agency, so that at the moment the agency was partly private and partly governmental.

4.4 The delegate of Kuwait said that in his country there were operating agencies in both the private and the public sectors. He, therefore, proposed removing the square brackets so that text would read "Any individual or company or corporation, other than a governmental establishment or agency ...".

4.5 The delegate of Korea said that as operating agencies could include both private and governmental bodies, which was the case in his country, his Administration was in favour of retaining the reference to such governmental bodies and had therefore submitted proposal KOR/8/5.

4.6 The delegate of Zimbabwe supported the proposals by Korea and Kuwait.

4.7 The delegate of Denmark pointed out that the European definition was intended to cover all situations, including governmental agencies.

4.8 The delegate of Japan was in favour of deleting the phrase in square brackets because the words "governmental establishment or agency" were too vague.

4.9 The delegate of Morocco supported the proposal by the delegate of Kuwait. With reference to the statement by the delegate of Japan, he suggested the use of the phrase "government entity" as covering all possibilities.

4.10 The delegate of the Russian Federation pointed out that the original intention had been to make a distinction between governmental and non-governmental bodies.

4.11 The delegates of Gabon and Brazil supported the European and Kenyan proposals.

4.12 The delegate of Senegal, observing that governmental agencies operating telecommunication installations should be expected to respect regulations and not cause harmful interference, supported the Korean proposal.

4.13 The delegate of France, favouring a broad definition which could be used to mean either a private or a public body, suggested inserting "enterprise" after the word "corporation".

4.14 The delegate of Israel raised the question whether, in the event of a restrictive definition being adopted, the bodies in question would be eligible for membership of other organs of the Union.

4.15 The Chairman noted that two views had emerged from the discussion, some delegations being in favour of deleting the phrase in square brackets whereas others wished to retain the reference to governmental agencies. Following a suggestion by the delegate of Spain, he said that although he still had several speakers on the list, interested delegations might wish to have a short informal meeting to draft a new text for discussion.

4.16 It was so agreed.

4.17 Following the informal discussion, the delegate of Denmark proposed the following wording: "any individual, company, corporation, or any governmental agency which operates ...".

4.18 The delegate of Belgium, supported by the delegate of France, said that, having participated in the informal discussion, he had noted the wording "or any governmental establishment".

4.19 The delegate of Qatar, speaking on a point of order, said that his name had been on the list of speakers prior to the informal discussions. It was unfortunate that he had not been given an opportunity to express his views on the subject. However, having heard the proposed new text, he supported the comments by the delegate of Belgium.

4.20 The delegate of the Russian Federation said he was not in favour of attempting to draw up an exhaustive list of different types of institutions or bodies, especially individuals. He therefore proposed the wording "any entity or any governmental establishment or agency which operates ...".

4.21 The delegate of Kenya suggested the wording "any individual entity or governmental agency ...".

4.22 The Chairman said that most of the proposals put forward so far had reflected the need to make an explicit reference to governmental agencies. He therefore invited the Committee to refrain from minor drafting amendments and to consider the proposal put forward by the delegate of Denmark. Replying to a question by the delegate of Senegal as to whether approval of that proposal would not have repercussions on paragraph CS1008, he pointed out that delegates would have time for reflection as CS1008 had not yet been approved.

4.23 The delegate of the Russian Federation reiterated the view that the definition should not start with a list which might prove restrictive.

4.24 The Chairman said that, as he understood it, the majority of speakers had been in favour of the Canadian or the Belgian amendment, namely "Any individual, company, corporation, or any governmental institution", and asked the delegate of the Russian Federation if he wished to maintain his proposal.

4.25 The delegate of the Russian Federation said that although he was not in full agreement with the wording read out by the Chairman, he would go along with the majority view.

4.26 The Chairman thanked the delegate of the Russian Federation for his understanding.

4.27 MOD CS1007, as amended, was approved.

The meeting rose at 1205 hours.

The Secretary:
M. MALEK ASHGAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 163-E
17 December 1992
Original: English

COMMITTEE 5

SUMMARY RECORD

OF THE

EIGHTH MEETING OF COMMITTEE 5

Monday, 14 December 1992 at 0910 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 1 of the draft Constitution (continued)	Basic Document I, 57, 71
2.	Consideration of proposals relating to Article 3 of the draft Constitution (continued)	Basic Document I, 57
3.	Consideration of proposals relating to Article 10 of the draft Constitution (continued)	Basic Document I, DT/1, 62
4.	Consideration of proposals relating to the Annex to the draft Constitution	Basic Document I, DT/1, 47

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1. Consideration of proposals relating to Article 1 of the draft Constitution (continued) (Basic Document I, Documents 57, 71)

1.1 The Chairman invited the Committee to consider the amendments to Article 1 proposed by the Mexican and Cuban Administrations in Documents 57 and 71 respectively.

1.2 The delegate of Cuba, introducing proposals CUB/71/1-CUB/71/4 (respectively, MOD CS3, ADD CS3A, (MOD) CS4 and ADD CS4A), said that their intention was to make clear some basic strategic concepts with regard to the Development Sector. While acknowledging that any amendment of Article 1 was a weighty matter, he observed that changes had to be made to reflect development trends and the actual work of the Union. The proposed modification to CS3 was in three parts. First, the role of the Union in promoting international cooperation would be stated in paragraph a); second, the clause concerning the technical assistance role would become a separate second paragraph and expanded by the addition of a reference to the material and financial resources needed for implementation; third, a new paragraph d) concerning the extension of the benefits of new technologies would be added.

1.3 Following a comment by the delegate of Mexico to the effect that the proposed addition to paragraph b) might impose an unwelcome obligation on the Union to provide resources beyond its means, he observed that the Union had a duty to endeavour to engage all possible sources of funding in order to ensure that projects could be implemented.

1.4 Informal discussions having been held on the subject, he proposed the following wording for paragraph b): "to promote and to offer technical assistance to developing countries in the field of telecommunications, as well as to promote the mobilization of the material and financial resources needed for implementation".

1.5 The delegates of Canada and the United States supported that proposal.

1.6 The new text proposed for ADD CS3A by the delegate of Cuba was approved.

1.7 With regard to ADD CS4A, the delegate of Niger, supported by the delegates of Brazil and Malta, said it was doubtful whether the ITU would have the necessary resources to ensure the establishment of a balanced distribution of telecommunications in the world.

1.8 It was agreed to delete the part of the text of ADD CS4A following the word "inhabitants".

1.9 MOD CS3, ADD CS3A, (MOD) CS4 and ADD CS4A proposed by Cuba, as amended orally during the discussion, were approved.

1.10 The delegate of Mexico, introducing amendment MEX/57/1 (MOD CS6A), said that the new wording was designed to make the meaning of the provision clearer.

1.11 The proposal was supported by the delegate of Cuba.

1.12 At the suggestion of the delegate of Spain, it was agreed to amend the first part of the text to read: "to promote, at the international level, a broader approach to issues of telecommunications".

1.13 MOD CS6A, as amended by Spain, was approved.

1.14 The delegate of Mexico introduced proposal MEX/57/2 (MOD CS8), stressing that it was important, in view of the decisions taken at WARC-92, not to restrict the competence of the Union to geostationary satellites.

1.15 The proposal was supported by the delegates of Colombia and Cuba, the latter suggesting some drafting changes which would make the text more explicit and which were endorsed in general terms by the delegate of Spain.

1.16 The delegate of the United States observed that the specific reference to the geostationary-satellite orbit had been included in provision CS8 following a brief discussion on the matter in the H.L.C. Had that addition not been made, the existing wording would have covered all satellites anyway. Perhaps consideration of the type of modification in question would best be deferred until the Kyoto Plenipotentiary Conference.

1.17 The Member of the IFRB said that in the early days of space radiocommunications, the Board had decided that the geostationary-satellite orbit was a natural resource and should be protected. The orbit was now defined in the Radio Regulations and protected against non-geostationary systems. The situation was changing quickly and at WARC-92 specific bands had been attributed to a service using low-Earth orbits (LEOs) not defined in the Radio Regulations but treated by the IFRB as non-geostationary-satellite orbits. Today, the ITU was being asked to add to its functions work relating to the characteristics of non-geostationary satellites. There now existed far more detailed regulatory provisions than had hitherto been the case, stipulating the task of the IFRB in defining networks using non-geostationary orbits. The IFRB was therefore involved in that work already, regardless of whether the Members decided to refer to the matter in the new Constitution.

1.18 The delegate of Mexico, supported by the delegate of Brazil, suggested that the text be amended to read "... radio-frequency assignments and the relevant orbital characteristics associated with them in order to avoid ...", pointed out that agreement had not been reached on that wording.

1.19 The delegate of France said that he was in favour of the Constitution including a reference to non-geostationary satellites falling within the purview of the ITU and the IFRB; however, he feared that the oral amendment proposed by Mexico might lead to confusion. Since it was impossible to define the positions of non-geostationary satellites, the reference should be to geostationary-satellite orbits and non-geostationary-satellite systems. He therefore preferred the wording of proposal MEX/57/2. That view was shared by the delegate of Zimbabwe.

1.20 The delegate of Sweden observed that there were several kinds of satellite systems, all of which carried radio transmitters whose transmission frequencies were recorded by the IFRB. In addition, the United Nations in New York had the task of recording all satellites and it would be highly undesirable for the ITU to duplicate that work. The Committee should therefore restrict its considerations to telecommunication satellites, distinguishing between geostationary and non-geostationary orbits. He would welcome further clarification of the issue from the IFRB.

1.21 The Member of the IFRB said that it was inappropriate to use the term "orbital position" when speaking of networks using non-geostationary orbits. In any case, great caution was required on the matter; it had taken a long time to include a definition of the geostationary orbit in the Convention and that should not be dismissed lightly.

1.22 The delegate of Canada agreed that it was a difficult and delicate subject requiring a cautious approach. The present Conference had been convened only to consider the findings contained in the final Report of the H.L.C. and to adopt proposals for revision of the Nice Instruments relating to the structure and functioning of the Union; it might therefore be preferable to defer discussion of the matter presently under consideration until the Plenipotentiary Conference scheduled for 1994.

1.23 At the request of the Chairman, the delegate of Mexico, with the agreement of the delegate of Brazil, withdrew his oral amendment.

1.24 It was decided to refer the matter to the Plenipotentiary Conference scheduled for 1994.

1.25 The Chairman invited the Committee to consider those provisions of Article 1 in Basic Document I to which no amendments had been proposed by administrations.

CS2, CS4, CS5, CS6, CS7, CS9 ,CS10, CS11, CS12, CS13, CS14, CS15, MOD CS16

1.26 Approved.

1.27 Article 1 of the draft Constitution as a whole, as amended, was approved.

2. Consideration of proposals relating to Article 3 of the draft Constitution (continued) (Basic Document I, Document 57)

2.1 The Chairman reminded delegates that, with the exception of MOD CS23, Article 3 of the draft Constitution had been approved at the Committee's first meeting.

2.2 The delegate of Mexico, introducing proposal MEX/57/3, said that it followed logically from his Administration's support for a permanent Radio Regulations Board.

2.3 It was agreed to place square brackets around the phrase "or as members of the Radio Regulations Board" pending the outcome of Committee 4's work.

MOD CS24

2.4 The Chairman, referring to MOD CS24, reminded the meeting that the words "Study Group meetings" should be placed in square brackets.

3. Consideration of proposals relating to Article 10 of the draft Constitution (continued) (Basic Document I, Document DT/1, 62)

3.1 The Chairman invited the Committee to consider the amendments proposed to MOD CS70 by the Administrations of Oman and Côte d'Ivoire in Documents DT/1 and 62 respectively.

3.2 The delegate of Oman withdrew proposal OMA/12/3 in view of the fact that proposal OMA/12/1 relating to Article 9A had not been adopted.

3.3 The delegate of Côte d'Ivoire introduced proposal CTI/62/1, the intention of which was to emphasize the composition of the Council rather than the election process. The proposal was supported by the delegate of Gabon.

3.4 The delegates of the United States and Canada considered that the proposed change to CS70 was redundant, the point at issue being adequately reflected in CS69B. That view was supported by the delegate of Kenya.

3.5 Following informal discussions, the delegate of Côte d'Ivoire proposed the addition of the words "in conformity with the provisions of Article CS69B" at the end of the text proposed by the Drafting Group in Basic Document I.

3.6 It was so agreed.

3.7 The Chairman said that the Committee had now completed its consideration of Article 10 of the draft Constitution, all the other provisions of which had been approved at previous meetings.

4. Consideration of proposals relating to the Annex to the draft Constitution (Basic Document I, Documents DT/1, 47)

4.1 The Chairman invited the Committee to consider the amendments proposed by administrations to the Annex to the draft Constitution in Documents DT/1 and 47.

MOD CS1007

4.2 The delegate of Denmark, introducing proposal EUR/27/42 to MOD CS1007 on behalf of several CEPT countries, said that the proposal to delete the phrase in square brackets had been put forward with the aim of drafting a simple, flexible definition. The legal status of operating agencies varied from one country to another, some being private, some public and some a combination of both. Proposal KEN/22/12 had been put forward in the same spirit. He noted that the Korean proposal KOR/8/5 seemed to have a similar aim; on the other hand, the Kuwaiti proposal KWT/47/9 would not be acceptable to the CEPT countries.

4.3 The delegate of Israel was in favour of deleting the words in square brackets because in his country, for instance, the government agency was in the process of selling off shares in the operating agency, so that at the moment the agency was partly private and partly governmental.

4.4 The delegate of Kuwait said that in his country there were operating agencies in both the private and the public sectors. He, therefore, proposed removing the square brackets so that text would read "Any individual or company or corporation, other than a governmental establishment or agency ...".

4.5 The delegate of Korea said that as operating agencies could include both private and governmental bodies, which was the case in his country, his Administration was in favour of retaining the reference to such governmental bodies and had therefore submitted proposal KOR/8/5.

4.6 The delegate of Zimbabwe supported the proposals by Korea and Kuwait.

4.7 The delegate of Denmark pointed out that the European definition was intended to cover all situations, including governmental agencies.

4.8 The delegate of Japan was in favour of deleting the phrase in square brackets because the words "governmental establishment or agency" were too vague.

4.9 The delegate of Morocco supported the proposal by the delegate of Kuwait. With reference to the statement by the delegate of Japan, he suggested the use of the phrase "government entity" as covering all possibilities.

4.10 The delegate of the Russian Federation pointed out that the original intention had been to make a distinction between governmental and non-governmental bodies.

4.11 The delegates of Gabon and Brazil supported the European and Kenyan proposals.

4.12 The delegate of Senegal, observing that governmental agencies operating telecommunication installations should be expected to respect regulations and not cause harmful interference, supported the Korean proposal.

4.13 The delegate of France, favouring a broad definition of the word "company" which could be either a private or a public body, suggested inserting "or any governmental institution" after the word "corporation".

4.14 The delegate of Israel raised the question whether, in the event of a restrictive definition being adopted, the bodies in question would be eligible for membership of other organs of the Union.

4.15 The Chairman noted that two views had emerged from the discussion, some delegations being in favour of deleting the phrase in square brackets whereas others wished to retain the reference to governmental agencies. Following a suggestion by the delegate of Spain, he said that although he still had several speakers on the list, interested delegations might wish to have a short informal meeting to draft a new text for discussion.

4.16 It was so agreed.

4.17 Following the informal discussion, the delegate of Denmark proposed the following wording: "any individual, company, corporation, or any governmental agency which operates ..."

4.18 The delegate of Belgium, supported by the delegate of France, said that, having participated in the informal discussion, he had noted the wording "or any governmental establishment".

4.19 The delegate of Qatar, speaking on a point of order, said that his name had been on the list of speakers prior to the informal discussions. It was unfortunate that he had not been given an opportunity to express his views on the subject. However, having heard the proposed new text, he supported the comments by the delegate of Belgium.

4.20 The delegate of the Russian Federation said he was not in favour of attempting to draw up an exhaustive list of different types of institutions or bodies, especially individuals. He therefore proposed the wording "any entity or any governmental establishment or agency which operates ...".

4.21 The delegate of Kenya suggested the wording "any individual entity or governmental agency ...".

4.22 The Chairman said that most of the proposals put forward so far had reflected the need to make an explicit reference to governmental agencies. He therefore invited the Committee to refrain from minor drafting amendments and to consider the proposal put forward by the delegate of Denmark. Replying to a question by the delegate of Senegal as to whether approval of that proposal would not have repercussions on paragraph CS1008, he pointed out that delegates would have time for reflection as CS1008 had not yet been approved.

4.23 The delegate of the Russian Federation reiterated the view that the definition should not start with a list which might prove restrictive.

4.24 The Chairman said that, as he understood it, the majority of speakers had been in favour of the Canadian or the Belgian amendment, namely "Any individual, company, corporation, or any governmental institution", and asked the delegate of the Russian Federation if he wished to maintain his proposal.

4.25 The delegate of the Russian Federation said that although he was not in full agreement with the wording read out by the Chairman, he would go along with the majority view.

4.26 The Chairman thanked the delegate of the Russian Federation for his understanding.

4.27 MOD CS1007, as amended, was approved.

The meeting rose at 1205 hours.

The Secretary:
M. MALEK ASHGAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 164-E
18 December 1992
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. Declaration 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 J.168, Level J) 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 (Mrs. B. Bux, Office 162, Level J).

Pekka TARJANNE
Secretary-General

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 165-E
18 December 1992
Original: English

PLENARY MEETING

New Zealand

PROPOSALS FOR THE WORK OF THE CONFERENCE

NZL/165/1
ADD

DRAFT RESOLUTION No. [XXX]

Voluntary Group of Experts to Study Allocation and Improved Use of the Radio-Frequency Spectrum and Simplification of the Radio Regulations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

a) that the Plenipotentiary Conference (Nice, 1989) through its Resolution No. 8 decided to establish a Voluntary Group of Experts for Simplification of the Radio Regulations;

b) that in the same resolution it was decided that the VGE should submit its reports and recommendations to the 1993 session of the Administrative Council;

c) that the Administrative Council was invited to consider and forward the reports and recommendations together with its own conclusions thereon to administrations by 1 January 1994,

having decided

a) to consolidate ITU radiocommunications activities into one Sector;

b) to replace the International Frequency Registration Board of full-time members by a Radio Regulatory Board of part-time members;

c) to change to a pattern of biennial world radiocommunication conferences,

recognizing

a) that the contributions to this Conference recognized the importance of having the present Radio Regulations simplified as soon as possible;

b) that the work of the Voluntary Group of Experts is continuing satisfactorily but due to the complexity of the task, it will need additional time to prepare its final report and recommendations;

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c) that the final report and recommendations of the VGE will therefore not be available until early 1994;

d) that administrations will require adequate time to study the report and to prepare for a world radiocommunication conference which is competent to consider and take appropriate action on the report,

emphasizing

the urgency and importance of simplification of the present Radio Regulations in the future international management of the limited natural resources of the radio-frequency spectrum and the geostationary-satellite orbit (GSO),

resolves

that the world radiocommunication conference, 1995, should have as a primary task the consideration of the final report and recommendations of the VGE and that such conference should be held in the second half of 1995,

invites the Council

1. to provide the necessary support to the VGE to enable it to complete its work no later than the first quarter of 1994;

2. to organize during 1994 information meetings in various regions of the world to facilitate understanding of the recommendations of the VGE;

3. to include in the agenda of the world radiocommunication conference of 1995 consideration of the final report of the VGE,

requests

the Plenipotentiary Conference (Kyoto, 1994) to make the necessary provisions for the convening of a world radiocommunication conference in the second half of 1995.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 166-E
18 December 1992
Original: French

COMMITTEE 5

SUMMARY RECORD

OF THE

NINTH MEETING OF COMMITTEE 5

Monday, 14 December 1992 at 1420 hours

Chairman: M. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Approval of the summary records of the first and second meetings	91, 92
2.	Consideration of the proposals on Articles 9A, 26 and 28 and on the Annex to the draft Convention	Basic Document II, DT/1, 27(Add.1), 49, 57
3.	Consideration of the proposals on the Annex to the draft Constitution (continued)	Basic Document I
4.	Consideration of the proposals by Argentina	DT/1, 28

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1. Approval of the summary records of the first and second meetings (Documents 91 and 92)

1.1 The summary records of the first and second meetings were approved, subject to any amendment which delegations might wish to communicate directly to the Secretariat in connection with their statements.

2. Consideration of the proposals on Articles 9A, 26 and 28 and on the Annex to the draft Convention (Basic Document II, Documents DT/1, 27(Add.1), 49 and 57)

Article 9A

2.1 The Chairman invited delegates to discuss the proposals by Japan on Article 9A as set out in Document 49.

MOD Title

2.2 The delegate of Japan, referring to his proposal J/49/46, proposed that the words "World Radio Technical," be inserted before "Telecommunication Standardization" in the title of Article 9A, although he presumed that the matter would depend on the decisions of Committee 4.

2.3 The Chairman suggested that the clause proposed by the delegate of Japan be placed between square brackets.

2.4 It was so decided.

ADD CV115LA

2.5 The Chairman further suggested that the new subparagraph proposed by Japan (J/49/47) should also be placed between square brackets.

2.6 It was so decided.

Article 26 (continued)

2.7 The Chairman invited the meeting to turn to Article 26 as proposed by the Drafting Group in Basic Document II.

MOD CV368, CV369, CV370, CV371, CV372, CV373, CV374

2.8 Approved.

2.9 The Chairman recalled that the Committee had already examined MOD CV375 and had decided to place it between square brackets for the time being.

MOD CV376

2.10 Introducing proposal EUR/27/68 (Document 27(Add.1)) on behalf of certain European countries, the delegate of the United Kingdom said that, in order to align CV376 on CV377 and reflect the provisions of the Nice Convention, subparagraph a) should state that entities or organizations referred to No. 375... shall share in defraying the expenses of the Sector in which they have agreed to participate, "except those international organizations which are exempted by the Council subject to reciprocity".

2.11 The delegate of Morocco proposed that, pending the decisions of Committee 4, MOD CV375, MOD CV376 and MOD CV377 should be placed between square brackets and reconsidered once Article 7D had been approved.

2.12 It was so decided.

SUP CV378, SUP CV379

2.13 The Chairman said that the provisions in question should also be placed between square brackets.

(MOD) CV380

2.14 Approved.

MOD CV381

2.15 The Chairman said that MOD CV381 was approved subject to the word "Sector" being placed in square brackets.

SUP CV382, SUP CV383, MOD CV384, MOD CV385

2.16 Approved.

ADD CV385A

2.17 The delegate of Mexico introduced proposal MEX/57/70, the purpose of which was to provide guidelines for the use of additional resources. Since his proposal had not been supported, he reserved the right to revert to the matter on another occasion.

2.18 ADD CV385A was approved as proposed by the Drafting Group.

2.19 Article 26 of the draft Convention was approved, subject to paragraphs or parts of paragraphs remaining in square brackets.

Article 28

2.20 The Chairman invited the meeting to turn to Article 28 as proposed by the Drafting Group in Basic Document II.

MOD CV388

2.21 The delegate of Japan, referring to proposal J/49/81, proposed that the words "including meetings of the Council" be deleted, on the grounds that Council meetings were included in "meetings of the Union".

2.22 At the request of the delegates of Niger and the Central African Republic, who called for an explanation of the wording chosen by the Drafting Group, the Secretary of the Committee said that the text adopted by the Drafting Group had largely been taken from the Nice Convention.

2.23 The Legal Adviser explained that the Drafting Group had tried to make the least possible change to the text of No. 388 of the Nice Convention. Paragraph 24 of Article 3 of that Convention referred to "sessions" of the Council. Any deletion of the words "including meetings of the Council" from provision CV388 might therefore lead to ambiguity. However, Council meetings were clearly included in the meetings of the Union.

2.24 The delegate of Kenya pointed out that No. 388 of the Nice Convention referred to "conferences" and not "meetings" of the Union, unlike the text proposed by the Drafting Group.

2.25 The delegate of Gabon suggested that the Drafting Group had simply wished to make it clear that the meetings of the Administrative Council were included in those of the Union; that being the case, the proposal by Japan was perfectly acceptable. He was supported by the delegate of Côte d'Ivoire.

2.26 The delegate of Belgium called upon the Committee to approve the text prepared by the Drafting Group.

2.27 After noting by a show of hands that positions were very divided, the Chairman said that, in order not to prolong the discussion unduly and if there were no objections, he would consider that the text of MOD CV388, as prepared by the Drafting Group was approved.

2.28 It was so decided.

MOD CV389

2.29 MOD CV389 was approved with the words "Director of the Bureau" between square brackets.

CV390

2.30 Approved.

MOD CV391

2.31 MOD CV391 was approved with the words "Director of the Bureau" between square brackets.

CV392, CV393

2.32 Approved.

2.33 Article 28 of the draft Convention was approved pending a decision on the terms in square brackets.

Annex to the draft Convention

2.34 The Chairman invited the meeting to consider the Annex to the draft Convention as proposed by the Drafting Group in Basic Document II.

MOD CV1001

2.35 The delegates of the Russian Federation and the United Arab Emirates suggested that, whenever they appeared in a provision, the terms "Director of the Bureau", "Member of the Radio Regulations Board", "Sectors" and perhaps a few others should be placed in square brackets.

2.36 MOD CV1001 was approved with subparagraph b) in square brackets.

MOD CV1002

2.37 MOD CV1002 was approved with the word "Sector" in square brackets.

CV1003, ADD CV1003A, ADD CV1003B

2.38 Approved.

MOD CV1004

2.39 The delegate of Mexico, referring to proposal MEX/57/72, suggested that consideration of the provision be left in abeyance pending a decision in Committee 4.

2.40 The Chairman said that, subject to keeping the words "the members of the Radio Regulations Board" between square brackets, MOD CV1004 was approved.

2.41 The Annex to the draft Convention was approved pending a decision on the clauses between square brackets.

3. Consideration of the proposals on the Annex to the draft Constitution (continued) (Basic Document I)

CS1001, CS1002, CS1003, CS1004

3.1 Approved.

MOD CS1005

3.2 MOD CS1005 was approved, with the words "any entity or organization authorized in accordance with Article 7D of the Convention" placed in square brackets.

3.3 The Secretary of the Committee pointed out that a proposal made by certain European countries concerning Article 44 of the Constitution (EUR/27/61) sought to delete any reference to the Articles of the Convention in the Constitution, and suggested that the words "in accordance with the provisions of Article 7D of the Convention" might be replaced by "in accordance with the relevant provisions of the Convention". It was his understanding that the European countries were in agreement with that suggestion.

3.4 The delegate of the United Arab Emirates said he would prefer the reference to Article 7D of the Convention to be retained until that Article had been considered.

3.5 The delegate of Italy explained that the European countries submitting the proposal preferred to delete any reference to the Convention from the Constitution since the Convention was easier to amend.

3.6 The Chairman said that, if there was no objection, he would take it that the proposal by the European countries was accepted.

3.7 It was so decided.

3.8 MOD CS1005, as amended, was approved.

MOD CS1006

3.9 Approved.

MOD CS1007

3.10 The Chairman reminded the meeting that MOD CS1007 had been approved at the preceding meeting.

MOD CS1008

3.11 The delegate of Senegal pointed out that the amendment made to CS1007 had extended the meeting of the term "operating" and said that he regretted that the notion of international service was not made explicit in MOD CS1008. The latter provision should therefore be deleted to avoid any ambiguity.

3.12 Since the proposal to delete that provision found no support, MOD CS1008 was approved.

SUP CS1009, MOD CS1010, CS1011, CS1012, CS1013, CS1014, CS1015, CS1016, CS1017, CS1018

3.13 Approved.

3.14 The Annex to the draft Constitution, as amended, was approved.

4. Consideration of the proposals by Argentina (Documents DT/1 and 28)

4.1 The Chairman invited the meeting to refer to Document DT/1 containing proposals by Argentina.

ARG/28/26

4.2 Introducing proposal ARG/28/26, the delegate of Argentina said that the proposed article on the procedure for electing the members of the Council and elected officials filled a gap in the provisions of the Convention. The words "and a majority of votes in the case of the Council" should be added at the end of the first sentence of subparagraph b). His delegation considered that election criteria should be set and the rules of succession clearly defined, within a broader and more stable framework, such as that of Article 1A of the Convention, for instance. If the main aspects of elections were thus set, Plenipotentiary Conferences would merely have to settle the practical details.

4.3 The Chairman said that since that proposal had no support, the procedure advocated by Argentina would not appear in an article of the Convention.

ARG/28/27

4.4 The delegate of Argentina recalled that certain additional protocols of the Nairobi Convention had been included in decisions of the Nice Conference and that Additional Protocols IV, V and VI of the Nairobi Convention related to the dates of taking office of the Secretary-General, the deputy Secretary-General and the members of the International Frequency Registration Board, and the election of the Directors of the CCIs. The article proposed by his Administration, which was based on the content of those protocols, set out clearly the dates at which those officials took and relinquished office. It would also save time at the Plenipotentiary Conferences, which would thus be relieved of such issues. He was supported by the delegates of Mexico and the Russian Federation.

4.5 The delegate of the United Arab Emirates suggested that the proposal should be considered in greater detail by the representatives of the Legal Affairs Unit to ensure that it complied with the election procedures in force in the Union.

4.6 The delegate of the United States offered a general observation: while partly in agreement with the spirit of the proposal, he wished to point out that the Conference had just elected a new member of the Council for Region C; if the Article proposed by Argentina were already in force, the newly elected member would not be able to participate in the Council session scheduled for the following week. He therefore drew attention to the fact that, while precision was generally desirable, it could become a disadvantage where unexpected circumstances arose.

4.7 The delegate of Argentina, while recognizing the cogency of the comment by the United States delegate, remarked that the recent election of a Council member by the Additional Plenipotentiary Conference concerned only the election of a member from one Region; the Conference had held the election because the consultation conducted by the Council had not produced the required number of votes. The case was therefore exceptional. The presence of that newly elected member at the Council would probably not be decisive in the discussions anyway, since the meeting scheduled for the following week was not in fact a new Council session but the final meeting of the 47th session. That was an incidental event which could have been settled by adopting a resolution enabling that member to participate in the Council meeting.

4.8 The delegate of Canada pointed out that the agenda of the Additional Plenipotentiary Conference was confined to the H.L.C. recommendations and proposals made by administrations concerning the H.L.C. Report. The matter should therefore not be decided, but rather deferred to the following Plenipotentiary Conference in Kyoto.

4.9 The delegate of Kenya supported the delegate of Canada and expressed the hope that the Argentine delegation would agree to consideration of the proposal being postponed until Kyoto.

4.10 The delegate of Morocco said that the Argentine proposal contained certain positive elements, which he was prepared to support, particularly with regard to the taking of office by elected officials, since that was a matter which should be regulated. As to the desirability of taking a decision on the spot, he thought that, as the matter under discussion was not on the agenda of the Conference, which had been convened to examine the H.L.C. Report, it would be preferable to await the Kyoto Conference to study the Argentine proposal in greater detail.

4.11 The delegate of the United Arab Emirates fully agreed with the delegate of Morocco. While he was not opposed to the spirit of the proposed article, more time was needed to consider it in detail. Decisions taken at the Additional Plenipotentiary Conference would not come into force until the next Plenipotentiary Conference anyway, so that consideration of the proposal should be left to that Conference. The delegates of Zambia and France supported that view.

4.12 The delegate of Argentina suggested that the discussion continue with a view to deciding whether the matter could be settled straight away or whether the Argentine proposal should be transmitted to the Kyoto Plenipotentiary Conference, if those who supported it agreed.

4.13 In view of the interest expressed in the matter by a majority of delegates, the Chairman asked whether the Committee would agree to the proposal being transmitted for consideration to the Kyoto Plenipotentiary Conference.

4.14 The delegate of Italy fully agreed that no immediate decision should be taken. He pointed out however, that it was for the Argentine delegation and not for the Additional Plenipotentiary Conference to transmit its proposal to the next Plenipotentiary Conference.

4.15 The Secretary of the Committee confirmed what the delegate of Italy had said. All the Conference could do was prepare a draft Resolution mentioning the Argentine proposal. However, the best solution might be to note the proposal itself and what had been said in connection with it. The Argentine delegation, referring to the summary record of the current meeting, could then submit its proposal to the Plenipotentiary Conference, whereupon other countries could offer it their support.

4.16 The Chairman enquired whether the delegate of Argentina could accept the Italian proposal.

4.17 The delegate of Argentina said he was fully prepared to postpone the matter until the Kyoto Plenipotentiary Conference, although in submitting its proposal his delegation had sought to offer new rules in the general interest. However, he would not wish too many proposals to be referred by one conference to the other.

4.18 It was so decided.

ARG/28/28

4.19 The delegate of Argentina said that proposal ARG/28/28 was intended essentially to ensure equitable geographical distribution between the different regions of the world with respect to the appointment of Council members, elected officials, staff and conference authorities, and the composition of groups of experts. The election or appointment of such persons was based on Article 9A of the draft Constitution in the case of elected officials, on Article 25, No. 246 of the Nice

Convention in the case of administrative conference officers, and on Resolutions Nos. 62 and 68 of the Nairobi Plenipotentiary Conference, Administrative Council Resolution No. 943, and Resolution No. 8 of the Nice Plenipotentiary Conference in the case of membership of groups of experts. It had also seemed appropriate to introduce the notion of "administrative regions of the Union", as opposed to Regions 1, 2 and 3 defined in the Radio Regulations.

4.20 The delegate of Colombia supported the Argentine proposal.

4.21 The delegate of Italy said that, while he could see the reasoning behind the Argentine proposal, he had difficulty considering it at the present Conference. There were still some very vague expressions which needed to be defined, and he proposed that the proposal be deferred until the following Plenipotentiary Conference. That view was shared by the delegates of Morocco and Hungary.

4.22 The delegate of the Russian Federation said he supported the Argentine proposal because it spelled out certain definitions of the regions, which would provide a better understanding for anyone consulting the ITU Constitution and Convention.

4.23 The Chairman asked the delegates of Argentina and the Russian Federation whether they could agree to the proposal being handled in the same way as the other two, in other words, with Argentina and possibly other countries requesting that the proposal be entered in the agenda of the following Plenipotentiary Conference.

4.24 The delegate of Argentina accepted the Chairman's proposal and the delegate of the Russian Federation said he was prepared to join the consensus.

4.25 It was so decided.

The meeting rose at 1700 hours.

The Secretary:
M. MALEK ASGHAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 167-E
18 December 1992
Original: French

COMMITTEE 6

EIGHTH SERIES OF TEXTS FROM COMMITTEE 5 TO THE EDITORIAL COMMITTEE

Committee 5 has adopted the attached texts, which it is submitting to the Editorial Committee for consideration and transmittal to the Plenary Meeting.

H. VIGNON
Chairman of Committee 5

Annexes: 3

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

ANNEX 1

OPTIONAL PROTOCOL

on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations

At the time of signing the Constitution of the International Telecommunication Union and the Convention of the International Telecommunication Union (Geneva, 1992), 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,

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 4 of the Constitution,

have agreed upon the following provisions:

ARTICLE 1

Unless one of the methods of settlement listed in Article 45 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or the Administrative Regulations mentioned in Article 4 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. 409) 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. 407 and 408 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 Member 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 4

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

ARTICLE 5

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 6

The Secretary-General shall notify all Members:

a) of the signatures appended to this Protocol and of the deposit 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 Geneva, .. December 1992

ANNEX 2

DRAFT RESOLUTION No. COM5/2

Rules of Procedure of Conferences and Meetings of the International Telecommunication Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

Resolution No. 41 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973) and Resolution No. 62 of the Plenipotentiary Conference (Nairobi, 1982),

considering

that, as from the Plenipotentiary Conference (Nice, 1989), the objective pursued with respect to the International Telecommunication Convention (Nairobi, 1982), namely to place fundamental provisions in a Constitution and the remaining provisions in a Convention, has already been achieved,

observing

that there are practical provisions in the ITU Convention on conferences and meetings which may have to be revised more frequently than the other rules contained in the Convention,

recognizing

the need to avoid frequent amendments to the Convention, which may be met by transferring certain rules to another text for internal use by ITU conferences and meetings, which would be easier to revise,

conscious

that it would be difficult for this Conference to settle this matter, since studies would have to be carried out to ascertain the practices followed in the United Nations specialized agencies and other intergovernmental organizations in this regard,

instructs the Council

1. to consider this matter and, to set up, at its 48th session, on the basis of equitable geographical distribution, a Group of Experts appointed by the Members of the Union, on a voluntary basis, to assist it in implementing the present Resolution, with the following terms of reference:

1.1 prepare the draft Rules of Procedure for ITU conferences and meetings using the relevant rules contained in the ITU Convention as a basis, without excluding the possibility of adding provisions it considers necessary or useful;

1.2 prepare any draft consequential amendments which would have to be made to the Convention and, if necessary, the Constitution;

1.3 submit to the 49th session of the Council an interim report together with any material prepared;

2. to submit a report on the matter, as document for the next Plenipotentiary Conference (Kyoto, 1994) for consideration and for any instructions or guidelines for the continuation of the work;

3. to ensure that the only costs that shall be borne by the Union are the costs incurred for preparation, translation, publication and distribution of the documents, as well as the interpretation for any meetings of the Group, referred to in paragraph 1 above. It is understood that, in order to minimize all costs involved, the Group should work by correspondence as much as possible.

instructs the Secretary-General

to assist the Council and the Group of Experts in implementing this Resolution.

DRAFT RESOLUTION No. COM5/3

Management of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) Recommendations 8, 16, 17 and 18 of the High Level Committee, relating to strategic planning and the operation of the ITU Council, and

b) the need for the Council to focus its attention on broad policy issues, with a strategic focus, and to report to Members on the desired outputs and outcomes of the work of the Union,

noting

the responsibilities assigned to the Plenipotentiary Conference, the Council, the Secretary-General and the Coordination Committee for strategic planning and management of the work of the Union in [Articles 8, 10 and 11] of the ITU Constitution and [Articles 3, 4 and 4A] of the ITU Convention,

instructs the Secretary-General

a) to prepare and propose to the Council strategic policies and plans for the Union,

b) to develop a two-year budget process for the Council to review pursuant to the Union's four-year plans prepared at the Plenipotentiary Conference,

instructs the Secretary-General and the Council

to implement the improved management practices recommended by the High Level Committee, particularly those relating to the transparency of cost allocations and budgetary controls,

instructs the Council

1. to institute a two-year budget process within an overall strategic planning framework, with a view:

   i) to identifying and documenting the intended objectives and outcomes of ITU activities, and

   ii) to identifying the necessary resources for these activities;

2. to present to the Plenipotentiary Conference, Kyoto, 1994 a draft Strategic Plan including the objectives and work programmes developed by the Sectors; and

3. to envisage establishing such committees as may be convenient to perform a monitoring role and to review other aspects of the administrative work of the Union,

resolves

that the Council shall review the Secretary-General's budget plans with any appropriate revisions to allocate resources in accordance with the strategic plans and goals of the Union and the particular activities and work programmes of the three Sectors.

DRAFT RESOLUTION No. COM5/4

Electronic Access to ITU Documents and Publications

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) Recommendation 46 of the High Level Committee (TOMORROW'S ITU: The Challenges of Change, Geneva, April 1991);

b) the need to facilitate the exchange and distribution of ITU documentation and publications;

c) the evolution of electronic information handling;

d) the desirability of cooperation with bodies engaged in relevant standards development;

e) the considerations concerned with the ITU's copyright in its publications;

f) the need to sustain the revenue derived from the sale of publications;

g) the need to provide a timely and efficient global standardization process,

resolves

1. that all ITU documentation available in electronic form intended to facilitate the timely development of ITU recommendations be made electronically accessible to any Member or Sector member;

2. that all official publications that are made available in ITU databases for electronic distribution, including ITU recommendations in publication format by the Telecommunications Standardization Sector or the Radiocommunication Sector, should be made accessible by electronic means with appropriate provision for payment to the ITU to compensate for the particular publication(s) requested. A request for such publication obliges the purchaser not to duplicate it for distribution or sale external to the purchaser's organization. Such publications may be utilized in the receiving organization, as required, to further the work of the ITU or any standards body developing related standards, to provide guidance for product or service development and implementation and for support documentation associated with a product or service;

3. that none of the above is intended to dilute the copyright rights held by the ITU so that any entity desiring to duplicate ITU publications for resale must obtain an appropriate agreement for such purpose,

instructs the Secretary-General

1. to take the necessary actions to facilitate the implementation of these resolves.

2. to ensure that paper publications are made available as quickly as possible so as not to deprive Members not possessing electronic facilities with access to ITU publications.

DRAFT RESOLUTION No. COM5/5

Consideration of the Need to Establish Forum to Formulate Strategies and Policies in the Changing Telecommunications Environment

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering, as stipulated in the draft Constitution and Convention

that the Union shall promote, at the international level, a more comprehensive approach to the broader issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations (CS6A),

recognizing

a) that the Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities (CS79A), that is, he shall prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommended action relating to the Union's future policies and strategy (CV76A);

b) that the Council shall consider broad telecommunication policy issues in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment (CS75A), that is, it shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union and shall take appropriate action (CS45D);

c) that administrations, realizing the necessity of having to constantly review their own telecommunication policies and legislation and coordinate them with other Members at an international level in the rapidly changing telecommunications environment, ought to be able to constantly and extensively discuss strategies and policies of their own and of the Union;

d) that it is necessary for the Union, as an international organization playing a leading role in the field of telecommunications, to organize a forum in which policy coordination among Members shall be expedited and the Union's strategy shall be shaped,

resolves

1. that, on the basis of a report by the Secretary-General, the Council shall consider, at its ordinary session in 1994, the desirability of establishing a forum for discussion in which administrations can formulate their telecommunication strategies and policies. The Council shall submit appropriate recommendations to the next Plenipotentiary Conference on the basis of this consideration;

2. that the next Plenipotentiary Conference (1994) shall take necessary action on this matter.

DRAFT RESOLUTION No. COM5/6

Strengthening of Relationships with Regional Telecommunication Organizations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) that there is a need for the Union to cooperate closely with regional telecommunication organizations, as the importance of regional organizations concerned with key telecommunication issues has been growing recently;

b) that the Union and those regional organizations share common purposes in carrying out regional activities, i.e., that operating regional projects jointly shall lead to promote the development of regional telecommunication effectively,

instructs the Secretary-General

1. to consult with regional telecommunication organizations about the possibility of cooperation;

2. to submit a report on the results of the consultation to the Council for consideration,

instructs the Council

1. to consider the report submitted by the Secretary-General and take appropriate measures;

2. to report on the achieved results to the next Plenipotentiary Conference (1994).

ANNEX 3

DRAFT RECOMMENDATION No. COM5/A

Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

taking into account

the desire expressed in the Report of the High Level Committee to enable the Union to adapt rapidly to the changing telecommunication environment,

considering

the relevant provision of Article 47 of the Constitution which provides for the entry into force of the instruments of the Union referred to above on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession,

considering further

that it is in the interest of the Union that the said Constitution and the Convention enter into force on 1 July 1994 between as many Members as possible,

invites

all the Members of the Union to expedite their respective national procedures for ratification, acceptance or approval of (see Article 41 of the said Constitution), or accession (see Article 42 of the said Constitution) to, the Geneva Constitution and Convention of the International Telecommunication Union, 1992, and to deposit their respective "one single instrument" with the Secretary-General at the earliest possible date, preferably prior to 1 July 1994,

invites further

Members of the Union not to take up their respective national ratification, acceptance, approval or accession procedures with regard to the Nice Constitution and Convention of the International Telecommunication Union, 1989, or to any earlier International Telecommunication Convention,

instructs the Secretary-General

to bring the present Recommendation immediately to the attention of all the Members of the Union and to recall the contents of the present Resolution periodically, as he sees fit, to those Members of the Union which, at that time, have not yet deposited their respective instrument.

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1 INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 168-E
18 December 1992
Original: English

COMMITTEE 6

FIFTH AND FINAL SERIES OF TEXTS FROM COMMITTEE 4 TO THE EDITORIAL COMMITTEE

Committe 4 has adopted the enclosed texts which is wishes to submit to the Editorial Committee for examination and ultimate transmission to the Plenary session.

With the exception of CV116C, these texts have been unanimously adopted. The delegation of ARG reserves the right to reconsider CV116C in Plenary session.

C.L. OLIVER
Chairman of Committee 4

Annexes: 2

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

ANNEX 1

ARTICLE 7*

Structure of the Union

NOC CS36 The Union shall comprise:

CS37 1. the Plenipotentiary Conference, which is the supreme organ of the Union;

NOC CS38

NOC CS39 2. the Council;

NOC CS40

NOC CS41 3. the General Secretariat;

MOD CS42 4. the Radiocommunication Sector including ~~world and regional~~ radiocommunication conferences and the Radio Regulations Board;

NOC CS43

NOC CS44 5. the Telecommunication Standardization Sector including world telecommunication standardization conferences;

NOC CS45 6. the Telecommunication Development Sector including world and regional telecommunication development conferences;

NOC CS45A 7. world conferences on international telecommunications.

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* Committee 4 agreed that the Chairman should review this Article in the light of other Committee decisions. He suggests a small deletion of text, as shown.

NOC

CHAPTER V

NOC

Other Provisions Concerning the Functioning of the Union

NOC

ARTICLE 14D

NOC

World Conferences on International Telecommunications

NOC CS124J

1. A world conference on international telecommunications may partially or, in exceptional cases, completely revise the International Telecommunication Regulations and may deal with any question of a worldwide character within its competence and related to its agenda.

MOD CS124K

2. Decisions of world conferences on international telecommunications ~~must~~shall in all circumstances be in conformity with this Constitution and the Convention. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ANNEX 2

ARTICLE 5

NOC **Radio Regulations Board**

NOC **CV116C** 3. Only the travelling, subsistence and insurance expenses incurred by the members of the Board in the exercise of their duties for the Union shall be borne by the Union.

NOC **CV116D** 4. The working arrangements of the Board shall be as follows:

NOC **CV116E** (1) The members of the Board shall elect from their own members 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. In the absence of the Chairman and Vice-Chairman, the Board shall elect a temporary Chairman for the occasion from among its members.

MOD **CV116F** (2) The Board shall normally hold up to four meetings a year generally at the seat of the Union, at which at least six members shall be present, and may carry out its duties using modern means of communication.

NOC **CV116G** (3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall only be valid if at least five members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

NOC **CV116H** (4) The Board may make such internal arrangements as it may consider necessary in conformity with the provisions of the Constitution, this Convention and the Radio Regulations. Such arrangements shall be published as part of the Board's Rules of Procedure.

NOC

ARTICLE 5B

NOC

Radiocommunication Bureau

MOD CV116V

1. The Director of the Radiocommunication Bureau shall organize and coordinate the work of the Radiocommunication Sector. The duties of the ~~Director may be~~Bureau are supplemented by those specified in provisions of the Radio Regulations.

NOC CV116W

2. The Director shall, in particular,

NOC CV116X

(1) in relation to radiocommunication conferences:

CV116Y

[a) coordinate the preparatory work of the Study Groups and the Bureau, communicate to Members the results of this preparatory work, collect their comments and submit a consolidated report to the conference;]

MOD CV116Z

b) participate as of right, but in an advisory capacity, in the deliberations of the ~~Technical Committee of the~~ radiocommunication ~~conferences~~assembly and of the radiocommunication study groups. The Director shall make all necessary preparations for radiocommunication conferences and meetings of the Radiocommunication Sector in consultation with the General Secretariat in accordance with No. 83A above and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

NOC CV116AA

c) provide assistance to the developing countries in their preparation for radiocommunication conferences.

NOC CV116AB

(2) in relation to the Radio Regulations Board:

NOC CV116AC

a) prepare and submit draft Rules of Procedure for approval by the Radio Regulations Board; they shall include, inter alia, calculation methods and data required for the application of the provisions of the Radio Regulations;

NOC CV116AD

b) distribute to all Members of the Union the Rules of Procedure of the Board and collect comments thereon received from administrations;

NOC CV116AE

c) process information received from administrations in application of the relevant provisions of the Radio Regulations and Regional Agreements and prepare it, as appropriate, in a suitable form for publication;

MOD **CV116AF** [d) issue findings on behalf of the Board, on the basis of the approved Rules of Procedure, and submit to it any review of a finding which is requested by an administration, and which cannot be resolved by the use of those Rules of Procedure;]

MOD **CV116AG** e) in accordance with the relevant provisions of the Radio Regulations, effect an orderly recording and registration of frequency assignments and, where appropriate, the associated orbital ~~positions~~characteristics, and maintain up to date the Master International Frequency Register; review entries in that Register with a view to amending or eliminating, as appropriate, those which do not reflect actual frequency usage, in agreement with the administration concerned;

NOC **CV116AH** f) assist in the resolution of cases of harmful interference, at the request of one or more of the interested administrations, and where necessary, make investigations and prepare, for consideration by the Board, a report including draft recommendations to the administrations concerned;

NOC **CV116AI** g) act as Executive Secretary to the Board;

NOC **CV116AJ** (3) coordinate the work of the radiocommunication study groups and be responsible for the organization of that work;

NOC **CV116AK** (4) also undertake the following:

NOC **CV116AL** a) carry out studies 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;

NOC **CV116AM** b) exchange with members data in machine readable and other forms, prepare and keep up to date any documents and databases of the Radiocommunication Sector, and arrange, with the Secretary-General as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

NOC **CV116AN** c) maintain such essential records as may be required;

NOC **CV116AO** d) submit to the world radiocommunication conference a report on the activities of the Radiocommunication Sector since the last conference; if a world radiocommunication conference is not planned, such a report covering the two-year period since the last conference shall be submitted to the Council and to the Members of the Union;

NOC **CV116AP** e) prepare a cost-based budget estimate for the requirements of the Radiocommunication Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

NOC **CV116AQ** 3. The Director shall choose the technical and administrative personnel of the Bureau within the framework of the budget as approved by the 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 **CV116AR** 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

NOC

ARTICLE 7B

NOC

Telecommunication Development Study Groups

MOD **CV128G** Telecommunication Development Study Groups shall deal with specific telecommunication questions of general interest to developing countries, including the matters enumerated in No. 128D above. Such Study Groups shall be limited in number and created for a limited period of time, subject to the availability of resources, and shall have specific terms of reference on questions and matters of priority to developing countries and be task-oriented.

USA/26/17
ADD **CV128GA** Taking into account No. 112A of the Constitution, the matters under study in Telecommunication Development, Radiocommunication, and Telecommunication Standardization Sectors shall be kept under continuing review by the Sectors with a view to reaching agreement on the distribution of work, to avoid duplication of effort and to improve coordination. The Sectors shall adopt procedures to conduct such reviews and reach such agreements in a timely and effective manner.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 169-E
18 December 1992
Original: French

PLENARY MEETING

REPORT OF THE BUDGET CONTROL COMMITTEE TO THE PLENARY MEETING

1. The Budget Control Committee held two meetings during the Conference and examined the questions arising from its terms of reference.

Under Nos. 476 to 479 of the International Telecommunication Convention (Nairobi, 1982) the Committee's terms of reference are, *inter alia* :

a) to determine the organization and the facilities available to the delegates;

b) to examine and approve the accounts for expenditure incurred throughout the duration of the Conference;

c) to present a report showing the estimated total expenditure of the Conference as well as an estimate of the costs that may be entailed by the execution of decisions taken by such conference.

2. Appreciation of the organization and facilities available to delegates

The Budget Control Committee considered that the organization and facilities made available to delegates were entirely satisfactory and wishes to express its thanks for all the efforts made to ensure the smooth running of the Conference. The Committee proposed that the Plenary Meeting should extend its appreciation for the support provided by the ITU secretariat and the Conference staff who have enabled it to complete its work in an efficient manner.

3. Conference budget

The Budget Control Committee examined the Conference budget, as approved by the Administrative Council at its 46th session, June 1991, amounting to 905,000 Swiss francs.

The Committee noted that the Conference budget had been adjusted to take into account changes in the common system of the United Nations and the specialized agencies with regard to salaries and allowances and fluctuations in the rate of exchange between the US dollar and the Swiss franc, as required by Administrative Council Resolution No. 647. These adjustments raised the budget for the Conference to 954,000 Swiss francs, i.e. an increase of 49,000 Swiss francs (see Annex 1).

The Committee noted that the budget did not include expenditure incurred for the Conference in respect of supernumerary staff for the common services of the General Secretariat, which is included in a special section of the ordinary budget of the Union. This expenditure was evaluated at 759,000 Swiss francs.

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4. Situation 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 total expenditure of the Conference.

Accordingly, Annex 2 contains a statement showing the budget for the Conference as approved by the Administrative Council and adjusted under Administrative Council Resolution No. 647, together with a breakdown of credits among the budget subheads and items, as well as the actual expenditure incurred as at 16 December 1992. There is also an indication of the expenditure committed up to that date and an estimate of expenditure up to the end of the financial year 1992.

The statement shows that total estimated expenditure for the Conference as at 16 December 1992 is 214,000 Swiss francs below the budget approved by the Administrative Council, adjusted as at 16 December 1992.

5. Expenditure limit for the Kyoto Plenipotentiary Conference (1994)

By Decision No. 1, the Nice Plenipotentiary Conference (1989), set a ceiling of 4,200,000 Swiss francs, value 1 April 1989, for a five-week Plenipotentiary Conference to be held in 1994.

Taking into account the expenditure of 1,536,000 Swiss francs, value 1 April 1989, budgeted for the Additional Plenipotentiary Conference for a duration of two weeks and two days, a sum of 2,664,000 Swiss francs remains available for the Kyoto Plenipotentiary Conference.

For a duration of 4 weeks of the Plenipotentiary Conference of Kyoto, the estimated cost amounts to 3,390,000 Swiss francs, value 1st April 1989. Taking into account the limit of expenditure that remains available, the excess of expenditure amounts provisionally to 726,000 Swiss francs in relation to the limit of expenditure of 4,200,000 Swiss francs set by the Plenipotentiary Conference of Nice, 1989.

6. Financial implications of implementing the Conference decisions

In the light of the decisions taken by the Conference and subject to the transitional arrangements which the Conference might decide upon for the establishment of the Radio Regulations Board, the Budget Control Committee considers that there are no immediate financial implications for the budget of the Union for 1993.

The Budget Control Committee considered cost implications of the part-time Board compared to the full-time Board taking into account the participation of the Members of the Board to the Radiocommunication and Plenipotentiary Conferences. The additional information would be presented to the Plenary Meeting in Document DT/13.

The Budget Control Committee was not in a position to ascertain cost implications resulting from implementation of HLC Recommendations other than those related to conference decisions taken as of 16 December 1992.

The attention of the Plenary Meeting is drawn to the fact that the present report does not include the financial implications of decisions which the Conference might take from now until the end of its work.

7. Regional telecommunication organizations and international organizations participating in the work of the Conference

Regional and international organizations participating in the work of the Additional Plenipotentiary Conference contribute to defraying the expenditure of the Conference in accordance with Nos. 375-376 and 377 of Article 26 of the Nice Convention (1989), unless they are exempted by the Administrative Council, subject to reciprocity.

The total amount for the Conference budget is 1,664,000 Swiss francs. Since the total number of contributory units amounts to 374 9/16, the amount of the contributory unit for non-exempt international organizations is 4,400 Swiss francs.

Pursuant to the provisions of No. 383 of the Nice Convention, these contributions are to be regarded as income in the ordinary budget of the Union.

Annex 3 contains a list of the regional and international organizations participating in the work of the Conference, indicating the number of contributory units payable by non-exempt organizations in accordance with the provisions of Administrative Council Resolution No. 925.

* * * *

The Plenary Meeting is requested to examine and approve this report, which, together with the comments of the Plenary Meeting, will then be transmitted to the Secretary-General for submission to the Administrative Council at its next annual meeting.

S. AL BASHEER
Chairman of the Budget Control Committee

Annexes: 3

ANNEX 1

Budget of the Additional Plenipotentiary Conference (1992) as adjusted at 16 December 1992

	Items	Budget 92 1.1.91	Budget 92 adjusted 16.12.92
Sub. I	Staff expenses		
11.101	Salaries and related expenses	485'000	534'000
11.102	Travel (recruitment)	60'000	60'000
11.103	Insurance	5'000	5'000
		550'000	599'000
Sub. II	Premises and equipment		
11.105	Premises, furniture, machines	50'000	50'000
11.106	Document production	65'000	65'000
11.107	Supplies and overheads	40'000	40'000
11.108	PTT	30'000	30'000
11.109	Technical installations	10'000	10'000
11.110	Sundry and unforeseen	10'000	10'000
		205'000	205'000
Sub. III	Other expenses		
11.111	Regional Seminars	120'000	120'000
11.112	Final Acts of the Conference	30'000	30'000
		150'000	150'000
	Total, Section 11.1	**905'000**	**954'000**

ANNEX 2

Situation of the accounts of the Conference APP-92 as at 16 December 1992

	Items	Budget approved by the AC	Budget adjusted 16.12.92	Expenditure on 16.12.92		
				actual	commit. & estimated	total
		- Swiss francs -				
Sub. I	Staff expenses					
11'101	-Salaries and related expenses	485'000	534'000		455'000	455'000
11'102	-Travel (recruitment)	60'000	60'000	1'198	8'802	10'000
11'103	-Insurance	5'000	5'000		5'000	5'000
	Sub-total I	550'000	599'000	1'198	468'802	470'000
Sub. II	Premises and equipment					
11'105	-Premises, furniture, machines	50'000	50'000		50'000	,50'000
11'106	-Document production	65'000	65'000	38'302	26'698	65'000
11'107	-Supplies and overheads	40'000	40'000	6'324	33'676	40'000
11'108	-PTT	30'000	30'000	21'144	13'856	35'000
11'109	-Technical installations	10'000	10'000		5'000	5'000
11'110	-Sundry and unforeseen	10'000	10'000	6'300	3'700	10'000
	Sub-total II	205'000	205'000	72'070	132'930	205'000
Sub. III	Other expenses					
11'111	-Regional Seminars	120'000	120'000	25'822	9'178	35'000
11'112	-Final Acts of the Conference	30'000	30'000		30'000	30'000
	Sub-total III	150'000	150'000	25'822	39'178	65'000
	Total, Section 11.1	**905'000**	**954'000**	**99'090**	**640'910**	**740'000**

ANNEX 3

List of regional and international organizations contributing to defray the expenditure of the Conference

		Number of contributory units
I.	**International organizations**	
I.1	**United Nations**	*)
I.2	**Specialized agencies**	
	General Agreement on Tariffs and Trade (GATT)	*)
	International Bank for Reconstruction and Development (IBRD)	*)
	United Nations Educational, Scientific and Cultural Organization (UNESCO)	*)
	International Labour Organisation (ILO)	*)
	World Meteorological Organization (WMO)	*)
	World Health Organization (WHO)	*)
I.3	**Regional telecommunication organizations**	
	Arab Telecommunication Union (ATU)	*)
	Asia-Pacific Telecommunity (APT)	*)
	European Conference of Postal and Telecommunications Administrations (CEPT)	*)
	Pan African Telecommunications Union (PATU)	*)
	Caribbean Telecommunications Union (CTU)	*)
	European Telecommunications Satellite Organization (EUTELSAT)	1
	International Maritime Satellite Organization (INMARSAT)	1
	International Telecommunications Satellite Organization (INTELSAT)	1

*) Exempt from any contribution in accordance with Administrative Council Resolution No. 925.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 170-E
18 December 1992
Original: English

COMMITTEE 5

SUMMARY RECORD

OF THE

TENTH MEETING OF COMMITTEE 5

Tuesday, 15 December 1992 at 0910 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 9A of the draft Convention (continued)	Basic Document II
2.	Consideration of draft Resolutions	19, 26(Add.2), 27, 28, 49

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1. Consideration of proposals relating to Article 9A of the draft Convention (Basic Document II)

1.1 The Chairman invited the Committee to consider the provisions of Article 9A in Basic Document II to which no amendments had been proposed by administrations.

ADD Title

1.2 Approved, with square brackets around "Telecommunication Standardization".

ADD CV155A

1.3 Approved.

ADD CV155B

1.4 Approved, with square brackets around "Bureau".

ADD CV155C

1.5 Approved.

ADD CV155D

1.6 The Chairman reminded delegates that the entire provision had been placed in square brackets.

ADD CV155E, ADD CV155F, ADD CV155G, ADD CV155H, ADD CV155I, ADD CV155J, ADD CV155K, ADD CV155L

1.7 Approved.

ADD CV155LA

1.8 The Chairman reminded the Committee that the new provision proposed by Japan had been placed in square brackets at the previous meeting.

ADD CV155M, ADD CV155N, ADD CV155O

1.9 Approved.

ADD CV155P

1.10 The delegate of the United States proposed adding a reference to CV155F, which would cover situations in which an international organization was both an observer and a member of a Sector.

1.11 The Secretary of the Committee said that since the word "organizations" in CV155D already covered intergovernmental organizations operating satellite systems, the proposed addition was perhaps unnecessary.

1.12 After some further discussion, it was agreed to place ADD CV155P in square brackets.

1.13 Subject to final decisions on the paragraphs left in abeyance, Article 9A of the draft Convention as a whole, as amended, was approved.

2. Consideration of draft Resolutions (Documents 19, 26(Add.2), 27, 28, 49)

2.1 The Chairman invited the Committee to consider the draft Resolutions submitted by administrations.

Rules of Procedure of Conferences and Meetings of the International Telecommunication Union [ARG-2]

2.2 The delegate of Argentina, introducing the draft Resolution in proposal ARG/28/30, first drew the Committee's attention to two minor editorial changes. The draft Resolution, which took into account Resolution No. 41 of the Malaga-Torremolinos Plenipotentiary Conference (1973) and Resolution No. 62 of the Nairobi Plenipotentiary Conference (1982), was aimed at simplifying the Union's instruments by separating internal Rules of Procedure from provisions with treaty status, thus allowing more frequent revision of the rules governing ITU conferences and meetings than was possible at Plenipotentiary Conferences. A final decision on the matter could not be taken at the present Conference; however, discussions could be held and a Voluntary Group of Experts set up to prepare draft texts incorporating the necessary changes to the Constitution and the Convention.

2.3 During the ensuing discussion, the draft Resolution was supported by the delegates of Spain and Malta. The delegate of Mexico, on the other hand, considered that the Rules of Procedure had required very few changes over the years and should be retained in the relevant instruments. That view was supported by the delegate of Niger.

2.4 The Secretary of the Committee doubted that there would be neither the time nor the necessary financial resources for the work entailed by the Argentine proposal to be completed in time for the next Plenipotentiary Conference in 1994. Perhaps the Committee would wish to take note of the text, with a view to its submission to the next Plenipotentiary Conference.

2.5 The delegate of Canada agreed in principle with the draft Resolution but shared the view that the final decision might better be left to the Kyoto Plenipotentiary Conference. However, discussions on the issue should start without delay so that the review process could begin after the 1993 session of the Administrative Council.

2.6 The delegates of the Netherlands and France also expressed qualified support for the draft Resolution.

2.7 The Legal Adviser, referring to points raised during the discussion, acknowledged that it might eventually be found desirable to publish the Rules of Procedure in a separate document. However, that was a matter which only the Plenipotentiary Conference could decide. He agreed that the time-frame allowed for in the draft Resolution was too short for a revised set of rules to be available for the Kyoto Plenipotentiary Conference. On the other hand, preparatory work could start in 1993 and a progress report could be submitted to the Kyoto Conference, which would then be able to decide what further action should be taken.

2.8 The delegate of Argentina was gratified by the level of support expressed for the draft Resolution and noted the evident interest in getting the process under way, even if the work could not be completed in time for the Kyoto Conference. If the principle of setting up a Voluntary Group of Experts were accepted, informal discussions could be held among those concerned and a report submitted to the Committee in due course.

2.9 Following informal discussions, the Legal Adviser informed the Committee that a revised text of the Argentine draft Resolution would be submitted to the Committee the following day.

2.10 It was so agreed.

Strategic Management of the Union [AUS-1]

Management of the Union [USA-5]

Establishment of a Forum to Discuss Strategies and Policies - The Changing Telecommunications Environment [J-1]

Limitation of the Duration of Plenipotentiary Conferences of the Union [EUR-2]

2.11 The delegate of Australia, introducing draft Resolution No. [AUS-1] which was the subject of proposal AUS/19/2, said that its purpose was consistent with a number of other proposals made by his Administration in Document 19 with a view to ensuring that the recommendations of the High Level Committee, particularly those on the role of the Council and on broad policy issues and the two-year budget process, were implemented as soon as possible. The draft Resolution instructed the Secretary-General and the Administrative Council to take the necessary measures for such action and to present to the 1994 Plenipotentiary Conference a draft strategic plan outlining the objectives and work programmes of the ITU Sectors. He emphasized that such a strategic plan would in no way intrude on the detailed work programmes of the Sectors but was designed to present an overall picture. In connection with Recommendation 18 of the High Level Committee, his delegation was aware that the Council had already set up a working group but considered it important for the Conference to take similar steps to ensure that the reforms were carried out and that future work was in keeping with the recommendations. That was the reason for **instructs 3** to the Administrative Council in the draft Resolution.

2.12 The delegate of Canada supported the proposal.

2.13 The Chairman suggested that the text be examined paragraph by paragraph.

Considering a)

2.14 The delegate of the Russian Federation expressed his concern about the references made to the recommendations of the High Level Committee, since the points in question would be reflected in the text of the Convention and Constitution as they were adopted.

2.15 The delegate of Morocco said that he saw no objection to making reference to the recommendations in the Report of the High Level Committee; that was more appropriate than making reference to documents of the Conference. The delegate of the Russian Federation said that he could agree to the text as it stood.

2.16 The delegate of Niger having proposed the deletion of "ITU" before the word "Council", the Chairman suggested that the matter be referred to the Editorial Committee.

2.17 It was so agreed.

2.18 **Considering a)** was approved on that understanding.

Considering b)

2.19 Approved.

Noting

2.20 The Chairman said that the square brackets indicated portions of text awaiting decisions from the Conference and would be updated in due course.

2.21 Approved.

Instructs the Secretary-General

2.22 The delegate of the Russian Federation said that the instruction to the Secretary-General merely reflected the provisions of the Constitution relating to the latter's functions.

2.23 The delegate of Congo wondered whether the text should be embodied in a recommendation rather than a resolution since the instructions to the Secretary-General were in accordance with his statutory functions.

2.24 The Legal Adviser explained that the usual practice of the Union was to instruct the Secretary-General and the Council by means of resolutions.

2.25 Following a discussion on the wording of the draft Resolution, in which the delegates of France, Spain, Mexico and Canada, the Chairman and the Legal Adviser participated, the **instructs the Secretary-General** paragraph was approved.

Instructs the Administrative Council

2.26 The delegate of the United States observed that the first part of the text dealt mainly with the two-year budget process, which was also the subject of draft Resolution No. [USA-5] proposed by his Administration in Addendum 2 to Document 26 (USA/26/63). He had already discussed with Australia the possibility of merging that part of the two resolutions but requested that, in any event, the United States draft Resolution be taken into account before a final decision was made on the text under consideration.

2.27 The delegate of Japan drew attention to draft Resolution No. [J-1] proposed by his Administration in Document 49 (J/49/82) on the subject of establishing a forum to discuss strategies and policies; it followed the same lines as the last paragraphs of the Australian proposal.

2.28 The delegate of Mexico wished to hear the views of other Members on all the issues under consideration and suggested that a single consolidated resolution might be formulated.

2.29 The delegate of the Netherlands pointed out that there was also a link with the European proposals and supported the idea of amalgamating the various texts.

2.30 Following some further discussion, the delegate of Niger suggested that the various texts which had similarities should be presented and discussed together.

2.31 It was so decided.

2.32 The delegate of the United States, introducing draft Resolution No. [USA-5] in Addendum 2 to Document 26, said that its main thrust was the implementation of the budget process. After drawing attention to a typographical error in the text, he said that the purpose of the draft Resolution was to promote the early implementation of the new financial practices, especially the two-year budget cycle already approved by Committee 5, bearing in mind that the implementation date for the new Constitution and Convention would be 1 July 1994. The instruction to the Secretary-General to develop a two-year budget process for the Council to review, pursuant to the Union's four-year plan, appeared to meet some of the concerns expressed by previous speakers, particularly with regard to how the two-year budget process fitted into the four-year planning cycle. The joint instruction to the Secretary-General and the Council was particularly concerned with the transparency of cost allocations and budgetary controls discussed in the High Level Committee, since it was felt that both the Secretary-General and the Council had a role to play in that regard. In conclusion, he again emphasized that the resolution was intended primarily to ensure implementation of the financial considerations before the Constitution and Convention came into effect.

2.33 The delegate of Japan, introducing draft Resolution No. [J-1] in Document 49, said that its main purpose was to establish a forum which would help the ITU to play a strategic role in the rapidly changing telecommunications environment. At present the ITU had no appropriate forum in which Members could discuss their strategy in the light of the constant need for review of telecommunications policies and legislation and the necessary coordination with other Members with a view to ensuring a more comprehensive approach to the broader issues of telecommunications in the global information economy and society. His delegation was therefore proposing that the Council should submit a concrete plan to the forthcoming Plenipotentiary Conference in 1994 which could take the necessary action on the matter.

2.34 The delegate of Spain suggested that the delegations of Australia and the United States should merge their proposals concerning the two-year budget process and produce a compromise text.

2.35 The delegate of Australia, speaking also on behalf of the delegate of the United States, said that a text would be prepared and submitted to the Committee as soon as possible.

2.36 It was agreed to defer further discussion on the matter until a new text was available.

2.37 The Chairman drew the Committee's attention to draft Resolution No. [EUR-2] contained in Document 27 (EUR/27/32).

2.38 The delegate of the Netherlands, introducing the draft Resolution on behalf of a number of other European Administrations, said that its main purpose was to limit future Plenipotentiary Conferences to a maximum duration of four weeks and to establish that, in accordance with Recommendation 14 of the High Level Committee, Plenipotentiary Conferences should focus on longer-term policy issues. It would remain the responsibility of the Administrative Council to set the duration for the Plenipotentiary Conferences.

2.39 The delegate of Spain supported the draft Resolution.

2.40 The delegate of Japan said that his Administration did not intend to oppose the European proposal, as it understood that the resolution was aimed at establishing a principle to be adhered to unless there was a pressing need otherwise. He confirmed that the Administrative Council would set the duration of the Kyoto Plenipotentiary Conference, and observed that if the duration was shortened it would be extremely difficult to extend it.

2.41 The Chairman invited the Committee to consider the draft Resolution paragraph by paragraph.

Noting a), noting b), resolves 1

2.42 Approved.

Resolves 2

2.43 The delegate of Mexico proposed deleting the phrase "in line with the Report of the High Level Committee" as a reference was already made to Recommendation 14 of the High Level Committee in **noting a)**.

2.44 **Resolves 2**, as amended, was approved.

Resolves 3

2.45 Approved.

2.46 The delegate of the Russian Federation considered that the reference to Recommendation 14 of the High Level Committee in **noting a)** should be replaced by a reference to Article 8 of the Constitution (CS46) which had greater impact. The delegates of Qatar and Zimbabwe shared that view. The Legal Adviser pointed out that provision CS46 dealt only with the periodicity of the Plenipotentiary Conferences, not their duration.

2.47 The Chairman reminded the Committee that **noting a)** of the draft Resolution had already been approved.

2.48 The delegate of Kenya expressed concern that the draft Resolution might tie the hands of future conferences regarding the duration of Plenipotentiary Conferences, and asked upon what basis a decision had been taken to reduce the length of the Kyoto Conference from the five weeks originally decided at Nice to four weeks. The Secretary of the Committee replied that discussions had been held initially in the Administrative Council followed by negotiations with the Japanese Administration, and assured the Committee that no problems of any sort should ensue.

2.49 The delegate of Spain said that he would submit a correction to the Spanish text of **resolves 1** to Committee 6.

2.50 A lengthy discussion ensued on the appropriateness of including paragraph 3 in the draft Resolution as it concerned the focus of Plenipotentiary Conferences, not their duration. The delegates of the United States and Zimbabwe were in favour of deleting the paragraph. The delegate of Mexico felt that it was not well placed and that if it were retained the words "should focus" should be replaced by a broader term.

2.51 The delegates of France, Canada, Brazil and the United Kingdom were in favour of retaining paragraph 3 as it explained the purpose of the limitation and reflected the reference to Recommendation 14 of the High Level Committee in **noting a)**.

2.52 The delegate of the Netherlands suggested that, rather than deleting paragraph 3, the title of the draft Resolution might be amended. The delegate of the United States, supported by the delegate of Israel, proposed amending the title to read "Duration of Plenipotentiary Conferences of the Union". The delegate of France, supported by the delegate of Senegal, proposed "Draft Resolution Relating to the Duration of Plenipotentiary Conferences of the Union". The Legal Adviser suggested "Matters Related to Future Plenipotentiary Conferences of the Union". The delegates of Congo and Zimbabwe preferred the original title, while the delegate of Thailand suggested that the drafting of the title might be left to Committee 6.

2.53 The Chairman asked the Committee if there was any objection to the wording "Duration of Plenipotentiary Conferences of the Union".

2.54 The title, as amended, was approved.

2.55 Draft Resolution No. [EUR-2], as amended, was approved.

The meeting rose at 1210 hours.

The Secretary:
M. MALEK ASGHAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 171(Rev.1)-E
19 December 1992
Original: English

PLENARY MEETING

Australia

PROPOSALS FOR THE WORK OF THE CONFERENCE

IMPLEMENTATION OF ADVISORY GROUPS FOR THE RADIOCOMMUNICATION AND TELECOMMUNICATION STANDARDIZATION SECTORS

As a result of a further meeting of an ad hoc Working Group held on 19 December 1992, agreement has been reached on a proposed draft text to replace Articles CV116U and CV122L of the Convention. The proposed text appears below.

The attached draft Resolution reflects a change in the **considerings** discussed in the Working Group as well as amendments proposed during the consideration of Document 171 in the Plenary Meeting.

CV116U For the purpose of facilitating the review of activities in the Radiocommunication Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with radiocommunication and with the Telecommunication Standardization and the Telecommunication Development Sectors.

A radiocommunication assembly shall determine the specific duties, code of participation and Rules of Procedure for these measures.

CV122L For the purpose of facilitating the review of activities in the Telecommunication Standardization Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication and the Telecommunication Development Sectors.

A world telecommunication standardization conference shall determine the specific duties, code of participation and Rules of Procedure for these measures.

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DRAFT RESOLUTION

**Implementation of Advisory Groups
for the
Radiocommunication and Telecommunication Standardization Sectors**

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for measures to review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities and to advise the Directors of the Radiocommunication and Telecommunication Standardization Sectors;

b) that it is desirable to have such measures in place as soon as practicable;

c) relevant provisions [of Articles 5A and 6A] of the Convention which will enter into force [on 1 July 1994],

recognizing

a) that the field of telecommunications is constantly evolving;

b) that the activities of the Sectors should be continually reviewed;

c) the importance of work already commenced on the improvement of working methods in the CCITT and CCIR by their ad hoc Groups established pursuant to their Resolution No. 18 and Resolution 106 respectively, and the desirability that this work should continue,

resolves

that Advisory Groups should be established in the Radiocommunication and Telecommunication Standardization Sectors to:

- review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities;
- review progress in the implementation of the respective Sector's work programmes;
- provide guidelines for the work of Study Groups;
- recommend measures, inter alia, to foster cooperation and coordination with other standards bodies, with the Development Sector, within and between the two Sectors, and with the Strategic Planning Unit in the General Secretariat,

instructs

1. the Directors of the Radiocommunication and Telecommunication Standardization Sectors to organize the respective Advisory Groups which shall be open to representatives of administrations, of entities and organizations authorized in accordance with the provisions of Article 7D of the Convention, and representatives of Study Groups;

2. the World Telecommunication Standardization Conference (Helsinki, 1993) and the Radiocommunication Assembly (Geneva, 1993):

2.1 to establish, and to determine suitable terms of reference and working procedures for, an Advisory Group in each Sector to review priorities, strategies and progress of work, and to give guidance on the work of each Sector and cooperation with other entities;

2.2 to ensure that the respective Advisory Groups continue the work already undertaken by the ad hoc Groups established by the CCITT and CCIR pursuant to their Resolution No. 18 and Resolution 106 respectively, and

furthermore instructs

the Directors of the Radiocommunication and Telecommunication Standardization Sectors to report each year to the members of their respective Sectors and to the Council on the results of the work carried out by their respective Advisory Groups.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 171-E
18 December 1992
Original: English

PLENARY MEETING

Australia

PROPOSALS FOR THE WORK OF THE CONFERENCE

IMPLEMENTATION OF ADVISORY GROUPS FOR THE RADIOCOMMUNICATION AND TELECOMMUNICATION STANDARDIZATION SECTORS

Australia has been pleased to coordinate consideration of the question of implementation of Advisory Groups in the two Sectors.

I have to report that there is agreement by a number of administrations, who have participated in discussions, on a draft resolution which is attached. Unfortunately we were unable to reach agreement on whether Articles 5A and 6A of the Convention should continue to provide for such groups in both the Radiocommunication and Telecommunication Sectors.

A significant number of administrations have indicated to me that it is their strong view that the proposed provisions CV116U and CV122L should be retained. Some other administrations, who have recorded reservations to these proposed provisions, have indicated that they wish to continue their opposition to these provisions.

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DRAFT RESOLUTION

Implementation of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) that the Convention will enter into force [on 1 July 1994];

b) the need for bodies to review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities and to advise the Directors of the Radiocommunication and Telecommunication Standardization Bureaux;

c) that it is desirable to have such bodies in place as soon as practicable,

[noting

that Articles 5A and 6A of the Convention allow for there to be Advisory Groups to provide guidance to the Directors of the Radiocommunication and Telecommunication Standardization Bureaux on the work of the study groups,]

recognizing

a) that the field of telecommunications is constantly evolving;

b) that the activities of the Sectors should be continually reviewed;

c) the importance of work already commenced on the improvement of working methods in the CCITT and CCIR by their ad hoc groups established pursuant to their Resolution No. 18 and Resolution 106 respectively, and the desirability that this work should continue,

resolves

that, [pursuant to the provisions in the Convention,] Advisory Groups should be established in the Radiocommunication and Telecommunication Standardization Sectors to:

- review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities;
- review progress in the implementation of the respective Sector's work programmes;
- provide guidelines for the work of study groups;
- recommend measures inter alia to foster cooperation and coordination with other standards bodies, with the Development Sector, within and between the two Sectors, and with the Strategic Planning Unit in the General Secretariat,

instructs

1. the Directors of the Radiocommunication and Telecommunication Standardization Sectors to organize the respective Advisory Groups which, in addition to the Director of the Sector, shall be open to representatives of administrations, of entities and organizations authorized in accordance with the provisions of Article 7D of the Convention, and representatives of study groups;

2. the World Telecommunication Standardization Conference (Helsinki, 1993) and the World Radiocommunication Conference (Geneva, 1993):

2.1 to establish, and to determine suitable terms of reference and working procedures for an Advisory Group in each Sector to review priorities, strategies and progress of work, and to give guidance on the work of each Sector and cooperation with other entities;

2.2 to ensure that the respective Advisory Groups continue the work already undertaken by the ad hoc groups established by the CCITT and CCIR pursuant to their Resolution No. 18 and Resolution 106 respectively, and

furthermore instructs

the Directors of the Radiocommunication and Telecommunication Standardization Bureaux to report each year to the Council on the results of the work carried out by their respective Advisory Groups.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 172-E
18 December 1992
Original: English/
French

PLENARY MEETING

MINUTES

OF THE

THIRD PLENARY MEETING

Monday, 14 December 1992 at 2000 hours

Chairman: Mr. B de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Election of the Director of the Telecommunications Development Bureau (BDT) (continued)	-
2.	Statement by the Executive Vice-President of INTELSAT	-
3.	Approval of the minutes of the first Plenary Meeting	77
4.	Second series of texts submitted by the Editorial Committee for first reading (B.2)	110

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1. Election of the Director of the Telecommunications Development Bureau (BDT) (continued)

1.1 At the request of the Chairman, the Secretary-General explained the voting procedure.

1.2 The Chairman invited the tellers, provided by the delegations of Argentina, Lebanon, Nigeria, Romania and the United Kingdom, to take their places. He then announced the commencement of voting.

1.3 The delegations were called up in turn to deposit their ballot papers.

1.4 The votes having been counted, the Chairman announced that a total of 134 ballot papers had been deposited, of which three were blank; the required majority was therefore 66.

1.5 The result of the voting, in alphabetical order, was:

Mr. V. Angelo	28
Mr. A. Djiwatampu	33
Mr. J. Jipguep	29
Mr. A. Laouyane	26
Mr. T. Ras-Work	15

1.6 The Chairman said that since no candidate had obtained the required majority, a third ballot would be carried out at the following Plenary Meeting.

2. Statement by the Executive Vice-President of INTELSAT

2.1 The Executive Vice-President of INTELSAT made the statement reproduced In Annex 1.

2.2 The Chairman thanked the Executive Vice-President of INTELSAT for his statement, expressed appreciation of his presence at the Conference as an observer and stressed the great importance which the ITU attached to its relations with INTELSAT.

3. Approval of the minutes of the first Plenary Meeting (Document 77)

3.1 The delegates of Congo, Korea and Uruguay read out corrections to the minutes of the first Plenary Meeting.

3.2 The delegate of China said that he would be submitting a written correction.

3.3 The minutes of the first Plenary Meeting, as amended, were approved.

4. Second series of texts submitted by the Editorial Committee for first reading (B.2) (Document 110)

4.1 The Chairman said that, before starting the examination of the second series of texts submitted for first reading, he wished to make a number of clarifications concerning the system of annotation used in the Basic Documents. After giving a brief summary of details with which he had been provided by the Secretariat, he stated that the basis for the discussion was the Nice Constitution and Convention. A certain amount of confusion had arisen because at the present Conference the preparation of the reference documentation had gone through a number of intermediary stages, namely the High Level Committee, the Drafting Group, the examination of the Drafting Group's text and information meetings based on those texts - thus departing from the usual procedure. The Drafting Group's texts had therefore been taken as a working basis. He proposed maintaining the present system of annotation, as in the Drafting Group's text, for the time being; however, when the second reading took place, it was intended to revert to the annotations referring directly to the Nice Constitution and Convention. In the interests of clarity the details provided by the Secretariat would be annexed in extenso to the minutes of the meeting.

4.2 The arrangement suggested by the Chairman and set out in Annex 2 was approved.

4.3 The Chairman invited the meeting to examine Document 110 article by article.

4.4 The Chairman of Committee 6, referring to the French-language version of the document, said that the word "Convention" at the top of pages 3-8 should be replaced by "Constitution".

Article 8 of the draft Constitution

4.5 Approved.

Article 10 of the draft Constitution

4.6 The Chairman of Committee 5, replying to a question by the delegate of Côte d'Ivoire concerning the inclusion in CS70 of a reference to the provisions of Article 9A, confirmed that that amendment had been approved and would appear in the document submitted for second reading.

4.7 On that understanding, Article 10 was approved.

Articles 11 and 15 of the draft Constitution

4.8 Approved.

Article 16 of the draft Constitution

4.9 The Chairman of Committee 5, replying to a query by the delegate of Mexico who expressed concern that the text of MOD CS132 had been deleted, confirmed that Committee 5 had placed it in square brackets pending the conclusion of Committee 4's discussions.

4.10 The Chairman suggested that approval of the article should therefore be deferred.

4.11 It was so agreed.

Articles 17 and 21 of the draft Constitution

4.12 Approved.

Article 3 of the draft Convention

4.13 Approved.

Article 4 of the draft Convention

4.14 In response to a comment by the delegate of Côte d'Ivoire, the Chairman explained that the remaining square brackets indicated portions of text that could not be finalized until the relevant decisions were taken by Committee 4. The Chairman of Committee 5 endorsed that explanation.

4.15 Referring to (MOD) CV76A, the delegate of Congo asked whether a general practice had been adopted with regard to internal references within the Convention.

4.16 The Chairman of Committee 6 explained that, in order not to be obliged to revise the Constitution every time changes were made to the Convention, it had been decided that the Constitution should simply refer to the "relevant" provisions of the Convention. Internal cross-references within the Convention did not pose a problem of that nature, and so were acceptable.

4.17 The delegate of Mexico pointed out that the square brackets had inadvertently been omitted from the Spanish text of NOC CV101. The French and English versions were correct.

4.18 Article 4 was approved.

Article 4A of the draft Convention

4.19 Approved

Article 9 of the draft Convention

4.20 The Chairman of the Editorial Committee noted that there should be square brackets around the whole text of (MOD) CV153.

4.21 Article 9 was approved.

Articles 10, 11, 12 and 13 of the draft Convention

4.22 Approved.

Article 14 of the draft Convention

4.23 The Chairman of the Editorial Committee noted that there should be square brackets around the word "Sectors" in (MOD) CV176.

4.24 Article 14 was approved.

Articles 15 and 27 of the draft Convention

4.25 Approved.

4.26 The second series of texts submitted by the Editorial Committee (B.2), as amended, was approved on first reading.

The meeting rose at 2135 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

Annexes: 2

ANNEX 1

Statement by the Executive Vice-President of INTELSAT

Mr. Chairman, Mr. Secretary-General, distinguished delegates, I am honoured to address this meeting. For INTELSAT, this is a historic occasion, since it is the first time that the organization has been able to participate in an ITU Plenipotentiary Conference. The relationship between the ITU and INTELSAT, however, is of long-standing and has been forged by common interests in advancing the goal of global communications.

From its inception, INTELSAT has recognized the valuable role that the ITU plays in global communications. Membership in the ITU is a prerequisite for membership in INTELSAT, and our charter requires that we operate in accordance with the standards and recommendations promulgated by the ITU.

Parallelling ITU objectives, INTELSAT has striven to provide expanded telecommunications services to all areas of the world. Today, with 125 member nations and more than 200 authorized users, the INTELSAT system forms a vital component of the international public telecommunications infrastructure, and we are proud of what we have achieved. INTELSAT also plays a significant role in the domestic communications infrastructure of almost 40 nations and provides capacity directly to the United Nations for its peacekeeping operations worldwide and for the U.N. affiliated agencies, including the ITU. We work with our developing country members to ensure that they have access to the most modern communications facilities and to training and other technical assistance that they may require.

INTELSAT commends the ITU for the valuable role it has played in the advancement of universally accessible global communications. We are gratified that the High Level Committee has recognized the importance of intergovernmental organizations that operate satellite systems. And we are pleased that the Members of the ITU have extended to them the privilege of participating more fully in ITU fora. The Administrative Council resolution granting this new status immediately on a provisional basis has facilitated INTELSAT's attendance at this important meeting. I optimistically hope this meeting confirms this promising beginning by adopting the proposals that are in the draft Convention that grant this status on a permanent basis.

INTELSAT has been an active participant in the work of the CCITT and the CCIR. We intend to continue to work equally closely with the new Radiocommunication and the Standardization Sectors as they are formed. We also have a close working relationship with the IFRB, due to our extensive use of the geostationary orbit and of the frequency spectrum of the fixed-satellite service. In addition, we are collaborating with the Telecommunications Development Bureau in training and other technical assistance to developing countries. We have assisted a number of countries in developing the capability for conducting radio wave propagation studies of special interest to tropical areas, and as a result, we are contributing actively to the CCIR's propagation data banks in which the BDT will have a major interest. We look forward to expanding collaboration with the BDT as the responsibilities of the Bureau increase.

INTELSAT has taken its share of both financial and standards setting responsibilities. We have responded to the call made by the Nice Plenipotentiary Conference in its Resolution No. 40 concerning contributions to the ITU's budget and have doubled our contributory unit, starting in 1991.

INTELSAT is pleased to have the opportunity to expand its participation in ITU activities with the new rules promulgated by the High Level Committee. INTELSAT will do its part to assist the ITU in the realization of its goals, to fulfil its obligations and to fully meet its responsibilities to the international community.

I wish the delegates every success in the important work which they will be addressing at this Conference. And I thank you again for permitting INTELSAT its expanded role in the ITU.

ANNEX 2

Explanation and proposal by the Chairman

Ladies and Gentlemen,

Before we start considering the second blue document (B.2), allow me briefly to recall the discussions we had when considering Document B.1 towards the end of our meeting last Friday.

On that occasion, some delegations expressed concern that the symbols NOC, MOD, (MOD), SUP and ADD used in Document B.1 referred to provisions in the draft texts prepared, with a view to revising the Nice Instruments, by the Drafting Group set up by Administrative Council Resolution No. 1021, and not to the provisions of the Constitution and Convention themselves, as adopted by the Nice Conference. In their view, the references should have been made on the basis of the provisions of the Nice texts, in keeping with the practice traditionally followed by conferences of the Union when revising legislative texts.

In view of those concerns, and with the Secretariat's assistance, I gave some thought to the problem over the weekend and also consulted a number of the delegates in question.

Without going into detail and to accelerate the work of the Plenary Meeting, I shall confine myself to outlining the essential points of my conclusions and making two proposals.

After studying Nice Resolution No. 55, Administrative Council Resolutions Nos. 990 and 1021, the Report by the Chairman of the H.L.C. and the Drafting Group, and Circular-letter No. 97 by the Secretary-General, I have reached the following conclusions:

1) **The draft texts were prepared by the Drafting Group for use by our Conference and to provide the Members of the Union with a basis for preparing and presenting their own proposals.**

2) **Almost all the Members proposing amendments have based their proposals, and are still doing so, on the texts prepared by the Drafting Group, not on those adopted at Nice.**

3) **The terms of reference of Committees 4 and 5, adopted at our first Plenary Meeting (see Document 69), include the consideration of "the Drafting Group texts".**

4) **On the strength of those - to my mind - very clear terms of reference, Committee 5 has, quite rightly I think, based its work and reflections on the texts prepared by the Drafting Group and on proposals submitted by Members in the light and on the basis of those texts. To my knowledge, that approach has not been questioned in Committee 5.**

5) **Since the texts approved to date by Committee 5 have been based on those prepared by the Drafting Group, it seems perfectly logical that, in order to facilitate the work of the Conference, Committee 6 should have prepared Blue Documents B.1 and B.2 on the basis of the results achieved in Committee 5 (as its terms of reference require), by taking the Drafting Group texts as approved by Committee 5 (with or without amendment) and simply correcting them from an editorial standpoint.**

Therefore, and in accordance with No. 490 of the Nairobi Convention which authorizes **"the Chairman of the conference"** to **"at any time submit proposals likely to accelerate the debate"**, I formally propose as Chairman of the Conference:

a) **that consideration of the blue documents should proceed in accordance with the method used for the submission of Documents B.1 and B.2;**

b) **however, to take account of the concerns of certain delegations and the conversations I held over the weekend, and after consulting the Chairman of Committee 6 and the Secretary-General, the Plenary Meeting may if it wishes consider incorporating in the pink documents the symbols NOC, MOD, (MOD), SUP and ADD in relation to the provisions of the Nice Constitution and Convention.**

Ladies and Gentlemen, I trust that those two procedural proposals will meet with your approval and be endorsed by our Plenary Meeting.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 173-E
21 December 1992
Original: French

Note by the Secretary-General

SIGNING CEREMONY

1. At the close of the last Plenary Meeting, the Chairman will announce the time at which the signing ceremony and closure of the Conference will take place.

2. The procedure for the signing ceremony will be as follows:

2.1 Before the ceremony begins, delegations will receive the files containing the sheets of paper to be signed.

2.2 The files contain:

a) a sheet marked "CONSTITUTION/CONVENTION" for signature to the Constitution and Convention;

b) a sheet marked "DECLARATIONS/RESERVATIONS" for signature to the declarations and reservations;

c) a sheet marked "OPTIONAL PROTOCOL" for signature to the Optional Protocol;

d) a pink sheet, on which those signing are kindly requested to print their surnames and first names (or initials) in the order in which they sign.

3. At the opening of the signing ceremony, the Secretary-General will invite delegations to sign the sheets as indicated above.

4. After a period of about ten minutes, the roll will be called of delegations whose credentials entitle them to sign, and delegations will be invited to deposit the files with the signed sheets on the table at the rostrum.

5. As the signatures are deposited, the name of the delegation depositing its signatures will be announced.

6. At the end of the signing ceremony, the total number of delegations that have deposited their signatures will be announced.

Pekka TARJANNE
Secretary-General

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BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 174-E
18 December 1992

B.7

PLENARY MEETING

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

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

Source	Document		Title
COM 4	168	Constitution	Article 7 Article 14D
		Convention	Article 5 Article 5B Article 7B
	143		Resolution COM4/1

Note from Committee 4:

With the exception of CV116C, these texts have been unanimously adopted. The delegation of ARG reserve the right to reconsider CV116C in Plenary session.

M. THUE
Chairman of Committee 6

Annex: 10 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR BLUE DOCUMENTS

The purpose of the Conference is to revise the Nice Constitution and Convention.

To this end, the Conference is using the draft texts prepared by the ITU Drafting Group on the basis of the H.L.C. Report, which are set out in Basic Documents I and II (dated 1 May 1992) and Working Documents 1 and 2 (dated 5 May 1992) sent to all Members in May 1992.

It is also using the proposals submitted by Members, who were invited to put forward proposals on the basis of the Working Documents.

The symbols in the margin in the documents submitted by Committee 6 to the Plenary Meeting for first reading (blue documents) indicate changes made by the competent Committee (Committee 4 or 5) to the text of the Working Documents; the symbols have the following meaning:

- NOC	Provision which was modified, added or deleted by the Drafting Group, and for which the modification, addition or suppression in question was accepted unchanged by the competent Committee. A provision added by the Drafting Group bears one or two letters after the number of the provision. Provisions deleted by the Drafting Group are indicated by the symbol (SUP) after the number.
- MOD	Provision modified by the competent Committee
- SUP	Provision deleted by the competent Committee
- ADD	Provision added by the competent Committee

- The absence of a symbol in the margin means that the Nice text has been adopted without change.

- The symbol (MOD) indicates a provision to which Committee 6 has made purely editorial amendments.

ARTICLE 7

Structure of the Union

NOC	**CS36**	The Union shall comprise:
	CS37	1. the Plenipotentiary Conference, which is the supreme organ of the Union;
NOC	**CS38**	**(SUP)**
NOC	**CS39**	2. the Council;
NOC	**CS40**	**(SUP)**
NOC	**CS41**	3. the General Secretariat;
MOD	**CS42**	4. the Radiocommunication Sector, including world and regional radiocommunication conferences and the Radio Regulations Board;
NOC	**CS43**	**(SUP)**
(MOD)	**CS44**	5. the Telecommunication Standardization Sector, including world telecommunication standardization conferences;
(MOD)	**CS45**	6. the Telecommunication Development Sector, including world and regional telecommunication development conferences;
NOC	**CS45A**	7. world conferences on international telecommunications.

NOC

CHAPTER V

NOC

Other Provisions Concerning the Functioning of the Union

NOC

ARTICLE 14D

NOC

World Conferences on International Telecommunications

(MOD) CS124J

1. A world conference on international telecommunications may partially, or in exceptional cases, completely revise the International Telecommunication Regulations and may deal with any question of a worldwide character within its competence and related to its agenda.

MOD CS124K

2. Decisions of world conferences on international telecommunications shall in all circumstances be in conformity with this Constitution and the Convention. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ARTICLE 5

Radio Regulations Board

NOC **CV116C** 3. Only the travelling, subsistence and insurance expenses incurred by the members of the Board in the exercise of their duties for the Union shall be borne by the Union.

NOC **CV116D** 4. The working arrangements of the Board shall be as follows:

NOC **CV116E** (1) The members of the Board shall elect from their own members 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. In the absence of the Chairman and Vice-Chairman, the Board shall elect a temporary Chairman for the occasion from among its members.

MOD **CV116F** (2) The Board shall normally hold up to four meetings a year, generally at the seat of the Union, at which at least six members shall be present, and may carry out its duties using modern means of communication.

(MOD) **CV116G** (3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall be valid only if at least five members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

(MOD) **CV116H** (4) The Board may make such internal arrangements as it considers necessary in conformity with the provisions of the Constitution, this Convention and the Radio Regulations. Such arrangements shall be published as part of the Board's Rules of Procedure.

Convention
B.7/4

NOC

ARTICLE 5B

NOC

Radiocommunication Bureau

MOD CV116V

1. The Director of the Radiocommunication Bureau shall organize and coordinate the work of the Radiocommunication Sector. The duties of the Bureau are supplemented by those specified in provisions of the Radio Regulations.

NOC CV116W

2. The Director shall, in particular,

NOC CV116X

(1) in relation to radiocommunication conferences:

(MOD) [CV116Y]

[a) coordinate the preparatory work of the study groups and the Bureau, communicate to Members the results of this preparatory work, collect their comments and submit a consolidated report to the conference;]

MOD CV116Z

b) participate as of right, but in an advisory capacity, in the deliberations of the radiocommunication assembly and of the radiocommunication study groups. The Director shall make all necessary preparations for radiocommunication conferences and meetings of the Radiocommunication Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

(MOD) CV116AA

c) provide assistance to the developing countries in their preparations for radiocommunication conferences.

NOC CV116AB

(2) in relation to the Radio Regulations Board:

NOC CV116AC

a) prepare and submit draft Rules of Procedure for approval by the Radio Regulations Board; they shall include, inter alia, calculation methods and data required for the application of the provisions of the Radio Regulations;

NOC CV116AD

b) distribute to all Members of the Union the Rules of Procedure of the Board and collect comments thereon received from administrations;

(MOD) CV116AE

c) process information received from administrations in application of the relevant provisions of the Radio Regulations and regional agreements and prepare it, as appropriate, in a form suitable for publication;

MOD	**[CV116AF]**	[d)	issue findings on behalf of the Board, on the basis of the approved Rules of Procedure, and submit to it any review of a finding which is requested by an administration, and which cannot be resolved by the use of those Rules of Procedure;]
MOD	**CV116AG**	e)	in accordance with the relevant provisions of the Radio Regulations, effect an orderly recording and registration of frequency assignments and, where appropriate, the associated orbital characteristics, and keep up to date the Master International Frequency Register; review entries in that Register with a view to amending or eliminating, as appropriate, those which do not reflect actual frequency usage, in agreement with the administration concerned;
NOC	**CV116AH**	f)	assist in the resolution of cases of harmful interference, at the request of one or more of the interested administrations, and where necessary, make investigations and prepare, for consideration by the Board, a report including draft recommendations to the administrations concerned;
(MOD)	**CV116AI**	g)	act as executive secretary to the Board;
NOC	**CV116AJ**		(3) coordinate the work of the radiocommunication study groups and be responsible for the organization of that work;
NOC	**CV116AK**		(4) also undertake the following:
NOC	**CV116AL**	a)	carry out studies 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;
(MOD)	**CV116AM**	b)	exchange with members data in machine-readable and other forms, prepare and keep up to date any documents and databases of the Radiocommunication Sector, and arrange, with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;
NOC	**CV116AN**	c)	maintain such essential records as may be required;
NOC	**CV116AO**	d)	submit to the world radiocommunication conference a report on the activities of the Radiocommunication Sector since the last conference; if a world radiocommunication conference is not planned, such a report covering the two-year period since the last conference shall be submitted to the Council and to the Members of the Union;

NOC **CV116AP** e) prepare a cost-based budget estimate for the requirements of the Radiocommunication Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

NOC **CV116AQ** 3. The Director shall choose the technical and administrative personnel of the Bureau within the framework of the budget as approved by the 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 **CV116AR** 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

NOC

ARTICLE 7B

NOC

Telecommunication Development Study Groups

MOD **CV128G** Telecommunication development study groups shall deal with specific telecommunication questions of general interest to developing countries, including the matters enumerated in No. 128D above. Such study groups shall be limited in number and created for a limited period of time, subject to the availability of resources, shall have specific terms of reference on questions and matters of priority to developing countries and shall be task-oriented.

ADD **CV128GA** Taking into account No. 112A of the Constitution, the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall keep the matters under study under continuing review with a view to reaching agreement on the distribution of work, avoiding duplication of effort and improving coordination. The Sectors shall adopt procedures to conduct such reviews and reach such agreements in a timely and effective manner.

RESOLUTION No. COM4/1

Allocation of Work to the Radiocommunication Sector and the Standardization Sector

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for this Additional Plenipotentiary Conference to give appropriate general principles and guidance to the Sectors;

b) the broad objectives for the work of the Sectors contained in Articles 11A and 13B of the Constitution which specify the functions of the Radiocommunication Sector and Standardization Sector, and Articles [5A] and [6A] of the Convention, which further elaborate the basis of work allocation and future coordination between Sectors;

c) the initial allocation of work between the Radiocommunication and Standardization Sectors recommended by the High Level Committee on the structure and functioning of the Union in its Recommendation 37, and Recommendation 38 proposing continuing review of the allocation of work between the two Sectors;

d) Recommendations 49 and 51 of the High Level Committee to assist developing countries in participating in the work of the Radiocommunication and Standardization Sectors by the extraction and grouping of matters under active study which may be of particular interest to these countries, and by the promotion of such participation;

e) the necessity of improving the efficiency and responsiveness of the Radiocommunication and Standardization Sectors, maintaining flexibility in the allocation of work with continuing review of work allocation between the study groups of these two Sectors to take account of changing conditions;

f) that [Advisory Groups have been established] in the Radiocommunication and Standardization Sectors to review priorities, strategies and progress of work of each Sector and to foster cooperation and coordination between these Sectors and the regional standardization bodies,

taking note of

a) the work of the Directors of the CCIR and the CCITT in developing an initial indicative list of Questions on the basis of Recommendation 37 of the High Level Committee, and the report by the Directors to the Additional Plenipotentiary Conference;

b) the work done by the ad hoc Groups established under CCIR Resolution 106 and CCITT Resolution No. 18, and in particular the principles agreed at the meeting of the CCIR ad hoc Group in June 1992 for detailed allocation of work and ongoing management of the interface between the two ITU Sectors;

c) the proposals of the Directors of the CCIR and the CCITT to hold a joint meeting of the Groups established under CCIR Resolution 106 and CCITT Resolution No. 18 in January 1993,

decides

to endorse Recommendations 37, 38, 49 and 51 of the High Level Committee with respect to the broad terms of reference of the Radiocommunication and Standardization Sectors, and the promotion of the participation of the developing countries in the work of the Sectors,

instructs

the Directors of the Radiocommunication Bureau and the Standardization Bureau to work together to develop proposals for an initial allocation of work between the Sectors, ensuring that:

- there is minimum disruption to the continuing work of the Sectors;
- the grouping of work provides the maximum opportunity for efficient participation by experts from all countries;
- there is minimum overlap between the respective study groups of the Sectors,

and report to the first world radiocommunication conference and the first world telecommunication standardization conference on the proposed initial allocation,

resolves

1. that the world radiocommunication conference and the world telecommunication standardization conference shall confirm the detailed allocation of work;

2. that joint meetings of [the Advisory Groups of] the Radiocommunication and Standardization Sectors shall be held to continue the review of new and existing work and its distribution between the Sectors, subject to confirmation by the Members;

3. that, with the assistance of [the Directors and the Advisory Groups,] the world radiocommunication conference and the world telecommunication standardization conference shall establish procedures for the ongoing review and reallocation of work, as appropriate, to achieve the necessary effectiveness and efficiency goals of the ITU, bearing in mind that the objective, in accordance with the spirit of the High Level Committee Report is to:

- minimize the duplication of activities of the Sectors;
- group the standardization activities in order to foster cooperation and the coordination of the work of the Standardization Sector with regional standardization bodies;

4. the Directors of the Radiocommunication and Standardization Bureaux shall report on the broad outcomes of this review and allocation process to the Plenipotentiary Conference, Kyoto (1994),

invites the Members of the Union

a) to ensure that this review is objective and that it takes full account of the rapidly developing international requirements, by providing broad, competent and senior-level representation [in the Advisory Groups];

b) to consider, and to contribute to discussion on, the procedures for the ongoing review and reallocation of work for the joint meeting in January 1993 of the ad hoc Groups set up under CCIR Resolution 106 and CCITT Resolution No. 18;

c) to consider, in preparation for the world radiocommunication and world telecommunication standardization conferences, the report of the Directors on the allocation of work to the two Sectors, with a view to making a joint recommendation for initial implementation by these Conferences,

instructs the Secretary-General

to draw the attention of the Council to the report of the Directors on the application of this Resolution.

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 175-E
18 December 1992

B.8

PLENARY MEETING

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

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

Source	Document		Title
COM 6*	153(R.2)	Convention	Article 9
	151(B.5)		Article 9A
	153(R.2)		Article 10
			Article 13
			Article 14 (CV170A)
			Article 15 (CV179 and CV193A)
	135(B.4)/160(R.4)		Article 25 (Section 5)

* Note by Committee 6: The following texts have been prepared by the ad hoc Group appointed at the sixth Plenary Meeting.

M. THUE
Chairman of Committee 6

Annex: 8 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

NOC

ARTICLE 9

MOD

Invitation and Admission to Radiocommunication Conferences when There is an Inviting Government

ADD CV141A

1. The precise place and exact dates of the conference shall be fixed in accordance with the provisions of Article 2 of this Convention, following consultations with the inviting government.

MOD CV142

2. (1) The provisions of Nos. 130 to 135A of this Convention shall apply to radiocommunication conferences.

MOD CV143

(2) Members of the Union should inform the recognized operating agencies of the invitation they have received to participate in a radiocommunication conference.

MOD CV144

3. (1) The inviting government, in agreement with or on a proposal by the Council, may notify the international organizations other than those referred to in Nos. 132A to 132D of this Convention which may be interested in sending observers to participate in the conference in an advisory capacity.

MOD CV145

(2) The interested international organizations referred to in No. 144 above shall send an application for admission to the inviting government within a period of two months from the date of notification.

NOC CV146

(3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.

MOD CV147

4. The following shall be admitted to radiocommunication conferences:

NOC CV148

a) delegations;

MOD CV149

b) observers of organizations and agencies referred to in Nos. 132A to 132D of this Convention;

SUP CV150 and CV151

(MOD) CV152

c) observers of international organizations admitted in accordance with Nos. 144 to 146 above;

MOD [CV153]

d) [observers representing/representatives of] recognized operating agencies authorized in accordance with Article 7D of this Convention to participate in the radiocommunication study groups and duly authorized by the Member concerned;

MOD **CV154** e) in an advisory capacity, the elected officials, when the conference is discussing matters coming within their competence, and the members of the Radio Regulations Board;

MOD **CV155** f) observers of Members of the Union participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Members belong.

ADD ARTICLE 9A

ADD **Invitation and Admission to Radiocommunication Assemblies and to Telecommunication Standardization and Telecommunication Development Conferences when There is an Inviting Government**

ADD **CV155A** 1. The precise place and exact dates of each assembly or conference shall be fixed in accordance with the provisions of Article 2 of this Convention, following consultations with the inviting government.

ADD **CV155B** 2. One year before the date of the opening of the assembly or conference, the Secretary-General, after consultation with the Director of the Bureau concerned, shall send an invitation to:

ADD **CV155C** a) the administration of each Member of the Union;

ADD **CV155D** b) the entities or organizations authorized in accordance with Article 7D of this Convention to participate in the activities of the Sector concerned;

ADD **CV155E** c) regional telecommunication organizations mentioned in Article 32 of the Constitution;

ADD **CV155F** d) intergovernmental organizations operating satellite systems;

ADD **CV155G** e) any other regional organization or other international organization dealing with matters of interest to the assembly or conference.

ADD **CV155H** 3. The Secretary-General shall also invite the following organizations or agencies to send observers:

ADD **CV155I** a) the United Nations;

ADD **CV155J** b) the specialized agencies of the United Nations and the International Atomic Energy Agency.

ADD **CV155K** 4. The replies must reach the Secretary-General at least one month before the date of opening of the assembly or conference and should, whenever possible, include full information on the composition of the delegation or representation.

ADD **CV155L** 5. The General Secretariat and the elected officials of the Union shall be represented at the assembly or conference in an advisory capacity.

ADD **CV155LA** 6. The members of the Radio Regulations Board may participate in a radiocommunication assembly in an advisory capacity.

ADD **CV155M** 6. The following shall be admitted to the assembly or conference:

ADD **CV155N** a) delegations;

ADD **CV155O** b) observers of organizations and agencies invited in accordance with Nos. 155E to 155G and 155I and 155J above;

ADD **[CV155P]** c) [observers representing/representatives of] entities or organizations referred to in No. 155D above.

NOC

ARTICLE 10

MOD

Procedure for Convening or Cancelling World Conferences or Radiocommunication Assemblies at the Request of Members of the Union or on a Proposal of the Council

ADD **CV155Q** 1. The procedures to be applied for convening a second world telecommunication standardization conference in the interval between successive Plenipotentiary Conferences and fixing its precise place and exact dates or for cancelling the second world radiocommunication conference or the second radiocommunication assembly are set forth in the following provisions.

MOD **CV156** 2. (1) Any Member of the Union wishing to have a second world telecommunication standardization conference convened shall so inform the Secretary-General, indicating the proposed place and dates of the conference.

MOD **CV157** (2) On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

MOD **CV158** (3) If a majority of the Members, determined in accordance with No. 29 of this Convention, agree to the proposal as a whole, that is to say, if they accept the proposed place and dates, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication.

MOD **CV159** (4) If the proposal accepted is for a conference elsewhere than at the seat of the Union, the Secretary-General, with the assent of the government concerned, shall take the necessary steps to convene the conference.

SUP **CV160 to CV162**

MOD **CV163** (5) If the proposal as a whole (place and dates) is not accepted by the majority of the Members determined in accordance with No. 29 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.

(MOD) **CV164** (6) Such points shall be regarded as adopted when they have been approved by a majority of the Members, determined in accordance with No. 29 of this Convention.

ADD **CV164A** 3. (1) Any Member of the Union wishing to have a second world radiocommunication conference or a second radiocommunication assembly cancelled, shall so inform the Secretary-General. On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

ADD **CV164B** (2) If a majority of the Members, determined in accordance with No. 29 of this Convention, agrees to the proposal, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication and the conference or assembly shall be cancelled.

MOD CV165

4. The procedures indicated in Nos. 157 to 164B above, with the exception of No. 164A, shall also be applicable when the proposal to convene a second world telecommunication standardization conference or to cancel a second radiocommunication conference or a second radiocommunication assembly is initiated by the Council.

ADD CV165A

5. Any Member of the Union wishing to have a world conference on international telecommunications convened shall propose it to the Plenipotentiary Conference; the agenda, precise place and exact dates of such a conference shall be determined in accordance with the provisions of Article 2 of this Convention.

Convention
B.8/6

NOC

ARTICLE 13

SUP

(Title)

(MOD)

Change in the Place or Dates of a Conference

MOD CV168

1. The provisions of Articles 10 and 11 of this Convention for convening a conference shall apply, by analogy, when a change in the precise place and/or exact dates of a conference is requested by Members of the Union or is proposed by the 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.

MOD CV169

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

(MOD) CV170

3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in No. 157 of this Convention, the probable financial consequences of a change in the place or dates, as, for example, when there has been an outlay of expenditure in preparing for the conference at the place initially chosen.

NOC

ARTICLE 14

NOC

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

ADD CV170A

1. The provisions of this Article shall apply to the Plenipotentiary Conference, world and regional radiocommunication conferences and world conferences on international telecommunications.

CV171 to CV178

Unchanged.

NOC

ARTICLE 15

MOD

Credentials for Conferences

MOD **CV179**

1. The delegation sent by a Member of the Union to a Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall be duly accredited in accordance with Nos. 180 to 186 below.

CV180 to CV193

Unchanged.

ADD **CV193A**

10. A Member or an authorized entity or organization intending to send a delegation or representatives to a telecommunication standardization conference, a telecommunication development conference or a radiocommunication assembly shall so inform the Director of the Bureau of the Sector concerned, indicating the names and functions of the members of the delegation or of the representatives.

NOC

CHAPTER IV

NOC

Rules of Procedure

NOC

ARTICLE 25

NOC

Rules of Procedure of Conferences and Other Meetings

CV244 to CV271 Unchanged.

NOC

5. Composition of Committees

NOC

5.1 Plenipotentiary Conferences

MOD **CV272** Committees shall be composed of the delegates of Members and the observers referred to in No. 139 of this Convention who have so requested or who have been designated by the Plenary Meeting.

NOC

5.2 Radiocommunication Conferences

MOD **CV273** Committees shall be composed of the delegates of Members and the observers and representatives referred to in Nos. 149, 152 and 153 of this Convention who have so requested or who have been designated by the Plenary Meeting.

MOD

5.3 Radiocommunication Assemblies, Telecommunication Standardization Conferences and Telecommunication Development Conferences

ADD **[CV273B]** In addition to delegates of Members and observers referred to in Nos. 132A to 132D of this Convention, the radiocommunication assemblies and the committees of the telecommunication standardization and telecommunication development conferences may be attended by [observers representing/representatives of] any entity or organization included in the relevant list referred to in No. 128AC of this Convention.

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INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 176-E
19 December 1992

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:

Source	Document	Title
COM 5	167	Optional Protocol Resolution COM5/2 Resolution COM5/3 Resolution COM5/4 Resolution COM5/5 Resolution COM5/6 Recommendation COM5/A

M. THUE
Chairman of Committee 6

Annex: 11 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

OPTIONAL PROTOCOL

on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations

At the time of signing the Constitution of the International Telecommunication Union and the Convention of the International Telecommunication Union (Geneva, 1992), 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,

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 4 of the Constitution,

have agreed upon the following provisions:

ARTICLE 1

Unless one of the methods of settlement listed in Article 45 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or the Administrative Regulations mentioned in Article 4 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. 409) 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. 407 and 408 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 4

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

ARTICLE 5

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 6

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 Geneva, .. December 1992

RESOLUTION No. COM5/2

Rules of Procedure of Conferences and Meetings of the International Telecommunication Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

Resolution No. 41 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973) and Resolution No. 62 of the Plenipotentiary Conference (Nairobi, 1982),

considering

that, as from the Plenipotentiary Conference (Nice, 1989), the objective pursued with respect to the International Telecommunication Convention (Nairobi, 1982), namely to place fundamental provisions in a Constitution and the remaining provisions in a Convention, has already been achieved,

observing

that there are practical provisions in the Convention on conferences and meetings which may have to be revised more frequently than the other rules contained in the Convention,

recognizing

the need to avoid frequent amendments to the Convention, which may be met by transferring certain rules to another text for internal use by conferences and meetings of the Union, which would be easier to revise,

conscious

that it would be difficult for this Conference to settle this matter, since studies would have to be carried out to ascertain the practices followed in the United Nations specialized agencies and other intergovernmental organizations in this regard,

instructs the Council

1. to consider this matter and to set up, at its 48th session, on the basis of equitable geographical distribution, a Group of Experts appointed by the Members of the Union, on a voluntary basis, to assist it in implementing the present Resolution, with the following terms of reference:

1.1 prepare the draft Rules of Procedure for conferences and meetings of the Union using the relevant rules contained in the Convention as a basis, without excluding the possibility of adding provisions considered necessary or useful;

1.2 prepare any draft consequential amendments which would have to be made to the Convention and, if necessary, the Constitution;

1.3 submit to the 49th session of the Council an interim report together with any material prepared;

2. to submit a report on the matter to the next Plenipotentiary Conference (Kyoto, 1994) for consideration and to obtain any instructions or guidelines for the continuation of the work;

3. to ensure that the only costs that shall be borne by the Union are those incurred for the preparation, translation, publication and distribution of the documents, as well as interpretation for any meetings of the Group referred to in paragraph 1 above. It is understood that, in order to minimize all costs involved, the Group should work by correspondence as much as possible.

instructs the Secretary-General

to assist the Council and the Group of Experts in implementing this Resolution.

RESOLUTION No. COM5/3

Management of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) Recommendations 8, 16, 17 and 18 of the High Level Committee relating to strategic planning and the operation of the Council of the Union, and

b) the need for the Council to focus its attention on broad policy issues, with a strategic focus, and to report to Members on the desired results of the work of the Union,

noting

the responsibilities assigned to the Plenipotentiary Conference, the Council, the Secretary-General and the Coordination Committee for strategic planning and management of the work of the Union in [Articles 8, 10 and 11] of the Constitution and [Articles 3, 4 and 4A] of the Convention,

instructs the Secretary-General

a) to prepare and propose to the Council strategic policies and plans for the Union,

b) to develop a two-year budget process for the Council to review pursuant to the Union's four-year plans prepared at the Plenipotentiary Conference,

instructs the Secretary-General and the Council

to implement the improved management practices recommended by the High Level Committee, particularly those relating to the transparency of cost allocations and budgetary controls,

instructs the Council

1. to institute a two-year budget process within an overall strategic planning framework, with a view:

   i) to identifying and documenting the intended objectives and outcomes of the Union's activities, and

   ii) to identifying the necessary resources for these activities;

2. to present to the Plenipotentiary Conference (Kyoto, 1994) a draft Strategic Plan including the objectives and work programmes developed by the Sectors; and

3. to envisage establishing such committees as may be required to perform a monitoring role and to review other aspects of the administrative work of the Union,

resolves

that the Council shall consider the Secretary-General's budget plans, with any appropriate revisions to allocate resources in accordance with the strategic plans and goals of the Union and the particular activities and work programmes of the three Sectors.

RESOLUTION No. COM5/4

Electronic Access to ITU Documents and Publications

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) Recommendation 46 of the High Level Committee [(Tomorrow's ITU: The Challenges of Change, Geneva, April 1991)];

b) the need to facilitate the exchange and distribution of documentation of the Union and publications;

c) the evolution of electronic information handling;

d) the desirability of cooperation with bodies engaged in relevant standards development;

e) matters connected with the Union's copyright in its publications;

f) the need to sustain the revenue derived from the sale of publications;

g) the need to provide a timely and efficient global standardization process,

resolves

1. that all documentation of the Union available in electronic form intended to facilitate the timely development of recommendations of the Union be made electronically accessible to any Member or Sector member;

2. that all official publications that are made available in databases of the Union for electronic distribution, including recommendations of the Union in publication format by the Radiocommunication Sector or the Telecommunications Standardization Sector, should be made accessible by electronic means with appropriate provision for payment to the Union for the particular publication(s) requested. A request for such publication obliges the purchaser not to duplicate it for distribution or sale external to the purchaser's organization. Such a publication may be utilized in the receiving organization, as required, to further the work of the Union or any standards body developing related standards, to provide guidance for product or service development and implementation and to serve as support documentation associated with a product or service;

3. that none of the above is intended to dilute the copyright held by the Union so that any entity desiring to duplicate publications of the Union for resale must obtain an agreement for such purpose,

instructs the Secretary-General

1. to take the necessary steps to facilitate the implementation of these resolves.

2. to ensure that paper publications are made available as quickly as possible so as not to deprive Members not possessing electronic facilities of access to publications of the Union.

RESOLUTION No. COM5/5

Consideration of the Need to Establish a Forum to Formulate Strategies and Policies in the Changing Telecommunications Environment

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering, as stipulated in the Constitution and Convention

that a purpose of the Union is to promote, at the international level, a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations,

recognizing

a) that the Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities, that is, he shall prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommendations for action relating to the Union's future policies and strategy;

b) that the Council shall consider broad telecommunication policy issues in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment, that is, it shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union and shall take appropriate action;

c) that administrations, realizing the need for the constant review of their own telecommunication policies and legislation and for their coordination with other Members at an international level in the rapidly changing telecommunications environment, should be able constantly and extensively to discuss their own and the Union's strategies and policies;

d) that it is necessary for the Union, as an international organization playing a leading role in the field of telecommunications, to organize a forum in which policy coordination among Members shall be expedited and the Union's strategy shall be shaped,

resolves

1. that, on the basis of a report by the Secretary-General, the Council shall consider, at its ordinary session in 1994, the desirability of establishing a forum for discussion in which administrations can formulate their telecommunication strategies and policies. The Council shall submit appropriate recommendations to the next Plenipotentiary Conference on the basis of this consideration;

2. that the next Plenipotentiary Conference (1994) shall take necessary action on this matter.

RESOLUTION No. COM5/6

Strengthening of Relationships with Regional Telecommunication Organizations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) that there is a need for the Union to cooperate closely with regional telecommunication organizations, given the recent increasing importance of regional organizations concerned with key telecommunication issues;

b) that the Union and those regional organizations share common purposes in carrying out regional activities, i.e., that the joint operation of regional projects effectively promotes the development of regional telecommunication,

instructs the Secretary-General

1. to consult with regional telecommunication organizations on the possibility of cooperation;

2. to submit a report on the results of the consultation to the Council for consideration,

instructs the Council

1. to consider the report submitted by the Secretary-General and take appropriate measures;

2. to report on the results achieved to the next Plenipotentiary Conference (1994).

RECOMMENDATION No. COM5/A

Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

taking into account

the desire expressed in the Report of the High Level Committee to enable the Union to adapt rapidly to the changing telecommunication environment,

considering

the relevant provision of Article 47 of the Constitution, which provides for the entry into force of the instruments of the Union referred to above on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession,

considering further

that it is in the interest of the Union that the said Constitution and the Convention enter into force on 1 July 1994 between as many Members as possible,

invites

all the Members of the Union to expedite their respective national procedures for ratification, acceptance or approval of (see Article 41 of the said Constitution), or accession (see Article 42 of the said Constitution) to, the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and to deposit their respective "single instrument" with the Secretary-General at the earliest possible date, preferably prior to 1 July 1994,

invites further

Members of the Union not to take up their respective national ratification, acceptance, approval or accession procedures with regard to the Nice Constitution and Convention of the International Telecommunication Union, 1989, or to any earlier International Telecommunication Convention,

instructs the Secretary-General

to bring the present Recommendation immediately to the attention of all the Members of the Union and to recall the contents of the present Resolution periodically, as he sees fit, to those Members of the Union which, at that time, have not yet deposited their respective instrument.

BLUE PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 177-E
19 December 1992

B.10

PLENARY MEETING

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

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

Source	Document		Title
COM 4	162	Constitution	Article 11A
			Article 11B
			Article 12
			Article 13
			Article 13A
			Article 13B
			Article 14
		Convention	Article 2
			Article 4B
			Article 4BA
			Article 4C
			Article 5
			Article 5A
			Article 7D
			Resolution COM4/2

Note from Committee 4:

With the exception of the title of Article 11B, these texts have been unanimously adopted. The delegations of J, F and SUI reserve the right to reconsider the title in Plenary sessioon.

M. THUE
Chairman of Committee 6

Annex: 20 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR BLUE DOCUMENTS

The purpose of the Conference is to revise the Nice Constitution and Convention.

To this end, the Conference is using the draft texts prepared by the ITU Drafting Group on the basis of the H.L.C. Report, which are set out in Basic Documents I and II (dated 1 May 1992) and Working Documents 1 and 2 (dated 5 May 1992) sent to all Members in May 1992.

It is also using the proposals submitted by Members, who were invited to put forward proposals on the basis of the Working Documents.

The symbols in the margin in the documents submitted by Committee 6 to the Plenary Meeting for first reading (blue documents) indicate changes made by the competent Committee (Committee 4 or 5) to the text of the Working Documents; the symbols have the following meaning:

- NOC	Provision which was modified, added or deleted by the Drafting Group, and for which the modification, addition or suppression in question was accepted unchanged by the competent Committee. A provision added by the Drafting Group bears one or two letters after the number of the provision. Provisions deleted by the Drafting Group are indicated by the symbol (SUP) after the number.
- MOD	Provision modified by the competent Committee
- SUP	Provision deleted by the competent Committee
- ADD	Provision added by the competent Committee

- The absence of a symbol in the margin means that the Nice text has been adopted without change.

- The symbol (MOD) indicates a provision to which Committee 6 has made purely editorial amendments.

NOC

CHAPTER II

NOC

Radiocommunication Sector

NOC

ARTICLE 11A

NOC

Functions and Structure

MOD CS85A

1. (1) The functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication:

- by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite orbit, subject to the provisions of Article 33 of this Constitution, and
- by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.

MOD CS85B

(2) The precise responsibilities of the Radiocommunication Sector and the Telecommunication Standardization Sector shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

NOC CS85C

2. The Radiocommunication Sector shall work through:

MOD CS85D

a) world and regional radiocommunication conferences;

NOC CS85E

b) the Radio Regulations Board;

ADD CS85EA

b)bis radiocommunication assemblies, which shall be associated with world radiocommunication conferences;

MOD CS85F

c) radiocommunication study groups and the Radiocommunication Advisory Group;

(MOD) CS85G

d) the Radiocommunication Bureau, headed by the elected Director.

NOC CS85H 3. The Radiocommunication Sector shall have as members:

NOC CS85I a) of right, the administrations of all Members of the Union;

MOD CS85J b) any entity or organization authorized in accordance with the relevant provisions of the Convention.

NOC ARTICLE 11B

MOD **Radiocommunication Conferences[and Radiocommunication Assemblies]**

MOD CS85K 1. A world radiocommunication conference may partially or, in exceptional cases, completely, revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties are specified in the Convention.

MOD CS85L 2. World radiocommunication conferences shall normally be convened every two years; however, following the application of the relevant provisions of the Convention, such a conference need not be convened or an additional one may be convened.

ADD CS85LA 3. Radiocommunication assemblies shall also normally be convened every two years, and be associated in place and time with world radiocommunication conferences so as to improve the efficiency and effectiveness of the Radiocommunication Sector. Radiocommunication assemblies shall provide the necessary technical bases for the work of the world radiocommunication conferences and respond to all requests from world radiocommunication conferences. The duties of the radiocommunication assemblies are specified in the Convention.

MOD CS85M

4. The decisions of a world radiocommunication conference, of a radiocommunication assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. The decisions of a regional radiocommunication conference shall also in all circumstances be in conformity with the Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ARTICLE 12

NOC

Radio Regulations Board

MOD CS86

1. The Radio Regulations Board shall consist of elected members thoroughly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with the geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.

(MOD) CS86A

2. The duties of the Radio Regulations Board shall consist in:

MOD CS86B

a) the approval of Rules of Procedure, which include technical criteria, in accordance with the Radio Regulations and with any decision which may be taken by competent radiocommunication conferences. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Members. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;

NOC CS86C

b) the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;

MOD **CS86D**

c) the performance of any additional duties, concerned with the assignment and utilization of frequencies, as indicated in 85A of this Constitution, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the 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 **CS86E**

3. (1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member's own administration.

(MOD) **CS86F**

(2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 86E above.

(MOD) **CS86G**

(3) Each Member shall respect the exclusively international character of the duties of the members of the Board and refrain from attempting to influence them in the performance of their Board duties.

NOC **CS87 to CS94** **(SUP)**

MOD **CS94A**

4. The working arrangements of the Radio Regulations Board are defined in the Convention.

NOC **CS95 to CS97** **(SUP)**

ARTICLE 13

NOC

Radiocommunication Study Groups

MOD CS97A The duties of the radiocommunication study groups are specified in the Convention.

NOC CS98 to CS111 (SUP)

NOC

ARTICLE 13A

NOC

Radiocommunication Bureau

MOD CS111A The functions of the Director of the Radiocommunication Bureau are specified in the Convention.

NOC

CHAPTER III

NOC

Telecommunication Standardization Sector

NOC

ARTICLE 13B

NOC

Functions and Structure

MOD CS111C (2) The precise responsibilities of the Telecommunication Standardization and Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close cooperation shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

NOC

CHAPTER IV

NOC

Telecommunication Development Sector

ARTICLE 14

NOC

Functions and Structure

NOC CS112 1. The functions of the Telecommunication Development Sector shall be to fulfil the purposes of the Union as stated in Article 1 of this Constitution and to discharge, within its specific sphere of 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 CS112A The activity of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall be the subject of close cooperation with regard to matters relating to development, in accordance with the relevant provisions of this Constitution.

ARTICLE 2

Other Conferences

NOC		
NOC	**CV6P**	1. In conformity with the relevant provisions of the Constitution, the following world conferences of the Union shall normally be convened within the period between two Plenipotentiary Conferences:
NOC	**CV6Q**	a) two world radiocommunication conferences;
NOC	**CV6R**	b) one world telecommunication standardization conference;
(MOD)	**CV6S**	c) one world telecommunication development conference;
ADD		d) two radiocommunication assemblies, associated in place and time with world radiocommunication conferences.
NOC	**CV7 to CV9**	**(SUP)**
MOD	**CV10**	2. Exceptionally, within the period between Plenipotentiary Conferences:
		- * the second world radiocommunication conference and its associated radiocommunication assembly [may both be cancelled, or either one may be cancelled]; or
		- an additional [world radiocommunication conference or] telecommunication standardization conference may be convened.
		These actions shall be taken:
NOC	**CV11**	a) by a decision of a Plenipotentiary Conference;
NOC	**CV12**	b) on the recommendation of the previous world conference of the Sector concerned, if approved by the Council;
(MOD)	**CV13**	c) at the request of at least one-quarter of the Members of the Union, which shall individually address their requests to the Secretary-General; or
NOC	**CV14**	d) on a proposal of the Council.
NOC	**CV15**	**(SUP)**

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* Note by Committee 6: Alternative proposal - (original: English):

[The second world radio conference may be cancelled along with its associated radiocommunication assembly alternatively either one may be held even if the other is cancelled.]

MOD **CV16** 3. A regional radiocommunication conference shall be convened:

NOC **CV17** a) by a decision of a Plenipotentiary Conference;

MOD **CV18** b) on the recommendation of a previous world or regional radiocommunication conference if approved by the Council;

(MOD) **CV19** c) at the request of at least one-quarter of the Members belonging to the region concerned, which shall individually address their requests to the Secretary-General; or

NOC **CV20** d) on a proposal of the Council.

MOD **CV20A** 4. (1) The precise place and the exact dates of a world or regional conference or radiocommunication assembly may be fixed by a Plenipotentiary Conference.

MOD **CV20B** (2) In the absence of such a decision, the Council shall determine the precise place and the exact dates of a world conference or radiocommunication assembly with the concurrence of a majority of the Members of the Union, and of a regional conference with the concurrence of a majority of the Members of the Union belonging to the region concerned; in both cases the provisions of No. 29 below shall apply.

NOC **CV21** **(SUP)**

MOD **CV22** 5. (1) The precise place and the exact dates of a conference or assembly may be changed:

MOD **CV23** a) at the request of at least one-quarter of the Members of the Union in the case of a world conference or assembly, or of at least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

NOC **CV24** b) on a proposal of the Council.

MOD **CV25** (2) In the cases specified in Nos. 23 and 24 above, 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 conference or assembly, or by a majority of the Members of the Union belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 29 below.

NOC **CV26 to CV28** **(SUP)**

NOC CV29 6. In the consultations referred to in Nos. 20B, 25, 109L, 109Q, 109AC, 158, 163, 164, 164B and 168 of this Convention, Members of the Union who have not replied within the time limits specified by the 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.

NOC CV29A 7. (1) World conferences on international telecommunications shall be held upon decision by the Plenipotentiary Conference.

(MOD) CV29B (2) The provisions for the convening, and for the adoption of the agenda, of a world radiocommunication conference shall, as appropriate, equally apply to world conferences on international telecommunications.

NOC CV30 **(SUP)**

NOC

SECTION 5

NOC

Radiocommunication Sector

NOC

ARTICLE 4B

NOC

World Radiocommunication Conference

MOD CV109G

1. In accordance with No. 85L of the Constitution, a world radiocommunication conference shall be convened to consider specific radiocommunication matters. A world radiocommunication conference shall deal with those items which are included in its agenda adopted in accordance with the relevant provisions of this Article.

MOD CV109H

2. (1) The agenda of a world radiocommunication conference may include:

NOC CV109I

a) the partial or, exceptionally, complete revision of the Radio Regulations referred to in Article 4 of the Constitution;

NOC CV109J

b) any other question of a worldwide character within the competence of the conference;

(MOD) CV109K

c) an item concerning instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities, and a review of those activities;

ADD CV109KA

d) the adoption of questions to be studied by the radiocommunication assembly, as well as matters that this assembly shall consider in relation to future radiocommunication conferences.

MOD CV109L

(2) The general scope of this agenda should be established four years in advance, and the final agenda shall be established by the Council preferably two years before the conference, with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 29 of this Convention.

NOC CV109M

(3) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

NOC CV109N 3. (1) This agenda may be changed:

(MOD) CV109O a) at the request of at least one-quarter of the Members of the Union. Such requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

NOC CV109P b) on a proposal of the Council.

(MOD) CV109Q (2) The proposed changes to the agenda of a world radiocommunication conference shall not be finally adopted until accepted by a majority of the Members of the Union, subject to the provisions of No. 29 of this Convention.

(MOD) CV109Y 4. The conference shall also:

NOC CV109Z (1) consider and approve the report of the Director of the Bureau on the activities of the Sector since the last conference;

MOD CV109AA (2) recommend to the Council items for inclusion in the agenda of a future conference and give its views on such agendas for at least a four-year cycle of radiocommunication conferences, together with an estimate of the financial implications;

(MOD) CV109AB (3) include, in its decisions, instructions or requests, as appropriate, to the Secretary-General and the Sectors of the Union.

ADD CV109AC 5. The Chairman and Vice-Chairmen of the radiocommunication assembly, or of relevant study groups, may participate in the associated world radiocommunication conference.

ADD ARTICLE 4BA

ADD **Radiocommunication Assemblies**

MOD CV109R 1. A radiocommunication assembly shall deal with and issue, as appropriate, recommendations on questions adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, the Council or the Radio Regulations Board.

MOD **CV109S** 2. With regard to No. 109R above, the radiocommunication assembly shall:

(MOD) **CV109T** (1) consider the reports of study groups prepared in accordance with No. 116R of this Convention and approve, modify or reject the draft recommendations contained in those reports;

NOC **[CV109U]** (2) bearing in mind [the guidance of the Advisory Group referred to in No. 116U of this Convention and] the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

(MOD) **CV109V** (3) decide, in the light of the approved programme of work derived from No. 109U above, on the need to maintain, terminate or establish study groups, and allocate to each of them the questions to be studied;

(MOD) **CV109W** (4) group questions of interest to the developing countries as far as possible, in order to facilitate their participation in the study of those questions;

SUP **CV109X**

ADD **CV109XA** (5) give advice on matters within its competence in response to requests from a world radiocommunication conference;

ADD **CV109XB** (6) report to the associated world radiocommunication conference on the progress in matters that may be included in the agenda of future radiocommunication conferences.

[ADD **109XC** 3. A radiocommunication assembly shall be presided over by the Head of the delegation of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the assembly.]

NOC

ARTICLE 4C

(MOD)

Regional Radiocommunication Conferences

(MOD) CV109AC The agenda of a regional radiocommunication conference may provide only for specific radiocommunication questions of a regional nature, including instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Only items included in its agenda may be discussed by such a conference. The provisions contained in Nos. 109L to Q of this Convention shall apply to a regional radiocommunication conference, but only with regard to the Members of the region concerned.

ARTICLE 5

NOC

Radio Regulations Board

NOC CV110 to CV116 (SUP)

ADD CV116AA 1. The Board is composed of [nine Members of the Union][Members] elected by the Plenipotentiary Conference.

(MOD) CV116A 2. In addition to the duties specified in Article 12 of the Constitution, the Board shall also consider reports from the Director of the Radiocommunication Bureau on investigations of harmful interference carried out at the request of one or more of the interested administrations, and formulate recommendations with respect thereto.

[MOD CV116B 3. Members of the Board have also as a duty to participate, in an advisory capacity, in the Plenipotentiary Conference and the radiocommunication conferences. They are not allowed to participate in these conferences as members of their national delegations.]

Alternative text:

[MOD CV116B 3. Members of the Board have a duty to participate, in an advisory capacity, in radiocommunication conferences and radiocommunication assemblies. The Chairman and Vice-Chairman of the Board, or their nominated representatives, have a duty to participate, in an advisory capacity, in Plenipotentiary Conferences. In all of these cases, the members concerned shall not participate in these conferences as members of their national delegations.]

NOC

ARTICLE 5A

MOD

Radiocommunication Study Groups [and Advisory Group]

MOD CV116I 1. Radiocommunication study groups are set up by a radiocommunication assembly.

MOD CV116J 2. (1) The radiocommunication study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions in Article 4B of this Convention. Those draft recommendations shall be submitted for approval to a world radiocommunication assembly or, between two such assemblies, by correspondence to administrations in accordance with procedures adopted by the assembly. Recommendations approved in either manner shall have equal status.

NOC CV116K (2) The study of the above questions shall, subject to No. 116S below, focus on the following:

(MOD) CV116L a) use of the radio-frequency spectrum in terrestrial and space radiocommunication (including the geostationary-satellite orbit);

NOC CV116M b) characteristics and performance of radio systems;

NOC CV116N c) operation of radio stations;

NOC CV116O d) radiocommunication aspects of distress and safety matters.

NOC CV116P (3) These studies shall not generally address economic questions, but when they involve comparing technical alternatives, economic factors may be taken into consideration.

MOD CV116Q 3. The radiocommunication study groups shall also carry out preparatory studies of the technical, operational and procedural matters to be considered by world and regional radiocommunication conferences and elaborate reports thereon in accordance with a programme of work adopted in this respect by a radiocommunication assembly or following instructions by the Council.

MOD CV116R 4. Each study group shall prepare for the radiocommunication assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 116J above and any draft new or revised recommendations for consideration by the assembly.

MOD CV116S 5. Taking into account No. 85B of the Constitution, the tasks enumerated in Nos. 116L to 116O above and in No. 122H of this Convention in relation to the Telecommunication Standardization Sector shall be kept under continuing review by the Radiocommunication Sector and the Telecommunication Standardization Sector with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such a review and reach agreements in a timely and effective manner. If agreement is not reached, even at the level of the radiocommunication assembly and the world telecommunication standardization conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

(MOD) CV116T 6. In the performance of their studies, the radiocommunication study groups 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 at both the regional and international levels. They shall conduct their work giving due consideration to the work of national, regional and other international organizations concerned with radiocommunication and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of telecommunications.

MOD CV116U

7. A Radiocommunication Advisory Group shall provide guidance on the work of the study groups. It shall, inter alia, recommend steps to foster cooperation and coordination with other organizations concerned with radiocommunication and with the Telecommunication Standardization and the Telecommunication Development Sectors. It shall be organized by the Director and shall be open to representatives from administrations, entities and organizations authorized in accordance with Article 7D of this Convention and to Chairmen of study groups; the Director shall participate in its meetings and report annually to the Council.

NOC

SECTION 8

NOC

Provisions Common to the Three Sectors

NOC

ARTICLE 7D

(MOD)

Participation of Entities and Organizations Other than Administrations in the Union's Activities

MOD CV128T 1. The Secretary-General and the Directors shall encourage the enhanced participation in the activities of the Union of the following entities and organizations:

MOD CV128U a) recognized operating agencies, scientific or industrial organizations and financial or development institutions which are approved by the Member concerned;

SUP CV128V

SUP CV128W

MOD CV128X b) other entities dealing with telecommunication matters which are approved by the Member concerned;

(MOD) CV128Y c) regional and other international telecommunication, standardization, financial or development organizations.

NOC CV128Z 2. The Directors of the Bureaux shall maintain close working relations with those entities and organizations which are authorized to participate in the activities of one or more of the Sectors of the Union.

MOD CV128AA 3. Any request from an entity listed in No. 128U above to participate in the work of a Sector, in accordance with the relevant provisions of the Constitution and this Convention, approved by the Member concerned is forwarded by the latter to the Secretary-General.

ADD CV128AAA 4. Any request from an entity referred to in No. 128X above submitted by the Member concerned shall be handled in conformity with a procedure established by the Council. Such a request shall be reviewed by the Council with respect to its conformity with the above procedure.

MOD CV128AB 5. Any request from any entity or organization listed in No. 128Y above (other than those referred to in Nos. 132B and 132C of this Convention) to participate in the work of a Sector shall be sent to the Secretary-General and acted upon in accordance with procedures established by the Council.

ADD CV128ABA 6. Any request from an organization referred to in Nos. 132B to 132D of this Convention to participate in the work of a Sector shall be sent to the Secretary-General, and the organization concerned shall be included in the list referred to in No. 128AC below.

MOD CV128AC 7. The Secretary-General shall compile and maintain lists of all entities and organizations referred to in Nos. 128U to 128Y above that are authorized to participate in the work of each Sector and shall, at appropriate intervals, publish and distribute these lists to all Members and to the Director of the Bureau concerned, who shall advise entities of the action taken on their requests.

(MOD) CV128AD 8. Organizations and entities contained in the lists referred to in No. 128AC above are also referred to as "members" of the Sectors of the Union; the conditions of their participation in the Sectors are specified in this Article, in Article 26 and in other relevant provisions of this Convention. The provisions of Article 3 of the Constitution do not apply to them.

MOD CV128AE 9. A recognized operating agency may act on behalf of the Member which has recognized it, provided that Member informs the Director of the Bureau concerned that it is authorized to do so.

(MOD) CV128AF 10. Any entity or organization authorized to take part in the work of a Sector has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member concerned. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

(MOD) CV128AG 11. The Secretary-General shall delete from the list of entities and organizations any entity or organization that is no longer authorized to participate in the work of a Sector, in accordance with criteria and procedures determined by the Council.

SUP CV128AH

Convention
B.10/19

RESOLUTION No. COM4/2

[Approval of Recommendations]

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

bearing in mind

a) that a world telecommunication standardization conference is to be held in Helsinki in 1993;

b) that the Administrative Council has included the holding of a first world radiocommunication conference in 1993 in the budget of the Union and meeting schedule,

noting

a) that the Union will, at the international level, promote a broader focus on telecommunications in the world economy and society;

b) that there should be greater participation by the Member countries in the standardization function, in order to ensure that the adoption of recommendations on radiocommunications and standardization is duly legitimized through approval by a qualified majority,

considering

a) the statements of the High Level Committee to the effect that it is "of paramount importance that the standardization function become more relevant to developing countries", that "the multilateral coordination of the use of radio needs to be transparent and must ensure fairness and equitable access to the spectrum and orbit resource", and that "developing countries need to be involved in a more meaningful way. Otherwise, the technological gap will widen";

b) that as the process of preparing and adopting standards is vital to the development of telecommunications, increased involvement of developing countries should be facilitated;

c) that it is essential that practical difficulties should be resolved in order to enable greater participation by developing countries in the process of preparing and adopting recommendations on standardization and radiocommunications, subject to an evaluation of the results of Recommendations 49, 50, 51, 52 and 53 of the High Level Committee,

resolves

1. that the first World Telecommunication Standardization Conference (Helsinki, 1993) and the first World Radiocommunication Conference (Geneva, 1993) should review CCITT Resolution No. 2 and CCIR Resolution 92, with a view to modifying the Rules of Procedure so that:

1.1 recommendations for approval by correspondence are approved by a certain majority of favourable replies;

1.2 a mechanism is established by which a Member may be adversely affected by a recommendation may raise any concerns with the Director of the relevant Sector for rapid resolution;

2. that the Director shall report to the next competent conference on all such concerns drawn to his attention,

instructs the Council

to include the revision of CCITT Resolution No. 2 and CCIR Resolution 92 on the agendas of the World Telecommunication Standardization Conference (Helsinki, 1993) and the World Radiocommunication Conference (Geneva, 1993), with a view to amending them along the lines indicated in this Resolution,

also instructs the Director of the BDT

to explore all the possibilities offered by Recommendations 50, 51, 52 and 53 of the High Level Committee, with a view to promoting and increasing the participation of developing countries in the preparation and approval of recommendations on standardization and radiocommunications.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 178-E
19 December 1992
Original: English

PLENARY MEETING

Australia, Canada, Denmark, Finland, France, Germany, Hungary, Iceland, India, Italy, Liechtenstein, Malta, Morocco, Netherlands, New Zealand, Nigeria, Norway, Romania, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Uruguay, Venezuela

**AUS/CAN/DNK/FNL/F/D/
HNG/ISL/IND/I/LIE/MLT/
MRC/HOL/NZL/NIG/NOR/
ROU/E/S/SUI/TUR/G/
USA/URG/VEN/178/1
ADD**

DRAFT RESOLUTION No. [XXX]

World Radiocommunication Conference 1993

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) that provision has been made for a World Telecommunication Standardization Conference to be held in Helsinki in 1993;

b) that all activities of the Radiocommunication Sector are to be directed by the World Radiocommunication Conference;

c) that the Administrative Council has made provision in the budget of the ITU and the schedule of meetings for an initial World Radiocommunication Conference to be held in 1993;

d) that Article 11B of the Constitution and Articles 4B and 5A of the Convention (Geneva 1992) provide the relevant provisions for convening World Radiocommunication Conferences,

considering

a) Recommendations 57, 58, and 59 of the High Level Committee, relating to World Radiocommunication Conferences;

b) that the Constitution and Convention (Geneva 1992) will enter into force [on 1 July 1994];

c) the desirability of smooth transition and early commencement of work in the Radiocommunication Sector;

d) that the period of time to prepare for a 1993 World Radio Communication Conference is short,

resolves

1. to convene a World Radiocommunication Conference in Geneva [dates to be set] 1993 for the purpose of:

1.1 making recommendations to the Council concerning the agenda for the 1995 World Radiocommunication Conference, including any guidance on facilitating the use of frequency bands allocated to the Mobile Satellite Service by recommending the inclusion of this matter in the agenda of the 1995 World Radiocommunication Conference;

1.2 making recommendations for the preliminary agenda for the 1997 World Radiocommunication Conference;

2. to convene a Radiocommunication Assembly associated with this World Radiocommunication Conference:

2.1 to consider recommendations from the advisory Groups established under CCIR Resolutions 106 and 107 on strategic review and restructuring of Study Groups;

2.2 to establish the work programme and the Study Groups for the new Radiocommunication Sector, including any future work on HF broadcasting;

2.3 to consider reports and any draft recommendations arising from the work of the CCIR Study Groups which could not be adopted by correspondence;

3. that [Articles 4B and 5A] of the ITU Convention shall have effect for the purposes of the work of the first World Radiocommunication Conference,

instructs the Secretary-General and the Director of the Radiocommunication Bureau

3. to provide the necessary support to the work of the Conference and to the subsequent work of Study Groups in the Radiocommunication Sector.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 179-E
19 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

ELEVENTH MEETING OF COMMITTEE 4

Tuesday, 15 December 1992 at 0905 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 11B of the draft Constitution	Basic Document I, DT/1 + Add.1, 13, 26, 27, 30, 35, 46, 49
2.	Consideration of proposals relating to Article 11A of the draft Constitution	Basic Document I, DT/1 + Add.1, 8, 13, 26, 27, 35, 46, 57

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1. Consideration of proposals relating to Article 11B of the draft Constitution (Basic Document I, Documents DT/1 + Add.1, 13, 26, 27, 30, 35, 46, 49)

1.1 The Chairman invited the Committee to take up Article 11B of the draft Constitution in Basic Document I, relating to radiocommunication conferences.

ADD Title

1.2 Approved.

ADD CS85K

1.3 The delegate of Canada, introducing proposal CAN/35/12, drew attention to Recommendation 57 of the High Level Committee, to the effect that the radiocommunication-related activities of the Union should be directed by world radiocommunication conferences held in general every two years, combining the responsibilities of the current administrative radio conferences and CCIR Plenary Assemblies, and to Recommendation 58, to the effect that the conferences should include a committee open to those entitled to participate in the radiocommunication Study Groups. His delegation supported the thrust of those recommendations but considered that in addition to regulatory functions, world radiocommunication conferences would have two distinct technical functions, one relating to the work programme and organizational responsibilities of the Plenary Assembly and one relating to the preparation of the technical bases for the remaining items of the conference agenda. In the first instance, the body replacing the CCIR Plenary Assembly should take decisions on matters within its own competence. The work of providing technical and operational support for conferences should be subject to world radiocommunication conference approval. His delegation therefore proposed that, to avoid confusion, the term "Technical Committee" used to describe the body replacing the CCIR Plenary Assembly should be changed to "Radiocommunication Assembly". All references to the Regulatory Committee should also be deleted, since it would be for future world administrative radio conferences to determine the appropriate committee structure. It was anticipated that a Regulatory Committee would be included in the structure of future WARCs, with working groups set up as required to deal with frequency allocation matters and regulatory procedures. However, if recommendations with regulatory implications were put forward, such as those entailing amendment of the Radio Regulations under Resolution No. 703, WARC approval might be necessary. The two functions undertaken within the same general framework of the world radiocommunication conference were linked. Canada's proposed amendments were designed to clarify the text and avoid confusion.

1.4 The delegate of China, introducing proposal CHN/13/16, said that the duties of the legislative and non-legislative organs were already spelt out in the Convention and there was no need to repeat them in the Constitution. His delegation therefore proposed that CS85K should read: "The duties of a world radiocommunication conference are specified in Articles 4B and 5A of the Convention".

1.5 The delegate of the United Kingdom said that the 28 European administrations that had submitted proposal EUR/27/7 also broadly accepted the relevant recommendations of the H.L.C., which they interpreted to mean that CCIR Plenary Assembly activities should normally take place at the same time and place as the activities previously carried out by world administrative radio conferences. Closer cooperation between those two activities was needed, although it was clear that the body replacing the CCIR Plenary Assembly would need to take its own decisions on matters within its own competence. For the reasons given by the Canadian delegation, the

European administrations believed that the term "Technical Committee" adopted by the H.L.C. Drafting Group was open to confusion, since there had been Technical Committees as part of world administrative radio conferences. They did not see the need for all the work previously carried out at a Plenary Assembly to be subject to approval by a world radiocommunication conference. Similarly, they believed the term "Radio Regulations Committee" was confusing, and proposed to replace it by "Radio Technical Assembly". They also suggested deleting the references to the Radio Regulations Committee, since the role of that body was adequately covered by the title "World Radiocommunication Conference". There were a number of consequential amendments to the Convention and Constitution following upon those proposals, and the European administrations would be pleased to take part in the discussion of any further changes deemed necessary to describe more clearly the respective roles of the Assembly and the conference as a whole.

1.6 The delegate of the United States, introducing proposal USA/26/8, said that his Administration shared many of the concerns expressed by Canada and the European administrations. The High Level Committee had decided that it was in the interests of the ITU to convene radiocommunication conferences on a more regular basis. Since the conclusion of the work of the H.L.C., many administrations had realized that the legislative conferences had to be free to establish the committee structure they needed and that provision must be made for all participants who had attended Plenary Assemblies in the past to be able to attend technical meetings at the conference, hence the proposals by his delegation to redefine the titles proposed by the H.L.C. His Administration considered that the assembly which was to meet at the same time and place as the conference should be known as the Radiocommunication Assembly rather than the Technical Committee. It also proposed that the Members of the Radio Regulations Board should be elected at the world radiocommunication conference rather than at the Plenipotentiary Conference since they should be technical experts chosen by their peers. He would return to that point at a later stage.

1.7 The Chairman observed that the question of elections was being handled by Committee 5. Any related text would be left in square brackets pending that Committee's decision.

1.8 The delegate of India supported the principle recommended by the High Level Committee of holding the activities of the CCIR Plenary Assembly together with those of the world radiocommunication conference. Nevertheless, the title "Technical Committee" would be confusing and his delegation proposed (IND/46/8) that the term "Special Radiocommunication Committee" should be adopted instead, in order to ensure that the body was consistent with the proposed new structure of the ITU.

1.9 The delegate of Japan said that his Administration supported the proposal of the High Level Committee to combine the responsibilities of the current administrative radio conferences and CCIR Plenary Assemblies in the world radiocommunication conference, since their activities were inter-related and most participants would be the same. Merging the secretariats would obviate duplication. However, confusion might arise from a legal standpoint if the Radio Regulations Committee and the Technical Committee worked within the framework of a single conference. The Radio Regulations Committee was a legislative body and the Technical Committee was not, and the status of the respective participants was quite different, the members of the former representing their governments whereas the members of the latter could come from the private sector. According to No. 153A of the draft Convention, participants from the private sector could take part only in the Technical Committee of the world radiocommunication conference and not in the Steering Committee or the Plenary Meeting. But without such participation the work of the Technical Committee could not be carried out efficiently. His Administration proposed (J/49/8) to solve that problem by creating two conferences: the Radio

Regulations Conference and the Radio Technical Conference, both to meet at the same time and place. The combination of the two conferences could be entitled World Radio Assembly. However, if the majority preferred a single conference in the Radio Sector the Convention should at least make provision for the Chairman and Vice-Chairman of the Technical Committee to participate in the Plenary of the Radio Conference.

1.10 The Chairman said that there was no substantial disagreement on the substance of the recommendations of the High Level Committee, only on their presentation in the draft treaty text. All delegations seem to have some difficulty with the notion of a Regulatory Committee identified separately in the Convention. With regard to the other committee envisaged by the Drafting Group, some delegations approved the concept of such a committee to continue the kind of work previously done by the Plenary Assembly, although the Japanese delegation preferred to keep the two functions separate. There had been considerable objection to the name "Technical Committee", and he suggested that "Radiocommunications Assembly" might be appropriate.

1.11 On the more substantial question of the continuation of the Plenary Assembly dealing with Study Group matters and technical recommendations and the continuation of the WARC as a forum for government representatives with responsibility for regulations and the adoption of Final Acts, the High Level Committee had seen much merit in bringing those two activities closer together. However, he invited further discussion on the question of principle raised by Japan as to whether the two bodies should be kept legally separate or whether they should be combined.

1.12 The delegate of Finland considered that the question raised by the delegate of Japan did not pose any problem, since participants in a legislative conference had to present credentials from their governments. It was the sovereign right of every government to nominate anyone it wished as a delegate. He pointed out that the Technical Assembly or Radiocommunication Assembly would perhaps not deal with all the matters covered by Radiocommunication Sector Study Groups. Some Study Groups might work on preparations for conferences of a legislative nature and not deal only with purely technical matters. There might be a Study Group working on matters relating to the notification and registration procedures in the Radio Regulations. Concerning the role of the Study Groups, it was his understanding that discussion was continuing as to whether it was necessary to regulate at treaty level everything previously covered by the Radio Regulations, or whether some areas of those Regulations could be dealt with more effectively by other means, for instance recommendations. Perhaps the Chairman of the Voluntary Group of Experts could provide some information on that point.

1.13 The delegate of the Russian Federation endorsed the Chairman's summing-up. Because of the difference in the nature of the participants in international Radio Conferences and Plenary Assemblies, his delegation believed that it would be as well to retain the old structure of Plenary Assemblies and Radio Conferences. The recommendations of the H.L.C. were attractive, but there was a need to increase participation by administrations in the Plenary Assemblies. His delegation was prepared to support the Japanese proposal with some amendments. It could envisage the two conferences meeting at the same time and place, but would make a distinction between the two different responsibilities on the lines proposed by a number of previous speakers. The name "Radio Assembly" might be the most appropriate.

1.14 The Chairman of the Voluntary Group of Experts drew attention to Document 30 which contained an information report of the VGE to the present Conference. The VGE was in the process of drawing up detailed texts for the new Radio Regulations, based on the recommendations formulated at its earlier meetings. The texts of those recommendations were annexed to Document 30. Under the overall aim of reducing the amount of text in the Radio Regulations, the VGE had divided its work into three main tasks: first, matters relating to the allocation of frequency bands, where changes were being suggested to the system of allocation and to the definition of services; second, a review of the procedures for coordination and

notification of radio-frequency assignments, where a substantial simplification could be made by replacing the many existing procedures by a single basic procedure, thus simplifying the work of administrations as well as of the IFRB or its successor; and third, reviewing operational and administrative matters, replacing texts that might not be appropriate for a treaty such as the Radio Regulations by references to other texts (for example, CCIR Recommendations) so that their treaty status was maintained, and perhaps leaving texts which did not require treaty status to be addressed by the new Radiocommunication Sector. It was likely that much of the material in the Radio Regulations which did not require treaty status could be replaced by recommendations drawn up by a system of Study Groups.

1.15 The delegate of Morocco said that the H.L.C. proposal for a Radiocommunication Conference comprising a Radio Regulations Committee and a Technical Committee had been made with a view to integrating the technical and regulatory sides of radiocommunication. The participation in such a conference had posed a problem for the Drafting Group, however, because of the difference in powers of the participants in the two Committees. Those difficulties could surely be overcome. On a point of terminology, he felt that it was inappropriate to refer to one of the Committees as an assembly, since an "assembly" could hardly be subordinate to a "conference". Among the various proposals made, he preferred that put forward by the delegation of Japan (J/49/8), it being clearly understood that the conference and the assembly would meet at the same location during the same period, not necessarily on exactly the same dates, the overlap to be decided by the Radiocommunication Sector. One of the suggestions made by the VGE was that the technical annexes to the Radio Regulations could be replaced by references to Recommendations of the CCIR. Because of the reference from the Radio Regulations, those Recommendations would have treaty status. They would thus have to be adopted by a regulatory conference, rather than by correspondence. That requirement further highlighted the need for the technical and regulatory meetings to be held simultaneously. Whatever the final conference structure, the regulatory work had higher status than the technical.

1.16 The delegate of France preferred the H.L.C. proposal since it maintained the homogeneity of the Radiocommunication Sector. The establishment of separate conferences to deal with the regulatory and technical aspects would have the effect of polarizing the issues. Furthermore, the technical and regulatory conferences would not have the same status, since the output of the Technical Assembly would form the basis for regulatory work. The technical conference would therefore be subordinate to the regulatory conference. It would moreover be difficult to maintain the necessary unity if the Technical Assembly had complete autonomy. The participation of the Chairman and Vice-Chairman of the Technical Assembly in the regulatory work would ensure the necessary cohesion. The Japanese proposal, however, presented an interesting pragmatic solution.

1.17 The delegate of New Zealand stressed that the texts had to make a clear distinction between the two functions of radiocommunication conferences as well as between their respective participation: the drawing-up of treaty texts by all Members of the Union on the one hand, and the consideration of technical and operational matters with the wider participation of the industry as a whole on the other. Such a distinction could be accommodated either in a single conference split between two committees, each with its own instructions, participants and procedures, or in two separate conferences with separate tasks. The Japanese proposal offered a good way of achieving that separation. Because of the difficulty of implementing a separation within a single conference, his delegation would prefer that two conferences be held, meeting concurrently. The VGE was attempting to move technical text out of a treaty; it would be somewhat contradictory if the conference structure tended to amalgamate treaty and non-treaty text.

1.18 The delegate of the United States mentioned the constraints placed upon conferences by the provisions of the Convention and Constitution. In the past, the CCIR Plenary Assemblies had enjoyed greater flexibility than formal conferences and thus had been able to benefit from the technical expertise so necessary to keep pace with new developments. Care should be taken to preserve that flexibility.

1.19 The delegate of Spain pointed out that the European proposals in Part II of Document 27 could accommodate broad participation in technical work. Furthermore, holding the technical and regulatory meetings in the same place and at the same time would save resources, a major consideration for developing countries.

1.20 The delegate of Finland feared that separate regulatory and technical conferences would lead to a lack of coherence. He preferred a single conference with special arrangements to allow for broad participation in non-regulatory matters. There should be flexibility in the timing of the regulatory and technical parts of the conference; judicious scheduling of meetings would allow for harmonization of the technical and regulatory aspects.

1.21 The delegate of Canada accepted the need to separate regulatory and technical activities but stressed the importance of establishing a link between them. That could perhaps best be achieved by dealing with both types of activity within a single conference. However, the proposal for two separate conferences, each with its own defined tasks, was also acceptable. A pragmatic approach was needed.

1.22 The delegate of the United Kingdom echoed the point made by the delegate of the United States concerning compliance with the provisions of the Constitution and Convention. For example, would a technical conference be able to set its own agenda or would its agenda have to be approved by the Administrative Council? While there was some confusion over terminology, two alternatives had emerged from the various proposals: a single conference with two activities, or two conferences. He suggested that the treaty conference should be known as the "Radiocommunication Conference" and be held every two years, as suggested by the H.L.C. The present CCIR Plenary Assemblies could be replaced by a "Radiocommunication Assembly", and the concept could be introduced of holding an assembly in association with a conference. Such a procedure would ensure harmonization, while at the same time allowing for procedural clarity by retaining separate identities.

1.23 The delegate of Morocco supported the proposal by the delegate of the United Kingdom. It would be difficult to disentangle financial participation in a single conference covering both regulatory and technical aspects, since the participation in those two areas would differ.

1.24 The delegate of Colombia supported the Japanese proposal, stressing the need to keep the regulatory and technical aspects distinct.

1.25 The delegate of Mexico also favoured the Japanese proposal which allowed for broader participation in technical matters than the H.L.C. proposal. While holding the conferences at the same place would make it easier for developing countries to participate, scheduling simultaneous meetings would present difficulties for small delegations. Holding the conferences consecutively would not only overcome that problem but would facilitate linking the technical and legislative aspects.

1.26 The delegate of Japan, in clarification of his earlier proposal, said that it had been formulated as a simple practical solution to the difficulty which arose from the provisions of the draft Convention with respect to allowing broader participation in the Technical Committee than could be allowed in the Regulatory Committee or Plenary of a single radiocommunication

conference. The proposal was not based on principle; if the majority preferred a single conference, the practical problem with respect to the Technical Committee could be resolved by judicious drafting of the provisions of the Convention. For example, a provision could require the Chairman and Vice-Chairman of the Technical Committee to participate in the Plenary.

1.27 The delegate of Venezuela preferred a single conference, where the technical work was carried out first, followed by the regulatory work. A link could be established between the two, as suggested by the delegate of Japan, through the participation of the Chairman and Vice-Chairman of the Technical Committee in the Regulatory Committee. The experience of WARC-92 had highlighted the importance of continuity.

1.28 The delegate of the United States supported the comments by the delegate of Mexico concerning the pattern of conferences, as well as the compromise suggested by the delegate of the United Kingdom. The present additional Plenipotentiary Conference should accept the establishment of separate regulatory and technical conferences, recognizing the need for a distinction between those two activities. It could then be left to the Kyoto Plenipotentiary Conference to decide whether to amalgamate those separate conferences into a single conference structure.

1.29 The delegate of Algeria said that he remained unconvinced about the suitability of a single conference. A legislative body could no doubt benefit from decisions freshly taken by a technical body; nevertheless, there could be no question of the latter's having equal status with the former. His delegation could, however, support the idea of two conferences at the same venue.

1.30 The delegate of China noted that the majority view seemed to be that the two types of conference were quite distinct in both nature and content. To combine the two would create organizational and operational problems. They should therefore be kept separate. The ITU was an intergovernmental body whose legislative activity was very important and should enjoy commensurate status.

1.31 The delegate of Germany reiterated his delegation's support for the H.L.C.'s recommendation regarding a joint conference, which seemed the most logical solution, especially since it was not really possible to separate the two activities. He agreed with the view that a joint conference would be a lesser burden for developing countries in terms of participation, and also expressed his support for the European proposal in Document 27.

1.32 The delegate of Australia said that his delegation supported the concept of two meetings integrated in a single conference structure, whether they overlapped or not, especially in view of constant new technological developments which would need to be covered by regulatory provisions without delay.

1.33 The delegate of Uruguay said that his delegation would prefer a single conference, in two parts, whose decisions would have equal status; the name to be given to each part could be determined later. With regard to the cost burden of conference participation, developing countries such as his own simply had to make strategic judgements, keeping in mind the Union's tradition of upholding the interests of non-participants.

1.34 The delegate of the Islamic Republic of Iran agreed with the views expressed by the previous speaker. His delegation preferred the idea of one general conference having two committees whose findings could be considered in some form of plenary meeting.

1.35 The delegate of Sweden supported the spirit of the H.L.C.'s recommendation. Perhaps the matter should now be referred to a smaller group for further discussion.

1.36 The Chairman, summing up the discussion, said that there seemed to be general agreement on the idea of holding two separate meetings having distinct mandates, one technical, the other legislative; however, there was much support for holding them in the same place and at more or less the same time, with suitable links for working and reporting purposes and a clear hierarchy in which legislative matters would have priority. He took it that there was no support for a separate Radio Regulations Committee. The question of how the two meetings should be formally associated as part of a conference remained to be resolved, although the United Kingdom delegation's proposal in that regard had been supported. The view had also been expressed that some flexibility should be allowed until the matter was reviewed by the Kyoto Plenipotentiary Conference.

1.37 There was no time for the Committee to establish a working group; nevertheless, it would need to have a text before it when it met the next day in order to be able to deal with the outstanding questions. He therefore suggested that an informal drafting group should be set up, with the delegate of the United Kingdom as coordinator.

1.38 It was so agreed.

2. Consideration of proposals relating to Article 11A of the draft Constitution (Basic Document I, Documents DT/1 + Add.1, 8, 13, 26, 27, 35, 46, 57)

2.1 The Chairman invited the Committee to consider Article 11A of the draft Constitution in Basic Document I, relating to the functions and structure of the Radiocommunication Sector.

ADD Title

2.2 Approved.

ADD CS85A

2.3 The Chairman referred to the proposals by the delegations of China (CHN/13/14) and the Republic of Korea (KOR/8/2) to expand the phrase "the efficient use" to "the equitable, efficient and economical use" and "the equitable and efficient use" respectively. He also drew attention to a proposal by the Indian Administration (IND/46/6) to say "the rational, equitable, efficient and economical use", which he suggested the Committee could accept.

2.4 The Indian proposal was approved.

2.5 The delegate of Mexico referred to his delegation's proposal (MEX/57/20) to replace the words "geostationary-satellite orbit" by "artificial Earth-satellite orbit". The reason for the proposal was that, in view of rapid technological advances, ITU action should not be limited to the geostationary-satellite orbit.

2.6 The delegate of Uruguay supported the proposal, which was in keeping with the avowed aim to keep the wording of the Constitution as general as possible so as to reduce the need for subsequent amendment.

2.7 The delegate of Morocco said that he supported the proposal in principle but thought that the specific reference to the geostationary-satellite orbit should be retained. He proposed the words "of the radio-frequency spectrum by artificial Earth satellites, and in particular the geostationary-satellite orbit".

2.8 The delegate of Colombia supported the Mexican delegation's proposal.

2.9 The delegate of Spain said that, although he appreciated the purpose of the Mexican delegation's proposal, his delegation would prefer not to delete the reference to the geostationary-satellite orbit. He shared the Uruguayan delegation's concern to avoid, as far as possible, the need for future amendment of the text of the Constitution, and wondered whether the point the Mexican delegation wished to make could be dealt with in another part of the text.

2.10 The delegate of the United States said it was his understanding that the matter had been discussed in Committee 5, which had decided by consensus to leave the text as it stood. Perhaps, therefore, the text could be placed within square brackets pending coordination with Committee 5.

2.11 The delegate of the United Kingdom recalled that similar discussions had been held during the Nice Plenipotentiary Conference. It was important to respect the unique characteristics of the geostationary-satellite orbit. In that connection, the delegate of Morocco had omitted, perhaps unintentionally, to mention terrestrial radio services in his oral amendment. Committee 5 had in fact discussed the matter in the context of Article 33 of the draft Constitution, and had decided to retain the text, which referred only to the geostationary-satellite orbit, as it stood.

2.12 The delegate of Mexico considered that Article 11A was the appropriate place for his delegation's proposed wording, which had received support. The amendment proposed by the delegate of Morocco would make the text more precise and respond to the concerns voiced. He suggested that the proposed text should be accepted but placed within square brackets pending a decision in the other Committee, perhaps in connection with another relevant article.

2.13 The delegate of Uruguay supported the amendment proposed by the delegate of Morocco.

2.14 The Chairman suggested that the Mexican proposal, as orally amended by the delegate of Morocco, should be accepted but placed within square brackets pending discussion with Committee 5.

2.15 It was so agreed.

ADD CS85B

2.16 At the suggestion of the delegate of the United States, it was agreed to place the text within square brackets for the time being.

ADD CS85C

2.17 Approved.

ADD CS85D

2.18 It was agreed to place the text within square brackets pending the outcome of the work of the Drafting Group coordinated by the delegate of the United Kindgom.

ADD CS85E

2.19 The Chairman noted that the Argentine proposal ARG/28/6 had been withdrawn. In response to an observation by the delegate of Mexico relating to proposal MEX/57/21, he suggested that the situation could be clarified informally before the next meeting.

2.20 It was so agreed.

The meeting rose at 1205 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 180-E
19 December 1992

R.5

PLENARY MEETING

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

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

Source	Document		Title
COM 6	151(B.5)	Constitution	Article1
			Article 3
COM 6	135(B.4)		Article 9A
COM 5	DT/14		
COM 6	151(B.5)		Annex
	158(B.6)	Convention	Article 6
			Article 6A
			Article 6B
			Articles 7E to 7G
	151(B.5)		Article 28
			Annex
	158(B.6)		Resolution COM5/1

M. THUE
Chairman of Committee 6

Annex: 17 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

NOC

CHAPTER I

NOC

Basic Provisions

NOC

ARTICLE 1

NOC

Purposes of the Union

NOC	CS2	1.	The purposes of the Union are:
MOD	CS3	a)	to maintain and extend international cooperation between all Members of the Union for the improvement and rational use of telecommunications of all kinds;
ADD	CS3A	b)	to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material and financial resources needed for implementation;
(MOD)	CS4	c)	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;
ADD	CS4A	d)	to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants;
(MOD)	CS5	e)	to promote the use of telecommunication services with the objective of facilitating peaceful relations;
(MOD)	CS6	f)	to harmonize the actions of Members in the attainment of those ends;
ADD	CS6A	g)	to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.
NOC	CS7	2.	To this end, the Union shall in particular:
NOC	CS8	a)	effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and registration of radio-frequency assignments and any associated orbital positions in the geostationary-satellite orbit in order to avoid harmful interference between radio stations of different countries;

NOC	**CS9**	b)	coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum and of the geostationary-satellite orbit for radiocommunication services;
NOC	**CS10**	c)	facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;
NOC	**CS11**	d)	foster international cooperation in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;
NOC	**CS12**	e)	coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;
NOC	**CS13**	f)	foster collaboration among its Members with a view to the establishment of rates at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining independent financial administration of telecommunication on a sound basis;
NOC	**CS14**	g)	promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;
NOC	**CS15**	h)	undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;
MOD	**CS16**	i)	promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, inter alia, at extending telecommunication services to the most isolated areas in countries.

NOC

ARTICLE 3

NOC

Rights and Obligations of Members

NOC CS21 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 CS22 2. Rights of Members in respect of their participation in the conferences, meetings and consultations of the Union are:

MOD CS23 a) all Members shall be entitled to participate in conferences, shall be eligible for election to the Council and shall have the right to nominate candidates for election as officials of the Union or as members of the Radio Regulations Board;

MOD CS24 b) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall have one vote at all Plenipotentiary Conferences, all world conferences and all [radiocommunication assemblies][study group meetings] and, if it is a Member of the Council, all sessions of that Council. At regional conferences, only the Members of the region concerned shall have the right to vote;

MOD CS25 c) subject to the provisions of Nos. 148 and 189 of this Constitution, each Member shall also have one vote in all consultations carried out by correspondence. In the case of consultations regarding regional conferences, only the Members of the region concerned shall have the right to vote.

ADD

ARTICLE 9A

ADD

Principles Concerning Elections and Related Matters

ADD **CS69A**

1. The Plenipotentiary Conference, at any elections referred to in Nos. 53 to 55 of this Constitution, shall ensure that:

ADD **CS69B**

a) the Members of the Council are elected with due regard to the need for equitable distribution of the seats on the Council among all regions of the world;

ADD **CS69C**

b) the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux and the members of the Radio Regulations Board shall all be nationals of different Members, and at their election, due consideration should be given to equitable geographical distribution amongst the regions of the world; as far as the elected officials are concerned, due consideration should also be given to the principles embodied in No. 133 of this Constitution;

ADD **CS69D**

c) the members of the Radio Regulations Board shall be elected, in their individual capacity, from the candidates proposed by the Members of the Union; each Member may propose only one candidate who shall be one of its nationals.

ADD **CS69E**

2. The procedures for these elections shall be established by the Plenipotentiary Conference. Provisions relating to taking up duties, vacancy and re-eligibility are contained in the Convention.

NOC

ANNEX

NOC

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

NOC CS1001 For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

NOC CS1002 *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 CS1003 *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 CS1004 *Public Correspondence:* Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

MOD CS1005 *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, inter alia, in the capacity of delegates, advisers or attachés, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.

MOD CS1006 *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 a conference or at a meeting of the Union.

MOD CS1007 *Operating Agency:* Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

MOD **CS1008** *Recognized Operating Agency:* Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 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.

SUP **CS1009**

MOD **CS1010** *Radiocommunication:* Telecommunication by means of radio waves.

NOC **CS1011** *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.

NOC **CS1012** *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 **CS1013** *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 **CS1014** *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

NOC **CS1015** *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 **CS1016** *Private Telegrams:* Telegrams other than government or service telegrams.

NOC **CS1017** *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 **CS1018** *Telephony:* A form of telecommunication primarily intended for the exchange of information in the form of speech.

ADD

SECTION 6

ADD

Telecommunication Standardization Sector

NOC

ARTICLE 6

MOD

World Telecommunication Standardization Conference

SUP **CV117 to CV120**

ADD **CV120A**

1. In accordance with No. 111B of the Constitution, a world standardization conference shall be convened to consider specific matters related to telecommunication standardization.

MOD **CV121**

2. The questions to be studied by a world telecommunication standardization conference, on which recommendations shall be issued, shall be those adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, or the Council.

SUP **CV122**

ADD **CV122A**

3. In accordance with No. 111B of the Constitution, the conference shall:

ADD **CV122B**

a) consider the reports of study groups prepared in accordance with No. 122I of this Convention and approve, modify or reject draft recommendations contained in those reports;

ADD **[CV122C]**

b) bearing in mind [the guidance of the Advisory Group referred to in No. 122L of this Convention and] the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

ADD **CV122D**

c) decide, in the light of the approved programme of work derived from No. 122C above, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

ADD **CV122E**

d) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;

ADD **CV122F**

e) consider and approve the report of the Director on the activities of the Sector since the last conference.

ADD

ARTICLE 6A

ADD

Telecommunication Standardization Study Groups [and Advisory Group]

ADD CV122G

1. (1) Telecommunication standardization study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions of Article 6 of this Convention. Those drafts shall be submitted for approval to a world telecommunication standardization conference or, between two such conferences, by correspondence to administrations in accordance with procedures adopted by the conference. Recommendations approved in either manner shall have equal status.

ADD CV122H

(2) The study groups shall, subject to No. 122J below, study technical, operating and tariff questions and prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis, including recommendations on interconnection of radio systems in public telecommunication networks and on the performance required for these interconnections. Technical or operating questions specifically related to radiocommunication as enumerated in Nos. 116L to 116O of this Convention shall be within the purview of the Radiocommunication Sector.

ADD CV122I

(3) Each study group shall prepare for the telecommunication standardization conference a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 122G above, and any draft new or revised recommendations for consideration by the conference.

ADD CV122J

2. Taking into account No. 111C of the Constitution, the tasks enumerated in No. 122H above and those enumerated in Nos. 116L to 116O of this Convention in relation to the Radiocommunication Sector shall be kept under continuing review by the Telecommunication Standardization Sector and the Radiocommunication Sector with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such a review and reach agreements in a timely and effective manner. If agreement is not reached, even at the level of the world telecommunication standardization conference and the world radiocommunication conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

ADD **CV122K** 3. In the performance of their studies, the telecommunication standardization study groups 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 at both the regional and international levels. They shall conduct their work giving due consideration to the work of national, regional and other international standardization organizations, and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of worldwide standardization for telecommunications.

ADD **[CV122L]** [4. A Telecommunication Standardization Advisory Group shall review priorities and strategies in the Union's standardization activities and progress in the implementation of the Sector's work programme and shall provide guidance on the work of the study groups. It shall, inter alia, recommend steps to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication and the Telecommunication Development Sectors. It shall be organized by the Director and shall be open to representatives from administrations, entities and organizations authorized in accordance with Article 7D of this Convention and to Chairmen of study groups; the Director shall participate in its meetings and report annually to the Council.]

ADD ARTICLE 6B

ADD **Telecommunication Standardization Bureau**

ADD **CV122M** 1. The Director of the Telecommunication Standardization Bureau shall organize and coordinate the work of the Telecommunication Standardization Sector.

ADD **CV122N** 2. The Director shall, in particular:

ADD **CV122O** a) update annually the work programme approved by the world telecommunication standardization conference, in consultation with the Chairmen of the telecommunication standardization study groups;

ADD **CV122P** b) participate, as of right, but in an advisory capacity, in the deliberations of the world telecommunication standardization conferences and of the telecommunication standardization study groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Standardization Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council concerning these preparations;

ADD **CV122Q**

c) process information received from administrations in application of the relevant provisions of the International Telecommunication Regulations or decisions of the world telecommunication standardization conference and prepare it, where appropriate, in a suitable form for publication;

ADD **CV122R**

d) exchange with members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Standardization Sector, and arrange with the Secretary-General, where appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

ADD **CV122S**

e) submit to the world telecommunication standardization conference a report on the activities of the Sector since the last conference; he shall also submit to the Council and to the Members of the Union such a report covering the two-year period since the last conference, unless a second conference is convened;

ADD **CV122T**

f) prepare a cost-based budget estimate for the requirements of the Telecommunication Standardization Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

ADD **CV122U**

3. The Director shall choose the technical and administrative personnel of the Telecommunication Standardization Bureau within the framework of the budget as approved by the Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision on appointment or dismissal rests with the Secretary-General.

ADD **CV122V**

4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

ADD

ARTICLE 7E

(MOD)

Conduct of Business of Study Groups

ADD CV128AI

1. The radiocommunication assembly, the world telecommunication standardization conference and the world telecommunication development conference shall appoint a Chairman and normally one Vice-Chairman of each study group. In appointing Chairmen and Vice-Chairmen, particular consideration shall be given to the requirements of competence and equitable geographical distribution, and to the need to promote more efficient participation by the developing countries.

ADD CV128AIB

2. If the workload of any study group requires, the assembly or conference shall appoint such additional Vice-Chairmen as it deems necessary, normally not more than two in total.

ADD CV128AIBA

2bis. If, in the interval between two conferences of the Sector concerned, a study group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then that Vice-Chairman shall take the Chairman's place.

ADD CV128AIC

3. In the case of a study group for which more than one Vice-Chairman has been appointed, the study group at its next meeting shall elect a new Chairman from among those 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.

ADD CV128AJ

4. Study groups shall conduct their work as far as possible by correspondence, using modern means of communication.

ADD [CV128AK]

5. The Director of the Bureau of each Sector, on the basis of the decisions of the competent conference, after consultation with the Secretary-General and the [Advisory Group or] Board concerned, shall draw up the general plan of study group meetings.

ADD CV128AL

6. Study groups may initiate action for obtaining approval from Members for recommendations completed between two conferences. The procedures to be applied for obtaining such approval shall be those approved by the competent conference. Recommendations so approved shall have the same status as ones approved by the conference itself.

ADD CV128AM

7. Where necessary, joint working parties may be established for the study of questions requiring the participation of experts from several study groups.

ADD **CV128AN** 8. The Director shall send the final reports of the study groups to the administrations, organizations and entities participating in the Sector. Such reports shall include a list of the recommendations approved in conformity with No. 128AL above. These reports 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 conference concerned.

ADD ARTICLE 7F

ADD **Recommendations from One Conference to Another**

ADD **CV128AO** 1. Any conference may submit to another conference of the Union recommendations within its field of competence.

ADD **CV128AP** 2. Such recommendations shall be sent to the Secretary-General in good time for assembly, coordination and communication, as laid down in No. 175 of this Convention.

ADD ARTICLE 7G

MOD **Relations Between Sectors and With International Organizations**

ADD **[CV128AQ]** 1. The Directors of the Bureaux may agree, after appropriate consultation with the [Advisory Group or] Board of their respective Sector, to organize joint meetings of study groups of two or three Sectors, in order to study and prepare draft recommendations on questions of common interest. Such draft recommendations shall be submitted to the competent conferences of the Sectors concerned.

ADD **[CV128AR]** 2. Conferences or meetings of a Sector [may be attended] in an advisory capacity by the Secretary-General, the Deputy Secretary-General[, the Chairman of the Radio Regulations Board] and the Directors of the Bureaux of the other Sectors, or their representatives. If necessary, they may invite, in an advisory capacity, representatives of the General Secretariat or of any other Sector which has not considered it necessary to be represented.

ADD **CV128AS** 3. When a Sector is invited to participate in a meeting of an international organization, its Director is authorized to make arrangements for its representation in an advisory capacity, taking into account the provisions of No. 109B of this Convention.

NOC

ARTICLE 28

NOC

Languages

MOD CV388

1. (1) At conferences and meetings of the Union, including meetings of the Council, languages other than those mentioned in the relevant provisions of Article 18 of the Constitution may be used:

MOD CV389

a) if an application is made to the Secretary-General or to the Director of the Bureau 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 CV390

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 18 of the Constitution.

MOD CV391

(2) In the case provided for in No. 389 above, the Secretary-General or the Director of the Bureau 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 CV392

(3) In the case provided for in No. 390 above, 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 18 of the Constitution.

NOC CV393

2. Any of the documents referred to in the relevant provisions of Article 18 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

ANNEX

NOC

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

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

MOD CV1001 *Expert*: A person sent by either:

a) the Government or the administration of his country, or

b) an entity or an organization authorized in accordance with Article 7D of this Convention, or

c) an international organization

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

MOD CV1002 *Observer:* A person sent by:

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

in accordance with the relevant provisions of this Convention.

NOC CV1003 *Mobile Service:* A radiocommunication service between mobile and land stations, or between mobile stations.

ADD CV1003A *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.

ADD CV1003B *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 Nos. 116J to 116O of this Convention, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.

MOD CV1004 *Service Telecommunication:* A telecommunication that relates to public international telecommunications and that is exchanged among the following:

- administrations,
- recognized operating agencies, and
- the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

RESOLUTION No. COM5/1

Duration of Plenipotentiary Conferences of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) in Recommendation 14 of the High Level Committee that Plenipotentiary Conferences of the Union should be held at set intervals of four years and that this would enable them to be of shorter duration and to focus on longer-term policy issues;

b) the increasing demands on the resources of the Union and on administrations and on delegates involved in international conferences on telecommunication subjects,

resolves

1. that, following the Plenipotentiary Conference to be held in Kyoto in 1994, future Plenipotentiary Conferences shall, unless there is a pressing need otherwise, be limited to a maximum duration of four weeks;

2. that the Secretary-General shall take appropriate measures to facilitate the most efficient use of time during such conferences;

3. that Plenipotentiary Conferences should focus on longer-term policy issues and, in this respect, consider and take decisions on a draft Strategic Plan submitted by the Council outlining the objectives, work programmes and results expected from the General Secretariat and from the three Sectors of the Union until the next Plenipotentiary Conference.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 181-E
19 December 1992
Original: English

PLENARY MEETING

Morocco, United Kingdom

PROPOSALS FOR THE WORK OF THE CONFERENCE

CONVENTION (CV) OF THE INTERNATIONAL TELECOMMUNICATION UNION

CHAPTER V

Other Provisions

ARTICLE 26

Finances

MRC/G/181/1
MOD CV375

4. The following provisions shall apply to contributions by organizations referred to in Nos. 132A to 132D above and to entities authorized to participate in the Union's activities in accordance with the provisions of Article 7D above:

MRC/G/181/2
ADD CV375A

5. Organizations referred to in Nos. 132A to 132D above and other organizations of an international character, which participate in a Plenipotentiary Conference, in a Sector of the Union or in a world conference on international telecommunications shall share in defraying the expenses of the conference or the Sector in accordance with Nos. 377A to 377C below, as appropriate, unless they have been exempted by Council, subject to reciprocity;

MRC/G/181/3
MOD CV376

a) any entity and organization appearing in the lists mentioned in No. 128AC of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 377A and 377B below;

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MRC/G/181/4
MOD CV377

b) any entity and organization appearing in the lists mentioned in No. 128AC of this Convention which participates in a world conference on international telecommunications or in a conference or assembly of a Sector of which it is not a member shall share in defraying the expenses of the conference or assembly in accordance with Nos. 377A and 377C below;

MRC/G/181/5
ADD CV377A

c) the contributions mentioned in Nos. 375A, 376 and 377 shall be based on the free choice of a class of contribution from the scale given in No. 368 above, with the exception of the 1/4, 1/8 and 1/16 unit classes reserved for Members of the Union (the latter exception does not apply to the Telecommunication Development Sector); the Secretary-General shall be informed of the class chosen; any entity or organization concerned may at any time choose a class of contribution higher than the one already adopted by it;

MRC/G/181/6
ADD CV377B

d) the amount of the contribution per unit payable towards the expenses of each Sector concerned shall be set at 1/5 of the contributory unit of the Members of the Union. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 374 above;

MRC/G/181/7
ADD CV377C

e) the amount of the contribution per unit payable towards the expenses of a conference or assembly shall be set by dividing the total amount of the budget of the conference or assembly 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. 374 above;

MRC/G/181/8
(MOD) CV380

f)

MRC/G/181/9
(MOD) CV381

g)

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 182-E
19 December 1992

R.6

PLENARY MEETING

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

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

Source	Document	Title
PL	165	Resolution PLEN/1
	141(Rev.1)	Resolution PLEN/2
	128(Rev.1)	Resolution PLEN/3

M. THUE
Chairman of Committee 6

Annex: 6 pages

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RESOLUTION PLEN/1

Voluntary Group of Experts to Study the Allocation and Improved Use of the Radio-Frequency Spectrum and the Simplification of the Radio Regulations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

a) that the Plenipotentiary Conference (Nice, 1989), in its Resolution No. 8, decided to establish a Voluntary Group of Experts (VGE), inter alia, for the simplification of the Radio Regulations;

b) that, in the same resolution, it was decided that the VGE should submit its reports and recommendations to the 1993 session of the Administrative Council;

c) that the Administrative Council was invited to consider and forward its reports and recommendations, together with its own conclusions thereon, to administrations by 1 January 1994,

having decided

a) to consolidate the radiocommunications activities of the Union into one Sector;

b) to replace the full-time International Frequency Registration Board by a part-time Radio Regulations Board;

c) to opt for a pattern of biennial world radiocommunication conferences,

recognizing

a) that the contributions to this Conference recognized the importance of having the present Radio Regulations simplified as soon as possible;

b) that the VGE is continuing its work satisfactorily but that, due to the complexity of the task, it will need additional time to prepare its final report and recommendations;

c) that the final report and recommendations of the VGE will therefore not be available until early 1994;

d) that administrations will require sufficient time to study the report and to prepare for a world radiocommunication conference which is competent to consider and take appropriate action on the report;

e) that consideration of the report and recommendations of the VGE and adoption of the resulting revised Radio Regulations would be a major task for a competent conference,

emphasizing

the urgency and importance of simplifying the existing Radio Regulations in the future international management of the limited natural resources constituted by the radio-frequency spectrum and the geostationary-satellite orbit (GSO),

resolves to instruct the Council

1. to provide the necessary support to the VGE to enable it to complete its work no later than the first quarter of 1994;

2. to organize, in the course of 1994, information meetings in various regions of the world to facilitate understanding of the recommendations of the VGE;

3. to programme a world radiocommunication conference in the second half of 1995 and include in its agenda consideration of the final report and recommendations of the VGE,

requests

the Plenipotentiary Conference (Kyoto, 1994) to make the necessary arrangements to convene a world radiocommunication conference in the second half of 1995.

RESOLUTION PLEN/2

Priority Tasks of the BDT

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

aware

of the fact that telecommunications constitute a fundamental tool for the economic and social development of countries,

considering

a) that it has adopted a new structure for the Union, including a Telecommunication Development Sector, so as, inter alia, to reduce the existing imbalance between North and South in the field of telecommunications;

b) that it has redefined the functions of world and regional telecommunication development conferences in the relevant provisions of the Constitution and the Convention;

c) that these decisions reflect the international community's determination to provide the Union with an essential tool to strengthen cooperation and partnership for the benefit of the developing countries;

d) that the adoption of the agenda of a development conference should be the object of an extensive consultation amongst the Members of the Union,

instructs the Council

1. to convene, as soon as possible, the first world telecommunication development conference before the Plenipotentiary Conference to be held in Kyoto in 1994;

2. to adopt at the 1993 session the agenda of this Conference, based on the report of the Director of the BDT and on the comments from Members of the Union,

entrusts the Secretary-General

with the task of undertaking an extensive consultation with the Members on the items to be dealt with by the world telecommunication development conference, pointing out, inter alia, the following:

- support for developing countries in order to increase their effective participation in the activities of the different Sectors of the Union;
- training of human resources in the fields of planning, network management, financial management and the marketing of goods and services;
- means of promoting a policy for industrialization in the field of telecommunications of the developing countries in conjunction with the bilateral and multilateral organizations concerned;
- promotion of mobilization of the resources necessary for the execution of the activities mentioned above, particularly the financing of projects in development plans;
- strengthening of the Union's regional presence through the allocation of adequate resources to regional programmes and harmonization of headquarters activities with those of decentralized structures at the regional and area levels;
- support to the least developed countries to foster the development of their telecommunication networks.

RESOLUTION PLEN/3

Immediate Action by the Telecommunication Development Bureau (BDT)

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

having adopted

a new structure for the Union based on the Report of the High Level Committee and consisting of a Radiocommunication Sector, a Telecommunication Standardization Sector and a Telecommunication Development Sector,

considering

a) that the future of the Union will depend on the efficiency with which these three Sectors fulfil the duties assigned to them and that active participation by the greatest number of Members in the activities of these Sectors is a condition of their success;

b) that active participation by the developing countries in the activities of the Radiocommunication, Telecommunication and Standardization Sectors requires human and financial resources disproportionate with their capabilities;

c) that many attempts were made, with limited success, to increase the participation of developing countries in the activities of the CCIR and of the CCITT;

d) that No. 128P of the Convention adopted assigns to the Director of the BDT the organization, with the assistance of the two other Sectors, of meetings intended to keep developing countries informed of the activities of these Sectors;

e) that the GAS activities were transferred from the CCIR and the CCITT to the BDT in accordance with High Level Committee Recommendation 50;

f) that developing countries may provide an input to, and benefit from, the activities of the Radiocommunication and Telecommunication Standardization Sectors through close cooperation of the Bureaux of the three Sectors in organizing regular information meetings and in continuing the activities of the GAS groups,

considering further

that the programme of work of the BDT is to be adopted by the next world development conference and that this Conference will probably not be convened until 1994,

resolves to instruct

1. the Director of the BDT:

1.1 to set up in his Bureau, as soon as possible, a unit with the duty to start preparing, in consultation with the two other Bureaux, the details related to the planning and organization of the information meetings referred to in No. 128 of the Convention;

1.2 to search, with the assistance of the Directors of the Bureaux of the Radiocommunication and Telecommunication Standardization Sectors, for appropriate mechanisms to facilitate the involvement of developing countries in the activities of these Sectors;

1.3 to prepare for consideration by the forthcoming world development conference a consolidated programme of activities with respect to 1.1 and 1.2 above;

1.4 to undertake a study with the Directors of the two other Bureaux and the senior Chairman responsible for coordinating the activities of the GAS groups (as appointed at the IXth CCITT Plenary Assembly, Melbourne, 1988), on the manner in which the GAS activities will be continued within the BDT and to prepare a report on this subject for consideration by the forthcoming world development conference.

2. the Directors of the Radiocommunication and Telecommunication Standardization Bureaux, in accordance with the provisions of Nos. 116AR and 112V of the Convention, to cooperate with the Director of the BDT to provide support in relation to **resolves** 1 above.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 183-E
19 December 1992
Original: French

COMMITTEE 4

SUMMARY RECORD

OF THE

TWELFTH MEETING OF COMMITTEE 4

Tuesday, 15 December 1992 at 1520 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 11A of the draft Constitution (continued)	Basic Document I, DT/1, 27, 66
2.	Consideration of the report of ad hoc Working Group 4B	120
3.	Consideration of proposals relating to Article 7D of the draft Convention	Basic Document II DT/1, 83
4.	Oral report by the delegate of the United Kingdom as coordinator of proposals on the structure of radiocommunication conferences	-

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1. Consideration of proposals relating to Article 11A of the draft Constitution (continued) (Basic Document I, DT/1, 27, 66)

1.1 The delegate of Colombia, referring to ADD CS85A, said that if the new elements proposed by Morocco were to be adopted it might be necessary to add the words "subject to the provisions of Article 33".

1.2 The Chairman said that the passage in question had been put in square brackets and that he would take up the question with the Chairman of Committee 5 as soon as possible. At all events, ADD CS85A would be considered again in Plenary.

1.3 The delegate of Mexico reserved the right to speak on the subject in Plenary.

ADD CS85E, ADD CS85F, ADD CS85G, ADD CS85H, ADD CS85I

1.4 The provisions were approved.

ADD CS85J

1.5 The Chairman thought that, in accordance with proposal EUR/27/53, the specific reference to Article 7D of the Convention should be deleted. That was a change that had already been adopted for other provisions.

1.6 The delegate of Turkey withdrew proposal TUR/66/10.

1.7 ADD CS85J, as amended by proposal EUR/27/53, was approved.

1.8 Article 11A of the draft Constitution was approved, subject to a decision on provisions ADD CS85A, ADD CS85B and ADD CS85D, which were put in square brackets.

2. Consideration of the report of ad hoc Working Group 4B (Document 120)

2.1 The Chairman of ad hoc Working Group 4B introduced the Group's report, which had been drawn up with the assistance of the 24 countries that had played an active part in its work. The Group's purpose had been to review the basic principles contained in the H.L.C. report, the Drafting Group's Basic Documents and the coordinated work already done by the CCIR and the CCITT. The Group had considered five draft resolutions, but had ended up with a single draft text based on the discussions that had taken place.

2.2 The delegate of China thought that in the draft resolution on the allocation of work to the Standardization and Radiocommunication Sectors, the words "Advisory Groups" should be put in square brackets wherever they appeared.

2.3 The delegate of Venezuela considered that Document 120 was a balanced text, which he could support with the following amendments: in paragraph d) of **considering**, the text should begin as follows: "Recommendations 49 and 51"; at the end of the paragraph the following words should be added: "and to promote the participation of the developing countries in the work of these Sectors".

2.4 The delegate of Algeria was surprised that while it had been possible to resolve the question of the IFRB in two meetings with a vote, any decision on the question now before the Committee had to be referred to the Kyoto Plenipotentiary Conference.

2.5 The delegate of Spain said that the Spanish version of the first subparagraph of **instructs** should be aligned with the English version. He proposed that paragraph c) of **and invites** should be replaced by a paragraph **instructing the Secretary-General** "to draw the attention of the Administrative Council to this Resolution".

2.6 The delegate of Grenada agreed with the delegate of Venezuela that a reference to Recommendation 51 should be inserted in paragraph d) of **considering** and that Recommendations 49 and 51 should be mentioned in **decides**.

2.7 The delegate of Mexico agreed with the delegate of Spain that the Spanish version should be aligned with the English. He pointed out that in paragraph 2 of **and resolves**, there was no reference to participation by the Directors. As regards paragraph 3, which said "with the assistance of the Advisory Groups", he wondered what such assistance would involve.

2.8 The Chairman of ad hoc Working Group 4B assured all delegates that he would take due account of the comments made in order to prepare a full and precise text reflecting all the feelings expressed. He pointed out with reference to what the delegate of Algeria had said that Plenipotentiary Conferences were expected to give general guidelines and settle major questions, not to go into each and every detail.

2.9 The delegate of Singapore supported Document 120, which reflected a spirit of compromise, but thought that under **instructs** the word "Sector" should be replaced by "Bureau" and that paragraph 4 of **and resolves** should read as follows: "4. that in order to ensure that this review is objective and takes full account of the rapidly developing international requirements, the Directors are strongly urged ...".

2.10 The Chairman of ad hoc Working Group 4B said that since the part in question concerned Members of the Union, he would therefore prefer to keep the text as it stood.

2.11 The delegate of Mexico proposed adding in paragraph 2 of **and resolves** the words "that the Directors of the Bureaux shall hold joint meetings with the Advisory Groups" and in paragraph 3 replacing the words "with the assistance of the Advisory Groups" by "with the assistance of the Bureau Directors", in order to give more force to the work of the Conference. He would like the draft resolution to be considered paragraph by paragraph before it was approved as a whole.

2.12 The Director of the CCITT pointed out that according to ADD CV122L concerning a Telecommunication Standardization Advisory Group the Director should participate in the Group's meetings. He thought it would be inadvisable to formulate principles contrary to those relating to the Standardization Sector.

2.13 The delegate of Morocco fully agreed with the Director of the CCITT and considered that it was not necessary to mention participation. The task of the two Advisory Groups on the Standardization and Radiocommunication Sectors was to advise the Directors and provide guidelines for the Sectors' work. There did not seem to him to be any point in amending the text of the draft resolution submitted by the ad hoc working group.

2.14 The delegate of France, speaking as coordinator of proposals by the CEPT countries, agreed with the comments by the delegate of Morocco and the Director of the CCITT. He urged delegations to study the text of the draft resolution as it had been submitted and suggested that they should approve it.

2.15 The delegate of Mexico thought it essential to mention participation by the Directors. However, her delegation was willing to go along with the majority, provided that the texts were satisfactory.

2.16 The delegate of Grenada considered that the only useful amendment would be to add under **decides** a reference to Recommendations 49 and 51.

2.17 The delegate of Algeria, noting that the Chairman of ad hoc Working Group 4B had stated that paragraph 4 of **and resolves** was addressed to Members, suggested that, in accordance with ITU practice, it should be moved to the part headed **and invites**.

2.18 It was so decided.

2.19 The delegate of Venezuela agreed with the delegate of Grenada about the addition of a reference to H.L.C. Recommendations 49 and 51 under **decides**, and said he would also like to add the following phrase at the end of that paragraph: "... and to promote the participation of the developing countries in the work of these Sectors.".

2.20 The Chairman of ad hoc Working Group 4B considered that those changes did not affect the substance of the provisions.

2.21 The Chairman suggested that delegates should consider the draft resolution paragraph by paragraph, on the understanding that the words "Advisory Groups" would be put in square brackets wherever they appeared.

considering a), b), c)

2.22 The provisions were approved.

considering d)

2.23 **considering** d) was approved with the addition of a reference to H.L.C. Recommendation 51 and of the phrase proposed by the delegate of Venezuela at the end of the sentence.

considering e), f), **taking note of** a), b), c)

2.24 The provisions were approved.

2.25 The delegate of Côte d'Ivoire proposed that, for the sake of style, the sections "**decides**" and "**and resolves**" should be juxtaposed or merged.

2.26 The Chairman said that the Editorial Committee would deal with drafting matters.

2.27 The text of **decides**, as amended by the addition of references to H.L.C. Recommendations 49 and 51 and the addition of the phrase proposed by the delegate of Venezuela at the end of the paragraph, was approved.

instructs

2.28 The Chairman said that the letter "a)" would be deleted, that the term "Sector" would be replaced by "Bureau" and that the Spanish version would be aligned with the English.

2.29 The section **instructs**, as amended, was approved.

and resolves 1, 2

2.30 The provisions were approved.

and resolves 3

2.31 The Chairman reminded the Committee that the words "Advisory Groups" would be put in square brackets and that the Chairman of ad hoc Working Group 4B would arrange for reference to be made to the Directors.

2.32 The delegate of Mexico thought it important to mention in the section in question that the Bureau Directors would hold joint meetings with the Advisory Groups, because the transitional stage was very important. As the Director of the CCITT had pointed out, the Sector Directors would be expected to take part in the meetings of the Groups, whose work was important.

2.33 The Chairman noted that the proposal did not affect the substance and said that, with the assistance of the Chairman of the ad hoc working group, he would insert an appropriate text in square brackets.

2.34 The delegate of Algeria pointed out that according to H.L.C. Recommendation 42 the Director of the Bureau was a member of the Advisory Group. He would thus attend its meetings.

2.35 The Chairman noted the point, but wondered whether the Director had any special responsibility in that field or not. Only the words "Advisory Groups" and a provision adding a reference to the Directors would be put in square brackets in the paragraph in question.

2.36 It was so decided.

and resolves 4, 5

2.37 Since paragraph 4 was addressed to Members of the Union, it would be placed under **and invites**, and paragraph 5 would become paragraph 4.

2.38 Subject to those formal amendments, the provisions were approved.

and invites a), b)

2.39 The provisions were approved.

and invites c)

2.40 The provision would be reworded in the light of the Spanish proposal that the Secretary-General should be instructed to draw the Council's attention to the draft resolution.

2.41 Subject to that reservation, the provision was approved.

2.42 The draft resolution on the allocation of work to the Standardization and Radiocommunication Sectors, as amended, was approved.

3. Consideration of provisions relating to Article 7D of the draft Convention (Basic Document II, DT/1 and 83)

3.1 The Chairman invited delegates to consider the provisions of Article 7D of the draft Convention (Basic Document II).

ADD CV128T

3.2 The provision was approved.

ADD CV128U to ADD CV128Y

3.3 The delegate of the United States said that his delegation had proposed various amendments to the provisions in question (DT/1), designed to clarify the text with regard to the participation of entities and organizations. There were essentially three categories of participants in the Union's activities: recognized private operating agencies, scientific or industrial organizations and new entities dealing with telecommunication issues, including financing and development agencies. Since those new entities representing a wide range of interests were not defined in the Convention, it would be simpler to cover them in a single provision of the Convention. National entities should obtain official recognition from the Member concerned. His delegation hoped that the Council would look into the matter further and formulate recommendations on the rights and obligations of the new entities.

3.4 The delegate of Sweden said that his country had submitted a proposal together with other European countries (Document 83) to the effect that regional organizations should be included in ADD CV128U, because in many countries the agencies operating telecommunication networks were now independent of their national administrations and had set up their own organizations. It would be in the interests both of the Union and of such operators that they should collaborate in the work of the Union.

3.5 The delegate of Morocco explained that the Drafting Group had wanted to distinguish each kind of entity by giving it a provision of its own, although there would be no problem of substance in including them all in the same provision. ADD CV128U to ADD CV128X referred to entities coming under the authority of the administrations of ITU Members, whereas those referred to in ADD CV128Y were not under the authority of Members. Consequently, for entities of the first type, the countries concerned could request permission directly for them to participate in the activities of the Sectors, whereas the entities referred to in ADD CV128Y would have to apply to the Administrative Council under a procedure to be established by the Council. The Drafting Group had considered that the entities referred to in ADD CV128X were not precisely enough defined to offer all the necessary guarantees and that it would be preferable for them to apply to the Administrative Council if they wished. The United States' proposal had the drawback of lumping them all together. As far as the Swedish proposal was concerned, since regional organizations were not defined anywhere as a category, they could hardly be referred to in a text having the force of a treaty.

3.6 The delegate of Switzerland considered that provision should be made for regional organizations, but not in ADD CV128U, in view of ADD CV128AA, because it would be difficult in their case to know which Member country was authorized to submit the request for their participation to the General Secretariat.

3.7 The Chairman suggested that the delegations which had spoken should endeavour, with the aid of the delegate of Morocco, to coordinate the different viewpoints. The Committee might also consider drawing up a resolution addressed to the Administrative Council if it considered that the Council should continue its work on the participation of entities and organizations in the work of the Union.

3.8 The Chairman of the High Level Committee said that the Conference ought to take a position on the rights and obligations of non-member entities which ought to play a greater part in the Union's work, and define them so that the Kyoto Conference could take a decision on the matter.

3.9 The delegate of Oman withdrew his proposal (OMA/12/21) in Document DT/1.

3.10 It was decided to put ADD CV128U to ADD CV128Y in square brackets.

ADD CV128Z

3.11 The provision was approved.

ADD CV128AA

3.12 The Chairman of the High Level Committee having pointed out that the provision was linked to ADD CV128U to ADD CV128Y, it was decided to put it in square brackets.

ADD CV128AB

3.13 The delegate of Morocco, introducing his proposal MRC/31/1 (Document DT/1), said that since agencies of the United Nations system and regional telecommunication organizations with observer status might wish to take part as Members, they too should be included in the list of entities entitled to participate in the work of the different Sectors.

3.14 The Chairman, noting that the Committee had no objection in principle to the Moroccan proposal, suggested that it should also be considered by the group responsible for coordinating proposals on the previous provisions, and that the whole of Article 7D should be put in square brackets pending the outcome of consultations between the countries that had submitted proposals.

3.15 It was so decided.

4. Oral report by the delegate of the United Kingdom as coordinator of proposals on the structure of radiocommunication conferences

4.1 The delegate of the United Kingdom said that since the previous meeting he had been able to draw up two draft texts on the structure of radiocommunication conferences: version B simply made a few changes of terminology in the H.L.C. Drafting Group's text, whereas version A would involve a separation of the activities of world radiocommunication conferences and radiocommunication assemblies. Most of the 15 administrations that had seen the text had been in favour of version A. If the Committee approved that version, the next Plenipotentiary Conference could always take the necessary action to ensure complete dove-tailing of the two kinds of activity. He proposed that at its meeting the following day the Committee should consider version A, which would be the subject of a document, while version B could be adopted if version A was rejected.

4.2 It was so decided.

The meeting rose at 1705 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 184-E
19 December 1992

R.7

PLENARY MEETING

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

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

Source	Document	Title
PL	178	Resolution PLEN/4

M. THUE
Chairman of Committee 6

Annex: 2 pages

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RESOLUTION PLEN/4

World Radiocommunication Conference 1993

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

noting

a) that provision has been made for a World Telecommunication Standardization Conference to be held in Helsinki in 1993;

b) that all activities of the Radiocommunication Sector are to be directed by the World Radiocommunication Conference;

c) that the Administrative Council has made provision in the budget of the Union and the schedule of meetings for an initial World Radiocommunication Conference to be held in 1993;

d) that Article 11B of the Constitution and Articles 4B and 5A of the Convention (Geneva, 1992) contain the relevant provisions for convening world radiocommunication conferences,

considering

a) Recommendations 57, 58 and 59 of the High Level Committee, relating to world radiocommunication conferences;

b) that the Constitution and Convention (Geneva, 1992) will enter into force [on 1 July 1994];

c) the desirability of a smooth transition and an early commencement of work in the Radiocommunication Sector;

d) little time remains to prepare for a World Radiocommunication Conference in 1993;

e) Resolutions 522 and 523 of the World Administrative Radio Conference of 1992,

resolves

1. that a World Radiocommunication Conference shall be convened in Geneva in 1993 for the purpose of:

a) making recommendations to the Council concerning the agenda for the 1995 World Radiocommunication Conference, including any guidance on facilitating the use of frequency bands allocated to the mobile-satellite service by recommending the inclusion of this matter in the agenda of the World Radiocommunication Conference of 1995;

b) making recommendations for the preliminary agenda for the World Radiocommunication Conference of 1997;

2. that Articles 4B and 5A of the Convention shall apply provisionally to the work of this World Radiocommunication Conference of 1993,

further resolves

to convene a Radiocommunication Assembly associated with the World Radiocommunication Conference of 1993 in order:

a) to consider recommendations from the Advisory Groups established under CCIR Resolutions 106 and 107 on the strategic review and restructuring of the Study Groups;

b) to establish the work programme and the Study Groups for the new Radiocommunication Sector, including any future work on HF broadcasting, taking account of any IFRB report on the application of Resolution 523 of WARC-92;

c) to consider reports and any draft recommendations arising from the work of the CCIR Study Groups which could not be adopted by correspondence,

instructs the Administrative Council

to take the necessary steps to convene this Conference and to include the items mentioned in its agenda in this Resolution,

instructs the Secretary-General and the Director of the Radiocommunication Bureau

to provide the necessary support to the work of the Conference and to the subsequent work of Study Groups in the Radiocommunication Sector.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 185-E
19 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

THIRTEENTH MEETING OF COMMITTEE 4

Tuesday, 15 December 1992 at 2040 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 6A of the draft Convention (continued)	Basic Document II, DT/1, 49, 57
2.	Consideration of proposals relating to Article 6B of the draft Convention	Basic Document II, DT/1
3.	Consideration of proposals relating to Articles 7E, 7F and 7G of the draft Convention	Basic Document II, DT/1, 57
4.	Consideration of the summary records of the first, second and third meetings of Committee 4	81 + Corr.1, 101, 108

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1. Consideration of proposals relating to Article 6A of the draft Convention (continued) (Basic Document II, Documents DT/1, 49, 57)

ADD CV122G

1.1 The Chairman, after recalling discussion of the provision at the Committee's sixth meeting, enquired whether the delegate of Mexico maintained his reservation to ADD CV122G.

1.2 The delegate of Mexico recalled that, by way of compromise, he had suggested at that time that a resolution be drafted with a view to the revision of the relevant CCIR and CCITT resolutions on the subject of accelerated procedure for the approval of draft recommendations. Although he was aware that the issue would be dealt with at the two Sectors' competent conferences scheduled for 1993, it was essential that the concerns of developing countries with regard to the procedure should be taken into account by the present Conference. Apart from the extended deadline for receipt of replies suggested by the Director of the CCITT, further improvements would be necessary to the existing CCITT and CCIR resolutions. For instance, a minimum number of replies should be stipulated for the approval of draft recommendations and, in exceptional circumstances, administrations affected by particular recommendations should have the opportunity to comment on them at relevant conferences. Such aspects had been dealt with in the draft resolution prepared by the Mexican delegation, which would be issued in due course as Document 131. Pending the Committee's discussion of that draft resolution, he maintained his reservation with regard to the provision under discussion.

1.3 The delegate of Algeria endorsed the previous speaker's remarks with regard to the three aspects to be taken into consideration when reviewing current CCIR and CCITT procedures for accelerated approval of draft recommendations.

1.4 The delegate of Saudi Arabia shared the concerns expressed by the delegate of Mexico. He could not agree to the provision as drafted by the High Level Committee unless the present Conference adopted a draft resolution with a view to improving the current procedure for the approval of draft recommendations.

1.5 ADD CV122G was approved, subject to the comments by the delegate of Saudi Arabia and the reservation expressed by the Mexican delegate, pending discussion of Document 131 at a subsequent meeting.

ADD CV122H, ADD CV122I, ADD CV122J, ADD CV122K

1.6 Approved.

ADD CV122L

1.7 The Chairman recalled the wide range of proposals submitted in connection with the provision. The delegations of Japan (J/49/67) and China (CHN/13/46) had proposed the deletion of the provision, but for different reasons. The proposals from the delegations of Australia (AUS/33/8), Singapore (SNG/38/7), and the Republic of Korea (KOR/8/10) were similar in intent, highlighting the need for open participation in the Advisory Group meetings. The delegate of Mexico (MEX/57/62) had proposed that the decisions of the Advisory Group should be referred to the Administrative Council or to a competent conference, in certain circumstances. He invited the Committee to consider first of all the proposals for the deletion of the provision.

1.8 The delegate of Japan said that the intent of proposal J/49/67 was that the duties, rules of participation and procedure for Advisory Groups should be determined by the competent conference in each Sector according to its specific needs. In view of the fact that Advisory Groups were a relatively new concept for the ITU, it would be best to keep their terms of reference as

flexible as possible. For those reasons, he did not consider it advisable to include a specific provision in the Convention for the time being. However, if the majority of members was in favour of determining the terms of reference at the present Conference, he would withdraw his proposal.

1.9 The delegate of China said that the Japanese proposal was quite different from that of his delegation (CHN/13/46), which was not in favour of setting up an Advisory Group in the Telecommunication Standardization Sector. One of the main reasons for the Chinese delegation's opposition to the provision in question, was its financial implications. The increasing number of meetings and conferences organized by the ITU placed a heavy financial burden on Member countries. His delegation considered that the duties of an Advisory Group as outlined by the High Level Committee could be performed just as efficiently by another body, for instance a Plenipotentiary Conference, or dealt with by means of correspondence between ITU Members. Furthermore, the H.L.C.'s recommendations for the restructuring of the ITU did not encourage the participation of developing countries in the Standardization Sector. In view of their particular financial and technical problems, only a very small percentage of developing countries participated in the activities of the different Study Groups. Under the new set-up, those problems would not be resolved. In conclusion, he said that an Advisory Group without the broad participation of developing countries would be of little significance. He did not consider it essential to set up such a body within the ITU, and the inclusion of a relevant provision in the Convention was therefore unnecessary.

1.10 The delegate of the Republic of Korea agreed on the need for broad membership of the Advisory Group on the basis of equitable geographical distribution. The wider participation of both the private sector and developing countries must be encouraged, as reflected in the H.L.C.'s recommendations and his delegation's proposal KOR/8/10. In view of the similarity between the Korean and Australian (AUS/33/8) proposals, he could agree to the text of the latter.

1.11 The delegate of Australia expressed his support for the High Level Committee's recommendation for the creation of an Advisory Group. Such a body would fulfil a vital role in providing advice and guidance to the Study Groups in the new Sector. He considered that there should be a specific provision dealing with its terms of reference in the draft Convention and, in his view, the terms of reference in ADD CV122L were sufficiently broad to meet the concerns expressed by the Japanese delegate.

1.12 The delegate of Singapore said that he was basically in favour of the H.L.C. recommendation for the setting up of an Advisory Group, and stressed that its meetings should be open to all who wished to participate. In order to facilitate the work of the Committee, he was prepared to endorse the Australian proposal, which made very few changes to the original version of the provision.

1.13 The Chairman, summing up the discussion so far, said that the Committee seemed to be basically in favour of the H.L.C.'s recommendations for the creation of an Advisory Group. Since the Australian delegation's proposal had been supported by the delegates of the Republic of Korea and Singapore, he enquired whether the Committee could agree to proposal AUS/33/8 which entailed only minor amendments to the original provision. It might also meet the concerns expressed by the delegate of China, given its emphasis on the openness of Advisory Group meetings.

1.14 The delegate of the Russian Federation said that he could agree to the text proposed by the Australian delegation, subject to one further amendment. In order to avoid any confusion, he suggested the deletion of "It shall be established by the Director...", for it was the responsibility of the administrations to send representatives to the meetings of the Advisory Group, and not the Director as the present wording seemed to imply.

1.15 The delegate of Cuba said that he would need further information on the membership of the Advisory Group and its budgetary implications before taking any decision.

1.16 The delegate of Morocco remarked that there seemed to be some confusion surrounding the issues. The Advisory Group was intended to advise the Director and to provide guidance to administrations on work in the respective sectors. To his recollection, there had never been any question in the High Level Committee of the Advisory Group issuing binding decisions. Furthermore, he recalled that one of basic principles of the ITU was that, with the exception of the Administrative Council, all meetings and conferences were open to the whole membership. The concerns expressed about geographical distribution were uncalled for as the High Level Committee had never contemplated limiting the numbers of participants. On the contrary, it was intended that there should be adequate representation of administrations as well as of the organizations listed under Article 7D. Since the French-language version of the part of the Australian proposal which referred to membership of the Advisory Group was rather unclear, he urged the Committee to approve ADD CV122L as originally formulated by the Drafting Group.

1.17 The delegate of Saudi Arabia said that although he considered the role of the Advisory Groups to be important, some flexibility should be maintained; that would be easier to achieve if the provisions concerning the Groups were not enshrined in the Constitution or Convention.

1.18 The delegate of Venezuela associated himself with the comments made by the delegates of Cuba and China.

1.19 The delegate of the United States agreed with the delegate of Morocco on the need to be flexible in the establishment of such Groups. On the whole, he supported the text proposed by Australia, while suggesting that the word "established" in the last sentence should be replaced by "organized".

1.20 The delegate of Swaziland endorsed the comments by the previous speaker, while reserving the right to revert to the matter at a later stage.

1.21 The Director of the CCITT, in response to expressions of concern about costs, observed that the Advisory Groups would to some extent be replacing the current Strategic Review Groups and that there would therefore be no additional budgetary implications.

1.22 In response to questions by the delegate of China, the Chairman of the Drafting Group recalled that in the Drafting Group discussions concerning symmetry, following consultations with the Secretary-General, it had been considered that the provisions concerning the World Telecommunications Advisory Council should not yet be incorporated in the Convention, since that body was still in the early stages of its existence; accordingly, it might be appropriate to revert to the matter at the Kyoto Plenipotentiary Conference.

1.23 The delegate of Morocco, supplementing the points made by the previous speaker, said that in the H.L.C. discussions he had opposed the view expressed by some members to the effect that membership of the Advisory Council should be restricted to the private sector.

1.24 The delegate of Mexico observed that the Spanish-language version of the Australian proposal was not clear and should be scrutinized by the Editorial Committee. The intent of proposal MEX/57/62 was to broaden the scope of the provision and make it easier to understand. His delegation agreed with previous speakers on the question of wider participation. In addition, the Advisory Group's recommendations should be submitted to the Administrative Council prior to submission to a world telecommunication conference, so as to enhance the effectiveness of the Administrative Council's work and avoid hampering the activities of the Sector. Lastly, he argued that the Director's participation in the Group's meetings should be mandatory.

1.25 The Director of the CCITT drew attention to the fact that the Group was an advisory body. The programme of work for the Standardization Sector should be established by the competent conference, the Group's role being to some extent that of a steering committee in determining priorities in order to implement that programme.

1.26 The delegate of Saudi Arabia again emphasized that the provisions concerning the Group should not be rigidly laid down in the Convention, and reiterated his delegation's support for the Chinese proposal.

1.27 The Chairman urged delegates to consider the issue in the context of global strategy and planning. The delegations concerned might wish to hold informal consultations in an effort to develop a common text.

1.28 The delegate of Morocco, referring to Recommendation 17 of the H.L.C., recalled that the Administrative Council did not have the authority to deal with technical matters. He shared the view that it should be mandatory for the Director to participate in the Advisory Group's meetings.

1.29 The delegate of Algeria warned against overloading the Convention on the grounds that it would be easier to amend than the Constitution; detailed provisions on the internal organization of a Sector would best be placed elsewhere. It should be the task of the relevant conference to outline the work of the Advisory Groups, the detailed organization being left to the Director in collaboration with administrations.

1.30 The delegate of Mexico, after emphasizing that the aim of his previous statement had been to ensure clarity and proper demarcation between functions and responsibilities, supported the Chairman's suggestion that informal consultations be held.

1.31 It was so agreed.

1.32 The delegate of Australia said that, following the informal consultations, it was proposed to amend ADD CV122L by replacing "established" by "organized" in the last sentence, replacing "should" by "shall" in the last phrase, and adding "and report annually to the Council" at the end of the last sentence.

1.33 In reply to a question by the delegate of Japan, the Chairman observed that it was difficult at the present juncture to estimate the number of participants in the Advisory Group.

1.34 The delegate of Senegal said that he would have difficulty in agreeing to the text for substantive reasons and, in view of the need to maintain flexibility, in justifying its incorporation in the Convention.

1.35 The Chairman, bearing in mind that the current proposal was the outcome of informal consultations between concerned delegations, asked whether the meeting as a whole could accept it as a consensus text.

1.36 The delegate of Zimbabwe suggested that the meeting might wish to ensure symmetry with the equivalent text approved for the Development Sector by including the phrase "in consultation with the Secretary-General" after "Director".

1.37 The delegate of Kenya said that he would have difficulty in accepting the addition to the text read out by the delegate of Australia; it seemed to him that the Director should report to the World Telecommunication Standardization Conference rather than to the Administrative Council. In response to that comment, the Director of the CCITT observed that it was established practice for the head of each organ of the Union to report annually to the Administrative Council and that provision was also made for the Director to report to the relevant world conference.

1.38 The Chairman of the High Level Committee, endorsing the comments by the Director of the CCITT, drew attention to the H.L.C.'s concern to provide a broader policy role for the Administrative Council, rather than involving it in the day-to-day management of the Sectors. As to the suggestion by the delegate of Zimbabwe, the H.L.C. had considered it useful to require consultation with the Secretary-General in the case of the development advisory body, as it related to a new Sector. The situation was not the same for the other Sectors, which were already well established.

1.39 The delegate of Algeria said that he could agree to the general principle of the proposed consensus text but considered that it should be the subject of a resolution rather than a provision of the Convention.

1.40 The delegate of Senegal said that if the text was included in the Convention his delegation would have to enter a reservation.

1.41 The delegate of Cuba said that the proposal by the delegate of Algeria deserved further consideration. The matter could be taken up again at the Kyoto Plenipotentiary Conference, at which time a formal decision could be taken on the basis of experience gained in the interval.

1.42 The delegate of China said that he too wished to express a reservation. His delegation was not opposed to the idea of the Director setting up an advisory unit, but the latter should be an informal body and its status should not be dealt with in the Convention, at least for the time being. He agreed with the previous speaker that a formal decision could be taken at the Kyoto Conference.

1.43 The delegate of Saudi Arabia also expressed a reservation, and said that the Algerian proposal constituted a compromise solution which deserved further reflection. His delegation had participated in the work of the High Level Committee, and did not think that each and every recommendation made by that Committee should necessarily be fully taken into account.

1.44 The delegate of Iran also entered a reservation, based on his country's views as put forward in Document 105.

1.45 The Chairman, after stating that the reservations would be noted, suggested that the consolidated text, as amended, should be approved.

1.46 The delegate of Algeria pointed out that his country's compromise solution had received a certain measure of support and therefore deserved further consideration.

1.47 The Chairman said that he was reluctant to prolong the discussion further. He suggested that delegates give some indication, by a show of cards, as to whether they wished to accept the paragraph prepared further to the informal consultations, or to act on the proposal to draw up a resolution. He noted that the show of cards indicated a majority in favour of approving the consolidated text.

1.48 The delegate of Algeria, supported by the delegate of Lebanon, said that no decision could be taken on the basis of a show of cards, which did not constitute a formal vote. He pointed out that his delegation had not participated in the informal consultations, and that a certain number of delegates were currently absent from the meeting room. The text should therefore be placed in square brackets and discussed again subsequently.

1.49 The delegate of Saudi Arabia, supporting the previous speaker, said that the issue was too important to be decided upon on the basis of brief, informal consultations, in which his delegation had not participated.

1.50 The delegate of the United Kingdom emphasized that the main objective was to set up an Advisory Group which would make valuable contributions to the Union's work between conferences. There appeared to be considerable support for setting up the Group, and whether that intention was expressed in the Convention or in a resolution was of minor consequence. For the time being, however, the Committee was examining the draft Convention, and in the absence of any written proposal for a draft resolution, it should approve the consolidated text, as amended, without placing it in square brackets. If delegates wished to prepare a draft resolution for the Committee's consideration they were free to do so, further to which the Committee might wish to discuss the consolidated text again at a subsequent meeting.

1.51 The Chairman suggested that the best course might be to place the text in square brackets in order to give delegates more time to consider the issue and, if they so wished, to prepare a draft resolution.

1.52 It was so agreed.

1.53 Article 6A of the draft Convention as a whole, as amended, was approved subject to further consideration of the parts of text placed in square brackets.

2. Consideration of proposals relating to Article 6B of the draft Convention (Basic Document II, DT/1)

2.1 The Chairman invited the Committee to consider Article 6B of the draft Convention, relating to the Telecommunication Standardization Bureau.

ADD Title, ADD CV122M, ADD CV122N, ADD CV122O, ADD CV122P, ADD CV122Q, ADD CV122R, ADD CV122S, ADD CV122T

2.2 Approved.

ADD CV122U

2.3 The delegate of Kenya introduced proposal KEN/22/33 to reintroduce the reference to the Plenipotentiary Conference which had existed in the text adopted at Nice.

2.4 The delegate of Morocco, supported by the Chairman of the High Level Committee, pointed out that the Drafting Group had deliberately deleted the reference to the Plenipotentiary Conference because the latter did not adopt the Union's budget.

2.5 ADD CV122U was approved as proposed by the Drafting Group.

ADD CV122V

2.6 Approved.

2.7 Article 6B as a whole was approved.

3. Consideration of proposals relating to Articles 7E, 7F and 7G of the draft Convention (Basic Document II, DT/1, 57)

Article 7E: Conduct of Business of Study Groups

ADD Title

3.1 Approved.

CV128A1

3.2 The Chairman suggested that proposals CAN/35/26 and USA/26/43 should be placed in square brackets pending the outcome of the discussions regarding conferences.

3.3 It was so agreed.

3.4 The delegate of Spain, speaking on behalf of the European countries which had submitted proposals EUR/27/21, EUR/27/22 and EUR/27/23, said that they resulted from dividing the original paragraph ADD CV128AI into a more readily understandable format. That part of the exercise could be regarded as purely editorial. However, with regard to substance, the proposals differed from ADD CV128AI as prepared by the Drafting Group in that they placed greater emphasis on

restricting the number of Vice-Chairmen appointed for Study Groups. Such had been the intention of the Convention currently in force, but some Study Groups now had five or six Vice-Chairmen. The European proposals stressed that only one Vice-Chairman should be appointed, unless it proved absolutely necessary to do otherwise.

3.5 Proposals EUR/27/21, EUR/27/22 and EUR/27/23 were approved.

CV128AJ

3.6 The delegate of China introduced proposal CHN/13/48, in support of which he quoted No. 220 of the Nice Convention.

3.7 There being no support for that proposal, the text of ADD CV128AJ as proposed by the Drafting Group was approved.

ADD CV128AK

3.8 Approved.

ADD CV128AL

3.9 The delegate of Mexico said that his delegation would take account of its proposal MEX/57/65 in the resolution it was preparing for consideration by the Committee.

3.10 ADD CV128AL was approved as proposed by the Drafting Group.

ADD CV128AM, ADD CV128AN

3.11 Approved.

3.12 With the exception of the texts placed in square brackets, Article 7E as a whole, as amended, was approved.

Article 7F: Recommendations from One Conference to Another

3.13 Article 7F as a whole was approved.

Article 7G: Relations Between Sectors Themselves and with International Organizations

ADD Title, ADD CV128AQ

3.14 Approved.

ADD CV128AR

3.15 The delegate of Mexico introduced proposal MEX/57/66, which was supported by the delegate of Kuwait.

3.16 The delegate of Morocco suggested that the Mexican proposal be placed in square brackets pending the Committee's discussion of provisions and proposals relating to conferences.

3.17 It was so agreed.

ADD CV128AS

3.18 Approved.

3.19 With the exception of the texts placed in square brackets, Article 7G as a whole, as amended, was approved.

4. Consideration of the summary records of the first, second and third meetings of Committee 4 (Documents 81 + Corr.1, 101, 108)

4.1 The Chairman drew attention to an editorial amendment required on the cover page of each summary record.

4.2 The delegate of Greece drew attention to the Corrigendum to Document 81 concerning the statement by his delegation.

4.3 Subject to those corrections, the summary records of the first, second and third meetings were approved.

The meeting rose at 2325 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 186-E
20 December 1992

R.8

PLENARY MEETING

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

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

Source	Document		Title
COM 6	176(B.9)		Optional Protocol
	174(B.7)	Constitution	Article 14D
		Convention	Article 7B
	175(B.8)		Article 9
			Article 10
			Article 13
			Article 14 (CV170A)
			Article 15 (CV179 and CV193A)
			Article 25 (Section 5)
	176(B.9)		Resolutions COM5/2 to COM5/6

M. THUE
Chairman of Committee 6

Annex: 20 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

OPTIONAL PROTOCOL

on the Compulsory Settlement of Disputes Relating to the Constitution of the International Telecommunication Union, to the Convention of the International Telecommunication Union and to the Administrative Regulations

At the time of signing the Constitution of the International Telecommunication Union and the Convention of the International Telecommunication Union (Geneva, 1992), 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,

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 4 of the Constitution,

have agreed upon the following provisions:

ARTICLE 1

Unless one of the methods of settlement listed in Article 45 of the Constitution has been chosen by common agreement, disputes concerning the interpretation or application of the Constitution, the Convention or the Administrative Regulations mentioned in Article 4 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. 409) 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. 407 and 408 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 4

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

ARTICLE 5

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 6

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 Geneva, [22] December 1992

ADD

CHAPTER V

ADD

Other Provisions Concerning the Functioning of the Union

ADD

ARTICLE 14D

ADD

World Conferences on International Telecommunications

ADD CS124J

1. A world conference on international telecommunications may partially, or in exceptional cases, completely revise the International Telecommunication Regulations and may deal with any question of a worldwide character within its competence and related to its agenda.

ADD CS124K

2. Decisions of world conferences on international telecommunications shall in all circumstances be in conformity with this Constitution and the Convention. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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.

ADD ARTICLE 7B

ADD **Telecommunication Development Study Groups**

ADD **CV128G** Telecommunication development study groups shall deal with specific telecommunication questions of general interest to developing countries, including the matters enumerated in No. 128D above. Such study groups shall be limited in number and created for a limited period of time, subject to the availability of resources, shall have specific terms of reference on questions and matters of priority to developing countries and shall be task-oriented.

ADD **CV128GA** Taking into account No. 112A of the Constitution, the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall keep the matters under study under continuing review with a view to reaching agreement on the distribution of work, avoiding duplication of effort and improving coordination. The Sectors shall adopt procedures to conduct such reviews and reach such agreement in a timely and effective manner.

NOC

ARTICLE 9

MOD

Invitation and Admission to Radiocommunication Conferences when There is an Inviting Government

ADD CV141A

1. The precise place and exact dates of the conference shall be fixed in accordance with the provisions of Article 2 of this Convention, following consultations with the inviting government.

MOD CV142

2. (1) The provisions of Nos. 130 to 135A of this Convention shall apply to radiocommunication conferences.

MOD CV143

(2) Members of the Union should inform the recognized operating agencies of the invitation they have received to participate in a radiocommunication conference.

MOD CV144

3. (1) The inviting government, in agreement with or on a proposal by the Council, may notify the international organizations other than those referred to in Nos. 132A to 132D of this Convention which may be interested in sending observers to participate in the conference in an advisory capacity.

MOD CV145

(2) The interested international organizations referred to in No. 144 above shall send an application for admission to the inviting government within a period of two months from the date of notification.

NOC CV146

(3) The inviting government shall assemble the requests and the conference itself shall decide whether the organizations concerned are to be admitted.

MOD CV147

4. The following shall be admitted to radiocommunication conferences:

NOC CV148

a) delegations;

MOD CV149

b) observers of organizations and agencies referred to in Nos. 132A to 132D of this Convention;

SUP CV150 and CV151

(MOD) CV152

c) observers of international organizations admitted in accordance with Nos. 144 to 146 above;

MOD CV153

d) observers representing recognized operating agencies authorized in accordance with Article 7D of this Convention to participate in the radiocommunication study groups and duly authorized by the Member concerned;

MOD **CV154**

e) in an advisory capacity, the elected officials, when the conference is discussing matters coming within their competence, and the members of the Radio Regulations Board;

MOD **CV155**

f) observers of Members of the Union participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Members belong.

NOC

ARTICLE 10

MOD

Procedure for Convening or Cancelling World Conferences or Radiocommunication Assemblies at the Request of Members of the Union or on a Proposal of the Council

ADD CV155Q

1. The procedures to be applied for convening a second world telecommunication standardization conference in the interval between successive Plenipotentiary Conferences and fixing its precise place and exact dates or for cancelling the second world radiocommunication conference or the second radiocommunication assembly are set forth in the following provisions.

MOD **CV156** 2. (1) Any Member of the Union wishing to have a second world telecommunication standardization conference convened shall so inform the Secretary-General, indicating the proposed place and dates of the conference.

MOD **CV157** (2) On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

MOD **CV158** (3) If a majority of the Members, determined in accordance with No. 29 of this Convention, agree to the proposal as a whole, that is to say, if they accept the proposed place and dates, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication.

MOD **CV159** (4) If the proposal accepted is for a conference elsewhere than at the seat of the Union, the Secretary-General, with the assent of the government concerned, shall take the necessary steps to convene the conference.

SUP **CV160 to CV162**

MOD **CV163** (5) If the proposal as a whole (place and dates) is not accepted by the majority of the Members determined in accordance with No. 29 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.

(MOD) **CV164** (6) Such points shall be regarded as adopted when they have been approved by a majority of the Members, determined in accordance with No. 29 of this Convention.

ADD **CV164A** 3. (1) Any Member of the Union wishing to have a second world radiocommunication conference or a second radiocommunication assembly cancelled, shall so inform the Secretary-General. On receipt of similar requests from at least one-quarter of the Members, the Secretary-General shall inform immediately 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.

ADD **CV164B** (2) If a majority of the Members, determined in accordance with No. 29 of this Convention, agrees to the proposal, the Secretary-General shall so inform immediately all Members by the most appropriate means of telecommunication and the conference or assembly shall be cancelled.

MOD **CV165**

4. The procedures indicated in Nos. 157 to 164B above, with the exception of No. 164A, shall also be applicable when the proposal to convene a second world telecommunication standardization conference or to cancel a second world radiocommunication conference or a second radiocommunication assembly is initiated by the Council.

ADD **CV165A**

5. Any Member of the Union wishing to have a world conference on international telecommunications convened shall propose it to the Plenipotentiary Conference; the agenda, precise place and exact dates of such a conference shall be determined in accordance with the provisions of Article 2 of this Convention.

NOC

ARTICLE 13

MOD

Change in the Place or Dates of a Conference

MOD CV168

1. The provisions of Articles 10 and 11 of this Convention for convening a conference shall apply, by analogy, when a change in the precise place and/or exact dates of a conference is requested by Members of the Union or is proposed by the 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.

MOD CV169

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

(MOD) CV170

3. Where the issue arises, the Secretary-General shall indicate, in the communication referred to in No. 157 of this Convention, the probable financial consequences of a change in the place or dates, as, for example, when there has been an outlay of expenditure in preparing for the conference at the place initially chosen.

NOC

ARTICLE 14

NOC

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

ADD CV170A

1. The provisions of this Article shall apply to the Plenipotentiary Conference, world and regional radiocommunication conferences and world conferences on international telecommunications.

CV171 to CV178

Unchanged.

NOC

ARTICLE 15

MOD

Credentials for Conferences

MOD CV179 1. The delegation sent by a Member of the Union to a Plenipotentiary Conference, a radiocommunication conference or a world conference on international telecommunications shall be duly accredited in accordance with Nos. 180 to 186 below.

CV180 to CV193 Unchanged.

ADD CV193A 10. A Member or an authorized entity or organization intending to send a delegation or representatives to a telecommunication standardization conference, a telecommunication development conference or a radiocommunication assembly shall so inform the Director of the Bureau of the Sector concerned, indicating the names and functions of the members of the delegation or of the representatives.

NOC

CHAPTER IV

NOC

Rules of Procedure

NOC

ARTICLE 25

NOC

Rules of Procedure of Conferences and Other Meetings

CV244 to CV271 Unchanged.

NOC

5. Composition of Committees

NOC

5.1 Plenipotentiary Conferences

MOD **CV272** Committees shall be composed of the delegates of Members and the observers referred to in No. 139 of this Convention who have so requested or who have been designated by the Plenary Meeting.

NOC

5.2 Radiocommunication Conferences

MOD **CV273** Committees shall be composed of the delegates of Members and the observers and representatives referred to in Nos. 149, 152 and 153 of this Convention who have so requested or who have been designated by the Plenary Meeting.

MOD

5.3 Radiocommunication Assemblies, Telecommunication Standardization Conferences and Telecommunication Development Conferences

ADD **CV273B** In addition to delegates of Members and observers referred to in Nos. 132A to 132D of this Convention, the radiocommunication assemblies and the committees of the telecommunication standardization and telecommunication development conferences may be attended by representatives of any entity or organization included in the relevant list referred to in No. 128AC of this Convention.

RESOLUTION COM5/2

Rules of Procedure of Conferences and Meetings of the International Telecommunication Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

recalling

Resolution No. 41 of the Plenipotentiary Conference (Malaga-Torremolinos, 1973) and Resolution No. 62 of the Plenipotentiary Conference (Nairobi, 1982),

considering

that, as from the Plenipotentiary Conference (Nice, 1989), the objective pursued with respect to the International Telecommunication Convention (Nairobi, 1982), namely to place fundamental provisions in a Constitution and the remaining provisions in a Convention, has already been achieved,

observing

that there are practical provisions in the Convention on conferences and meetings which may have to be revised more frequently than the other rules contained in the Convention,

recognizing

the need to avoid frequent amendments to the Convention, which may be met by transferring certain rules to another text for internal use by conferences and meetings of the Union, which would be easier to revise,

conscious

that it would be difficult for this Conference to settle this matter, since studies would have to be carried out to ascertain the practices followed in the United Nations specialized agencies and other intergovernmental organizations in this regard,

instructs the Council

1. to consider this matter and, if required, to set up, at its 48th session, on the basis of equitable geographical distribution, a Group of Experts appointed by the Members of the Union, on a voluntary basis, to assist it in implementing the present Resolution, with the following terms of reference:

1.1 prepare the draft Rules of Procedure for conferences and meetings of the Union using the relevant rules contained in the Convention as a basis, without excluding the possibility of adding provisions considered necessary or useful;

1.2 prepare any draft consequential amendments which would have to be made to the Convention and, if necessary, the Constitution;

1.3 submit to the 49th session of the Council an interim report together with any material prepared;

2. to submit a report on the matter to the next Plenipotentiary Conference (Kyoto, 1994) for consideration and to obtain any instructions or guidelines for the continuation of the work;

3. to ensure that the only costs that shall be borne by the Union are those incurred for the preparation, translation, publication and distribution of the documents, as well as interpretation for any meetings of the Group referred to in paragraph 1 above. It is understood that, in order to minimize all costs involved, the Group should work by correspondence as much as possible.

instructs the Secretary-General

to assist the Council and the Group of Experts in implementing this Resolution.

RESOLUTION COM5/3

Management of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) Recommendations 8, 16, 17 and 18 of the High Level Committee relating to strategic planning and the operation of the Council, and

b) the need for the Council to focus its attention on broad policy issues, with a strategic focus, and to report to Members on the desired results of the work of the Union,

noting

the responsibilities assigned to the Plenipotentiary Conference, the Council, the Secretary-General and the Coordination Committee for strategic planning and management of the work of the Union in Articles 8, 10 and 11 of the Constitution and Articles 3, 4 and 4A of the Convention,

instructs the Secretary-General

a) to prepare and propose to the Council strategic policies and plans for the Union,

b) to develop a two-year budget process for the Council to review pursuant to the Union's four-year plans prepared at the Plenipotentiary Conference,

instructs the Secretary-General and the Council

to implement the improved management practices recommended by the High Level Committee, particularly those relating to the transparency of cost allocations and budgetary controls,

instructs the Council

1. to institute a two-year budget process within an overall strategic planning framework, with a view:

   i) to identifying and documenting the intended objectives and outcomes of the Union's activities, and

   ii) to identifying the necessary resources for these activities;

2. to present to the Plenipotentiary Conference (Kyoto, 1994) a draft Strategic Plan including the objectives and work programmes developed by the Sectors; and

3. to envisage establishing such committees as may be required to assist it in performing its monitoring role and to review other aspects of the management of the Union,

resolves

that the Council shall consider the Secretary-General's budget plans, with any appropriate revisions to allocate resources in accordance with the strategic plans and goals of the Union and the particular activities and work programmes of the three Sectors.

RESOLUTION COM5/4

Electronic Access to Documents and Publications of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) Recommendation 46 of the High Level Committee ("Tomorrow's ITU: The Challenges of Change, Geneva, April 1991");

b) the need to facilitate the exchange and distribution of documentation of the Union and publications;

c) the evolution of electronic information handling;

d) the desirability of cooperation with bodies engaged in relevant standards development;

e) matters connected with the Union's copyright in its publications;

f) the need to sustain the revenue derived from the sale of publications;

g) the need to provide a timely and efficient global standardization process,

resolves

1. that all documentation of the Union available in electronic form intended to facilitate the timely development of recommendations of the Union be made electronically accessible to any Member or Sector member;

2. that all official publications that are made available in databases of the Union for electronic distribution, including recommendations of the Union in publication format by the Radiocommunication Sector or the Telecommunications Standardization Sector, should be made accessible by electronic means with appropriate provision for payment to the Union for a particular publication requested. A request for such publications obliges the purchaser not to duplicate it for distribution or sale external to the purchaser's organization. Such a publication may be utilized in the receiving organization, as required, to further the work of the Union or any standards body developing related standards, to provide guidance for product or service development and implementation and to serve as support documentation associated with a product or service;

3. that none of the above is intended to dilute the copyright held by the Union so that any entity desiring to duplicate publications of the Union for resale must obtain an agreement for such purpose,

instructs the Secretary-General

1. to take the necessary steps to facilitate the implementation of these resolves.

2. to ensure that paper publications are made available as quickly as possible so as not to deprive Members not possessing electronic facilities of access to publications of the Union.

PINK PAGES

RESOLUTION COM5/5

Consideration of the Need to Establish a Forum to Discuss Strategies and Policies in the Changing Telecommunications Environment

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

as stipulated in the Constitution and Convention, that a purpose of the Union is to promote, at the international level, a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations,

recognizing

a) that the Secretary-General, with the assistance of the Coordination Committee, shall prepare strategic policies and plans for the Union and shall coordinate its activities, that is, he shall prepare and submit to the Council an annual report indicating changes in the telecommunication environment and containing recommendations for action relating to the Union's future policies and strategy;

b) that the Council shall consider broad telecommunication policy issues in order to ensure that the Union's policies and strategy fully respond to the constantly changing telecommunication environment, that is, it shall consider each year the report prepared by the Secretary-General on the recommended strategic policy and planning for the Union and shall take appropriate action;

c) that administrations, realizing the need for the constant review of their own telecommunication policies and legislation and for their coordination with other Members at an international level in the rapidly changing telecommunications environment, should be able constantly and extensively to discuss their own and the Union's strategies and policies;

d) that it is necessary for the Union, as an international organization playing a leading role in the field of telecommunications, to organize a forum in which policy coordination among Members shall be expedited and the Union's strategy shall be shaped,

resolves

1. that, on the basis of a report by the Secretary-General, the Council shall consider, at its ordinary session in 1994, the need to establish a forum in which administrations can discuss their telecommunication strategies and policies. The Council shall submit appropriate recommendations to the next Plenipotentiary Conference on the basis of this consideration;

2. that the next Plenipotentiary Conference (1994) shall take necessary action on this matter.

RESOLUTION COM5/6

Strengthening of Relationships with Regional Telecommunication Organizations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) that there is a need for the Union to cooperate closely with regional telecommunication organizations, given the recent increasing importance of regional organizations concerned with key telecommunication issues;

b) that the Union and those regional organizations share common purposes in carrying out regional activities, i.e., that the joint operation of regional projects effectively promotes the development of regional telecommunication,

instructs the Secretary-General

1. to consult with regional telecommunication organizations on the possibility of cooperation;

2. to submit a report on the results of the consultation to the Council for consideration,

instructs the Council

1. to consider the report submitted by the Secretary-General and take appropriate measures;

2. to report on the results achieved to the next Plenipotentiary Conference (1994).

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Addendum 1 to
Document 187-E
21 December 1992

R.9(Add.1)

PLENARY MEETING

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

RECAPITULATION OF PROVISIONS STILL TO BE DECIDED

The revised pages below contain the provisions which remain to be decided by the Plenary.

Source	Document/page		Title
COM 6	177(B.10)	Constitution	Article 11A
	177(B.10) and 174(B.7)	Convention	Article 4BA
	177(B.10)		Article 5
			Article 5A

M. THUE
Chairman of Committee 6

Annex: 6 pages

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

ADD

CHAPTER II

ADD

Radiocommunication Sector

ADD

ARTICLE 11A

ADD

Functions and Structure

ADD CS85A

1. (1) The functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication:

- by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite orbit, subject to the provisions of Article 33 of this Constitution, and
- by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.

ADD CS85B

(2) The precise responsibilities of the Radiocommunication Sector and the Telecommunication Standardization Sector shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

ADD CS85C

2. The Radiocommunication Sector shall work through:

ADD CS85D

a) world and regional radiocommunication conferences;

ADD CS85E

b) the Radio Regulations Board;

ADD CS85EA

c) radiocommunication assemblies, which shall be associated with world radiocommunication conferences;

ADD [CS85F]

d) radiocommunication study groups [and the Radiocommunication Advisory Group];

ADD CS85G

e) the Radiocommunication Bureau, headed by the elected Director.

ADD CS85H

3. The Radiocommunication Sector shall have as members:

ADD CS85I

a) of right, the administrations of all Members of the Union;

ADD CS85J

b) any entity or organization authorized in accordance with the relevant provisions of the Convention.

Convention
R.9/2(Add.1)

ADD

ARTICLE 4BA

ADD

Radiocommunication Assemblies

ADD CV109R

1. A radiocommunication assembly shall deal with and issue, as appropriate, recommendations on questions adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, the Council or the Radio Regulations Board.

ADD CV109S

2. With regard to No. 109R above, the radiocommunication assembly shall:

ADD CV109T

(1) consider the reports of study groups prepared in accordance with No. 116R of this Convention and approve, modify or reject the draft recommendations contained in those reports;

ADD [CV109U]

(2) bearing in mind [the guidance of the Advisory Group referred to in No. 116U of this Convention and] the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

ADD CV109V

(3) decide, in the light of the approved programme of work derived from No. 109U above, on the need to maintain, terminate or establish study groups, and allocate to each of them the questions to be studied;

ADD CV109W

(4) group questions of interest to the developing countries as far as possible, in order to facilitate their participation in the study of those questions;

ADD CV109XA

(5) give advice on matters within its competence in response to requests from a world radiocommunication conference;

ADD CV109XB

(6) report to the associated world radiocommunication conference on the progress in matters that may be included in the agenda of future radiocommunication conferences.

ADD CV109XC

3. A radiocommunication assembly shall be presided over by a person designated by the government of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a person elected by the assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the assembly.

NOC

ARTICLE 5

MOD

Radio Regulations Board

ADD **CV109AD**

1. The Board is composed of nine members elected by the Plenipotentiary Conference.

SUP **CV110 to CV116**

ADD **CV116A**

2. In addition to the duties specified in Article 12 of the Constitution, the Board shall also consider reports from the Director of the Radiocommunication Bureau on investigations of harmful interference carried out at the request of one or more of the interested administrations, and formulate recommendations with respect thereto.

MOD **[CV116B]**

[3. The members of the Board have a duty to participate, in an advisory capacity, in radiocommunication conferences and radiocommunication assemblies. The Chairman and Vice-Chairman of the Board, or their nominated representatives, have a duty to participate, in an advisory capacity, in Plenipotentiary Conferences. In all of these cases, the members having these duties shall not participate in these conferences as members of their national delegations.]

ADD **CV116C**

4. Only the travelling, subsistence and insurance expenses incurred by the members of the Board in the exercise of their duties for the Union shall be borne by the Union.

ADD **CV116D**

5. The working arrangements of the Board shall be as follows:

ADD **CV116E**

(1) The members of the Board shall elect from their own members 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. In the absence of the Chairman and Vice-Chairman, the Board shall elect a temporary Chairman for the occasion from among its members.

ADD **CV116F**

(2) The Board shall normally hold up to four meetings a year, generally at the seat of the Union, at which at least six members shall be present, and may carry out its duties using modern means of communication.

ADD CV116G (3) The Board shall endeavour to reach its decisions unanimously. If it fails in that endeavour, a decision shall be valid only if at least five members of the Board vote in favour thereof. Each member of the Board shall have one vote; voting by proxy is not allowed.

ADD CV116H (4) The Board may make such internal arrangements as it considers necessary in conformity with the provisions of the Constitution, this Convention and the Radio Regulations. Such arrangements shall be published as part of the Board's Rules of Procedure.

ADD

ARTICLE 5A

ADD

Radiocommunication Study Groups [and Advisory Group]

ADD CV116I 1. Radiocommunication study groups are set up by a radiocommunication assembly.

ADD CV116J 2. (1) The radiocommunication study groups shall study questions and prepare draft recommendations on the matters referred to them in accordance with the provisions in Article 4B of this Convention. Those draft recommendations shall be submitted for approval to a world radiocommunication assembly or, between two such assemblies, by correspondence to administrations in accordance with procedures adopted by the assembly. Recommendations approved in either manner shall have equal status.

ADD CV116K (2) The study of the above questions shall, subject to No. 116S below, focus on the following:

ADD CV116L a) use of the radio-frequency spectrum in terrestrial and space radiocommunication (and of the geostationary-satellite orbit);

ADD CV116M b) characteristics and performance of radio systems;

ADD CV116N c) operation of radio stations;

ADD CV116O d) radiocommunication aspects of distress and safety matters.

ADD CV116P (3) These studies shall not generally address economic questions, but when they involve comparing technical alternatives, economic factors may be taken into consideration.

ADD CV116Q 3. The radiocommunication study groups shall also carry out preparatory studies of the technical, operational and procedural matters to be considered by world and regional radiocommunication conferences and elaborate reports thereon in accordance with a programme of work adopted in this respect by a radiocommunication assembly or following instructions by the Council.

ADD CV116R 4. Each study group shall prepare for the radiocommunication assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 116J above and any draft new or revised recommendations for consideration by the assembly.

ADD CV116S 5. Taking into account No. 85B of the Constitution, the tasks enumerated in Nos. 116L to 116O above and in No. 122H of this Convention in relation to the Telecommunication Standardization Sector shall be kept under continuing review by the Radiocommunication Sector and the Telecommunication Standardization Sector with a view to reaching common agreement on changes in the distribution of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such a review and reach agreements in a timely and effective manner. If agreement is not reached, even at the level of the radiocommunication assembly and the world telecommunication standardization conference, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

ADD CV116T 6. In the performance of their studies, the radiocommunication study groups 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 at both the regional and international levels. They shall conduct their work giving due consideration to the work of national, regional and other international organizations concerned with radiocommunication and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of telecommunications.

Convention
R.9/6(Add.1)

ADD **[CV116U]** [7. A Radiocommunication Advisory Group shall provide guidance on the work of the study groups. It shall, inter alia, recommend steps to foster cooperation and coordination with other organizations concerned with radiocommunication and with the Telecommunication Standardization and the Telecommunication Development Sectors. It shall be organized by the Director and shall be open to representatives from administrations, entities and organizations authorized in accordance with Article 7D of this Convention and to Chairmen of study groups; the Director shall participate in its meetings and report annually to the Council.]

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Corrigendum 1 to
Document 187-E
21 December 1992

R.9(Corr.1)

PLENARY MEETING

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

RECAPITULATION OF PROVISIONS STILL TO BE DECIDED

Please replace page R.9/10 with the attached page.

M. THUE
Chairman of Committee 6

Annex: 1 page

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R.9/10(Corr.1)
B.9/11(Rev.)

RECOMMENDATION COM5/A

Deposit of Instruments and Entry into Force of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992)

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

taking into account

the desire expressed in the Report of the High Level Committee to enable the Union to adapt rapidly to the changing telecommunication environment,

considering

the relevant provision of Article 47 of the Constitution, which provides for the entry into force of the instruments of the Union referred to above on 1 July 1994 between Members having deposited their instrument of ratification, acceptance, approval or accession before that date,

considering further

that it is in the interest of the Union that the said Constitution and the Convention enter into force on 1 July 1994 between as many Members as possible,

noting

that it is no longer necessary for Members of the Union to take up their respective national ratification, acceptance, approval or accession procedures with regard to the Constitution and Convention of the International Telecommunication Union (Nice, 1989), which have not yet come into force,

invites

all the Members of the Union to expedite their respective national procedures for ratification, acceptance or approval of (see Article 41 of the said Constitution), or accession to (see Article 42 of the said Constitution), the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and to deposit their respective "single instrument" with the Secretary-General at the earliest possible date, preferably prior to 1 July 1994,

instructs the Secretary-General

to bring the present Recommendation immediately to the attention of all the Members of the Union by means of a circular-letter, and to recall the contents of the present Recommendation periodically, as he sees fit, to those Members of the Union which, at that time, have not yet deposited their respective instrument.

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 187-E
20 December 1992

R.9

PLENARY MEETING

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

RECAPITULATION OF PROVISIONS STILL TO BE DECIDED

The revised pages below contain the provisions which remain to be decided by the Plenary.

Source	Document/page		Title
COM 6	174(B.7/1)	Constitution	Article 7
	174(B.7/4 to 6) 175(B.8/2 and 3)	Convention	Article 5B [CV116AF] Article 9A [CV155LA]
	174(B.7/8 to 10)		Resolution COM4/1
	176(B.9/11)		Recommendation COM5/A

M. THUE
Chairman of Committee 6

Annex: 10 pages

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NOC			ARTICLE 7
NOC			**Structure of the Union**
MOD	**CS36**	The Union shall comprise:	
(MOD)	**CS37**	a)	the Plenipotentiary Conference, which is the supreme organ of the Union;
SUP	**CS38**		
MOD	**CS39**	b)	the Council, which acts on its behalf;
SUP	**CS40**		
SUP	**CS41**	3.	
ADD	**CS41A**	c)	world conferences on international telecommunications;
MOD	**CS42**	d)	the Radiocommunication Sector, including world and regional radiocommunication conferences, radiocommunication assemblies and the Radio Regulations Board;
SUP	**CS43**		
MOD	**CS44**	e)	the Telecommunication Standardization Sector, including world telecommunication standardization conferences;
MOD	**CS45**	f)	the Telecommunication Development Sector, including world and regional telecommunication development conferences;
ADD	**CS45A**	g)	the General Secretariat.

R.9/2
Convention
B.7/4(Rev.)

ADD

ARTICLE 5B

ADD

Radiocommunication Bureau

ADD CV116V

1. The Director of the Radiocommunication Bureau shall organize and coordinate the work of the Radiocommunication Sector. The duties of the Bureau are supplemented by those specified in provisions of the Radio Regulations.

ADD CV116W

2. The Director shall, in particular,

ADD CV116X

(1) in relation to radiocommunication conferences:

ADD CV116Y

a) coordinate the preparatory work of the study groups and the Bureau, communicate to Members the results of this preparatory work, collect their comments and submit a consolidated report to the conference;

ADD CV116Z

b) participate as of right, but in an advisory capacity, in the deliberations of the radiocommunication assembly and of the radiocommunication study groups. The Director shall make all necessary preparations for radiocommunication conferences and meetings of the Radiocommunication Sector in consultation with the General Secretariat in accordance with No. 83A of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;

ADD CV116AA

c) provide assistance to the developing countries in their preparations for radiocommunication conferences.

ADD CV116AB

(2) in relation to the Radio Regulations Board:

ADD CV116AC

a) prepare and submit draft Rules of Procedure for approval by the Radio Regulations Board; they shall include, inter alia, calculation methods and data required for the application of the provisions of the Radio Regulations;

ADD CV116AD

b) distribute to all Members of the Union the Rules of Procedure of the Board and collect comments thereon received from administrations;

ADD CV116AE

c) process information received from administrations in application of the relevant provisions of the Radio Regulations and regional agreements and prepare it, as appropriate, in a form suitable for publication;

ADD **[CV116AF]** d) [apply the Rules of Procedure approved by the Board, prepare and publish findings based on those Rules, and submit to the Board any review of a finding which is requested by an administration and which cannot be resolved by the use of those Rules of Procedure;]

ADD **CV116AG** e) in accordance with the relevant provisions of the Radio Regulations, effect an orderly recording and registration of frequency assignments and, where appropriate, the associated orbital characteristics, and keep up to date the Master International Frequency Register; review entries in that Register with a view to amending or eliminating, as appropriate, those which do not reflect actual frequency usage, in agreement with the administration concerned;

ADD **CV116AH** f) assist in the resolution of cases of harmful interference, at the request of one or more of the interested administrations, and where necessary, make investigations and prepare, for consideration by the Board, a report including draft recommendations to the administrations concerned;

ADD **CV116AI** g) act as executive secretary to the Board;

ADD **CV116AJ** (3) coordinate the work of the radiocommunication study groups and be responsible for the organization of that work;

ADD **CV116AK** (4) also undertake the following:

ADD **CV116AL** a) carry out studies 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;

ADD **CV116AM** b) exchange with members data in machine-readable and other forms, prepare and keep up to date any documents and databases of the Radiocommunication Sector, and arrange, with the Secretary-General, as appropriate, for their publication in the working languages of the Union in accordance with No. 151 of the Constitution;

ADD **CV116AN** c) maintain such essential records as may be required;

ADD **CV116AO** d) submit to the world radiocommunication conference a report on the activities of the Radiocommunication Sector since the last conference; if a world radiocommunication conference is not planned, such a report covering the two-year period since the last conference shall be submitted to the Council and to the Members of the Union;

ADD **CV116AP** e) prepare a cost-based budget estimate for the requirements of the Radiocommunication Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget.

ADD **CV116AQ** 3. The Director shall choose the technical and administrative personnel of the Bureau within the framework of the budget as approved by the 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.

ADD **CV116AR** 4. The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

MOD CV154 e) in an advisory capacity, the elected officials, when the conference is discussing matters coming within their competence, and the members of the Radio Regulations Board;

MOD CV155 f) observers of Members of the Union participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Members belong.

ADD

ARTICLE 9A

ADD

Invitation and Admission to Radiocommunication Assemblies and to Telecommunication Standardization and Telecommunication Development Conferences when There is an Inviting Government

ADD CV155A 1. The precise place and exact dates of each assembly or conference shall be fixed in accordance with the provisions of Article 2 of this Convention, following consultations with the inviting government.

ADD CV155B 2. One year before the date of the opening of the assembly or conference, the Secretary-General, after consultation with the Director of the Bureau concerned, shall send an invitation to:

ADD CV155C a) the administration of each Member of the Union;

ADD CV155D b) the entities or organizations authorized in accordance with Article 7D of this Convention to participate in the activities of the Sector concerned;

ADD CV155E c) regional telecommunication organizations mentioned in Article 32 of the Constitution;

ADD CV155F d) intergovernmental organizations operating satellite systems;

ADD CV155G e) any other regional organization or other international organization dealing with matters of interest to the assembly or conference.

ADD **CV155H** 3. The Secretary-General shall also invite the following organizations or agencies to send observers:

ADD **CV155I** a) the United Nations;

ADD **CV155J** b) the specialized agencies of the United Nations and the International Atomic Energy Agency.

ADD **CV155K** 4. The replies must reach the Secretary-General at least one month before the date of opening of the assembly or conference and should, whenever possible, include full information on the composition of the delegation or representation.

ADD **CV155L** 5. The General Secretariat and the elected officials of the Union shall be represented at the assembly or conference in an advisory capacity.

ADD **[CV155LA]** [6. The members of the Radio Regulations Board may participate in a radiocommunication assembly in an advisory capacity.]

ADD **CV155M** [7/6]. The following shall be admitted to the assembly or conference:

ADD **CV155N** a) delegations;

ADD **CV155O** b) observers of organizations and agencies invited in accordance with Nos. 155E to 155G and 155I and 155J above;

ADD **CV155P** c) representatives of entities or organizations referred to in No. 155D above.

NOC ARTICLE 10

MOD **Procedure for Convening or Cancelling World Conferences or Radiocommunication Assemblies at the Request of Members of the Union or on a Proposal of the Council**

ADD **CV155Q** 1. The procedures to be applied for convening a second world telecommunication standardization conference in the interval between successive Plenipotentiary Conferences and fixing its precise place and exact dates or for cancelling the second world radiocommunication conference or the second radiocommunication assembly are set forth in the following provisions.

RESOLUTION COM4/1

Allocation of Work to the Radiocommunication Sector and the Telecommunication Standardization Sector

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for this Additional Plenipotentiary Conference to give appropriate general principles and guidance to the Sectors;

b) the broad objectives for the work of the Sectors contained in Articles 11A and 13B of the Constitution which specify the functions of the Radiocommunication Sector and Telecommunication Standardization Sector, and Articles [5A] and [6A] of the Convention, which further elaborate the basis of work allocation and future coordination between Sectors;

c) the initial allocation of work between the Radiocommunication and Telecommunication Standardization Sectors recommended by the High Level Committee on the structure and functioning of the Union in its Recommendation 37, and Recommendation 38 proposing continuing review of the allocation of work between the two Sectors;

d) Recommendations 49 and 51 of the High Level Committee to assist developing countries in participating in the work of the Radiocommunication and Telecommunication Standardization Sectors by the extraction and grouping of matters under active study which may be of particular interest to these countries, and by the promotion of such participation;

e) the necessity of improving the efficiency and responsiveness of the Radiocommunication and Telecommunication Standardization Sectors, maintaining flexibility in the allocation of work with continuing review of work allocation between the study groups of these two Sectors to take account of changing conditions;

f) that [Advisory Groups have been established] in the Radiocommunication and Telecommunication Standardization Sectors to review priorities, strategies and progress of work of each Sector and to foster cooperation and coordination between these Sectors and the regional standardization bodies,

taking note of

a) the work of the Directors of the CCIR and the CCITT in developing an initial indicative list of Questions on the basis of Recommendation 37 of the High Level Committee, and the report by the Directors to the Additional Plenipotentiary Conference;

b) the work done by the ad hoc Groups established under CCIR Resolution 106 and CCITT Resolution No. 18, and in particular the principles agreed at the meeting of the CCIR ad hoc Group in June 1992 for detailed allocation of work and ongoing management of the interface between the two Sectors of the Union;

c) the proposals of the Directors of the CCIR and the CCITT to hold a joint meeting of the Groups established under CCIR Resolution 106 and CCITT Resolution No. 18 in January 1993,

resolves

to endorse Recommendations 37, 38, 49 and 51 of the High Level Committee with respect to the broad terms of reference of the Radiocommunication and Telecommunication Standardization Sectors, and the promotion of the participation of the developing countries in the work of the Sectors,

instructs

the Directors of the Radiocommunication Bureau and the Telecommunication Standardization Bureau to work together to develop proposals for an initial allocation of work between the Sectors, ensuring that:

- there is minimum disruption to the continuing work of the Sectors;
- the grouping of work provides the maximum opportunity for efficient participation by experts from all countries;
- there is minimum overlap between the respective study groups of the Sectors,

and report to the first world radiocommunication conference and the first world telecommunication standardization conference on the proposed initial allocation,

resolves further

1. that the radiocommunication assembly and the world telecommunication standardization conference shall confirm the detailed allocation of work;

2. that joint meetings of [the Advisory Groups of] the Radiocommunication and Telecommunication Standardization Sectors shall be held to continue the review of new and existing work and its distribution between the Sectors, subject to confirmation by the Members;

3. that, with the assistance of the Directors [and the Advisory Groups,] the radiocommunication assembly and the world telecommunication standardization conference shall establish procedures for the ongoing review and reallocation of work, as appropriate, to achieve the necessary effectiveness and efficiency goals of the Union, bearing in mind that the objective, in accordance with the spirit of the High Level Committee Report is to:

- minimize the duplication of activities of the Sectors;
- group the standardization activities in order to foster cooperation and the coordination of the work of the Telecommunication Standardization Sector with regional standardization bodies;

4. the Directors of the Radiocommunication and Telecommunication Standardization Bureaux shall report on the broad outcomes of this review and allocation process to the Plenipotentiary Conference, Kyoto (1994),

invites the Members of the Union

a) to ensure that this review is objective and that it takes full account of the rapidly developing international requirements, by providing broad, competent and senior-level representation [in the Advisory Groups];

b) to consider, and to contribute to discussion on, the procedures for the ongoing review and reallocation of work for the joint meeting in January 1993 of the ad hoc Groups set up under CCIR Resolution 106 and CCITT Resolution No. 18;

c) to consider, in preparation for the radiocommunication assembly and world telecommunication standardization conference, the report of the Directors on the allocation of work to the two Sectors, with a view to making a joint recommendation for initial implementation by these conferences,

instructs the Secretary-General

to draw the attention of the Council to the report of the Directors on the application of this Resolution.

R.9/10
B.9/11(Rev.)

RECOMMENDATION COM5/A

Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

taking into account

the desire expressed in the Report of the High Level Committee to enable the Union to adapt rapidly to the changing telecommunication environment,

considering

the relevant provision of Article 47 of the Constitution, which provides for the entry into force of the instruments of the Union referred to above on 1 July 1994 between Members having deposited before that date their instrument of ratification, acceptance, approval or accession,

considering further

that it is in the interest of the Union that the said Constitution and the Convention enter into force on 1 July 1994 between as many Members as possible,

invites

all the Members of the Union to expedite their respective national procedures for ratification, acceptance or approval of (see Article 41 of the said Constitution), or accession (see Article 42 of the said Constitution) to, the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and to deposit their respective "single instrument" with the Secretary-General at the earliest possible date, preferably prior to 1 July 1994,

noting

[that Members of the Union need not take up their respective national ratification, acceptance, approval or accession procedures with regard to the Nice Constitution and Convention of the International Telecommunication Union, (Nice, 1989),]

instructs the Secretary-General

to bring the present Recommendation immediately to the attention of all the Members of the Union and to recall the contents of the present Recommendation periodically, as he sees fit, to those Members of the Union which, at that time, have not yet deposited their respective instrument.

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 188-E
21 December 1992

R.10

PLENARY MEETING

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

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

Source	Document		Title
COM 6	177(B.10)	Constitution	Article 11B
			Article 12
			Article 13
			Article 13A
			Article 13B
			Article 14
		Convention	Article 2
			Article 4B
			Article 4C
			Article 7D
PL	51(Corr.1)		Resolution PLEN/5
COM 6	177(B.10)		Resolution COM4/2
-	-	Constitution	In witness whereof

M. THUE
Chairman of Committee 6

Annex: 17 pages

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EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

ADD

ARTICLE 11B

ADD

Radiocommunication Conferences and Radiocommunication Assemblies

ADD CS85K

1. A world radiocommunication conference may partially or, in exceptional cases, completely, revise the Radio Regulations and may deal with any question of a worldwide character within its competence and related to its agenda; its other duties are specified in the Convention.

ADD CS85L

2. World radiocommunication conferences shall normally be convened every two years; however, following the application of the relevant provisions of the Convention, such a conference need not be convened or an additional one may be convened.

ADD CS85LA

3. Radiocommunication assemblies shall also normally be convened every two years, and be associated in place and time with world radiocommunication conferences so as to improve the efficiency and effectiveness of the Radiocommunication Sector. Radiocommunication assemblies shall provide the necessary technical bases for the work of the world radiocommunication conferences and respond to all requests from world radiocommunication conferences. The duties of the radiocommunication assemblies are specified in the Convention.

ADD CS85M

4. The decisions of a world radiocommunication conference, of a radiocommunication assembly and of a regional radiocommunication conference shall in all circumstances be in conformity with this Constitution and the Convention. The decisions of a radiocommunication assembly or of a regional radiocommunication conference shall also in all circumstances be in conformity with the Radio Regulations. When adopting resolutions and decisions, the conferences shall take into account the foreseeable financial implications and should 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

ARTICLE 12

MOD

Radio Regulations Board

MOD CS86

1. The Radio Regulations Board shall consist of elected members thoroughly qualified in the field of radiocommunications and possessing practical experience in the assignment and utilization of frequencies. Each member shall be familiar with the geographic, economic and demographic conditions within a particular area of the world. They shall perform their duties for the Union independently and on a part-time basis.

ADD CS86A

2. The duties of the Radio Regulations Board shall consist of:

ADD CS86B

a) the approval of Rules of Procedure, which include technical criteria, in accordance with the Radio Regulations and with any decision which may be taken by competent radiocommunication conferences. These Rules of Procedure shall be used by the Director and the Bureau in the application of the Radio Regulations to register frequency assignments made by Members. These Rules shall be open to comment by administrations and, in case of continuing disagreement, the matter shall be submitted to a forthcoming world radiocommunication conference;

ADD CS86C

b) the consideration of any other matter that cannot be resolved through the application of the above Rules of Procedure;

ADD CS86D

c) the performance of any additional duties, concerned with the assignment and utilization of frequencies, as indicated in 85A of this Constitution, in accordance with the procedures provided for in the Radio Regulations, and as prescribed by a competent conference or by the 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.

ADD **CS86E** 3. (1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member's own administration.

ADD **CS86F** (2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 86E above.

ADD **CS86G** (3) Each Member shall respect the exclusively international character of the duties of the members of the Board and refrain from attempting to influence them in the performance of their Board duties.

SUP **CS87 to CS94**

ADD **CS94A** 4. The working arrangements of the Radio Regulations Board are defined in the Convention.

SUP **CS95 to CS97**

NOC ARTICLE 13

MOD **Radiocommunication Study Groups**

ADD **CS97A** The duties of the radiocommunication study groups are specified in the Convention.

SUP **CS98 to CS111**

ADD ARTICLE 13A

ADD **Radiocommunication Bureau**

ADD **CS111A** The functions of the Director of the Radiocommunication Bureau are specified in the Convention.

ADD CHAPTER III

ADD **Telecommunication Standardization Sector**

ADD ARTICLE 13B

ADD **Functions and Structure**

ADD **CS111C** (2) The precise responsibilities of the Telecommunication Standardization and Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

ADD

CHAPTER IV

MOD

Telecommunication Development Sector

NOC

ARTICLE 14

MOD

Functions and Structure

MOD **CS112**

1. The functions of the Telecommunication Development Sector shall be to fulfil the purposes of the Union as stated in Article 1 of this Constitution and to discharge, within its specific sphere of 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 **CS112A**

The activities of the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors shall be the subject of close cooperation with regard to matters relating to development, in accordance with the relevant provisions of this Constitution.

NOC

ARTICLE 2

MOD

Other Conferences

ADD CV6P

1. In conformity with the relevant provisions of the Constitution, the following world conferences of the Union shall normally be convened within the period between two Plenipotentiary Conferences:

ADD CV6Q

a) two world radiocommunication conferences;

ADD CV6R

b) one world telecommunication standardization conference;

ADD CV6S

c) one world telecommunication development conference;

ADD CV6SA

d) two radiocommunication assemblies, associated in place and time with world radiocommunication conferences.

SUP CV7 to CV9

MOD CV10

2. Exceptionally, within the period between Plenipotentiary Conferences:

ADD CV10A

- the second world radiocommunication conference may be cancelled together with its associated radiocommunication assembly; alternatively, either one may be cancelled even if the other is held;

ADD CV10B

- an additional telecommunication standardization conference may be convened.

ADD CV10C

These actions shall be taken:

MOD CV11

a) by a decision of a Plenipotentiary Conference;

MOD CV12

b) on the recommendation of the previous world conference of the Sector concerned, if approved by the Council;

(MOD) CV13

c) at the request of at least one-quarter of the Members of the Union, which shall individually address their requests to the Secretary-General; or

MOD CV14

d) on a proposal of the Council.

SUP CV15

MOD **CV16** 3. A regional radiocommunication conference shall be convened:

NOC **CV17** a) by a decision of a Plenipotentiary Conference;

MOD **CV18** b) on the recommendation of a previous world or regional radiocommunication conference if approved by the Council;

(MOD) **CV19** c) at the request of at least one-quarter of the Members belonging to the region concerned, which shall individually address their requests to the Secretary-General; or

MOD **CV20** d) on a proposal of the Council.

ADD **CV20A** 4. (1) The precise place and the exact dates of a world or regional conference or radiocommunication assembly may be fixed by a Plenipotentiary Conference.

ADD **CV20B** (2) In the absence of such a decision, the Council shall determine the precise place and the exact dates of a world conference or radiocommunication assembly with the concurrence of a majority of the Members of the Union, and of a regional conference with the concurrence of a majority of the Members of the Union belonging to the region concerned; in both cases the provisions of No. 29 below shall apply.

SUP **CV21**

MOD **CV22** 5. (1) The precise place and the exact dates of a conference or assembly may be changed:

MOD **CV23** a) at the request of at least one-quarter of the Members of the Union in the case of a world conference or assembly, or of at least one-quarter of the Members of the Union belonging to the region concerned in the case of a regional conference. Their requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

MOD **CV24** b) on a proposal of the Council.

MOD **CV25** (2) In the cases specified in Nos. 23 and 24 above, 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 conference or assembly, or by a majority of the Members of the Union belonging to the region concerned, in the case of a regional conference, subject to the provisions of No. 29 below

SUP **CV26 to CV28**

MOD CV29

6. In the consultations referred to in Nos. 20B, 25, 109L, 109Q, 109AC, 158, 163, 164, 164B and 168 of this Convention, Members of the Union who have not replied within the time limits specified by the 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.

ADD CV29A

7. (1) World conferences on international telecommunications shall be held upon decision by the Plenipotentiary Conference.

ADD CV29B

(2) The provisions for the convening of, the adoption of the agenda of, and the participation in a world radiocommunication conference shall, as appropriate, equally apply to world conferences on international telecommunications.

SUP CV30

ADD

SECTION 5

ADD

Radiocommunication Sector

ADD

ARTICLE 4B

ADD

World Radiocommunication Conference

ADD CV109G 1. In accordance with No. 85L of the Constitution, a world radiocommunication conference shall be convened to consider specific radiocommunication matters. A world radiocommunication conference shall deal with those items which are included in its agenda adopted in accordance with the relevant provisions of this Article.

ADD CV109H 2. (1) The agenda of a world radiocommunication conference may include:

ADD CV109I a) the partial or, exceptionally, complete revision of the Radio Regulations referred to in Article 4 of the Constitution;

ADD CV109J b) any other question of a worldwide character within the competence of the conference;

ADD CV109K c) an item concerning instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities, and a review of those activities;

ADD CV109KA d) the adoption of questions to be studied by the radiocommunication assembly, as well as matters that the assembly shall consider in relation to future radiocommunication conferences.

ADD CV109L (2) The general scope of this agenda should be established four years in advance, and the final agenda shall be established by the Council preferably two years before the conference, with the concurrence of a majority of the Members of the Union, subject to the provisions of No. 29 of this Convention.

ADD CV109M (3) This agenda shall include any question which a Plenipotentiary Conference has directed to be placed on the agenda.

ADD **CV109N** 3. (1) This agenda may be changed:

ADD **CV109O** a) at the request of at least one-quarter of the Members of the Union. Such requests shall be addressed individually to the Secretary-General, who shall transmit them to the Council for approval; or

ADD **CV109P** b) on a proposal of the Council.

ADD **CV109Q** (2) The proposed changes to the agenda of a world radiocommunication conference shall not be finally adopted until accepted by a majority of the Members of the Union, subject to the provisions of No. 29 of this Convention.

ADD **CV109Y** 4. The conference shall also:

ADD **CV109Z** (1) consider and approve the report of the Director of the Bureau on the activities of the Sector since the last conference;

ADD **CV109AA** (2) recommend to the Council items for inclusion in the agenda of a future conference and give its views on such agendas for at least a four-year cycle of radiocommunication conferences, together with an estimate of the financial implications;

ADD **CV109AB** (3) include, in its decisions, instructions or requests, as appropriate, to the Secretary-General and the Sectors of the Union.

ADD **CV109ABA** 5. The Chairman and Vice-Chairmen of the radiocommunication assembly, or of relevant study groups, may participate in the associated world radiocommunication conference.

ADD

ARTICLE 4C

ADD

Regional Radiocommunication Conferences

ADD **CV109AC** The agenda of a regional radiocommunication conference may provide only for specific radiocommunication questions of a regional nature, including instructions to the Radio Regulations Board and the Radiocommunication Bureau regarding their activities in respect of the region concerned, provided such instructions do not conflict with the interests of other regions. Only items included in its agenda may be discussed by such a conference. The provisions contained in Nos. 109L to Q of this Convention shall apply to a regional radiocommunication conference, but only with regard to the Members of the region concerned.

ADD

SECTION 8

ADD

Provisions Common to the Three Sectors

ADD

ARTICLE 7D

ADD

Participation of Entities and Organizations Other than Administrations in the Union's Activities

ADD CV128T 1. The Secretary-General and the Directors of the Bureaux shall encourage the enhanced participation in the activities of the Union of the following entities and organizations:

ADD CV128U a) recognized operating agencies, scientific or industrial organizations and financial or development institutions which are approved by the Member concerned;

ADD CV128X b) other entities dealing with telecommunication matters which are approved by the Member concerned;

ADD CV128Y c) regional and other international telecommunication, standardization, financial or development organizations.

ADD CV128Z 2. The Directors of the Bureaux shall maintain close working relations with those entities and organizations which are authorized to participate in the activities of one or more of the Sectors of the Union.

ADD CV128AA 3. Any request from an entity listed in No. 128U above to participate in the work of a Sector, in accordance with the relevant provisions of the Constitution and this Convention, approved by the Member concerned shall be forwarded by the latter to the Secretary-General.

ADD CV128AAA 4. Any request from an entity referred to in No. 128X above submitted by the Member concerned shall be handled in conformity with a procedure established by the Council. Such a request shall be reviewed by the Council with respect to its conformity with the above procedure.

ADD CV128AB 5. Any request from any entity or organization listed in No. 128Y above (other than those referred to in Nos. 132B and 132C of this Convention) to participate in the work of a Sector shall be sent to the Secretary-General and acted upon in accordance with procedures established by the Council.

ADD CV128ABA 6. Any request from an organization referred to in Nos. 132B to 132D of this Convention to participate in the work of a Sector shall be sent to the Secretary-General, and the organization concerned shall be included in the lists referred to in No. 128AC below.

ADD CV128AC 7. The Secretary-General shall compile and maintain lists of all entities and organizations referred to in Nos. 128U to 128Y [and Nos. 132B to 132D] of this Convention that are authorized to participate in the work of each Sector and shall, at appropriate intervals, publish and distribute these lists to all Members and to the Director of the Bureau concerned. That Director shall advise such entities and organizations of the action taken on their requests.

ADD CV128AD 8. Entities and organizations contained in the lists referred to in No. 128AC above are also referred to as "members" of the Sectors of the Union; the conditions of their participation in the Sectors are specified in this Article, in Article 26 and in other relevant provisions of this Convention. The provisions of Article 3 of the Constitution do not apply to them.

ADD CV128AE 9. A recognized operating agency may act on behalf of the Member which has recognized it, provided that Member informs the Director of the Bureau concerned that it is authorized to do so.

ADD CV128AF 10. Any entity or organization authorized to take part in the work of a Sector has the right to denounce such participation by notifying the Secretary-General. Such participation may also be denounced, where appropriate, by the Member concerned. Such denunciation shall take effect at the end of one year from the date when notification is received by the Secretary-General.

ADD CV128AG 11. The Secretary-General shall delete from the list of entities and organizations any entity or organization that is no longer authorized to participate in the work of a Sector, in accordance with criteria and procedures determined by the Council.

RESOLUTION PLEN/5

Improved Use of the Technical and Data Storage/Dissemination Facilities of the Radiocommunication Bureau

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the broad range of activities performed by the Radiocommunication Bureau in its technical examination and handling of frequency assignment records and in the storage and dissemination of those data;

b) that the Master International Frequency Register contains records in excess of five million entries, representing over one million assignments;

c) that the Bureau handles more than 70 000 records annually, some of which require significant technical examination and consideration;

d) that the Union, through its various services, is required to process, document, store and disseminate records and outcomes of the work of the Bureau,

taking into account

a) the sustained efforts made in recent years to improve management of the functions associated with the activities of the Bureau;

b) the sustained heavy workload placed on the Bureau;

c) the diverse efforts which are required of the Bureau in order to deal with the variety of records, and the resources necessary to fulfil the various types of tasks dealing with technical examination of those records,

resolves

that a study shall be initiated into the costs involved in the technical examination of assignment notifications, for various classes of radio stations, satellite networks, etc., including the costs of electronic data storage,

instructs the Secretary-General

to carry out such a study and to report on the outcome of the study, including possible ways of minimizing such costs,

invites the Plenipotentiary Conference (Kyoto, 1994)

to consider the matter in the light of the above report of the Secretary-General.

RESOLUTION COM4/2

Approval of Recommendations

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

bearing in mind

a) that a world telecommunication standardization conference is to be held in Helsinki in 1993;

b) that the Administrative Council has included the holding of a first world radiocommunication conference and an associated radiocommunication assembly in 1993 in the budget and meeting schedule of the Union,

noting

a) that the Union will, at the international level, promote a broader focus on telecommunications in the world economy and society;

b) that there should be greater participation by the Member countries in the standardization function, in order to ensure that the adoption of recommendations on radiocommunications and standardization is duly legitimized through approval by a qualified majority,

considering

a) the statements of the High Level Committee to the effect that it is "of paramount importance that the standardization function become more relevant to developing countries", that "the multilateral coordination of the use of radio needs to be transparent and must ensure fairness and equitable access to the spectrum and orbit resource", and that "developing countries need to be involved in a more meaningful way. Otherwise, the technological gap will widen";

b) that as the process of preparing and adopting standards is vital to the development of telecommunications, increased involvement of developing countries should be facilitated;

c) that it is essential that practical difficulties should be resolved in order to enable greater participation by developing countries in the process of preparing and adopting recommendations on standardization and radiocommunications, subject to an evaluation of the results of Recommendations 49, 50, 51, 52 and 53 of the High Level Committee,

resolves

1. that the first World Telecommunication Standardization Conference (Helsinki, 1993) and the first Radiocommunication Assembly (Geneva, 1993) should review CCITT Resolution No. 2 and CCIR Resolution 97, respectively, with a view to modifying the Rules of Procedure so that:

1.1 recommendations for approval by correspondence are approved by a certain majority of favourable replies;

1.2 a mechanism is established by which a Member which may be adversely affected by a recommendation may raise any concerns with the Director of the relevant Bureau for rapid resolution;

2. that each Director shall report to the next competent conference on all such concerns drawn to his attention,

instructs the Council

to include the revision of CCITT Resolution No. 2 and CCIR Resolution 97 on the agendas of the World Telecommunication Standardization Conference (Helsinki, 1993) and the Radiocommunication Assembly (Geneva, 1993), respectively, with a view to amending them along the lines indicated in this Resolution,

also instructs the Director of the BDT

to explore all the possibilities offered by Recommendations 50, 51, 52 and 53 of the High Level Committee, with a view to promoting and increasing the participation of developing countries in the preparation and approval of recommendations on standardization and radiocommunications.

MOD 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 Geneva, on [22] December 1992

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 189-E
21 December 1992
Original: English

COMMITTEE 3

SUMMARY RECORD

OF THE

SECOND AND LAST MEETING OF COMMITTEE 3

(BUDGET CONTROL)

Thursday, 17 December 1992 at 1400 hours

Chairman: Mr. S. AL-BASHEER (Saudi Arabia)

Subjects discussed:		Documents
1.	Approval of the summary record of the first meeting of Committee 3	107
2.	Draft report of the Budget Control Committee to the Plenary Meeting	DT/6

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1. Approval of the summary record of the first meeting of Committee 3 (Document 107)

1.1 The summary record of the first meeting was approved.

2. Draft report of the Budget Control Committee to the Plenary Meeting (Document DT/6)

2.1 The Secretary of the Committee introduced Document DT/6, drawing attention to the following points. The third paragraph of section 4 indicated that total estimated expenditure for the Conference as at 16 December 1992 was 214 000 Swiss francs below the budget approved by the Administrative Council and adjusted as at 16 December 1992. With regard to the expenditure limits for the Kyoto Plenipotentiary Conference the third paragraph of section 5 indicated that the estimated cost of a four-week conference amounted to some 3 400 000 Swiss francs, which represented excess expenditure of approximately 730 000 Swiss francs in relation to the limit of 4 200 000 Swiss francs set by the Nice Plenipotentiary Conference. Referring to section 6, he said that the implications of the decisions taken by the Additional Plenipotentiary Conference had been examined, but at that stage no immediate impact was foreseeable on the 1993 budget as approved by the Administrative Council in June 1992. If the Conference did take any decisions with financial implications, an oral report would be made to the Plenary Meeting. In accordance with the relevant provisions of the Nice Convention, section 7 dealt with the regional and telecommunication organizations and international organizations participating in the work of the Conference, including those non-exempt from contributing to defraying the related expenditure.

2.2 The Chairman invited delegations to make any general observations they might have on the draft report, after which the text would be taken up section by section.

2.3 The delegate of Australia, supported by the delegate of the United Kingdom, suggested that it might be useful for the relevant findings of the High Level Committee as expressed in Chapter VI (Improved Management of the Union) of its Report to be referred to in the Committee's report. However, he would not press the point if the Secretary of the Committee considered it inappropriate.

Section 1

2.4 Approved.

Section 2

2.5 The delegate of Argentina suggested that some reference should be made to the considerable efforts made by the ITU staff and all other staff involved to ensure the smooth running of the Conference. The Chairman supported that suggestion.

2.6 On the understanding that a sentence to that effect would be inserted, section 2 was approved.

Sections 3 and 4

2.7 Approved.

Section 5

2.8 The Chairman reminded the Committee that the final budget and the duration of the Kyoto Plenipotentiary Conference were issues that would be taken up by the Administrative Council at its June 1993 session.

2.9 At the request of the delegate of Gabon, the Secretary of the Committee explained the apparent contradiction between the figures 954 000 Swiss francs and 1 536 000 Swiss francs given in sections 3 and 5 respectively, for the Additional Plenipotentiary Conference. The Secretary of the Committee referred to the third paragraph of section 3 conderning expenditure for the common services included in a special section of the budget.

2.10 Section 5 was approved.

Section 6

2.11 The delegate of Argentina said that his country would support every effort made to implement those of the H.L.C.'s recommendations which would benefit the ITU. To that end, his delegation needed to know the implications of all decisions taken by the Conference, and it was Committee 3's responsibility to report on any financial repercussions those decisions might have. Committee 4 had approved the institution of a Radio Regulations Board with nine part-time members who would have to attend Plenipotentiary Conferences, world radiocommunication conferences and up to four meetings a year at ITU headquarters. In order to conduct a proper analysis of the financial implications of instituting the nine-member Board, the Finance Department's assistance would be required in drawing up a detailed budget which brought out the cost of the air tickets, hotel expenses, subsistence allowance and insurance relating to attendance at four annual meetings, together with the cost of the premises and secretariat facilities required for those meetings. Care would have to be taken when making the calculations, since the relevant provisions of the Convention made no specific reference to the duration of the meetings. The Argentine delegation was willing to assist the Finance Department in drawing up the estimates, but wished to make it clear that its interest should not be interpreted as meaning that it objected to the decisions of substance already adopted by the relevant Committee.

2.12 The delegate of Spain supported the previous speaker, adding that one reason given in favour of instituting a part-time Board was that it would prove less expensive than a permanent one. It seemed that the converse might be true, and a cost estimate should therefore be submitted to the Plenary Meeting.

2.13 The delegate of Lebanon recalled that Committee 3's mandate was to inform the Conference whether or not it had exceeded its budget as approved by the Administrative Council. The main problem to be discussed by the Committee was therefore how funds would be found to make up the amount needed for the Kyoto Plenipotentiary Conference. If it seemed that the amount allocated by the Nice Plenipotentiary Conference would be exceeded, the present Conference might perhaps adopt a resolution requesting the Secretary-General to inform the Union's Members that the problem would have to be tackled by the Administrative Council in 1993. Alternatively, the Secretary-General might be requested to explore other ways of making savings. The question of the Radio Regulations Board should not be discussed by Committee 3, since its members had not yet been elected and no money would therefore be required for its meetings before 1994; furthermore, no decision had yet been taken by either Committee 4 or the Plenary Meeting with regard to transitional arrangements.

2.14 The Chairman, after drawing attention to subparagraph c) of the Committee's terms of reference set out in section 1 of the draft report, said that he would ask the General Secretariat to prepare the estimates requested by previous speakers.

2.15 The delegate of Algeria supported the comments by the delegate of Argentina and said that the estimates to be prepared should also take account of participation by Board members in Plenipotentiary and world radio conferences. He feared that the cost of a part-time Board had thus far been underestimated.

2.16 The delegate of Venezuela said it was his understanding that not all the Board's members would be obliged to attend each Plenipotentiary or world radio conference. That would be a matter for the Board itself to decide, with any member or members attending such a conference being considered as representing the Board as a whole.

2.17 The delegate of Mexico, after drawing attention to the mandate of the Budget Control Committee as set out in No. 478 of the Nairobi Convention, expressed his support for the proposal put forward by Argentina. Major decisions were being taken by the present Conference and it was essential for all their implications to be examined.

2.18 The delegate of the United Kingdom said that, despite the problems it might create for the General Secretariat, she too supported the Argentine proposal. However, it was not clear to her how the information in question would be transmitted to the Plenary Meeting.

2.19 The Secretary of the Committee said that every effort would be made to meet the delegate of Argentina's request. However, in the absence of clear decisions, any figures put forward could only be hypothetical. Document DT/9 contained estimates drawn up for the benefit of the High Level Committee's Report, but factors such as the countries from which Board members would travel to conferences, whether or not some of its meetings would be held at the same time as world conferences, and whether or not the latter would take place in Geneva, could obviously not be taken into account with any degree of precision. It was not easy to make an accurate assessment of the cost of even the present, permanent Board, but the Finance Department would nevertheless do everything within its power to assist delegations in drawing up the estimates they required.

2.20 The Chairman suggested that the Committee should entrust him with the task of amending section 6 of the draft report to reflect the views expressed during the discussion.

2.21 Section 6 was approved on that understanding.

Section 7

2.22 Approved.

Annexes 1, 2 and 3

2.23 The Chairman having invited delegations to consider the Annexes to Document DT/6, the delegate of Argentina said that he was willing to accept the Annexes on the understanding that a report would be submitted to the Plenary Meeting setting out all the possible implications of the decisions taken by the Conference, even if the estimates were not fully accurate and subject to variation according to factors such as length of meetings, etc.

2.24 The Chairman having confirmed that the General Secretariat would make that information available, Annexes 1, 2 and 3 were approved.

2.25 The draft report of Committee 3 to the Plenary Meeting as a whole, as amended, was approved.

The meeting rose at 1500 hours.

The Secretary:	The Chairman:
A. TAZI-RIFFI	S. AL-BASHEER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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21 December 1992
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COMMITTEE 5

SUMMARY RECORD

OF THE

ELEVENTH MEETING OF COMMITTEE 5

Thursday, 17 December 1992 at 0905 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of draft Resolution [ARG-2] on Rules of Procedure of Conferences and Meetings of the International Telecommunication Union (continued)	DT/12
2.	Consideration of draft Resolution [AUS/USA] on Management of the Union	DT/11
3.	Optional Protocol on the Compulsory Settlement of Disputes	104
4.	Consideration of draft Resolution on Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992	147

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1. Consideration of draft Resolution [ARG-2] on Rules of Procedure of Conferences and Meetings of the International Telecommunication Union (continued) (Document DT/12)

1.1 The Chairman said that the principle underlying draft Resolution [ARG-2] had been endorsed by a majority of delegations at the Committee's previous meeting. He drew attention to the revised text submitted by a group of countries in Document DT/12, which he invited the Committee to consider paragraph by paragraph.

Title

1.2 Approved.

recalling

1.3 Approved.

considering

1.4 The delegate of the Russian Federation suggested deleting the word "already" in the last line.

1.5 It was so agreed.

1.6 Approved as amended.

observing a)

1.7 Approved.

observing b), recognizing

1.8 The delegate of Kenya said that the words "of a lower status" in **recognizing**, along with the wording in **observing** b), implied a value judgment which should be left to the appreciation of the Group of Experts appointed to assist in the implementation of the Resolution. Resolution No. 62 of the Nairobi Plenipotentiary Conference relating to revision of the Convention at periodic intervals should be borne in mind: in his view, it implied that amendment might be required frequently and the text now under consideration departed from that intention. Accordingly, he proposed the deletion of the **recognizing** paragraph.

1.9 The delegate of Nigeria supported the Kenyan proposal. She also felt that the text under discussion departed from the essence of Resolution No. 62.

1.10 The delegate of the United States pointed out that Resolution No. 62 related to "revision at periodic intervals"; in his view, that did not necessarily mean frequently. He did not agree with the conclusions drawn by the previous two speakers and considered that decisions at the Plenipotentiary Conference in Nice had been made on the assumption that frequent revision would not be needed.

1.11 The delegate of Brazil proposed that the text of **observing** b) should be deleted and that "rules of a lower status" in **recognizing** should be replaced by "certain rules", in order to meet the concern of the Kenyan delegate.

1.12 The delegate of the United States said that he could go along with the Brazilian proposal.

1.13 The delegate of Kenya said that the Brazilian proposal did not alleviate his concern. The basic instruments of the Union could be revised only by the Plenipotentiary Conference which, henceforth, would meet at 4-year intervals; that did not seem to indicate that revision could be very frequent.

1.14 The delegates of Guinea, Mexico and Spain supported the Brazilian proposal.

1.15 The delegate of the United Kingdom wished to know exactly what was envisaged by way of changes to the Rules of Procedure. She endorsed the Brazilian proposal to delete **observing** b) as she was not clear about the meaning of "internal Rules". Regarding the text under **recognizing**, she agreed to the replacement of "rules of a lower status" by "certain rules" but was unclear as to the meaning of "normative character".

1.16 The delegate of Niger agreed that the text of **observing** b) could be deleted and, in connection with the term "lower status" advised caution about inclusion in the Rules of Procedure of elements which might go against the spirit of the Convention.

1.17 The delegate of Argentina considered that the Brazilian proposal should be pursued with a view to reaching a decision.

1.18 The delegate of the Russian Federation considered that the current Rules of Procedure, which made it possible to work appropriately during conferences and meetings, were satisfactory and should therefore be retained in the Convention; however, he would not oppose a decision to apply the text in Document DT/12 if it received general agreement. He agreed with the United Kingdom delegate that certain terms were unclear and supported the deletion of **observing** b).

1.19 The delegate of Malta strongly supported the proposal made by Brazil and agreed with the United Kingdom that the words "normative character" were very difficult to define.

1.20 The delegate of Canada stressed that the important part of the draft Resolution was on the second page under **instructs the Council** and urged that the preambular paragraphs be dealt with expeditiously so that the substantive part of the text could be taken up.

1.21 The delegate of Italy failed to see the purpose of separating the Rules of Procedure from the Convention; the text of **observing** a) seemed to contradict the overall principle that only the Plenipotentiary Conference could revise the Rules of Procedure and the Convention.

1.22 The Legal Adviser, in reply to a question by the delegate of France, said that the phrase "of a normative character" could be deleted since if the Rules of Procedure were formulated in a separate text, the latter's status would be decided when it was discussed.

1.23 The Chairman, referring to the statement by the delegate of Italy, said that if the Resolution were approved, it would be for the Council and the Group of Experts to consider the possible advantages of separating the Rules of Procedure from the Convention. He urged the delegate of Italy not to insist on a debate on the issue.

1.24 It was agreed to delete the text of **observing** b).

1.25 The Chairman suggested that, under **recognizing**, the text should be amended to read "... transferring certain rules to another text for internal use...".

1.26 It was so agreed.

1.27 the **observing** b) and **recognizing** paragraphs, as amended, were approved.

conscious, instructs the Council

Paragraphs 1, 1.1, 1.2

1.28 Approved.

Paragraph 1.3

1.29 At the suggestion of the delegate of the Russian Federation, it was agreed to delete the word "already".

Paragraph 2

1.30 Approved.

Paragraph 3

1.31 The delegate of Kenya, supported by the delegate of Zimbabwe, proposed the deletion of the last sentence. The Group of Experts needed to be able to work seriously and should be allowed to conduct its proceedings in a similar manner to the Drafting Group which had worked on separating the texts of the Convention and Constitution. While he sympathized with the idea of minimizing costs, working by correspondence could be inefficient and expensive.

1.32 The delegate of the Russian Federation said that he supported the idea of working by correspondence in order to cut costs.

1.33 The delegate of the United Kingdom saw no reason to delete a sentence which did not necessarily restrict the work of the Group since it contained the qualification "as much as possible".

1.34 The delegate of Guinea pointed out that if the last sentence were deleted the paragraph would have to be reformulated since the first part stipulated which costs were to be borne by the Union.

1.35 In response to an appeal by the Chairman, the delegate of Kenya said that he would not insist on his proposal.

1.36 Paragraph 3 was approved.

instructs the Secretary-General

1.37 Approved.

1.38 The revised draft Resolution in Document DT/12 as a whole, as amended, was approved.

1.39 The delegate of Kenya said that delegations were aware that Kenya had already encountered a serious problem in connection with a resolution which had been adopted with no regard for the existence of another resolution dealing with a similar situation, for the established procedures of both Plenipotentiary Conferences and the Administrative Council and for the fact that the Council was already dealing with the matter in question. That issue was being discussed informally but might have to be raised in Plenary. He would give further serious consideration to the text of the **recognizing** paragraph of the draft Resolution just approved by the Committee and, particularly in view of the statement by the delegate of Italy, he reserved the right to revert to the matter in a Plenary Meeting.

2. Consideration of draft Resolution [AUS/USA] on Management of the Union (Document DT/11)

2.1 The Chairman invited the Committee to consider the draft Resolution in Document DT/11, which was the outcome of discussions between the delegations of Australia and the United States on their proposals AUS/19/2 and USA/26/63 introduced at the Committee's previous meeting.

Title, considering a) and b)

2.2 Approved.

noting

2.3 Approved, subject to an editorial correction.

instructs the Secretary-General

Paragraph a)

2.4 Approved.

Paragraph b)

2.5 The delegate of Mexico considered that the last part of the sentence required slight editorial correction. He also proposed that the paragraphs of the draft Resolution should be rearranged, placing the **resolves** paragraph before **instructs the Secretary-General**. His comments were noted by the Chairman for transmittal to Committee 6.

2.6 Following a discussion on the last part of the sentence, in which the delegates of Cameroon, the United States and France took part, the Chairman suggested deleting the part of the sentence after the words "Plenipotentiary Conference", since it overlapped with the previous paragraph.

2.7 Paragraph b) was approved, subject to editorial corrections by Committee 6.

instructs the Secretary-General and the Council

2.8 Approved.

instructs the Council

Paragraph 1

2.9 A suggestion by the delegate of Congo concerning the rearrangement of the text was noted for transmittal to Committee 6.

2.10 Paragraph 1, was approved.

Paragraph 2

2.11 Approved.

Paragraph 3

2.12 In reply to a request for clarification by the delegate of Senegal, the delegate of the United States said that, in merging the United States and Australian proposals, the word "Standing" before "committees" had been deleted. The word "**permanents**" should therefore be removed from the French text.

2.13 The delegate of Canada expressed the view that the Conference could not instruct the Administrative Council to establish committees, since according to H.L.C. Recommendation 18, that was for the Council itself to decide. He therefore proposed amending the beginning of the sentence to read "to envisage the establishment of such committees of Council". The delegate of Cameroon supported that proposal. The delegate of Spain, however, was in favour of keeping the text as it stood. The Deputy Secretary-General, providing clarification, said that the intention of the High Level Committee had been to speed up the work of the Council by having ad hoc committees, if necessary, to assist in the preparation of the Council's work.

2.14 Following a discussion in which the delegates of Israel, Niger, Gabon, the United States, Senegal, Congo, Brazil, Australia, China, and Canada took part, and during which several amendments were proposed to the text, the Chairman suggested a version of paragraph 3 which might reflect the views expressed: "to envisage the establishment of such committees as may be required to perform its monitoring role and to review other aspects of the administrative work of the Union".

2.15 Paragraph 3, as amended, was approved on the understanding that the wording would be finalized by Committee 6.

resolves

2.16 Following a discussion in which the delegates of Niger, the Russian Federation, the United States, the Philippines, Tunisia, France and Gabon took part, the Chairman invited the Committee to consider the following wording: "that the Council shall consider the Secretary-General's budget plans with any appropriate revisions to allocate resources in accordance with the strategic plans and goals of the Union and the particular activities and work programmes of the three Sectors."

2.17 The **resolves** paragraph, as amended, was approved, on the understanding that the wording would be finalized by Committee 6.

2.18 Following an exchange of views on the meaning of the term "budget plans", the delegate of the United States expressed the view that the term "proposed budget" would be closer to the intention of the authors of the draft Resolution.

2.19 The Chairman said that that wording would be transmitted to Committee 6.

2.20 The draft Resolution in Document DT/11 as a whole, as amended, was approved.

3. Optional Protocol on the Compulsory Settlement of Disputes (Document 104)

3.1 The Chairman invited the Committee to consider the Japanese Administration's proposal to amend the Optional Protocol on the Compulsory Settlement of Disputes (Document 104).

3.2 The delegate of Japan, introducing the text of the Optional Protocol in Document 104, said that only minor changes had been made in respect of the date and place of entry into force of the Optional Protocol, and that the text had been drafted following consultations with the Legal Adviser.

3.3 The delegate of Italy supported the text proposed by Japan.

Articles 1, 2, 3, 4 and 5

3.4 Approved.

Article 6

3.5 The delegate of Australia, after drawing attention to a typographical error in subparagraph a), expressed the view that the Protocol should incorporate an amendment procedure requiring approval by, say, a two-thirds majority.

3.6 The Legal Adviser observed that Article 4 provided for such amendment during a Plenipotentiary Conference, subject to approval by a simple majority of delegates.

3.7 Article 6 was approved.

3.8 Document 104 as a whole was approved.

4. Consideration of draft Resolution on the Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992 (Document 147)

4.1 The Chairman invited the Committee to consider the coordinated proposal by a number of European countries and the United States set out in Document 147.

4.2 The delegate of the Netherlands, introducing the draft Resolution, announced that Greece should be added to the list of sponsors. The proposal was intended to ensure that instruments of ratification of the Geneva Constitution and Convention were deposited as early as possible so that the new Constitution and Convention could enter into force on 1 July 1994 between as many Members as possible, and also to discourage countries from ratifying the Nice Constitution and Convention, in order to avoid a situation where both sets of treaty instruments were in force simultaneously.

4.3 The delegate of the Russian Federation said that he had no objection to the text as such, but considered that it should take the form of a recommendation rather than a resolution.

4.4 The delegate of Spain agreed with the previous speaker. He also considered that the **resolves further** paragraph was redundant, since it was already clear to Members that the Nice Constitution and Convention should not be ratified.

4.5 The delegate of Kenya said that he supported the draft Resolution in principle, but wished to know what would happen to the Resolutions, Recommendations and Opinions adopted at Nice that would need to be retained until the next Plenipotentiary Conference.

4.6 The delegate of Niger supported the draft Resolution, subject to redrafting of the **resolves** paragraph to match the tone of the final two paragraphs.

4.7 The Legal Adviser, replying to the delegate of Kenya, said that the Nice Resolutions and Recommendations were not annexed to the Nice Constitution and Convention; they were entirely separate instruments. It was established ITU practice for the decisions, resolutions, recommendations and opinions adopted by each Plenipotentiary Conference to be reviewed by the next one; however, the present Conference was an additional or extraordinary one and had no mandate to do that. Consequently, the Nice texts in question would remain in force until they were reviewed by the next Plenipotentiary Conference.

4.8 In reply to a further request by the delegate of Kenya to explain the legal distinction between "resolution" and "recommendation", he said that, in general, resolutions contained requests or instructions to permanent organs, the Secretary-General or the Administrative Council, whereas recommendations were generally addressed to Members of the Union. In view of that rule, which was admittedly not a cast-iron one, the text under consideration should probably be a recommendation.

4.9 It was so agreed.

4.10 The Chairman invited the Committee to take up the text paragraph by paragraph.

Title, taking into account

4.11 Approved.

4.12 Following some discussions of the **considering**, **considering further** and **resolves** paragraphs, the Chairman said that consideration of Document 147 would continue at the next meeting.

The meeting rose at 1210 hours.

The Secretary:	The Chairman:
M. MALEK ASGHAR	H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 191-E
21 December 1992
Original: French

COMMITTEE 5

SUMMARY RECORD

OF THE

TWELFTH AND FINAL MEETING OF COMMITTEE 5

Thursday, 17 December 1992 at 1405 hours

Chairman: Mr. H. VIGNON (Benin)

Subjects discussed:		Documents
1.	Consideration of the draft Resolution on deposit of instruments and entry into force of the Geneva Constitution and Convention of the International Telecommunication Union (Geneva, 1992) (continued)	147
2.	Consideration of draft Resolution [ZZZ] on electronic access to ITU documents and publications	84(Rev.1) + Corr.1 to 8
3.	Consideration of draft Resolution [J-1] on the establishment of a forum to discuss strategies and policies in the changing telecommunication environment	49
4.	Consideration of draft Resolution [J-2] on the strengthening of relationships with regional telecommunication organizations	49
5.	Consideration of Article 9A of the draft Constitution (continued)	DT/1
6.	Approval of the summary records of the third, fourth, fifth and sixth meetings	112, 114, 124, 132
7.	Comments on the draft Resolution relating to the duration of ITU Plenipotentiary Conferences	142
8.	Completion of the work of the Committee	-

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1. Consideration of the draft Resolution on deposit of instruments and entry into force of the Geneva Constitution and Convention of the International Telecommunication Union (Geneva, 1992) (continued) (Document 147)

considering, considering further

1.1 The delegate of Côte d'Ivoire, supported by the delegate of Gabon, proposed deleting the word "said" before the word "Constitution" in the **considering** and before the words "Constitution and Convention" in **considering further.**

1.2 The **considering** and **considering further**, as amended, were approved.

resolves

1.3 The delegate of the Russian Federation and the delegate of France proposed replacing the word "**resolves**" by the word "**invites**", to read "... **invites** all Members of the Union to expedite their respective national procedures ...".

1.4 The **resolves** paragraph, as amended, was approved.

resolves further

1.5 The Chairman said that, for consistency, "**resolves further** to invite Members of the Union" should become "**further invites** Members of the Union ...".

1.6 It was so decided.

1.7 The delegate of Germany asked for the paragraph to be deleted, on the grounds that it was up to the countries to decide whether they wanted to take up or discontinue their national ratification procedure with regard to the Nice Constitution and Convention. In Germany, the process of ratification of those instruments was relatively advanced, so much so that it was almost impossible to withdraw the bill already tabled before the Parliament.

1.8 The delegate of Spain supported Germany's proposal.

1.9 The delegate of Cameroon suggested that the paragraph should be phrased so as to take account of the situation in different countries.

1.10 The delegate of Kenya said that deleting the paragraph would rob the draft Recommendation of much of its substance. It would be preferable to keep it in a form which was acceptable to all.

1.11 The delegate of France recalled that the purpose of the draft Resolution was to prevent the Nice Convention and Constitution entering into force. He proposed deleting the words "or if appropriate, to discontinue".

1.12 The delegate of the Netherlands pointed out that the draft Recommendation was not binding.

1.13 The delegate of Niger recalled that, at a previous meeting, the Committee had agreed that the countries should discontinue their ratification procedure. He was prepared to support France's proposal.

1.14 The delegate of Spain reiterated that it would be inconsistent to keep that paragraph. In his view, there should be no reference to the Nice Constitution and Convention with the implication that countries which had started a ratification procedure with regard to those instruments had not acted properly; in any event, according to CS217 of the draft Constitution, at the scheduled date of entry into force, the Geneva Constitution and Convention would abrogate and replace, between the Parties thereto, the International Telecommunication Convention of Nairobi (1982).

1.15 The delegate of Côte d'Ivoire, though he was afraid that, with the amendment proposed by the delegate of France, the paragraph **further invites** would only be stating the obvious, was prepared to accept the proposal.

1.16 The delegate of Chad said that it was up to the countries which had started a ratification procedure to decide for themselves whether they wished to complete the procedure or whether they preferred to start a fresh procedure for the new Constitution.

1.17 The Chairman said that, if there was no objection, he would consider that the paragraph **further invites** should start as follows: " Members of the Union not to take up their respective national ratification ...".

1.18 It was so decided.

1.19 The paragraph **further invites**, as amended, was approved.

instructs the Secretary-General

1.20 The Chairman said that the word "Resolution" should be replaced by the word "Recommendation".

1.21 The paragraph **instructs the Secretary-General**, as amended, was approved.

1.22 The draft Resolution on the deposit of instruments and entry into force of the Geneva Constitution and Convention of the International Telecommunication Union, as amended, was approved.

2. Consideration of draft Resolution [ZZZ] on electronic access to ITU documents and publications (Document 84(Rev.1) + Corr.1 to 8)

2.1 The Chairman invited delegates to consider the draft Resolution, which had been submitted by a large number of delegations, paragraph by paragraph.

considering

2.2 Paragraphs a), b), c) and d) were approved.

2.3 The delegate of the Netherlands proposed that paragraph e) should read: "considerations concerned with the copyright the ITU enjoys in its publications". He was supported by the delegate of the United States.

2.4 The proposal of the Netherlands having been accepted, paragraph e), as amended, was approved.

2.5 Paragraphs f) and g) were approved.

resolves

Paragraph 1

2.6 The Secretary of the Committee pointed out that the term "ITU documentation" did not cover temporary documents issued during meetings.

2.7 The delegate of Germany thought that paragraph 1 was ambiguous and could give the impression that expenditure might be incurred to make all ITU documentation available to all Members, whereas the intention in that clause was only to extend Members' access to ITU documentation. He proposed, therefore, that the paragraph should be amended to say that the Conference resolved that making documentation electronically accessible would be facilitated as far as possible. That proposal was supported by the delegate of Niger.

2.8 The delegate of the United States proposed that paragraph 1 should read "that all ITU documentation available in electronic form intended to facilitate ...".

2.9 Paragraph 1, as amended by the delegate of the United States, was approved.

Paragraph 2

2.10 The Secretary of the Committee said that the words "or one of its Sectors" in brackets should be deleted, since all payments were made to the Department of Finance.

2.11 With that change, paragraph 2 was approved.

Paragraph 3

2.12 The delegate of the Netherlands proposed deleting the word "privileges", a modification which had been arrived at in agreement with the Legal Affairs Unit and the delegations of the United States and Kenya.

2.13 The delegate of Spain suggested that the first part of paragraph 3 (up to and including the words "so that") should be deleted, on the grounds that that first part of the sentence had already been expressed in **considering** e). He was supported by the delegate of Gabon, who further proposed that the words "must obtain" should be replaced by the words "shall obtain".

2.14 The delegate of Morocco expressed a doubt as to whether paragraphs 2 and 3 were not contradictory, since the former forbade the reproduction of publications, while the latter authorized the practice, subject to the ITU's agreement.

2.15 The Secretary of the Committee drew attention to the fact that it was important to forbid the unauthorized reproduction of publications, since any reproduction of texts, even for internal use, diminished the Union's own sales.

2.16 The delegate of Spain shared the point of view of the Secretary of the Committee, but said that that concern was reflected in the Spanish text.

2.17 The delegate of the United States said that banning any reproduction at all could raise a problem in cases where an entity wanted to reproduce an extract of an ITU publication for internal use.

2.18 The Legal Adviser said that paragraphs 2 and 3 of the **resolves**, as worded in Document 84(Rev.1), were clear. They enabled the ITU to maintain the practice it had followed for years.

2.19 In the light of the Legal Adviser's statement, the delegates of Canada, the United States, Brazil and the Netherlands asked for paragraph 3 to be left unchanged, apart from deleting the word "privileges".

2.20 The delegate of Spain withdrew his proposal to delete the first part of the paragraph.

2.21 Paragraph 3 was approved, with the deletion of the word "privileges".

instructs the Secretary-General

2.22 The delegate of Mexico suggested that more should be added in that part of the **resolves**. The BDT, without incurring any extra expenditure, could help developing countries to apply the Resolution.

2.23 The delegate of Kenya shared that view and proposed adding a second paragraph, to read: "to ensure that hard-copy publications are made available as rapidly as possible so as not to deprive Members without electronic retrieval equipment from timely access to the publications".

2.24 That proposal was supported by the delegates of the United States, Brazil and Niger.

2.25 After a short discussion, **instructs the Secretary-General**, as amended by the delegate of Kenya, was approved.

2.26 Draft Resolution [ZZZ] on electronic access to ITU documents and publications, as amended, was approved.

3. Consideration of draft Resolution [J-1] on the establishment of a forum to discuss strategies and policies in the changing telecommunication environment (Document 49)

3.1 The delegate of Japan, introducing draft Resolution [J-1] on the establishment of a forum to discuss strategies and policies in the changing telecommunications environment (J/49/82), recalled that the H.L.C. had stressed the need to strengthen the strategic aspects of the ITU, in particular by establishing a strategic policy and planning unit. In order for the ITU and its Members to be able to respond to the radical changes in telecommunications, the ITU should set up a forum outside the framework of the three Sectors, where Members' strategies and policies could be coordinated and discussed. Although Telecom exhibitions did provide a forum, it would be preferable to set up a special body. According to his delegation's draft Resolution, the Council would submit a plan on establishing a forum to the next Plenipotentiary Conference.

3.2 The delegate of Mexico said that there were already enough bodies deciding telecommunication policies and strategies. While not totally opposed to Japan's proposal, he reserved the right to refer back to the matter when Committee 4 had taken a decision concerning the Advisory Groups, which in his view could provide the kind of forum suggested in the Japanese proposal.

3.3 The delegate of France recognized that the question of public policies was not touched on in the H.L.C.'s Report. Japan's proposal had the merit of suggesting a flexible structure, which would allow every Member to take advantage of the implementation of different policies. He regretted that Members of the Union did not compare their public policies and did not consult each other in that respect, as was the case in the O.E.C.D. In **resolves**, it would be better to entrust the task to the Secretary-General, leaving him free to prepare a report to the Kyoto Plenipotentiary Conference.

3.4 The delegate of Congo asked for the secretariat to take account of the issues raised in Japan's two draft Resolutions (J/49/82 and J/49/83), so that in Kyoto the Secretary-General could submit a full report on the need to coordinate the Union's strategies with regard to the development of telecommunication networks at subregional, regional and international levels.

3.5 The delegate of Switzerland favoured Japan's approach, but said that the Council should also analyse the financial implications of the proposal.

3.6 The delegate of Kenya felt that there were enough bodies providing opportunities to discuss strategies and policies.

3.7 The delegate of Qatar approved the principle of establishing a forum. Owing to the little time available, however, he suggested deferring any discussion on the matter.

3.8 The delegate of Spain, while recognizing the merit of the Japanese proposal, said that the Telecom exhibitions already provided a forum. It was equally possible that the Council might not consider it appropriate to set up the new body.

3.9 The delegate of Canada, supported by the delegate of India, while recalling that it was the H.L.C.'s view that no international organization could play a leading role in tackling the vast issues related to the world economy and information society, recognized that Members had often stressed the need to focus activities concerning policy and strategy. He was aware that there already was a strategic policy and planning unit and that the Council and the Sectors would in future be responsible for studying that type of problem. He thought that the terms of the **resolves** of the draft Resolution made assumptions regarding the Union's requirements. He agreed that the Council might study the matter and submit recommendations to the Kyoto Plenipotentiary Conference. He was prepared to support the principle contained in Japan's draft Resolution so long as the Council's decision was left open at that stage.

3.10 The delegate of the Netherlands, while understanding the principle of the Japanese proposal, said that its drawbacks should also be considered before a decision was taken in 1994.

3.11 The delegate of Argentina said that the strategic policy and planning unit should first hand its report to the Council for consideration. He noted that the proposed forum and the unit in fact followed the same objective. While considering that Japan's draft Resolution was very pertinent, he proposed either that the Committee should amend it so that the Council could submit its conclusions at Kyoto, or that the Council should be asked to consider it and submit its conclusions on the subject.

3.12 The delegate of Niger thought that any new upheaval was unnecessary, as it was preferable first of all to see whether the new institutions would work.

3.13 The delegate of China thought the idea of a forum was excellent and supported the principle. In his view, however, there were enough fora already to discuss the Union's policies and strategies, such as the Telecom exhibitions.

3.14 The delegate of the United States, while supporting the principle contained in Japan's proposal, thought that the drawbacks should also be looked at, particularly from the financial point of view. Account should be taken of existing bodies and others recommended by the H.L.C. and the Council's decision should be left open.

3.15 The delegate of Germany supported Japan's draft Resolution, on the grounds that if the ITU wished to maintain its role as a leading organization in the area of telecommunications, it should establish a forum for the coordination of strategies and policies. He proposed that the Conference should set up a small working group to study the question.

3.16 The delegate of Japan suggested entitling the draft Resolution, "Consideration of the need to establish a forum ...." and to modify paragraph 1 of **resolves** to read: "that, on the basis of a report by the Secretary-General, the Council shall consider the need to establish a forum in which administrations can formulate their telecommunication strategies and policies and submit its conclusions to the next Plenipotentiary Conference."

3.17 The delegate of France accepted the spirit of the previous speaker's proposal.

3.18 The Chairman, noting that there was broad agreement regarding the principle of the draft Resolution submitted by Japan, invited delegates to consider it paragraph by paragraph.

Title

3.19 The Chairman said that the title, as amended by Japan, should read: "Consideration of the need to establish a forum to formulate strategies and policies in the changing telecommunications environment".

3.20 With that modification, the title was approved.

considering, as stipulated in the Constitution and Convention

3.21 Approved.

recognizing

Paragraphs a), b)

3.22 Approved.

Paragraph c)

3.23 The delegate of Spain proposed deleting the words "that there seems to be no appropriate forum in the Union" and to start the paragraph with the words: "c) that administrations ... ". He was supported by the delegate of Argentina.

3.24 The delegate of Gabon proposed replacing the word "puissent" on the fifth line of the French version by the words "devraient pouvoir".

3.25 With those amendments, paragraph c) was approved.

Paragraph d)

3.26 Approved.

resolves

3.27 The delegate of Canada proposed the following wording for **resolves**:

"1. that, on the basis of a report by the Secretary-General, the Council shall consider, at its ordinary session in 1994, the desirability of establishing a forum for discussion in which administrations can formulate their communication strategies and policies. The Council shall submit appropriate recommendations to the next Plenipotentiary Conference on the basis of this consideration;

2. that the next Plenipotentiary Conference (1994) shall take necessary action on this matter."

3.28 It was so decided.

3.29 The delegate of the United States again expressed concern regarding possible expenditure incurred by establishing several of discussion fora.

3.30 The delegate of Mexico reiterated that he would have preferred to await the decision of Committee 4 before reaching a conclusion regarding the final text of the draft Resolution.

3.31 Draft Resolution [J-1] on the establishment of a forum to discuss strategies and policies, as amended, was approved.

4. Consideration of draft Resolution [J-2] on the strengthening of relationships with regional telecommunication organizations (Document 49)

4.1 The delegation of Japan, introducing draft Resolution [J-2] on the strengthening of relationships with regional telecommunication organizations (J/49/83), drew the delegates' attention to H.L.C. Recommendation 25, which stipulated that there should be one world development conference and, subject to need, one regional conference for each region between two Plenipotentiary Conferences. Japan considered that its draft Resolution would strengthen relationships with regional telecommunication organizations as well as development activities.

4.2 The delegate of Argentina supported the draft Resolution introduced by Japan.

4.3 The Chairman invited delegates to consider the draft Resolution paragraph by paragraph.

Title

4.4 Approved.

considering a), b)

4.5 Approved.

instructs the Secretary-General

Paragraph 1

4.6 Approved.

4.7 The delegate of the United States, supported by the delegate of Spain, proposed deleting the words "or draft Resolution on the results of the consultation".

4.8 It was so decided.

4.9 The delegate of Argentina wondered why the Secretary-General should be instructed to intervene, since it appeared more appropriate for the matter to be dealt with by the Telecommunication Development Bureau.

4.10 The delegate of Japan said that from a legal point of view the Secretary-General represented the Union and that he was the best qualified person to deal with relations between the Union and regional telecommunication organizations.

4.11 With these comments, paragraph 2, as amended by the delegate of the United States, was approved.

instructs the Administrative Council

Paragraph 1

4.12 The delegate of the United States proposed deleting the words "or the draft Resolution".

4.13 That proposed amendment was approved.

Paragraph 2

4.14 Approved.

4.15 Draft Resolution [J-2] on the strengthening of relationships with regional telecommunication organizations, as amended, was approved.

5. Consideration of Article 9A of the draft Constitution (continued) (Document DT/1)

ADD CS69C and ADD CS69D

5.1 The Chairman said that the two proposals had remained in square brackets after their consideration in Plenary. With regard to ADD CS69C, a decision had been taken by Committee 4 on the establishment of the Radio Regulations Board; the provision should therefore be completed by adding the words: "and the members of the Radio Regulations Board" after "the Directors of the Bureaux" and deleting the word "and".

5.2 The Legal Adviser pointed out that ADD CS69C referred to No. 133; that was not justified since No. 133 applied only to elected officials and not to members of the Radio Regulations Board, who were not officials of the Union in the meaning of Article 16 of the Nice Constitution.

5.3 The delegate of Mexico said that ADD CS69D should be similarly amended. It would be preferable to await Committee 4's decision.

5.4 The delegate of Kenya pointed out that the principles referred to in No. 133 were efficiency, competence and integrity, which applied to elected officials just as much as to others.

5.5 The Chairman suggested maintaining ADD CS69C and ADD CS69D in square brackets, submitting them in Plenary and splitting ADD CS69C into two separate paragraphs, one concerning the Secretary-General, the Deputy Secretary-General and the Directors of the Bureaux, and the other, the members of the Radio Regulations Board.

5.6 The delegate of Mexico did not think it appropriate to draft two separate paragraphs.

5.7 The Legal Adviser proposed the following text: "b) the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux and the members of the Radio Regulations Board shall all be nationals of different Members; at their election due consideration should be given to the principle of equitable geographical distribution and, for the elected officials of the Union, to the principles referred to in No. 133." ADD CS69D could remain unchanged. In that way, No. 133 would not apply to members of the Radio Regulations Board who were not elected officials.

5.8 The delegate of China, supported by the delegates of Oman and Niger, considered that in view of Committee 4's decision to remove the square brackets, Committee 5's discussion was pointless and that the matter should be referred to the Editorial Committee.

5.9 The delegate of Argentina, having understood what the Legal Adviser had explained, still entertained some doubts. The Committee should be able to reach an agreement on ADD CS69C and ADD CS69D before they were considered in Plenary.

5.10 The Chairman said that a majority seemed to be in favour of the Legal Adviser's proposal. He suggested that the text of the provisions should be transmitted to the Editorial Committee; the matter would be studied subsequently in Plenary.

5.11 It was so decided.

6. Approval of the summary records of the third, fourth, fifth and sixth meetings (Documents 112, 114, 124 and 132)

6.1 The Secretary of the Committee said that, owing to the lack of time, delegations should transmit their comments on the summary records to the secretariat. In line with customary practice, the remaining summary records would be approved by the Chairman.

6.2 Subject to that proviso, Documents 112, 114, 124 and 132 were approved.

7. Comments on the draft Resolution relating to the duration of ITU Plenipotentiary Conferences (Document 142)

7.1 The delegate of Zimbabwe said that the words "from and including the Plenipotentiary Conference to be held in Kyoto in 1994" should be placed in square brackets, since the Committee was not qualified to discuss the matter.

7.2 The Chairman recalled that the draft Resolution submitted by the Netherlands on behalf of the European countries had been approved by the Committee at its tenth meeting.

7.3 The delegate of the Netherlands nonetheless agreed to the request by the delegate of Zimbabwe.

8. Completion of the work of the Committee

8.1 The Chairman informed the meeting that the Committee had completed its work and thanked all delegates who had contributed to the success of its discussions.

The meeting rose at 1740 hours.

The Secretary:
M. MALEK ASGHAR

The Chairman:
H. VIGNON

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 192-E
21 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

FOURTEENTH MEETING OF COMMITTEE 4

Wednesday, 16 December 1992 at 0930 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:	Documents
1. Consideration of coordinated texts relating to radiocommunication conferences	Basic Documents I and II, DT/1 + Add.1, 137

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Consideration of coordinated texts relating to radiocommunication conferences (Basic Documents I and II, Documents DT/1 + Add.1, 137)

1.1 The Chairman recalled that following the Committee's discussion of Article 11B of the draft Constitution at its eleventh meeting, the delegate of the United Kingdom had been invited to coordinate proposals on the question of radiocommunication conferences. He invited the coordinator to introduce the resulting texts, which reflected the consensus achieved and were annexed to Document 137.

1.2 The delegate of the United Kingdom, introducing the texts, thanked all those who had participated in their preparation, and noted that the various proposals seemed broadly acceptable, although some delegations had expressed a preference for the text prepared by the H.L.C. Drafting Group. The substantive amendments reflected a general consensus in favour of two bodies which, while separate, should be closely interlinked, and perhaps integrated even more closely by the Kyoto Plenipotentiary Conference. The texts included not just the relevant proposals but certain parts of the draft Constitution and Convention for guidance. In addition, some texts had been added as a result of the Japanese delegation's statement the previous day; owing to lack of time, those additions had not been coordinated, but he would draw attention to them at the appropriate time.

1.3 Referring to the various substantive amendments in turn, he said that ADD CS85Ebis introduced the concept of associating radiocommunication assemblies with world radiocommunication conferences; the text should be underlined, since it was new wording, and it would have to be considered in detail later. MOD CS85L and ADD CS85Lbis provided for the convening of a world radiocommunication conference and a radiocommunication assembly every two years. Again, some redrafting might be necessary in order to avoid any possible confusion about the element of compulsion; the intention, however, seemed clear. MOD CV10 was consequential to earlier proposals and would provide the possibility of cancelling either a conference or an assembly, or both; the intention was that, between Plenipotentiary Conferences, meetings might be restricted, in certain circumstances, to one body or the other. With regard to Article 4B, the ADD without a symbol should be annotated ADD CV109I; it consisted of a subparagraph d) establishing a further linkage between assemblies and conferences. ADD CV109XX reflected a concept introduced by the Japanese delegation which, owing to lack of time, had not been coordinated with other delegations; the text was intended to be paragraph (5) of Article 4B. With reference to Article 4Bbis, the ADD without a symbol was likewise intended to provide a link between conferences and assemblies. The following ADD CVYY, another proposal by the Japanese delegation, reproduced substantially the text of No. 212 of the Nice Convention; that paragraph would be numbered (3). In MOD CV116J, the words "by its Technical Committee" on the fifth line should be deleted; and in MOD CV116R, the word "the" should replace "a" at the end of the first line, and the final word should be "assembly", not "conference". Finally, on a general point, he said that since the Rules of Procedure of conferences of the Union covered many matters relating to bodies of the sort referred to as radiocommunication assemblies, it might be pragmatic to accept that all references to conferences in general would likewise apply to assemblies, unless specified to the contrary, in order to avoid the need for a multitude of amendments.

1.4 The delegate of Japan said that the consolidated texts represented an excellent compromise with which his delegation was highly satisfied. In order to avoid possible confusion, however, he proposed that the term "radiocommunication assembly" should be replaced by "radio technical assembly".

1.5 The Chairman noted that there did not seem to be any support for that proposal.

1.6 The delegate of Canada said that the texts annexed to Document 137 had brought matters close to a consensus position. His delegation proposed, however, that the words "held consecutively" should be substituted for "associated" and "associated in time and place" in ADD CS85Ebis and ADD CS85Lbis respectively. Likewise, in MOD CV10 the words "its associated" should be replaced by "the". Subject to those proposed amendments, his delegation could support the texts annexed to Document 137.

1.7 The delegate of Algeria, referring to the comments by the previous speaker, said that the radiocommunication assemblies should be held immediately before the associated conferences.

1.8 The delegate of Morocco said that the Canadian delegation's proposal, which would weaken the text, caused him some difficulty. With reference to ADD CS85Ebis, the intention was not to determine time and place but to establish a link between the two bodies. The reference to the association was useful and should not be amended.

1.9 The delegate of Finland agreed with the previous speaker; he preferred the text as proposed in the annex to Document 137.

1.10 The delegate of France said he agreed with the delegate of Morocco that the word "associated" should be retained. He also drew attention to an editorial correction to be made in the French text of MOD CV109R. His delegation cautioned against too hasty an approach to the issues under discussion; it was somewhat concerned to note, for example, that the possibility of opting for a single conference seemed to have been discarded already.

1.11 The Chairman said that he appreciated the French delegation's concern, and suggested that, for the time being, the Committee should not take up the provisions one by one, although it could perhaps base its discussion on Document 137.

1.12 The delegate of Italy, considered that MOD CS85L and ADD CS85Lbis, both of which referred to a two-year interval, might usefully be further coordinated.

1.13 The delegate of the Islamic Republic of Iran recalled that there had been considerable support for the words that were now crossed out in MOD CS85D, to the effect that world radiocommunication conferences should normally include a Radio Regulations Committee and a Technical Committee. With regard to MOD CS85L, his Administration proposed that, for reasons of cost, consideration should be given to a three-year rather than a two-year interval between conferences. If a shorter interval seemed preferable in any particular case, the Administrative Council could take the necessary decision.

1.14 The delegate of Lebanon agreed with the previous speaker that the text of MOD CS85D would be clearer without the deletion. On the other hand, he could not accept the suggestion that world radiocommunication conferences should be convened only every three years.

1.15 The delegate of Morocco said that under the present Convention an administrative radio conference could address questions to the CCIR or the CCITT; as he understood it, the practice was to continue, but the wording of ADD CV109K would need to be improved in order to make that quite clear. With regard to the preparation of the agenda of future conferences, the radiocommunication conference would only be able to comply with ADD CV109AA if it was kept informed of developments in the work of the radiocommunication assembly. He therefore suggested that a new provision should be inserted in Article 4Bbis to the effect that the assembly should report to the associated radiocommunication conference on progress in the study of matters which might be placed on the agenda of future radiocommunication conferences. He would discuss that question with the delegate of the United Kingdom. He endorsed the provision in ADD CV109XX for the Chairman and Vice-Chairmen of the radiocommunication assembly to participate in the Plenary Meeting and Steering Committee of the associated world radiocommunication conference. However, in view of the importance of the main committees at

such conferences, he considered that either the Chairman of the assembly or the Study Group Chairmen should participate in the work of those Committees. Finally, it seemed to him that ADD CVYY should be included among the general provisions of the Convention relating to conferences and meetings, and he would discuss that matter too with the United Kingdom delegate.

1.16 The Chairman of the High Level Committee, speaking as Chairman of the Drafting Group of Experts and referring to a question raised by Spain with respect to MOD CV10, said some confusion might have been caused by putting together in a single paragraph the ideas that one of the two radiocommunication conferences in a four-year period might be cancelled and that a second world standardization conference might be held in the same period. The two provisions were in fact separate and should perhaps be placed in two different paragraphs.

1.17 The delegate of Greece considered that the first sentence of ADD CS85Lbis should be redrafted as to make it clear that a radiocommunication assembly was not an independent event, but was held within that framework, and at the same time and place as, each world radiocommunication conference.

1.18 The delegate of the United Kingdom, in reply to the delegate of Iran, said that the change made to MOD CS85D and the new provision CS85Ebis reflected his understanding of the position as summed up by the Chairman. With respect to MOD CS85L and the frequency of world radiocommunication conferences, he pointed out that on average a conference had been held nearly every year over the last decade. It was hoped that, under the new arrangements, the agendas would be limited and the duration of conferences shorter than in the past, and a two-year cycle had been supported by the H.L.C. in its recommendations. The Greek suggestion to amend ADD CS85Lbis was a useful one, but would introduce more than a mere drafting change, and it also posed the problem of what was meant by "convened at the same time". As far as the Constitution was concerned, he believed that the concept of the two bodies being associated in time should be retained but that decisions as to precise timing should be left open, for it would be unwise to include rigid provisions in the Constitution. As to MOD CV10, the problem alluded to might well be solved by more judicious punctuation. Finally, he would take account of the useful comments by the delegate of Morocco in preparing the revised version of the document.

1.19 The delegate of Japan said that since the words "conference" and "assembly" had practically the same meaning, he again wished to propose that "radiocommunication assembly" should be amended to read "radio technical assembly". Since the original European proposal had suggested that "technical committee" should be changed to "technical assembly", he believed that the European administrations might support his proposal.

1.20 The delegate of France supported the Japanese proposal. However, the draft Convention did not make it at all clear what the radiocommunication assembly was going to do. His delegation would, therefore, be proposing amendments to the relevant provisions.

1.21 The Chairman said that to expedite matters amendments should be given directly to the delegate of the United Kingdom. He noted that support had now been given to the term "radiocommunication technical assembly".

1.22 The delegate of Finland, supported by the delegate of Lebanon, said he was not convinced of the validity of the original European proposal; the assembly would be dealing with operational as well as technical questions.

1.23 The Chairman expressed that hope that discussion on the matter could be wound up and that the Committee could see its way to accepting the term "radiocommunication assembly". He assured the Japanese delegate that there was indeed a distinction between "conference" and "assembly". All delegations wishing to submit drafting proposals should contact the delegate of the United Kingdom directly.

1.24 The delegate of New Zealand, supported by the delegate of the Russian Federation suggested that since only a few paragraphs required redrafting, the Committee should approve all the other paragraphs in Document 137 in order to speed up its work.

1.25 Following consultations on that proposal, the Chairman said that there seemed to be a need to coordinate the drafting, especially with regard to the order of paragraphs; he would therefore return to the text at the next meeting. In the meantime, however, some outstanding issues with no bearing on those dealt with so far could be discussed.

ADD CS85J

1.26 Approved subject to deletion of the specific reference to Article 7D of the Convention.

MOD CS85M

1.27 The delegate of the United Kingdom said that he would hold consultations to see whether the text of MOD CS85M proposed by the European administrations (EUR/27/9) could be incorporated in the revised version of Document 137. He had been reminded by the delegate of Turkey of a proposal by that Administration to make provision for an additional meeting of the conference or assembly to be held in exceptional circumstances; if the Committee agreed, he would draft the necessary text. He hoped to be able to provide material for a revised version of Document 137 by the next meeting.

1.28 It was so agreed.

MOD CS85K

1.29 The delegate of the United States drew attention to his Administration's proposal (USA/26/8) that the Members of the Radio Regulations Board should be elected at a world radiocommunication conference rather than at the Plenipotentiary Conference. The first Board should be elected at the next radiocommunication conference which, as he understood it, was to be held late in 1993.

1.30 The Chairman said that transitional arrangements should be considered separately. He noted that there was support for the United States proposal and asked if there was any objection to it.

1.31 The delegate of Algeria said that in the view of his delegation the Members of the Board should be elected by the Plenipotentiary Conference, which was the supreme body of the Union and the only one that could confer legitimacy on the election.

1.32 The delegate of Sweden stressed that the Members of the Radio Regulations Board should be well known in an individual capacity, especially with respect to their expertise and impartiality, by the assembly that elected them. He therefore strongly supported the proposal of the United States; world radiocommunication conferences were also supreme bodies, and it was up to governments to ensure that participants in them were of the right calibre.

1.33 The delegate of New Zealand said that, as a matter of principle, tasks should be delegated to the lowest possible level, consistent with their being carried out correctly. In the case of the election of Members of the Radio Regulations Board, the Plenipotentiary Conference could delegate that responsibility to world radiocommunication conferences, along with the power to establish the duties of Board Members. From the point of view of good management practice, it would be appropriate for the conference which set the Board Members' tasks also to determine who should carry out those tasks.

1.34 Responding to a question raised by the delegate of Portugal concerning proposal USA/26/8, the delegate of the United States explained that the concern had been to show that the power of electing Board Members had been delegated by a Plenipotentiary Conference to a world radiocommunication conference. If the present Conference were to decide to delegate that power, the phrase "as directed by the Plenipotentiary Conference" could probably just as well be left out.

1.35 The delegate of Mexico referred to two Mexican proposals (MEX/57/9 and MEX/57/10) which related to elections and were surely relevant to the present discussion.

1.36 The delegate of Algeria said that other proposals were also pertinent and drew attention, in particular, to his Administration's proposal ALG/40/3.

1.37 The Chairman, noting that other matters related to elections were being dealt with by Committee 5, ruled that the present discussion in Committee 4 should deal solely with the question of where the election of Board Members should take place. Obviously, relevant matters could be brought up in the discussion, but the only proposal at present before the Committee was that of the United States.

1.38 The delegate of France understood the reason behind the United States proposal but said that the advantage of decentralization should be weighed against the greater disadvantages associated with the proposal, namely, the traditional competence of the Plenipotentiary Conference in regard to electing ITU officials, the time and energy that would be expended by a radiocommunication conference on carrying out the election of Board Members, and the general principle that if war was too serious a matter to be left to soldiers, then radiocommunication was too serious a matter to be left entirely to radiocommunication experts. The Plenipotentiary Conference could take a global approach to the election of Board Members. For those reasons, he had reservations about the United States proposal.

1.39 The delegate of Mexico endorsed the comments by the delegate of France and added that the only way to ensure equitable geographical distribution of elected officials was for the Plenipotentiary Conference to conduct the election of Board Members. He therefore did not support the United States proposal.

1.40 The delegate of Finland said that there were two important considerations in the election of Members of the Radio Regulations Board. In order of priority they were: first, the capability and expertise of the candidates; and second, knowing that there were many eminent experts from all corners of the globe, equitable geographical distribution. The expertise of candidates would be best known to participants at a radiocommunication conference; surely it would be possible to take into account the results of any elections carried out by the Plenipotentiary Conference in order to ensure proper geographical distribution.

1.41 The delegate of Spain said that the United States proposal sought to go back on the decision taken by the Malaga-Torremolinos Plenipotentiary Conference (1973) that Board Members should be elected at Plenipotentiary Conferences. He supported the arguments put forward by previous speakers in favour of carrying out such elections at Plenipotentiary Conferences and said that there were certainly enough radiocommunication experts among the participants at Plenipotentiary Conferences to ensure that the technical capabilities of candidates could be properly assessed.

1.42 The delegate of the United States, replying to the delegate of France, said that the tradition of electing Board Members at Plenipotentiary Conferences was not of very long standing. Furthermore, the argument that elections wasted time and energy was equally applicable to Plenipotentiary Conferences. With a nine-Member Board, the Plenipotentiary Conference would be in the position of having to elect 14 officials. It was surely preferable to split responsibilities for elections.

1.43 The delegates of Denmark, the United Kingdom, and Portugal supported the United States proposal for the reasons given by previous speakers.

1.44 The delegates of Switzerland and Italy considered that the Plenipotentiary Conference should retain its competence to elect Members of the Board.

1.45 The delegate of Senegal said that the main argument in favour of electing Board Members at a radiocommunication conference was that participants in such conferences were specialists in the field of radiocommunication and could recognize expertise. On the basis of past experience, however, there was no reason to believe that the Plenipotentiary Conference could not carry out that task equally well and continue to select excellent Board Members. Furthermore, electing Board Members at a radiocommunication conference rather than at a Plenipotentiary Conference might devalue the status of those officials. Elections formed part of policy and strategy, which was the purview of the Plenipotentiary Conference. In addition, Board Members were often required to provide information to radiocommunication conferences, a function that might well be jeopardized by personal concern about re-election. The election of Members of the Radio Regulations Board should therefore be carried out at Plenipotentiary Conferences.

1.46 The delegate of the Islamic Republic of Iran endorsed the arguments put forward by the delegate of France. Radiocommunication conferences should be devoted to technical matters, leaving the election of officials as a task for the Plenipotentiary Conference.

1.47 The delegate of Malta recalled that in the past when the Board had had a larger composition its Members had been elected at radiocommunication conferences; with the return of a larger Board, the practice of electing Board Members at such conferences should be reintroduced.

1.48 The delegate of Mali stressed that the status of Board Members should be duly recognized by electing them at Plenipotentiary Conferences, which were attended by enough specialists to enable a suitable choice of experts to be made. Elections were important matters, and time should be set aside to carry them out; such time could not be said to be wasted. Furthermore, developing countries were not always able to participate in radiocommunication conferences, so in order to allow them to have some say in the important matter of choice of Board Members, elections should take place at Plenipotentiary Conferences.

1.49 The delegate of Japan said that elections were always exciting events. Radiocommunication conferences, on the other hand, should be technical in nature and should not be politicized by elections.

1.50 The delegates of Lebanon and Pakistan took the position that the election of Board Members should take place at Plenipotentiary Conferences in order to achieve an equitable geographical distribution of elected officials.

1.51 The delegate of Suriname also considered that the election of Board Members should take place at Plenipotentiary Conferences in order to ensure that developing countries could participate in the choice of officials.

1.52 The delegate of Guinea said that, as the supreme body of the Union, the Plenipotentiary Conference should deal with matters affecting all Members of the Union. The election of Board Members was one such matter.

1.53 The Chairman of the High Level Committee explained that the H.L.C. had worked on the basis of consensus. Where there were divergences of opinion on certain issues and a large majority was in favour of one particular solution, the minority had in general been persuaded to go along with that solution. On the other hand, where support for each side was roughly equal, consensus had been reached on maintaining the status quo. In the case of the type of conference

at which Board Members should be elected, similar arguments had been voiced in the H.L.C. as were now being aired in Committee 4. Opinions had been fairly evenly split in the H.L.C. and consensus could only be achieved by maintaining the present situation, that is, electing Members of the Board at Plenipotentiary Conferences.

1.54 The Chairman said that there was clear support for the proposal of the United States, but there was equal and perhaps even stronger support for electing Board Members at Plenipotentiary Conferences. He hoped that the Committee would be able to reach consensus on maintaining the status quo, and asked whether the delegation of the United States could accept that outcome.

1.55 The delegate of the United States expressed the desire to achieve consensus but asked whether he could defer his response until the next meeting of Committee 4, in order to allow time for informal consultations with the supporters of the United States proposal.

1.56 It was so agreed.

The meeting rose at 1205 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

PINK PAGES

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 193-E
21 December 1992
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R.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 second reading:

Source	Document		Title
PL	171(Rev.1)	Convention	Article 5A (CV1160) Article 6A (CV122L)
PL COM6	181 151 (B.5)		Article 26
PL	171(Rev.1)	Resolution	PLEN/6
	26(Add.2)(Corr.2)	Resolution	PLEN/7

M. THUE
Chairman of Committee 6

Annex: 9 pages

EXPLANATORY NOTE CONCERNING SYMBOLS IN THE MARGIN FOR PINK DOCUMENTS

Documents submitted by Committee 6 to the Plenary Meeting for second reading (pink documents) are based on the blue documents considered on first reading, including any amendment adopted by the Plenary Meeting on first reading.

They may also include editorial amendments introduced by Committee 6, sometimes at the proposal of the delegates, in order to improve the form, consistency or alignment of texts.

The documents will constitute the Final Acts of the Conference, in the form of a revised version of the Nice Constitution and Convention.

The symbols in the margin indicate changes in relation to the Nice Instruments, with the following meaning:

- **NOC** unchanged provision;
- **MOD** modified provision;
- **(MOD)** provision amended editorially;
- **SUP** deleted provision (only the old number of the provision is given);
- **ADD** new provision (the provisional number comprises a number and one or two letters; the final number will be allocated by the Secretariat after the Conference).

Convention
R.11/1

ADD ARTICLE 5A

ADD **CV116U** For the purpose of facilitating the review of activities in the Radiocommunication Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with radiocommunication and with the Telecommunication Standardization Sector and the Telecommunication Development Sector.

A radiocommunication assembly shall determine the specific duties, conditions of participation and rules of procedure for these measures.

ADD ARTICLE 6A

ADD **CV122L** For the purpose of facilitating the review of activities in the Telecommunication Standardization Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication Sector and the Telecommunication Development Sector.

A world telecommunication standardization conference shall determine the specific duties, conditions of participation and rules of procedure for these measures.

NOC

CHAPTER V

NOC

Other Provisions

NOC

ARTICLE 26

NOC

Finances

MOD CV368

1. (1) The scale from which each Member shall choose its class of contribution, in conformity with the relevant provisions of Article 17 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 1/2 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 Council.)

NOC CV369

(2) In addition to the classes of contribution listed in No. 368 above, any Member may choose a number of contributory units over 40.

NOC CV370

(3) The Secretary-General shall communicate the decision of each Member as to the class of contribution chosen by it to all the Members of the Union.

NOC CV371

(4) Members may at any time choose a class of contribution higher than the one already adopted by them.

NOC CV372 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 CV373 (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 CV374 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.

MOD CV375 4. The following provisions shall apply to contributions by the organizations referred to in Nos. 132A to 132D and to entities authorized to participate in the Union's activities in accordance with the provisions of Article 7D of this Convention.

ADD CV375A 5. The organizations referred to in Nos. 132A to 132D of this Convention and other organizations of an international character which participate in a Plenipotentiary Conference, in a Sector of the Union or in a world conference on international telecommunications shall share in defraying the expenses of the conference or the Sector in accordance with Nos. 377A to 377C below, as appropriate, unless they have been exempted by Council, subject to reciprocity.

MOD CV376 6. Any entity or organization appearing in the lists mentioned in No. 128AC of this Convention shall share in defraying the expenses of the Sector in accordance with Nos. 377A and 377B below.

MOD CV377 7. Any entity or organization appearing in the lists mentioned in No. 128AC of this Convention which participates in a radiocommunication conference, a world conference on international telecommunications or a conference or assembly of a Sector of which it is not a member, shall share in defraying the expenses of the conference or assembly in accordance with Nos. 377A and 377C below.

ADD CV377A 8. The contributions mentioned in Nos. 375A, 376 and 377 shall be based on the free choice of a class of contribution from the scale given in No. 368 above, with the exception of the 1/4, 1/8 and 1/16 unit classes reserved for Members of the Union (the latter exception does not apply to the Telecommunication Development Sector); the Secretary-General shall be informed of the class chosen; any entity or organization concerned may at any time choose a class of contribution higher than the one already adopted by it.

ADD CV377B

9. The amount of the contribution per unit payable towards the expenses of each Sector concerned shall be set at 1/5 of the contributory unit of the Members of the Union. These contributions shall be considered as Union income. They shall bear interest in accordance with the provisions of No. 374 above.

ADD CV377C

10. The amount of the contribution per unit payable towards the expenses of a conference or assembly shall be set by dividing the total amount of the budget of the conference or assembly 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. 374 above.

SUP CV378 and CV379

(MOD) CV380

11. Reduction in the number of contributory units shall be possible only in accordance with the principles stipulated in the relevant provisions of Article 17 of the Constitution.

MOD CV381

12. In the case of denunciation of participation in the work of a Sector or of termination of such participation (see No. 128AF of this Convention), the contribution shall be paid up to the last day of the month in which such denunciation or termination takes effect.

SUP CV382 and CV383

MOD CV384

13. The sale price of publications shall be determined by the Secretary-General, bearing in mind that the cost of reproduction and distribution should, in general, be covered by the sale of the publications.

MOD CV385

14. 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 Council on the basis of expected requirements. At the end of each biennial budgetary period 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.

ADD CV385A

15. (1) The Secretary-General may, in agreement with the Coordination Committee, accept voluntary contributions in cash or kind, provided that the conditions attached to such voluntary contributions are consistent with the purposes and programmes of the Union and with the programmes adopted by a conference and in conformity with the Financial Regulations, which shall contain special provisions for the acceptance and use of such voluntary contributions.

ADD CV385B

(2) Such voluntary contributions shall be reported by the Secretary-General to the Council in the financial operating report as well as in a summary indicating for each case the origin, proposed use and action taken with respect to each voluntary contribution.

RESOLUTION PLEN/6

Establishment of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

a) the need for measures to review priorities and strategies in the Union's radiocommunication and telecommunication standardization activities and to advise the Directors of the Radiocommunication and Telecommunication Standardization Bureaux;

b) that it is desirable to have such measures in place as soon as practicable;

c) the relevant provisions of the Convention which will enter into force on 1 July 1994,

recognizing

a) that the field of telecommunications is constantly evolving;

b) that the activities of the Sectors should be continually reviewed;

c) the importance of the work already commenced on the improvement of working methods in the CCIR and CCITT by the ad hoc Groups established pursuant to their Resolution 106 and Resolution No. 18 respectively, and the desirability that this work should continue,

resolves

that Advisory Groups should be established in the Radiocommunication and Telecommunication Standardization Sectors to:

- review priorities and strategies for activities in the respective Sectors;
- review progress in the implementation of the respective work programmes of the Sectors;
- provide guidelines for the work of study groups;
- recommend measures, inter alia, to foster cooperation and coordination with other standards bodies, with the Development Sector, within and between the two Sectors, and with the Strategic Planning Unit in the General Secretariat,

instructs

1. the Directors of the Radiocommunication and Telecommunication Standardization Bureaux to organize the respective Advisory Groups, which shall be open to representatives of administrations, entities and organizations authorized in accordance with the provisions of Article 7D of the Convention, and representatives of study groups;

2. the World Telecommunication Standardization Conference (Helsinki, 1993) and the Radiocommunication Assembly (Geneva, 1993):

2.1 to establish, and to determine suitable terms of reference and working procedures for, an Advisory Group in each Sector to review priorities, strategies and progress of work, and to give guidance on the work of each Sector and cooperation with other entities;

2.2 to ensure that the respective Advisory Groups continue the work already undertaken by the ad hoc Groups established by the CCIR and CCITT pursuant to their Resolution 106 and Resolution No. 18 respectively, and

further instructs

the Directors of the Radiocommunication and Telecommunication Standardization Bureaux to report each year to the members of their respective Sectors and to the Council on the results of the work carried out by their respective Advisory Groups.

RESOLUTION PLEN/7

Participation of Entities and Organizations Other than Administrations in the Activities of the Union

The Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992),

considering

Recommendations 2, 3, 5, 6, 15, 23, 48, 54, 58, 68, and 69 of the High Level Committee to broaden participation in the activities of the Union and to broaden links between the Union and other organizations,

recognizing

a) that Members have sole responsibility for representing their sovereign rights in the Union as they deem advisable, and that they exercise their rights through the intermediary of an administration which they designate;

b) the importance of encouraging more participants to contribute to the success of the Union with appropriate rights and obligations,

noting

a) that the criteria and procedures for recognized operating agencies, scientific or industrial organizations and other organizations referred to in the Convention to participate in Union activities are already established;

b) the particular need to establish criteria and procedures to act on requests from entities specified in 128X and 128Y of the Convention desiring to participate in Union activities;

c) that several categories of participants may be appropriate within the range of eligible participants identified in Article 7D of the Convention;

d) that the procedures and conditions for participation and the rights and obligations of participants may differ among the categories of participants,

resolves

that the provisions of Article 7D of the Convention shall be promptly implemented, provisionally and so far as practicable, by the Secretary-General and the Directors of the Bureaux,

Instructs the Council

1. to study, develop, and recommend, at the earliest opportunity, the criteria and procedures that govern participation in Union activities by entities and organizations specified in 128X and 128Y of the Convention;

2. to make its recommendations available to Members for comment;

3. to make its final recommendations to the Plenipotentiary Conference (Kyoto, 1994),

Instructs the Secretary-General

to assist the Council in its study by preparing a report on the relevant issues, together with recommendations and any other information as the Council may request.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 194-E
21 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD
OF THE
FIFTEENTH MEETING OF COMMITTEE 4

Wednesday, 16 December 1992 at 1900 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Consideration of coordinated texts relating to radiocommunication conferences (continued)	26, 137
2.	Consideration of proposals relating to Article 11A of the draft Constitution (continued)	Basic Document I, 46, 57
3.	Consideration of proposals relating to Article 12 of the draft Constitution	Basic Document I, DT/1, 46, 57
4.	Consideration of proposals relating to Article 5 of the draft Convention	Basic Document II, DT/1, 46, 57

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1. Consideration of coordinated texts relating to radiocommunication conferences (continued) (Documents 26, 137)

MOD CS85K (continued)

1.1 The Chairman recalled the discussion which had taken place at the previous meeting in connection with United States proposal USA/26/8, and said that if he heard no objection he would take it that the Committee could accept the consolidated text of MOD CS85K as it stood in Document 137.

1.2 It was so agreed.

1.3 The Chairman suggested that the Committee should defer further consideration of Document 137 until the revised version was available.

1.4 It was so agreed.

2. Consideration of proposals relating to Article 11A of the draft Constitution (continued) (Basic Document I, Documents 46, 57)

ADD CS85A (continued)

2.1 The Chairman, recalling the discussion which had taken place at the Committee's eleventh meeting, reminded delegates that proposal IND/46/6 had been accepted and that proposal MEX/57/20 to replace the words "geostationary-satellite orbit" by "artificial Earth-satellite orbit", to which the delegate of Morocco had proposed an amendment, had been placed in square brackets pending the outcome of discussions in Committee 5.

2.2 The delegate of Morocco said that his proposal was to replace the words "and the geostationary-satellite orbit" by "by terrestrial and space stations, in particular those using the geostationary-satellite orbit". While that amendment might provide a solution to some of the concerns expressed, it implied that definitions of terrestrial and space stations would have to be included in the Covention.

2.3 The delegate of the United States expressed support for the previous speaker's proposal.

2.4 The delegate of Colombia emphasized that Article 33 of the Constitution embodied principles relating to the geostationary-satellite orbit which were the outcome of lengthy discussions. If new elements relating to the use of the geostationary-satellite orbit were now to be included in Article 11A, a clause should also be included indicating that application of the provision in question was subject to the provisions of Article 33.

2.5 In reply to comments by the Chairman and the delegate of Morocco, the delegate of India said that he had no objection to the proposal by the delegate of Colombia, as long as his own delegation's proposal was retained.

2.6 The delegate of the United Kingdom, while acknowledging the merits of the delegate of Morocco's proposal, said that he would be reluctant to introduce specialist definitions in either the Constitution or the Convention. It would be simpler to refer to the "use of the radio-frequency spectrum and satellite orbits, in particular the geostationary orbit, ...".

2.7 The delegate of Spain supported the previous speaker's proposal, for two reasons: first, it avoided introducing terms which the Constitution would then have to define, second, the delegate of Morocco's proposal appeared to imply that what would be regulated was the use of the stations themselves, rather than the use of the orbit.

2.8 The delegate of Morocco said that, in order to make progress in the discussions, he was willing to accept the proposal by the delegate of the United Kingdom. His own reference to stations had been introduced because, as had been pointed out by other delegations during the course of the Conference, the concept of orbits was infinite.

2.9 The delegate of the United States reiterated his support for the Moroccan amendment.

2.10 Following statements by the delegates of Finland and Italy, both of whom supported the Colombian delegate's comments, and by the delegate of Argentina, who supported the statement by the Spanish delegate, the Chairman suggested that a group, to be coordinated by the delegate of Morocco, should hold informal consultations on ADD CS85A and ADD CV116L, both of which had a bearing on the proposal put forward by Mexico. The group should also consider whether or not a simple cross-reference to Article 33 of the Constitution was sufficient.

2.11 It was so agreed, on the understanding that proposal IND/46/6 would be incorporated in the new text.

2.12 Following the informal consultations, the delegate of Morocco said that the following text was proposed for ADD CS85A:

"the functions of the Radiocommunication Sector shall be to fulfil the purposes of the Union, as stated in Article 1 of this Constitution by ensuring the rational, equitable, efficient and economical use of the radio-frequency spectrum by all radiocommunication services, including those using the geostationary-satellite orbit, subject to the provisions of Article 33 of this Constitution, and by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters:.

2.13 ADD CS85A, as amended, was approved.

3. Consideration of proposals relating to Article 12 of the draft Constitution (Basic Document I, Documents DT/1, 46, 57)

3.1 The Chairman said that, further to the decision taken in principle with regard to the Radio Regulations Board, some of the proposals originally submitted by delegations no longer needed to be considered. He invited the Committee to turn to the relevant pages of Basic Document I and Document DT/1.

MOD Title

3.2 Approved.

MOD CS86

3.3 The Chairman said that the outstanding proposals relating to MOD CS86 were KEN/22/4 and MEX/57/12, both of which would entail moving the reference to the number of Board Members to the Convention.

3.4 The delegate of Mexico introduced proposal MEX/57/12, which sought, first, to stipulate the number of Board Members in the Convention rather than the Constitution and, second, to delete the word "practical" which seemed to be superfluous.

3.5 Following a short discussion, it was agreed to transfer the reference to the number of Board Members from the Constitution to the Convention.

3.6 The Chairman invited the Committee to discuss the terms "highly qualified" and "possessing practical experience", drawing attention in that connection to proposal IND/46/9.

3.7 Following a discussion in which the delegates of the United States, Algeria, Chile, Liberia, and Finland participated, the Chairman suggested that, in order to save time, the Committee should consider reverting to the wording adopted at Nice, namely, "thoroughly qualified" and "possessing practical experience".

3.8 It was so agreed.

3.9 MOD CS86, as amended, was approved.

ADD CS86A

3.10 Approved.

ADD CS86B

3.11 The delegate of China introduced proposal CHN/13/19 to include a reference to "technical standards" in addition to the reference to the rules of procedure, emphasizing that technical standards were of outstanding importance to the work of the IFRB.

3.12 The delegate of Morocco said that the Drafting Group had deleted the reference to technical standards in order to avoid any possible confusion with standards produced by the new Standardization Sector. It could be argued that the rules of procedure included technical standards; however, he could see no real objection to reinstating the reference.

3.13 The delegate of France stressed the importance of avoiding confusion. Furthermore, the Chinese proposal spoke of "technical standards in accordance with the Radio Regulations", whereas H.L.C. Recommendation 65 referred to "the technical standards and rules of procedure to be used in the application of the Radio Regulations". He preferred the text proposed by the Drafting Group.

3.14 The delegate of the Russian Federation considered that some reference should be made to the technical criteria used by the IFRB in its work; perhaps the Board Members themselves should be consulted on the matter.

3.15 The delegate of the United States supported the view that every effort should be made to avoid confusion. He agreed that the Board should be consulted, but perhaps informally.

3.16 The Vice-Chairman of the IFRB, recalling that delegations had already discussed at some length the question of whether or not the current Board interpreted the Radio Regulations, drew attention to the use of the word "interpretation" in the provision under consideration, and to the need for the texts approved by the Committee to be consistent.

3.17 The Member of the IFRB said that the objections raised by previous speakers might be overcome if the Chinese proposal were amended to read "rules of procedure and associated technical standards".

3.18 The delegate of Germany, while acknowledging the compromise solution put forward by the Member of the IFRB, nonetheless supported the Chinese proposal.

3.19 The delegate of Finland expressed the opinion that references to technical standards were better kept to the Radio Regulations and not included in the text of the Constitution.

3.20 The delegate of Mexico said that, while he appreciated the difficulties encountered by the delegate of China, he found the suggestion by the Member of the IFRB more acceptable.

3.21 The delegate of the United Kingdom, supported by the delegate of the Netherlands, endorsed the comments of the delegate of Finland concerning technical standards, which in his view need not be referred to in the text under consideration. As a general principle and in order to expedite the work of the Committee, he urged that in cases where the draft text before the Committee was acceptable to most delegates, it should only be altered where there was real justification for doing so. The delegate of France supported that approach.

3.22 The Chairman suggested that proposal CHN/13/19 should remain pending until informal consultations could take place. Proceeding with the other relevant proposals, he noted that there was no support for CHN/13/20. He further noted that proposal E/23/2 was supported by the delegates of Mexico and Venezuela, and asked whether there were any objections to it.

3.23 The delegate of Morocco objected to proposal E/23/2 on the grounds that the use of the word "consideration" instead of "interpretation" would weaken the concept of the regulation of radiocommunications. He referred, in that context, to the conclusion of the Voluntary Group of Experts that the IFRB should interpret the Radio Regulations to establish rules of procedure.

3.24 Following a discussion in which the delegates of Spain, the Russian Federation, and Venezuela participated, the Chairman suggested that the matter should be discussed informally. He noted that there was no support for proposals IND/46/10 and MEX/57/14.

3.25 Following informal consultations, the delegate of Morocco proposed to add in the first sentence, following "the approval of the rules of procedure", the words "which include technical criteria", and to delete "and the interpretation, in this respect, of the provisions of the Radio Regulations".

3.26 ADD CS86B, as amended, was approved.

ADD CS86C

3.27 Approved.

ADD CS86D

3.28 The delegate of Morocco, referring to proposal MEX/57/16, said that the function of the Board referred to in that text was limited to the geostationary-satellite orbit and that the text might therefore more appropriately be left as proposed by the Drafting Group.

3.29 The Chairman, noting that there was support for the Mexican proposal from the delegates of Columbia and Cuba, suggested that the matter should be left pending until informal consultations could take place.

3.30 The delegate of Algeria requested clarification as to whether the IFRB would be dealing with LEOs or only with the geostationary-satellite orbit. That question might be taken into consideration during the informal consultations.

3.31 Following the informal consultations, the delegate of Morocco said it was proposed that the phrase "and with the equitable utilization of the geostationary-satellite orbit" should be replaced by "as indicated in 85A above".

3.32 ADD CS86D, as amended, was approved.

ADD CS86E

3.33 CS86E, as amended by proposal EUR/27/30, was approved.

ADD CS86F, ADD CS86G, SUP CS87-SUP CS94

3.34 Approved.

ADD CS94A

3.35 Approved, as amended by proposal EUR/27/54.

SUP CS95, SUP CS96, SUP CS97

3.36 Approved.

3.37 Article 12 of the draft Constitution as a whole, as amended, was approved.

4. Consideration of proposals relating to Article 5 of the draft Convention (Basic Document II, Document DT/1, 46, 57)

4.1 The Chairman invited the Committee to consider Article 5 of the draft Convention, relating to the Radio Regulations Board.

MOD Title

4.2 Approved.

SUP CV110, SUP CV111, SUP CV112, SUP CV113, SUP CV114, SUP CV115, SUP CV116

4.3 Approved.

ADD CV116A

4.4 The Chairman said that two proposals had been submitted in connection with the provision. The Kenyan delegation's proposal (KEN/22/27), for the insertion of a sentence at the beginning of ADD CV116A, was consequential on the Committee's earlier decision to include a reference to the number of Board Members in the draft Convention. The Mexican delegation's proposal (MEX/57/41) entailed an addition to the end of the provision.

4.5 The delegate of Mexico, explaining the reasons for his delegation's proposal, said that an additional essential function of the Board would be the coordination of studies and formulation of recommendations to settle any discrepancies which might arise in connection with the Radio Regulations. It was suggested that such studies be carried out by the successor to the IFRB Secretariat, which was best equipped for the task.

4.6 The delegate of Morocco said that the Secretariat was under the Board's supervision and the Mexican proposal as formulated at present might be misleading in that regard. In principle, it was the Board's duty to carry out studies, even though in practice that task might be performed by the Secretariat.

4.7 The delegate of Finland said that at present the Board could forward questions for study to the CCIR, and it was expected that that practice would continue under the new structure. He could not support the Mexican proposal, the wording of which might give rise to confusion.

4.8 Following a further suggestion by the delegate of Mexico for the deletion of the words "coordinate studies", the delegate of Morocco said that the substantive issue raised in proposal MEX/57/41 was already covered by a relevant provision in the Radio Regulations. He stressed that it was essential to avoid any wording which might imply that one of the Board's functions was to arbitrate.

4.9 The Chairman suggested, in view of the objections raised and the fact that the substantive issue in proposal MEX/57/41 was dealt with in the Radio Regulations, that the Committee should approve the Drafting Group's text of ADD CV116A, with the amendment proposed by the Kenyan delegation.

4.10 The delegate of Mexico entered a reservation in that regard.

4.11 ADD CV116A, as amended, was approved, subject to that reservation.

ADD CV116B

4.12 The Chairman invited the Committee to consider the two proposals (EUR/27/31 and IND/46/21) submitted in connection with the provision.

4.13 The delegate of India, explaining the rationale behind his delegation's proposal, said that it might not be necessary for all nine Board Members to participate in Plenipotentiary and world radiocommunication conferences in an advisory capacity. The Board might be represented at such events by the Chairman, Vice-Chairman or another Board Member. In such circumstances, their travel and subsistence costs would be borne by the Union and they would not be permitted to be part of their national delegation. However, there was nothing to prevent the remaining Board Members from assisting their administrations in the preparations for and during conferences, as part of their delegation.

4.14 The delegate of Portugal said that proposal EUR/27/31, which was supported by 25 delegations, was quite different from that of the Indian delegation with respect to the participation of Board Members in conferences. It was considered that Board Members should not under any circumstances participate in national delegations during conferences, although there was no reason why they could not carry out related duties in their own administrations.

4.15 In the ensuing discussion the delegates of New Zealand and the Islamic Republic of Iran, expressing concern regarding the possible financial burden for the Union as a result of participation by the full Board at all conferences, said they were in favour of the Indian delegation's proposal. The delegates of Lebanon, the United States and Morocco expressed their support for proposal EUR/27/31, the latter stressing the importance of the collegiate approach and the need for a quorum in the Board's activities. The delegate of Saudi Arabia, who was also in favour of the European proposal, considered it to be the Board's duty to participate in such conferences and therefore suggested that "may participate" should read "shall participate". The delegates of China and the Russian Federation endorsed that suggestion, while the delegate of Venezuela suggested a further alternative amendment to proposal EUR/27/31.

4.16 The delegate of Morocco pointed out that the attendance of Board Members at conferences was not a question of formal representation. It was essential for all Members to have an overview of the progress of work in all conferences, and he therefore suggested that "may participate" should read "have a duty to participate". Lastly, he referred the Committee to ADD CV116C, which should provide clarification for those who had expressed concern with regard to the cost of participation.

4.17 The delegate of the Russian Federation and the Vice-Chairman endorsed those remarks.

4.18 The delegate of the United Kingdom objected to the Moroccan delegate's proposal. While agreeing that Board Members should participate in radiocommunication conferences, he failed to understand what contribution nine Members could make to the body of debate at Plenipotentiary Conferences. Their participation was a luxury which the ITU could not afford.

4.19 Following further discussion in which the delegates of India, Argentina, Saudi Arabia, Lebanon and the Russian Federation took part, the Chairman noted that there was considerable support for proposal EUR/27/31, as well as agreement that all Board Members should participate in radiocommunication conferences. He therefore urged the Committee to agree to the European proposal as amended by the Moroccan delegate, on the understanding that the phrase "have a duty to" would be placed in square brackets.

4.20 It was so agreed.

4.21 ADD CV116B, as amended, was approved.

The meeting rose at 2205 hours.

The Secretary: The Chairman:

K. OLMS C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 195-E
22 December 1992
Original: English

PLENARY MEETING

DECLARATIONS AND RESERVATIONS

made at the end of the

Additional Plenipotentiary Conference of the International Telecommunication Union

(Geneva, 1992)*

The undersigned plenipotentiaries confirm, through their signing of the present document, which forms part of the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), that they have taken note of the following declarations and reservations made at the end of that Conference:

1

Original: English

For the Republic of Slovenia:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), subject to formal ratification, the Delegation of the Republic of Slovenia reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that any of the Members does not share in defraying the expenditure of the Union or fails in whatever other manner to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and its Annexes or the Protocols attached hereto, or should reservations by other Members jeopardize its telecommunication services.

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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.

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2

Original: French

For the Gabonese Republic:

The Delegation of the Gabonese Republic reserves its Government's right:

1. to take any action necessary to protect its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other Members be likely to jeopardize the operation of its telecommunication services;

2. to accept or not to accept any financial consequences that may result from such reservations.

3

Original: English

For the Democratic People's Republic of Korea:

The Delegation of the Democratic People's Republic of Korea reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Members fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or their Annexes or the Protocol attached thereto, or should reservations by any countries jeopardize its telecommunication services.

4

Original: English

For the Republic of Korea:

The Delegation of the Republic of Korea reserves the right of its Government to take such action as it considers necessary to safeguard its interests should any Member not share in defraying the expenses of the Union or should any Member fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should reservations by any countries jeopardize its telecommunication services.

5

Original: English

For the Republic of Zambia:

The Delegation of the Republic of Zambia to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take any such action as it may consider necessary to safeguard its interests, should any Member of the Union fail in any way to comply with the provisions of the Constitution or the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by such Members directly or indirectly affect the operations of its telecommunication services or its sovereignty.

The Delegation of the Republic of Zambia further reserves the right of its Government to make such additional reservations as may be necessary up to and including the time of ratification by the Republic of Zambia of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

6

Original: English

For the Islamic State of Afghanistan:

The Delegation of the Islamic State of Afghanistan to the ITU Additional Plenipotentiary Conference (Geneva, 1992) reserves for its Government the right:

1. to take any action it deems necessary to safeguard its interests should any Member in any way fail to comply with the provisions of the International Telecommunication Convention and Constitution (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should the consequences of reservations by other countries jeopardize its interests and, more particularly, proper functioning of its telecommunication services;

2. not to accept any financial measures which lead to an increase in its contributory share in defraying the Union expenses;

3. to make any reservation or statement until such time as the International Telecommunication Convention and Constitution (Geneva, 1992) is ratified by the Government of the Islamic State of Afghanistan;

4. not to recognize any claims for the extension of State sovereignty to sections of the geostationary orbit, since these are contrary to the generally accepted international status of outer space.

7

Original: English

For Malawi:

In signing the Final Acts, the Delegation of Malawi to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take such action as it may deem necessary to safeguard its interests should certain Members fail to comply with the provisions of this Constitution and Convention or should reservations made by other Members of the Union jeopardize the operation of its telecommunication services.

8

Original: French

For the Republic of Senegal:

In signing the Final Acts of the Additional Plenipotentiary Conference, held at Geneva in December 1992, the Delegation of the Republic of Senegal declares on behalf of its Government that it accepts no consequences arising from reservations made by other governments which result in an increase in its contributory share in defraying the expenses of the Union.

The Republic of Senegal further reserves the right to take any action it deems necessary to safeguard its interests should any Members fail to comply with the provisions of the Constitution and the Convention, the Annexes thereto and the Optional Protocol on the Compulsory Settlement of Disputes, as adopted by the Conference, or should reservations by other countries tend to jeopardize the proper operation of its telecommunication services.

9

Original: English

For the Kingdom of Swaziland:

The Delegation of the Kingdom of Swaziland reserves the right of its Government to take any action it deems necessary to safeguard its interests in the event of Members failing in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Regulations annexed thereto, or should reservations by other countries jeopardize its telecommunication services.

10

Original: French

For Burkina Faso:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of Burkina Faso reserves for its Government the right to take any action it deems necessary to safeguard the interests of Burkina Faso:

1. should any Member in any way fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) and/or their respective Annexes;

2. should any Members not pay their share of the Union's expenses;

3. should reservations made by other Members be likely to jeopardize the technical and/or commercial operation of its telecommunication services.

The Delegation of Burkina Faso further reserves for its Government the right to make any declaration or reservation at the time of ratifying the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

11

Original: English

For the Republic of Fiji:

The Delegation of the Republic of Fiji reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize Fiji's telecommunication services or lead to an increase in its contributory share towards defraying the expenses of the Union.

12

Original: French

For the Republic of Guinea:

The Delegation of the Republic of Guinea to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take any action it may consider necessary to safeguard its interests should any Members of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other countries jeopardize its telecommunication services or entail an increase in its contributory share in defraying the expenses of the Union.

13

Original: English

For the Kingdom of Lesotho:

The Delegation of the Kingdom of Lesotho hereby declares on behalf of the Lesotho Government:

1. that it will not accept any consequences resulting from any reservation made by any country, and reserves the right to take any action it deems fit;

2. that it reserves the right to take such action as it may consider necessary to protect its interests, should any other country not observe the provisions of the Constitution, the Convention and the Administrative Regulations of the International Telecommunication Union (Geneva, 1992), or its Annexes and Protocols attached thereto, or should reservations by other countries jeopardize its telecommunication services.

14

Original: English

For the Republic of Suriname:

The Delegation of the Republic of Suriname declares, on behalf of its Government, that it reserves the right to take any action it considers necessary to safeguard its interests, should other Members fail to observe the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes and Protocols attached thereto, or should reservations by other countries, or any failure to comply with the Constitution and Convention, jeopardize the proper operation of its telecommunication services.

15

Original: English

For the Islamic Republic of Iran:

In the name of God, most merciful, most compassionate,

the Delegation of the Islamic Republic of Iran, on signing the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right:

1. to take such action as it may consider necessary or to take any measures required to safeguard its rights and interests should other Members of the Union fail in any way to comply with the provisions of the present Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or the Protocols and Regulations attached thereto;

2. to protect its interests should certain Members not share in defraying the expenses of the Union or should the reservations by other Members jeopardize the telecommunication services of the Islamic Republic of Iran;

3. not to be bound by any Provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), inter alia the provisions of Nos. 199 and 206 of the Constitution and No. 422 of the Convention, which may directly or indirectly affect its sovereignty and be in contravention with the Constitution, Laws and Regulations of the Islamic Republic of Iran;

4. to make any other reservation or statement until such time as the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), are ratified.

16

Original: French

For Austria, Belgium and Luxembourg:

The Delegations of the above-mentioned countries formally declare with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992), that they maintain the reservations made on behalf of their Administrations when signing the Regulations mentioned in Article 4.

17

Original: French

For Austria, Belgium and Luxembourg:

The Delegations of the above-mentioned countries reserve for their Governments the right to take any action which they might consider necessary to safeguard their interests should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or Protocols attached thereto, or should reservations by other countries be liable to cause an increase in their contributory shares in defraying Union expenses, or finally, should reservations by other countries jeopardize their telecommunication services.

18

Original: French

For the Republic of Côte d'Ivoire:

The Delegation of the Republic of Côte d'Ivoire reserves for its Government the right:

a) to take any action it considers necessary to safeguard its interests should any Member fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992);

b) to reject the consequences of any reservations made to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) by other Governments which might give rise to an increase in its contributory share in defraying the expenses of the Union or which might jeopardize its telecommunication services;

c) to reject any provisions in the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) which might jeopardize the proper functioning of its telecommunication services or directly or indirectly affect its sovereignty.

19

Original: French

For the Republic of Burundi:

The Delegation of the Republic of Burundi reserves for its Government the right:

1. to take any measures it considers necessary to safeguard its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Protocols thereto, or should reservations by other countries jeopardize its telecommunication services;

2. to accept or not to accept any measure which might lead to an increase in its contributory share.

20

Original: Spanish

For the Eastern Republic of Uruguay:

The Delegation of the Eastern Republic of Uruguay declares, on behalf of its Government, that it reserves the right to take any action it considers necessary to safeguard its interests, should other Members fail to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Optional Protocol, or should reservations by other Members jeopardize the proper operation of its telecommunication services.

21

Original: French

For the Confederation of Switzerland and the Principality of Liechtenstein:

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

2. With regard to Articles 4 and 43 of the Constitution of the International Telecommunication Union (Geneva, 1992), the Delegations of the above-mentioned countries formally declare that they maintain the reservations made on behalf of their Administrations when signing the Regulations referred to in the aforesaid Articles.

22

Original: Spanish

For Chile:

In signing the Constitution and the Convention of the International Telecommunication Union, the Delegation of Chile to the Additional Plenipotentiary Conference of the Union (Geneva, 1992) declares that it reserves for its Government the sovereign right to make any reservations it may consider or deem necessary or appropriate to protect and safeguard its national interests, should any Member States of the Union fail in any way to observe or comply with the provisions of this Constitution and Convention, or their Annexes or the Protocols and Regulations attached thereto, thus directly or indirectly affecting the operation of its telecommunication services or its sovereignty.

It further reserves the right to protect its interests should reservations by other contracting parties lead to an increase in its contributory share in defraying the expenses of the Union.

23

Original: English

For Brunei Darussalam:

The Delegation of Brunei Darussalam reserves for its Government the right to take any action that it deems necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes or the Protocols attached thereto, or should reservations made by other countries adversely affect the interest of Brunei Darussalam or lead to an increase in its share towards defraying the expenses of the Union.

The Delegation of Brunei Darussalam further reserves the right of its Government to make such additional reservations as may be necessary up to and including the time of ratification by Brunei Darussalam of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

24

Original: English

For Thailand:

The Delegation of Thailand reserves the right of its Government to take action that it deems necessary to safeguard its interests should any Member country fail, in any way, to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), their Annexes and Protocols attached thereto, or should any reservation made by any Member country jeopardize its telecommunication services or lead to an increase in its share towards defraying the expenses of the Union.

25

Original: English

For the Federal Republic of Nigeria:

The Delegation of the Federal Republic of Nigeria to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), hereby declares that its Government reserves the right to:

1. take any action which it considers necessary to safeguard its interests should certain Members of the Union fail to share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes and Protocols attached thereto, or should reservations by other Members of the Union endanger in any way the telecommunication services of the Federal Republic of Nigeria;

2. make any statement or reservation until the time of ratification by the Federal Republic of Nigeria of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

26

Original: English

For the United Kingdom of Great Britain and Northern Ireland:

The Delegation of the United Kingdom of Great Britain and Northern Ireland reserves for its Government the right to take such action as they may consider necessary to safeguard their interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes thereto, or should reservations by other countries jeopardize their interests.

27

Original: English

For the Socialist Republic of Viet Nam:

In signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of the Socialist Republic of Viet Nam declares on behalf of its Government that it maintains the reservations made at the Nairobi Plenipotentiary Conference (1982) and the Nice Plenipotentiary Conference (1989) of the International Telecommunication Union.

28

Original: English

For the Republic of Singapore:

The Delegation of the Republic of Singapore reserves for its Government the right to take any action which it considers necessary to safeguard its interests should any Member of the Union fail in any way to comply with the requirements of the Constitution and Convention of the International Telecommunications Union (Geneva, 1992), or the Annexes and Protocols attached thereto or should reservations by any Member of the Union jeopardize its telecommunication services, affect its sovereignty or lead to an increase in its contributory share towards defraying the expenses of the Union.

The Delegation of the Republic of Singapore further reserves for its Government the right to make any additional reservations which it considers necessary up to and including the time of its ratification of the Constitution and Convention of the International Telecommunications Union (Geneva, 1992).

29

Original: English

For New Zealand:

The Delegation of New Zealand reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Convention (Nairobi, 1982), or its Annexes or the Protocols attached thereto, or should they fail in any way to comply with the Instruments of the Union as given in the Constitution (Geneva, 1992), or should reservations by other countries jeopardize the telecommunication services of New Zealand.

In addition, New Zealand reserves the right to make appropriate specific reservations and statements prior to ratification of the Constitution and the Convention (Geneva, 1992).

30

Original: English

For Malaysia:

In signing this Constitution and Convention, the Delegation of Malaysia hereby:

1. reserves for its Government the right to take such action as it may deem necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union, or should any Members fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or the Protocol attached thereto, or should reservations by other Members jeopardize its telecommunication service;

2. declares that the signature, and possible subsequent ratification by the Government of Malaysia of the said Constitution and Convention, is not valid with respect to the Member appearing under the name of Israel, and in no way implies its recognition.

31

Original: English

For the Republic of Cyprus:

The Delegation of Cyprus reserves for its Government the right to take any action it deems necessary to safeguard its interests should any Members of the Union not share in defraying the expenses of the Union, or should they fail in any way to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or Protocols attached thereto, or should reservations by other countries be liable to cause an increase in its contributory share in defraying Union expenses or jeopardize its telecommunication services, or should any other action taken or intend to be taken by any person, natural or juridical directly or indirectly affect its sovereignty.

The Delegation of Cyprus further reserves for its Government the right to make any other declaration or reservation until and up to the time that this Constitution and Convention of the International Telecommunication Union (Geneva, 1992) are ratified by the Republic of Cyprus.

32

Original: Spanish

For Spain:

The Delegation of Spain declares on behalf of its Government that any reference to a country in the Constitution and Convention (Geneva, 1992), as subject to rights and obligations, will be understood only as constituting a Sovereign State.

33

Original: Spanish

For Spain:

The Delegation of Spain declares, on behalf of its Government, that it does not accept any reservations made by other governments which imply an increase in its financial obligations towards the Union.

34

Original: English

For the Republic of Hungary:

The Delegation of the Republic of Hungary reserves for its Government the right not to accept any financial measure liable to lead to unjustified increases in its contributory share in defraying the expenses of the Union and the right to take any action as it may deem necessary to safeguard its interest if certain Members fail to comply with the provisions of the Constitution, the Convention, the Regulations, or if they jeopardize the proper operation of its telecommunication services and the right to make specific reservations and statements prior to ratification of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

35

Original: English

For the Democratic Socialist Republic of Sri Lanka:

The Delegation of the Democratic Socialist Republic of Sri Lanka reserves for its Government the right to take such action it may deem necessary to safeguard and protect its interests should any Member of the Union fail to comply with the provisions of the Constitution or the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other countries jeopardize the telecommunication services of Sri Lanka or lead to an increase in its contributory share in defraying the expenses of the Union.

36

Original: English

For the Republic of Yemen:

The Delegation of the Yemen Republic declares that its Government reserves the right to take such action as it may consider necessary to protect its interests, should a Member fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the reservations made by such Member jeopardize its telecommunication services or lead to an increase in Yemen's share in defraying the expenses of the Union.

37

Original: Russian

For the Republic of Belarus, the Russian Federation and Ukraine:

The Delegations of the above-mentioned countries reserve for their respective Governments the right to make any statement or reservation when ratifying the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and the right to take any action they may consider necessary to safeguard their interests should any Member of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union, or should reservations made by other countries jeopardize the operation of the telecommunication services of the above-mentioned countries or lead to an increase in their annual contribution to defraying the expenses of the Union.

38

Original: Spanish

For the Republic of Venezuela:

The Delegation of the Republic of Venezuela reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any other present or future Members fail to comply with the requirements of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should reservations by other Members jeopardize the efficient operation of its telecommunication services.

Furthermore, it expresses reservations with respect to all Articles of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) related to arbitration as a means of settling disputes, in conformity with the international policy of the Government of Venezuela in that respect.

39

Original: English

For Papua New Guinea:

The Delegation of Papua New Guinea reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member not share in defraying the expenses of the Union, or should they fail in any other way to comply with the requirements of the International Telecommunication Constitution and Convention (Geneva, 1992), or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize the telecommunication services of Papua New Guinea.

40

Original: French

For the Republic of the Niger:

The Delegation of the Niger to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, December 1992) reserves for its Government the right:

1. to take such action as it may consider necessary should any Member of the Union fail in any way to comply with the instruments of the International Telecommunication Union as adopted in Geneva (December 1992) or should any reservations by such Members jeopardize the operation of its telecommunication services;

2. not to accept any consequences of reservations likely to lead to an increase in its contributory share in defraying Union expenditure.

41

Original: French

For the Republic of Cameroon:

The Delegation of the Republic of Cameroon to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), in signing the Final Acts of this Conference, reserves for its Government the right:

- to take all necessary measures to safeguard its legitimate interests should these be jeopardized by any Member's failure to comply with any of the provisions of the Constitution/Convention or the Annexes and Protocols thereto;
- to enter reservations regarding any provisions of the Constitution or Convention which may be opposed to its basic law.

42

Original: English

For the Federal Republic of Germany:

1. The Delegation of the Federal Republic of Germany reserves for its Government the right to take such action as it may deem necessary to safeguard its interests, should certain Members not share in defraying the expenses of the Union, or should they fail in any other way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes or the Protocols attached thereto, or should reservations by other countries be likely to increase its share in defraying the expenses of the Union or jeopardize its telecommunication services.

2. The Delegation of the Federal Republic of Germany declares with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992) that it maintains the reservations made on behalf of the Federal Republic of Germany when signing the Regulations mentioned in Article 4.

3. The Federal Republic of Germany declares that it will only apply amendments adopted in accordance with Article 44 of the Constitution of the International Telecommunication Union (Geneva, 1992) and Article 35 of the Convention of the International Telecommunication Union (Geneva, 1992) when the requirements of the Constitution of the Federal Republic of Germany for their application are met.

43

Original: English

For the Republic of Bulgaria:

The Delegation of the Republic of Bulgaria to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right:

1. to take any action it considers necessary to safeguard its interests should any Member of the Union fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the consequences of reservations made by other countries jeopardize Bulgarian telecommunication services;

2. not to support any financial measures which may entail an unjustified increase in the share of its contribution to defraying the expenses of the Union;

3. to make any statement or reservation when ratifying the Constitution and the Convention of the ITU (Geneva, 1992).

44

Original: English

For the Republic of the Philippines:

The Delegation of the Republic of the Philippines reserves for its Government the right to take any action it deems necessary and sufficient, consistent with its national law to safeguard its interests, should reservations made by representatives of other States jeopardize its telecommunication services or prejudice its rights as a sovereign country.

The Philippine Delegation further reserves for its Government the right to make any declarations or reservations prior to the deposit of the instrument of ratification of the International Telecommunication Constitution and Convention (Geneva, 1992).

45

Original: English

For the Republic of Sudan:

The Delegation of the Republic of Sudan declares that its Government reserves the right to take such actions as it may consider necessary to protect its interests, should a Member fail in any way to observe the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the reservations made by any Member jeopardize its telecommunication services or lead to an increase in Sudan's share in defraying the expenses of the Union.

46

Original: English

For Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden:

At the time of signing the Final Acts of the Geneva Additional Plenipotentiary Conference:

1. the Delegations of the above-mentioned countries formally declare with regard to Article 43 of the Constitution of the International Telecommunication Union (Geneva, 1992), that they maintain reservations made on behalf of their Administrations when signing the Regulations mentioned in Article 43;

2. the Delegations of the above-mentioned countries declare on behalf of their respective Governments that they accept no consequences of any reservations which would lead to an increase in the shares they contribute to defraying the expenses of the Union;

3. the Delegations of the above-mentioned countries reserve for their Governments the right to take such action as they may consider necessary to safeguard their interests should certain Members of the Union not share in defraying the expenses of the Union, or should any Member fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or its Annexes or the Protocols attached thereto, or should reservations by other countries jeopardize their telecommunication services.

47

Original: English

For the Republic of Indonesia:

On behalf of the Republic of Indonesia, the Delegation of the Republic of Indonesia to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992):

1. reserves the right for its Government to take any action and preservation measures it deems necessary to safeguard its national interests should any provision of the Constitution, the Convention and the Resolutions, as well as any decision of the Additional Plenipotentiary Conference of the ITU (Geneva, 1992), directly or indirectly affect its sovereignty or be in contravention of the Constitution, Laws and Regulations of the Republic of Indonesia as well as the existing rights acquired by the Republic of Indonesia as a party to other treaties and conventions and from any principles of international law;

2. further reserves the right for its Government to take any action and preservation measures it deems necessary to safeguard its national interests should any Member in any way fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should the consequences of reservations by any Member jeopardize its telecommunication services or result in an increase of its contributory share towards defraying expenses of the Union.

48

Original: Spanish

For the Republic of Colombia:

In signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of the Republic of Columbia:

1. declares that it reserves for its Government the right:

   a) to take any measures it may deem necessary, consistent with its domestic law and with international law, to safeguard its national interests, should any other Members fail to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and the Protocols and Annexes thereto, and of other documents of the Final Acts of the said Union and the Regulations, or should reservations by representatives of other States jeopardize its telecommunication services or its full sovereign rights;

   b) to accept or not to accept, wholly or partly, any amendments introduced in the Constitution and Convention (Geneva, 1992) or in other international instruments of the International Telecommunication Union;

   c) to express reservations, under the Vienna Convention on the Law of Treaties of 1969, with regard to the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), at any time it sees fit between the date of the signature and the date of the eventual ratification of the international instruments constituting those Final Acts. It is therefore not bound by any rules restricting the sovereign right to make reservations, solely to the time of signing the Final Acts of the conferences and other meetings of the Union;

2. reaffirms, in their essence, Reservations Nos. 40 and 79 adopted at the World Administrative Radio Conference (Geneva, 1979), especially with regard to the new provisions included in the Constitution and Convention (Geneva, 1992) and other documents of the Final Acts;

3. declares that the Republic of Colombia considers itself bound by the instruments of the International Telecommunication Union, including the Constitution, the Convention, the Protocols, the Administrative Regulations and amendments or modifications thereto, only insofar as it has expressly and duly consented to be bound by each of the said international instruments, and subject to the completion of the appropriate constitutional procedures. It therefore does not accept to be bound by any presumed or tacit consent;

4. declares that in conformity with its Constitution, its Government cannot give provisional effect to the international instruments which constitute the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992) and other instruments of the Union, owing to the content and nature of those instruments.

49

Original: Spanish

For the Argentine Republic:

In signing this Constitution and Convention, the Delegation of the Argentine Republic declares on behalf of its Government:

1. that it reaffirms its sovereign rights to the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands as an integral part of its national territory;

2. that it reserves the right to take any action it may deem necessary to safeguard its interests, should other Members fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes thereto, or should reservations by other Members jeopardize the operation of its telecommunication services.

50

Original: French

For Greece:

In signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of Greece declares:

1. that it reserves for its Government the right:

a) to take any action consistent with its domestic law and with international law that it may consider or deem necessary or useful to protect and safeguard its sovereign and inalienable rights and legitimate interests, should any Member States of the International Telecommunication Union fail in any way to comply with or apply the provisions of these Final Acts and the Annexes and Administrative Regulations pertaining to them, or should the acts of any other entities or third parties affect or jeopardize its national sovereignty;

b) to make, under the Vienna Convention on the Law of Treaties of 1969, reservations to the said Final Acts at any time it sees fit between the date of signature and the date of ratification of those instruments and to any other instrument of other relevant conferences of the Union that has not yet been ratified, and not to be bound by any provision of such instruments restricting its sovereign right to make reservations;

c) not to accept any consequences of any reservations by other contracting parties which could, inter alia, lead to an increase in its contributory share in defraying Union expenditure or to other financial implications, or should such reservations jeopardize the proper and efficient operation of the telecommunication services of the Republic of Greece;

2. that it is fully established that the term "country" used in the provisions of these Final Acts and in any other instrument or act of the International Telecommunication Union with regard to its Members and their rights and obligations is regarded as being synonymous in all respects with the term "sovereign State" as legally constituted and internationally recognized.

51

Original: English

For Mongolia:

The Delegation of Mongolia declares that it reserves for its Government the right to make any statements or reservations when ratifying the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992).

52

Original: English

For the Union of Myanmar:

The Delegation of the Union of Myanmar hereby reserves for its Government the right:

1. to protect its interests should reservations made by other Members lead to an increase in its contributory share in defraying the expenses of the Union;

2. to take any action it considers necessary to safeguard its telecommunication services should other Members fail to comply with the requirements of the Constitution and the Convention, their Annexes attached thereto, of the International Telecommunication Union (Geneva, 1992);

3. to make whatever reservations it shall deem appropriate in respect of any text in the Constitution and the Convention, their Annexes attached thereto, of the International Telecommunication Union (Geneva, 1992) which may directly or indirectly affect its sovereignty and interests.

53

Original: English

For the Republic of Kenya:

I

The Delegation of the Republic of Kenya reserves for its Government the right to take such action as it may consider necessary and/or appropriate to safeguard and protect its interests should any Member fail to comply in any way with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and/or any other instruments associated therewith. The declaration further affirms that the Government of the Republic of Kenya does not accept responsibility for the consequences arising out of any reservations made by other Members of the Union.

II

The Delegation of the Republic of Kenya recalling reservation No. 90 of the Nairobi Convention, 1982 reaffirms, on behalf of its Government, the letter and intent of the said reservation.

54

Original: English

For Turkey:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of Turkey reserves for its Government the right to take any action it may consider necessary to safeguard its interests, should any Member in anyway fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or their Annexes or Protocols thereto, should any reservation made by any Member jeopardize the proper operation of its telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union.

55

Original: Spanish

For Mexico:

The Government of Mexico, concerned by some of the results of the Additional Plenipotentiary Conference (Geneva, 1992), makes the following reservations:

- it reserves the right to take whatever measures it considers necessary, should any application of provisions of the adopted Constitution and Convention adversely affect facilities for the use of any geostationary satellite orbit/radio frequency spectrum resources it intends or may need to intend for its telecommunication services, or should be relevant notification, coordination and registration procedures be slowed or delayed;
- it reserves the right not to accept any financial consequence of the functional and structural modifications adopted at this Conference;
- it reserves the right to apply any measures it considers necessary should any other Members fail in any way to comply with the provisions of the Constitution, the Convention, the Administrative Regulations, and the Protocols and Annexes thereto from the date of their entry into force.

56

Original: French

For France:

The French Delegation formally declares, with regard to Article 4 of the Constitution of the International Telecommunication Union (Geneva, 1992), that it maintains the reservations made on behalf of its Administration when signing the Regulations mentioned in Article 4.

57

Original: French

For France:

The French Delegation reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the even that certain Members do not share in defraying the expenditure of the Union or fail in whatever other manner to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and the Administrative Regulations which supplement them, or should reservations made by other countries jeopardize the operation of its telecommunication services or entail an increase in its contributory share in defraying the expenditure of the Union.

58

Original: English

For Ethiopia:

In signing the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), the Delegation of the Transitional Government of Ethiopia reserves the right of its Government to take any step it may deem necessary to safeguard its interests should other Members fail to comply with these instruments or their reservations jeopardize its telecommunication services.

59

Original: French

For the Republic of Benin:

The Delegation of the Republic of Benin to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) reserves for its Government the right to take any action that it deems necessary to protect its interests should certain Members fail to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other Members jeopardize the operation of its telecommunication services or lead to an increase in its contribution to defraying the expenses of the Union.

60

Original: Spanish

For Cuba:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of Cuba declares:

- its concern for the work of the Radio Regulations Board during the transition period until Kyoto 1994, when our Administration will raise the issue again; this is due to the haste with which important decisions concerning the part-time nature of the Board have been adopted during the Conference;
- its Government's right to make any declaration or reservation which may be necessary until it proceeds to ratify the basic instruments of the Union;
- that it does not accept the Optional Protocol on the compulsory settlement of disputes relating to this Constitution, Convention and Administrative Regulations;
- that it reserves the right for its Government to take whatever measures it considers necessary to protect its sovereignty, rights and national interests should any States Members of the Union in any way fail to observe or comply with the provisions of this Constitution, Convention and Administrative Regulations, or should reservations by other Members or Administrations jeopardize Cuba's telecommunication services technically, operationally or economically.

61

Original: Spanish

For the Republic of Panama:

The Delegation of Panama at the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, December 1992) declares that it reserves for its Government the right to make any reservations it shall deem or consider necessary to protect and safeguard its rights and national interests, should any States Members of the Union in any way fail to comply with the provisions of this Constitution and Convention and the Annexes, Protocols and Regulations attached thereto and should they directly or indirectly jeopardize the operation of its telecommunication services or its sovereignty.

It also reserves the right to protect its interests should the reservations made by other Contracting Parties jeopardize the operation of its telecommunication services.

62

Original: English

For the Republic of India:

1. In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of India does not accept any financial implications for its Government, resulting from any reservations that might be made by any Member on matters pertaining to the finances of the Union.

2. The Delegation of the Republic of India further reserves the right of its Government to take any action it deems necessary, to safeguard and protect its interest in the event of any Member failing in any way to comply with one or more provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Administrative Regulations.

63

Original: English

For the Islamic State of Afghanistan, the People's Democratic Republic of Algeria, the State of Bahrain, the People's Republic of Bangladesh, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the State of Kuwait, Lebanon, the Islamic Republic of Mauritania, the Kingdom of Morocco, the Sultanate of Oman, the Islamic Republic of Pakistan, the State of Qatar, the Kingdom of Saudi Arabia, the Republic of the Sudan, Tunisia, the United Arab Emirates and the Republic of Yemen:

The above-mentioned Delegations to the Additional Plenipotentiary Conference (Geneva, 1992) declare that the signature and possible ratification by their respective Governments of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), are not valid with respect to the Zionist-Entity appearing in this Convention under the name of the so-called "Israel" and in no way whatsoever imply its recognition.

64

Original: English

For the State of Bahrain, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates:

The above-mentioned Delegations to the Additional Plenipotentiary Conference (Geneva, 1992) declare that their Governments reserve the right to take such action as they may consider necessary to safeguard their interests should any Member not share in defraying the expenses of the Union, or should they fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes or Protocols or the Resolutions attached thereto, or should reservations made by any Member jeopardize their telecommunication services.

65

Original: English

For Ghana:

The Delegation of Ghana to the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992) hereby reserves for its Government the right to take any measures it considers necessary to safeguard its interests should non-compliances with, or reservations to the provisions of this Constitution, the Convention or their Annexes or the Protocol attached thereto by other Members in any way jeopardize its telecommunication services.

66

Original: English

For Australia:

The Delegation of Australia reserves for its Government the right to take such action as they may consider necessary to safeguard their interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes attached thereto, or should reservations by other countries jeopardize their interests.

67

Original: English

For the Kingdom of the Netherlands:

I

The Delegation of the Netherlands reserves for its Government the right to take any action which it may consider necessary to safeguard its interests should certain Members not share in defraying the expenses of the Union or should they fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or their Annexes, or the Optional Protocol attached thereto, or should reservations by other countries be liable to cause an increase in its contributory shares in defraying Union expenses, or, finally, should reservations by other countries jeopardize its telecommunication services.

II

The Netherlands Delegation formally declares, with regard to Article 43 of the Constitution of the International Telecommunication Union (Geneva, 1992), that it maintains the reservations made on behalf of its Government when signing the Administrative Regulations mentioned in Article 4.

68

Original: English

For the United States of America:

The United States of America reiterates and incorporates by reference all reservations and declarations made at world administrative conferences.

The United States of America does not by signature or by any subsequent ratification of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) consent to be bound by the Administrative Regulations adopted prior to the date of signature of these Final Acts. Nor shall the United States of America be deemed to have consented to be bound by revisions of the Administrative Regulations, whether partial or complete revisions, adopted subsequent to the date of signature of these Finals Acts, without specific notification to the International Telecommunication Union by the United States of America of its consent to be bound.

Finally, the United States of America refers to Article 25, paragraph 16 of the Convention and notes that in considering the Constitution and Convention, the United States may find it necessary to make additional reservations. Accordingly, the United States of America reserves the right to make additional specific reservations at the time of deposit of its instrument of ratification to the Constitution and the Convention.

69

Original: English

For Malta:

In signing the present document the Delegation of Malta reserves for its Government the right to take such action as it may consider to safeguard its interests should any Members not share in defraying the expenses of the Union, or should any Members fail in any other way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexes or Protocol attached thereto, or should reservations by other countries jeopardize its telecommunication services.

70

Original: French

For Portugal:

The Portuguese Delegation declares on behalf of its Government that it will not accept any consequences resulting from the reservations made by other governments which might entail an increase in its contributory share in defraying the expenses of the Union.

It likewise declares that it reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that certain Members not share in defraying the expenditure of the Union or fail in any other way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes or Protocols thereto, or in the event that reservations made by other countries should jeopardize the operation of its telecommunication services.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 196-E
22 December 1992

PLENARY SESSION

ADDITIONAL DECLARATIONS

71

Original: English

For Ireland:

Taking account of the reservations deposited by certain Members, contained in Document 195 of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Irish Delegation reserves for its Government the right to take any action it may deem necessary to safeguard its interests in the event that certain Members do not share in defraying the expenditure of the Union or fail in whatever other manner to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) and the Administrative Regulations that supplement them, or should the reservations made by other countries jeopardize the operation of its telecommunication services or be likely to increase its share in defraying the expenses of the Union.

In addition, the Delegation of Ireland reserves for its Government the right to make appropriate specific reservations and statements prior to ratification of the Constitution and Convention (Geneva, 1992).

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72

Original: French

For the Islamic Republic of Mauritania:

On taking cognizance of Document 195 concerning declarations and reservations, and on signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Islamic Republic of Mauritania declares that its Government reserves the right:

1. to take any measures it deems necessary to protect its interests should any Members fail in any way to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations by other Members be likely to jeopardize the operation of its telecommunication services;

2. to accept or not to accept any financial implications that might arise from the Final Acts or from reservations by Members of the Union.

The Delegation of the Islamic Republic of Mauritania further declares that the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) are subject to ratification by the competent national institutions.

73

Original: English

For Australia, Austria, Belgium, the Republic of Bulgaria, Canada, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, Japan, the Principality of Liechtenstein, Luxembourg, Malta, Monaco, the Kingdom of the Netherlands, New Zealand, Norway, Portugal, Romania, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America:

The Delegations of the above-mentioned countries referring to the Declarations made by the Republic of Colombia (No. 48) and the Republic of Kenya (No. 53), inasmuch as these statements refer to the Bogota Declaration of 3 December 1976 by equatorial countries and to the claims of those countries to exercise sovereign rights over segments of the geostationary-satellite orbit, and any similar statements, consider the claims in question cannot be recognized by this Conference. Further, the above-mentioned Delegations wish to affirm or reaffirm the Declarations made on behalf of a number of the above-mentioned Administrations in this regard when signing the Final Acts of the World Administrative Radio Conference (Geneva, 1979), and the World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (first and second sessions, Geneva, 1985 and 1988), the Plenipotentiary Conference of the International Telecommunication Union (Nice, 1989) and in the Final Protocol of the International Telecommunication Convention (Nairobi, 1982) as if these Declarations were here repeated in full.

The above-mentioned Delegations also wish to state that reference in Article 33 of the Constitution to the "geographical situation of particular countries" does not imply a recognition to claim to any preferential rights to the geostationary-satellite orbit.

74

Original: Spanish

For Mexico:

The Government of Mexico, taking note of some reservations entered by other countries, confirms the reservations made in the Final Acts of the World Administrative Radio Conferences and the World Administrative Telegraph and Telephone Conference.

75

Original: English

For the State of Israel:

1. The Declaration made by certain Delegations in No. 63 of the Final Acts being in flagrant contradiction with the principles and purposes of the International Telecommunication Union and, therefore, devoid of any legal validity, the Government of Israel wishes to put on record that it rejects these Declarations outright and will proceed on the assumption that they can have no validity with respect to the rights and duties of any Member State of the International Telecommunication Union.

Furthermore, in view of the fact that Israel and the Arab States are currently in the midst of negotiations aimed at achieving a peaceful solution to the Arab-Israeli conflict, the Delegation of the State of Israel finds these Declarations counterproductive and damaging to the cause of peace in the Middle East.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards the Members whose Delegations have made the above-mentioned Declaration, an attitude of complete reciprocity.

The Delegation of the State of Israel further notes that Declaration No. 63 does not refer to the State of Israel by its full and correct name. As such it is totally inadmissible and must be repudiated as a violation of recognized rules of international behaviour.

2. Furthermore, after noting various other declarations already deposited, the Delegation of the State of Israel reserves for its Government the right to take any action it deems necessary to protect its interests and to safeguard the operation of its telecommunication services should they be affected by the decisions of this Conference or by the reservations made by other delegations.

76

Original: English

For Malta:

The Delegation of Malta having regard to the Declarations made by certain Delegations reserving their Government's right to make reservations between the date of signature and the date of ratification of the Final Acts, Geneva, 1992, as well as any other instruments of other relevant conferences of the Union that have not yet been ratified, reserves the right for its Government to make additional reservations until and up to the time that this Constitution and Convention of the International Telecommunication Union (Geneva, 1992) are ratified by the Government of Malta.

77

Original: English

For the People's Republic of China:

After having considered the Declarations contained in Document 195, the Delegation of the People's Republic of China:

1. in signing the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), declares on behalf of its Government that it reiterates the Declarations made at the Nairobi Plenipotentiary Conference (1982) and the Nice Plenipotentiary Conference (1989) of the International Telecommunication Union.

2. The Delegation of the People's Republic of China further reserves for its Government the right to make any declarations or reservations prior to the deposit of the instrument of ratification of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992).

78

Original: English

For Romania:

After having considered the Declarations and reservations contained in Conference Document 195, the Delegation of Romania, in signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), reserves for its Government the right to take any action it may consider necessary for the purpose of safeguarding its interest should the reservation made by other countries jeopardize its telecommunication services or entail an increase in its contributory share in defraying the expenses of the Union.

79

Original: English

For Japan:

After having considered the Declaration contained in Document 195, the Delegation of Japan reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the requirements of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or the Annexes thereto, or should reservations by other countries jeopardize in any way its interests.

80

Original: English

For the United Kingdom of Great Britain and Northern Ireland:

With reference to Declaration No. 49 by the Delegation of the Argentine Republic concerning the Falkland Islands, and South Georgia and South Sandwich Islands, the United Kingdom Delegation wishes to state that Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have no doubt as to United Kingdom sovereignty over the Falkland Islands and South Georgia and South Sandwich Islands.

81

Original: French

For Italy:

Having taken cognizance of the Declarations in Document 195, the Delegation of Italy reserves for its Government the right to take any action it may deem necessary to safeguard its interests should any Members fail to contribute to defraying the expenses of the Union or to observe in any other way the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) or the Annexes or Optional Protocols thereto, should reservations by other countries be liable to lead to an increase in its contributory share in defraying the expenses of the Union, or, lastly, should reservations by other countries jeopardize the proper operation of its telecommunication services.

The Delegation of Italy hereby formally declares with regard to Article 43 of the Constitution of the International Telecommunication Union (Geneva, 1992) that it maintains the reservations entered on behalf of its Government at the time of the signature of the Administrative Regulations referred to in Article 4.

82

Original: English

For the United States of America:

The United States of America refers to Declarations made by various Members reserving their rights to take any such actions as they may consider necessary to safeguard their interests in response to reservations by other countries which jeopardize their interests, application of provisions of the Constitution and Convention (Geneva, 1992) which adversely affect their interests, and other Members not sharing in defraying the expenses of the Union. The United States of America reserves the right to take whatever measures it may consider necessary to safeguard United States interests in response to such actions.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 197-E
22 December 1992
Original: English

COMMITTEE 4

SUMMARY RECORD

OF THE

SIXTEENTH MEETING OF COMMITTEE 4

Thursday, 17 December 1992 at 0905 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 5 of the draft Convention (continued)	Basic Document II, DT/1
2.	Consideration of proposals relating to Article 7D of the draft Convention (continued)	Basic Document II, 148
3.	Consideration of coordinated texts relating to radiocommunication conferences (continued)	Basic Documents I and II, 27, 137(Rev.1)
4.	Consideration of proposals relating to Article 5B of the draft Convention	Basic Document II, DT/1

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1. Consideration of proposals relating to Article 5 of the draft Convention (continued) (Basic Document II, Document DT/1)

1.1 The Chairman invited the Committee to resume consideration of Article 5 of the draft Convention, relating to the Radio Regulations Board, as proposed by the Drafting Group in Basic Document I.

ADD CV116C

1.2 The delegate of Argentina warned against taking contradictory decisions. One of the arguments given earlier in support of changing from a full-time five-Member Board to a part-time nine-Member Board had been the savings in cost. Under ADD CV116C, the Union would have to bear the travel, subsistence and insurance expenses of the Board Members in the exercise of their duties. A simple calculation showed that the expenses of a nine-Member Board participating in the Plenipotentiary Conference and in radiocommunication conferences would be far greater than the expenses of a five-Member Board. He therefore wished to enter a reservation with respect to that provision.

1.3 ADD CV116C was approved.

ADD CV116D

1.4 Approved.

ADD CV116E

1.5 At the suggestion of the Chairman, the delegate of Singapore withdrew proposal SNG/38/5.

1.6 ADD CV116E was approved.

ADD CV116F

1.7 The delegate of the United Kingdom proposed the insertion of the word "generally", in order to allow Members of the Board to take advantage of the opportunity for meeting created by their presence at conferences. The text would then read "... four meetings a year, generally at the seat of the Union".

1.8 That proposal was approved.

1.9 The delegate of the Russian Federation said that exceptional circumstances might arise which might make it necessary for the Board to hold additional meetings; he therefore proposed the insertion of the word "normally" to allow for such a possibility. The text would then read "The Board normally shall hold up to four meetings...".

1.10 The proposal was approved.

1.11 ADD CV116F, as amended, was approved.

ADD CV116G

1.12 Approved.

ADD CV116H

1.13 The delegate of China introduced proposal CHN/13/38.

1.14 Noting that the proposal was not supported, the Chairman suggested that the provision was approved as it stood in Basic Document I.

1.15 It was so agreed.

1.16 Article 5 of the draft Convention as a whole, as amended, was approved.

2. Consideration of proposals relating to Article 7D of the draft Convention (continued) (Basic Document II, Document 148)

2.1 The Chairman recalled that the entire article had been placed between square brackets at the Committee's twelfth meeting, pending the outcome of consultations between the delegations having submitted proposals.

2.2 The delegate of Morocco, introducing Document 148, said that the main concern, reflected in MOD CV128U and MOD CV128X, was to specify more clearly the entities and organizations that were to be encouraged to participate in the activities of the Union, and to ensure that all such entities were approved by the Members concerned. Requests to participate were, of course, subject to the approval of the Administrative Council. He noted that ADD CV128ABA stemmed from a proposal by the delegation of Morocco (MRC/31/1).

2.3 The delegate of the United States drew attention to the proposed draft resolution on the subject under consideration, contained in Addendum 2 to Document 26. With a view to implementing the new procedures as soon as possible, the draft resolution instructed the Council to develop criteria and procedures for participation in Union activities by entities and organizations not specifically covered in the current basic instrument of the Union, and to make its recommendations on such criteria and procedures available to Members for comment.

2.4 The Chairman thanked the delegate of the United States for drawing attention to the draft resolution but said that the Committee should complete its work on the treaty texts before embarking on consideration of draft resolutions. He invited the Committee to consider the text contained in Document 148.

ADD Title

2.5 Approved.

MOD CV128T, MOD CV128U, SUP CV128V, SUP CV128W

2.6 Approved.

MOD CV128X

2.7 The delegate of Mexico pointed out an omission in the Spanish-language version and said that the Spanish text should be aligned with the English.

2.8 MOD CV128X was approved.

(MOD) CV128Y, ADD CV128Z, MOD CV128AA, ADD CV128AAA

2.9 Approved.

MOD CV128AB

2.10 In reply to a question raised by the delegate of Algeria, the Chairman explained that the entity or organization had to make the request itself. In further clarification, the delegate of Morocco pointed out that the entities and organizations concerned were not necessarily governmental organizations. They would make requests directly to the Secretary-General and it would be left to the Administrative Council to decide whether or not such requests could be accepted.

2.11 MOD CV128AB was approved.

ADD CV128ABA

2.12 Approved.

(MOD) CV128AC

2.13 The delegate of Singapore drew attention to a proposal by her delegation (SNG/38/11) seeking to integrate CV128AH into CV128AC. At the suggestion of the Chairman, she agreed to discuss that proposal informally outside the meeting.

2.14 (MOD) CV128AC was approved.

(MOD) CV128AD, MOD CV128AE, (MOD) CV128AF, (MOD) CV128AG, (MOD) CV128AH

2.15 Approved.

2.16 Article 7D of the draft Convention as a whole, as presented in Document 148, was approved.

3. Consideration of coordinated texts relating to radiocommunication conferences (continued) (Basic Documents I and II, Documents 27, 137(Rev.1))

3.1 The delegate of the United Kingdom, speaking as the coordinator of the group of delegations which had prepared the coordinated texts, introduced Document 137(Rev.1), drawing attention to the note on the cover page which stated that not all cross-references had been checked. The amendments made to Article 11B of the draft Constitution sought to allow for additional conferences and assemblies to be held if necessary. In Article 2 of the draft Convention, the drafting changes to MOD CV10 were intended to improve clarity; there was no intention to make a substantive amendment. In Article 4B of the draft Convention, the wording of ADD d) had been improved. Regarding Article 4Bbis of the draft Convention, a suggestion had been made that ADD CVYY would be better located elsewhere. Having failed to find a more suitable place, the provision remained in its original position. There were no comments to make on Article 4C of the draft Convention. Other articles of the Constitution and Convention appearing in Document 137(Rev.1) had not been addressed by the informal working group.

3.2 The Chairman invited the Committee to consider the articles contained in Document 137(Rev.1) to which the informal Group had devoted its attention.

Article 11B of the draft Constitution

MOD Title

3.3 The delegate of Japan considered that "radiocommunication assemblies" should be replaced by "technical assemblies" throughout.

3.4 The delegate of France supported the delegate of Japan. The difference between "conference" and "assembly" was not immediately apparent, whereas "technical assembly" indicated clearly that the meeting in question would be dealing largely with the technical aspects of radiocommunication. The term could be interpreted flexibly enough to accommodate a certain amount of regulatory work. Using a term which highlighted the technical aspects was in line with the European proposals contained in Document 27.

3.5 The Chairman, noting that there were objections to the proposal by the delegate of Japan, recalled that the question had already been discussed at length and asked whether any delegations wished to express reservations. The delegates of Japan, France and Switzerland, having expressed reservations, he called on delegates to discuss the matter informally.

MOD CS85K, MOD CS85L

3.6 Approved.

ADD CS85Lbis

3.7 The delegate of the United Kingdom said that the second "shall" should be deleted so that the term "normally" applied to both "convened every two years" and "associated in time and place".

3.8 The delegates of Algeria and France said that the French version should be aligned with the English text.

3.9 ADD CS85Lbis, as amended, was approved.

MOD CS85M

3.10 In reply to a point raised by the delegate of France, the delegate of the United Kingdom recalled that the proposal to refer simply to "Radio Regulations", dropping the word "Administrative", formed part of the European proposals in Document 27. In the past, the text had covered all types of conferences, administrative as well as technical. Since the text under consideration referred solely to radiocommunication conferences, the term "Administrative" was unnecessary.

3.11 MOD CS85M was approved.

3.12 Article 11B, as a whole, as amended, was approved.

Article 2 of the draft Convention

3.13 The delegate of the United Kingdom noted that, apart from the redrafting of MOD CV10 the other changes were simply consequential amendments following decisions made with respect to terminology.

MOD Title, ADD CV6P, ADD CV6Q, ADD CV6R, ADD CV6S, ADD d), SUP CV7, SUP CV8, SUP CV9

3.14 Approved.

MOD CV10

3.15 The delegates of Morocco and Algeria preferred the text proposed by the Drafting Group in Basic Document II.

3.16 The Chairman of the High Level Committee considered that the modification proposed in Document 137(Rev.1) altered the sense of the H.L.C. Drafting Group's text. Rather than attempting to re-draft the provision in Committee 4, he suggested that it should be done informally outside the meeting.

3.17 The delegate of the Russian Federation said that the text must be flexible enough to reflect two possibilities: the cancellation of a planned conference, and the adoption of a decision to hold an additional one. A small informal group might perhaps be asked to draft a suitable text.

3.18 The delegate of New Zealand, speaking in general terms, considered that there was room for improvement in several provisions of Article 2 so as to avoid the implication that all tasks, including those appropriate to conferences, should be incumbent on radiocommunication assemblies.

3.19 The delegate of the United Kingdom said that, on the basis of informal discussions, the following amendments were suggested to MOD CV10: the word "Exceptionally" should be inserted at the beginning of paragraph 2, and the words "a world radiocommunication conference" at the beginning of the next indent should be replaced by "a second world radiocommunication conference" and the word "both" deleted.

3.20 The delegate of Morocco said he had no objection to that proposal. However, the H.L.C. had recommended that a radiocommunication conference should be convened every two years. With the text now being proposed, it would be possible to convene three administrative radio conferences between two Plenipotentiary Conferences, thus placing an impossible burden on most administrations in terms of participation. Accordingly, he requested that the words "world radiocommunication conference or" should be deleted from the second indent.

3.21 At the suggestion of the Chairman, it was agreed to submit the text, amended as suggested by the delegate of the United Kingdom, to the Plenary Meeting, with the words "world radiocommunication conference or" placed in square brackets.

MOD CV16; CV17; MOD CV18; CV19; MOD CV20, 20A, 20B; SUP CV21; MOD CV22, 23, 24, 25; SUP CV26, 27, 28; MOD CV29; ADD CV29A, 29B; SUP CV30

3.22 The remainder of Article 2 of the draft Convention was approved, subject to an editorial amendment to MOD CV20A.

Article 4B of the draft Convention

ADD Title, MOD CV109G, MOD CV109H, ADD CV109I, ADD CV109J, (MOD) CV109K, ADD d)

3.23 Approved.

ADD CV109L

3.24 The delegate of Germany drew attention to proposal EUR/27/35, to the effect that the general scope of the conference agenda should be established four years in advance, and the final agenda established by the Council two years before the conference at the latest.

3.25 Following an informal discussion, it was agreed that ADD CV109L should be worded as in proposal EUR/27/35, the words "two years before the conference at the latest" being replaced by "preferably two years before the conference".

3.26 ADD CV109L, as amended, was approved.

ADD CV109M, ADD CV109N, ADD CV109O, ADD CV109P, ADD CV109Q, (MOD) CV109Y, ADD CV109Z, MOD CV 109AA, ADD CV109AB

3.27 Approved.

ADD CV109XX

3.28 The delegate of the United Kingdom said that, following the presentation of the first version of the coordinated texts (Document 137), it had been felt appropriate to revise the text of ADD CV109XX in order to provide for the Chairmen and Vice-Chairmen of the relevant study groups to participate in world radiocommunication conferences. Concern had been subsequently expressed, however, lest the Steering Committee of the conference came to be dominated by Study Group officers; perhaps, therefore, the words "including its Steering Committee" should be deleted. If it was deemed necessary, a second sentence could perhaps be added, reading "The Chairman and Vice-Chairmen of the radiocommunication assembly, or their nominated representatives, may also participate in the conference Steering Committee".

3.29 The delegates of Algeria, and Mexico supported the proposed deletion of the words "including its Steering Committee", and felt that no further text was needed.

3.30 The delegate of Sweden said it was important to provide, in the Convention, for the Chairman and Vice-Chairmen of a radiocommunication assembly to take part in the Steering Committee of the associated world radiocommunication conference.

3.31 The Chairman suggested that the proposed deletion would leave matters sufficiently flexible. The delegates of the Russian Federation and Finland agreed.

3.32 ADD CV109XX was approved, subject to the deletion of the words "including its Steering Committee".

Article 4Bbis of the draft Convention

ADD Title, MOD CV109R, MOD CV109S, ADD CV109T, ADD CV109U, ADD CV109V, ADD CV109W, SUP CV109X, ADD (5)

3.33 Approved, subject to a minor editorial amendment to the French text of MOD CV109R.

ADD (6)

3.34 The delegate of the United Kingdom, replying to a comment by the delegate of Mexico, said that the phrase "may be included" had been chosen because it was felt that radiocommunication assemblies would be working in anticipation of a future radiocommunication conference without knowing what the latter's precise agenda would be.

3.35 ADD (6) was approved.

ADD CVYY

3.36 The delegate of the United Kingdom, replying to a question by the delegate of Spain, said that, apart from the introductory words, ADD CVYY was identical to No. 415 of the Nairobi Convention and No. 212 of the Nice Convention.

3.37 The delegate of Morocco said that the text of ADD CVYY was already covered by CV250 and CV253 and could be deleted. The Chairman said that the point would be noted in the Committee's documentation and drawn to the attention of Committee 5.

3.38 With those observations, Article 4Bbis as a whole, was approved.

Article 4C of the draft Convention

ADD Title, ADD CV 109AC

3.39 Approved.

3.40 Article 4C as a whole, was approved.

Article 11A of the draft Constitution (continued)

3.41 The Chairman recalled that the United States had wished to revert to ADD CS85B, and invited that delegation to introduce its proposal.

3.42 The delegate of the United States said that her Administration had originally proposed some changes to both ADD CS85B and ADD CS111C (Article 13B), but now wished to leave both provisions unchanged, add the following sentence to the end of each of them: "Close coordination shall be carried out between the Development Sector and the Radiocommunication and Standardization Sectors for matters relating to development."

3.43 The delegate of Algeria, supported by the delegate of Congo, said that he could accept that proposal with the deletion of the words "for matters relating to development".

3.44 The delegate of the United States said she could accept that amendment.

3.45 The Chairman said that if he heard no objection he would take it that the United States proposal, as amended by Algeria, was acceptable to the Committee.

3.46 ADD CS85B, as amended, was approved.

3.47 The Chairman said that, as a consequence, the same sentence should be added at the end of ADD CS111C (Article 13B).

3.48 It was so agreed.

3.49 The delegate of the United States said that, in order to be consistent, her Administration proposed the following text for ADD CS112A: "The activities of the Development, Radiocommunication and Standardization Sectors shall be the subject of close cooperation with regard to matters relating to development, in accordance with the relevant provisions of the Constitution."

3.50 It was so agreed.

3.51 The delegate of Spain, referring to ADD CS85F, said that a reference to the Advisory Group should be added to the text.

3.52 The Chairman observed that the issue remained controversial and said that the addition would be included in square brackets, as elsewhere.

Article 5A of the draft Convention

ADD Title

3.53 The delegate of Algeria said that the words "and Advisory Group" should be removed from the title.

3.54 The Chairman said that those words would have to be left in square brackets for the time being.

3.55 It was so agreed.

ADD CV116I

3.56 Approved.

ADD CV116J

3.57 The delegate of the United Kingdom proposed to amend the text of the second sentence, to read: "These draft recommendations shall be submitted for approval either to a radiocommunication assembly or between two such assemblies by correspondence to administrations in accordance with procedures adopted by the assembly".

3.58 Following comments by the delegate of Morocco, the Chairman suggested that the words "for approval either" should be left in square brackets for the time being.

3.59 It was so agreed.

ADD CV116K, ADD CV116L, ADD CV116M, ADD CV116N, ADD CV116O, ADD CV116P

3.60 Approved.

ADD CV116Q

3.61 The delegate of the United Kingdom drew attention to European proposal EUR/27/36.

3.62 The delegate of Canada, referring to that proposal which sought to replace the word "procedural" by "regulatory" in the second line, said that since "regulatory" covered both technical and operational matters his delegation would prefer the original text to be maintained.

3.63 The delegate of Morocco endorsed that view.

3.64 The Chairman, noting that the Canadian delegate had difficulty with the proposal, suggested that the word "procedural" be maintained.

3.65 It was so agreed.

ADD CV116R, ADD CV116S

3.66 Approved.

3.67 With the exception of the parts of text placed in square brackets, Article 5A of the draft Constitution as a whole was approved.

3.68 The Chairman recalled that ad hoc Working Group 4B had not proposed any changes to the draft treaty texts of Article 13 of the Constitution and Article 5A of the Convention. He therefore proposed to take it upon himself to draw up a text, with the necessary square brackets and indications of reservations, taking into account the earlier discussion on Telecommunication Standardization Study Groups and Radiocommunication Study Groups, and based on the texts already drafted with respect to the Telecommunication Standardization Study Groups, for consideration at a later stage.

3.69 It was so agreed.

4. Consideration of proposals relating to Article 5B of the draft Convention (Basic Document II, Document DT/1)

4.1 The Chairman invited the Committee to take up Article 5B of the draft Convention, relating to the Radiocommunication Bureau, as set out in Basic Document I.

ADD Title

4.2 Approved.

ADD CV116V

4.3 The delegate of Argentina introduced his Administration's proposal ARG/28/15, which was designed to the make Director's duties clearer.

4.4 The delegate of Spain supported the amendment.

4.5 At the suggestion of the delegate of Morocco, accepted by the delegate of Argentina, it was agreed to amend the second sentence of the text to read: "The duties of the Radiocommunication Bureau are supplemented...".

4.6 ADD CV116V, as amended, was approved.

ADD CV116W, ADD CV116X

4.7 Approved, subject to alignment of the Spanish-language version of ADD CV116X with the French and English texts.

ADD CV116Y

4.8 The Chairman drew attention to proposal EUR/27/38 and enquired whether, in view of the Committee's earlier discussion, the word "regulatory" should be changed to "procedural".

4.9 The delegate of Morocco said that the proposal also raised a question of substance since it implied that the Director could make proposals to the conference. That was forbidden by the Convention, and he therefore opposed the European proposal.

4.10 The delegate of Lebanon endorsed that view.

4.11 The delegate of Finland said that he too had doubts about the appropriateness of the European proposal.

4.12 The delegate of the United Kingdom expressed surprise at the comments made. Under No. 237 of the Nice Convention, the Plenary Assemblies of the CCIs were authorized to submit proposals to administrative conferences. Since the collective experience and wisdom of the Study Groups might be expected to lead them to make constructive suggestions, it was reasonable to provide for them to make proposals for the conference.

4.13 The delegate of the United States observed that the High Level Committee had recognized that recommendations on regulatory matters would be developed within the Study Group structure of the future Radiocommunication Sector. The amendment might not be essential, but he did not object to it.

4.14 Following further comments by the delegate of Morocco, the Chairman suggested that ADD CV116Y should be placed in square brackets pending consultations among the delegations concerned.

4.15 It was so agreed.

ADD CV116Z

4.16 The Chairman suggested that, in view of the consequential amendments requiring editorial coordination, the provision should be placed in square brackets pending alignment with the decisions taken by the Committee.

4.17 It was so agreed.

ADD CV116AA, ADD CV116AB, ADD CV116AC

4.18 Approved.

ADD CV116AD

4.19 In reply to a question by the Chairman, the delegate of China said he agreed that the substance of proposal CHN/13/41 was already covered by the language previously adopted by the Committee. That applied also to ADD CV116AF and proposal CHN/13/42.

4.20 ADD CV116AD was approved.

ADD CV116AE

4.21 Approved.

ADD CV116AF

4.22 The delegate of Colombia recalled the comments he had made at an earlier meeting concerning the responsibilities of the Director of the Radiocommunication Bureau in connection with the Board. First, his delegation did not believe that the Director should issue findings on behalf of the Board and second, the text was clearly inconsistent with the recommendations of the High Level Committee.

4.23 The delegate of Mexico suggested that the text might be clearer if the words "on behalf of the Board" were deleted.

4.24 The delegate of Morocco said that the deletion suggested by the previous speaker would weaken the functions of the Board. Since the Board would be a part-time body, it would not be constantly available to issue findings. However, findings were collegiate decisions and could not be taken by a Director, although the Board could delegate the task of formulating findings to the Director on condition that they were consistent with its rules of procedure. It might happen that the Director, on the basis of the rules of procedure, formulated a finding that an administration considered to be inconsistent with the rules of procedure. In that case, the administration concerned would refer the matter to the Board for reconsideration.

4.25 The Chairman of the High Level Committee drew attention to Recommendation 65 of the High Level Committee which read "... findings should be issued on behalf of the Board by the Director...". The phrase "on behalf of the Board" had been arrived at after long discussion. He would not advise its removal since that would alter the balance of the text.

4.26 After further discussion in which the delegates of Venezuela, Argentina, the Russian Federation and Colombia took part, the Chairman said that there seemed to be a shade of meaning in the Spanish text that was not apparent in the other language versions. He therefore suggested that the interested delegations should consult one another during the lunch break.

4.27 It was so agreed.

The meeting rose at 1205 hours.

The Secretary:
K. OLMS

The Chairman:
C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 198-E
4 January 1992
Original: French

PLENARY MEETING

MINUTES

OF THE

FOURTH PLENARY MEETING

Tuesday, 15 December 1992, at 1405 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Expression of sympathy following the recent earthquake in Indonesia	-
2.	Election of the Director of the Telecommunications Development Bureau (BDT) (continued)	-

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Expression of sympathy following the recent earthquake in Indonesia

1.1 The Chairman, on behalf of the Conference, expressed his deep sympathy to the Indonesian delegation following the tragic earthquake in Indonesia, which had taken over 1 500 lives. The Secretary-General would be sending a message of condolences to the Indonesian authorities.

1.2 The delegate of the Islamic Republic of Iran proposed that a minute of silence be observed in memory of the victims of the earthquake.

The Conference observed a minute of silence.

1.3 The delegate of Indonesia thanked the Chairman and delegates for their expressions of sympathy.

2. Election of the Director of the Telecommunications Development Bureau (BDT) (continued)

2.1 The Chairman informed delegates that Mr. Ras-Work (Ethiopia) had withdrawn his candidature. He then invited the tellers, provided by the delegations of Canada, Sweden, the Russian Federation, Burkino Faso and Australia, to take their places, and announced the commencement of voting.

2.2 The delegations were called up in turn to deposit their ballot papers.

2.3 The votes having been counted, the Chairman announced that a total of 136 ballot papers had been deposited; the required majority was therefore 69.

2.4 The result of the voting, in alphabetical order, was:

Mr. Angelo	21
Mr. Djiwatampu	49
Mr. Jipguep	36
Mr. Laouyane	30

2.5 The Chairman said that since no candidate had obtained the required majority, a fourth ballot would be carried out at the following Plenary Meeting. In accordance with the rules of procedure adopted at the first Plenary Meeting, only the two candidates who had obtained the most votes, namely Mr. Djiwatampu and Mr. Jipguep, remained in contention.

The meeting rose at 1455 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 199-E
4 January 1993
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COMMITTEE 4

SUMMARY RECORD

OF THE

SEVENTEENTH AND LAST MEETING OF COMMITTEE 4

Thursday, 17 December 1992, at 1500 hours

Chairman: Mr. C.L. OLIVER (Australia)

Subjects discussed:		Documents
1.	Consideration of proposals relating to Article 5B of the draft Convention (continued)	Basic Document II DT/1
2.	Consideration of proposals relating to Chapter V, Article 14D of the draft Constitution	Basic Document I, 49
3.	Consideration of proposals relating to Chapter I, Article 7 of the draft Constitution (continued)	Basic Document I
4.	Draft resolution relating to cooperation and management within and between Sectors	19, 26(Add.1), 51, 146
5.	Draft resolution relating to a world radiocommunication conference in 1993	19, 26(Add.2) 46, 129
6.	Draft resolution relating to improved use of spectrum management data	51
7.	Draft resolution relating to the approval of recommendations	131
8.	Draft resolution relating to action by the BDT	128
9.	Draft resolution relating to the participation of entities and organizations other than administrations in the activities of the Union	26(Add.2)
10.	Draft resolution relating to interim arrangements for the early implementation of the new ITU structure	145
11.	Completion of the Committee's work	-

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1. Consideration of proposals relating to Article 5B of the draft Convention (continued) (Basic Document II, Document DT/1)

ADD CV116AF (continued)

1.1 The Chairman, in response to observations by the delegates of México and Venezuela, noted that it did not seem possible, within the time allotted to Committee, to solve the problem raised at the previous meeting and suggested that the text should be placed in square brackets.

1.2 It was so agreed.

ADD CV116AG

1.3 The delegate of Mexico observed that his delegation would continue to reserve its position on the provision until the question of types of orbit was clarified.

1.4 On that understanding, and subject if possible to further informal discussions, ADD CV116AG was approved.

ADD CV116AH

1.5 Approved.

ADD CV116AI

1.6 There being no support for proposal CHN/13/43, the Chairman said he took it that the Committee wished to accept ADD CV116AI as proposed by the Drafting Group.

1.7 It was so agreed.

ADD CV116AJ - ADD CV116AP

1.8 Approved.

ADD CV116AQ

1.9 In response to a question by the Chairman, the delegate of Kenya withdrew proposal KEN/22/32.

1.10 ADD CV116AQ was approved.

ADD CV116AR

1.11 Approved.

1.12 With the exception of the texts placed in square brackets, Article 5B as a whole, as amended, was approved.

2. Consideration of proposals relating to Chapter V, Article 14D of the draft Constitution (Basic Document I, Document 49)

Chapter V

ADD title

2.1 Approved.

Article 14D

ADD Title, ADD CS124J

2.2 Approved.

ADD CS124K

2.3 Approved, as amended by proposal J/49/77.

2.4 Article 14D as a whole, as amended, was approved.

3. Consideration of proposals relating to Chapter I, Article 7 of the draft Constitution (continued) (Basic Document I)

3.1 Following comments by the delegates of China, Mexico and Algeria, the Chairman suggested that in view of the lack of time, the Committee might wish him to prepare a draft text for submission to the Plenary Meeting, taking into account the general feeling of the Committee in the light of relevant decisions already taken and bearing in mind specifically the questions of whether or not conferences were considered to be of a regulatory nature within the Sector concerned and whether references to the Bureaux should be included.

3.2 It was so agreed.

4. Draft resolution relating to cooperation and management within and between Sectors (Documents 19, Addendum 1 to 26, 51,146)

4.1 The Chairman drew attention to the four proposals relating to cooperation and management within and between Sectors and to the role which the Advisory Groups were to play. In order to expedite the work of the Committee and endeavour to reach consensus on issues which had proved difficult at earlier stages of the Committee's work, and as the four texts in question all required some revision to take account of the overall situation as it had evolved, he suggested that coordination should take place to combine alternative texts and arrive at a single solution. To that end, an ad hoc Group might be established to coordinate and consolidate the different proposals.

4.2 The delegate of Algeria observed that Document 146 should be viewed in the light of Document 143.

4.3 The delegate of Australia, referring to the draft resolution which was the subject of proposal AUS/19/3, said that in order to facilitate the Committee's work his delegation was in favour of the continuation of discussions concerning the retention in the Constitution and Convention of certain provisions relating to the work of the Study Groups. It also considered it desirable for the present Conference to adopt a resolution on the early implementation of those provisions. He agreed that his country's proposal would require some revision, particularly in the light of the current text of CV122L. He would be happy to coordinate a text with the other delegations concerned.

4.4 The Chairman of the Drafting Group said that there seemed to be no major issue of substance at stake as far as the existence and role of the Advisory Groups were concerned. The question was rather whether the relevant text should be dealt with in the Convention or by means of a resolution. He therefore supported the Chairman's suggestion that coordination should take place within an informal group.

4.5 The Chairman said he took it that there was no objection to informal consultations taking place among the delegations concerned with a view to submitting a coordinated text to the Plenary Meeting.

4.6 It was so agreed.

5. Draft resolution relating to a world radiocommunication conference in 1993 (Documents 19, Addendum 2 to 26, 46, 129)

5.1 The Chairman referring to the four proposals before the Committee (AUS/19/5, USA/26/60, IND/46/27, NIG/129/1), suggested that in order to accelerate the work of the Committee and since all four texts required revision in the light of decisions taken by the Committee to change the structure of radiocommunication conferences, an informal group of the delegates concerned might prepare a joint draft resolution.

5.2 The delegate of Morocco expressed an interest in participating in such informal consultations.

5.3 The delegate of the United States said that his delegation had already started to discuss the matter informally with several other delegations and would be happy to continue to do so.

5.4 The Chairman suggested that the delegate of the United States should coordinate informal discussions with a view to submitting an agreed text to the Plenary Meeting.

5.5 It was so agreed.

6. Draft resolution relating to improved use of spectrum management data (Document 51)

6.1 The delegate of New Zealand, introducing proposal NZL/51/1, said that his delegation had discussed the draft resolution with other delegates concerned, and recognized that the text would benefit from some substantive amendment, in particular of **instructs 1** and **2**.

6.2 The Chairman suggested that informal consultations should take place among the delegates concerned with the view to submitting a coordinated text to the Plenary Meeting.

6.3 It was so agreed.

7. Draft resolution relating to the approval of recommendations (Document 131)

7.1 The delegate of Mexico, introducing proposal MEX/131/1, said that the draft resolution prepared by his delegation reflected the concerns about the approval of recommendations expressed by a number of delegations in the course of the Committee's earlier discussions. Following distribution of the document, he had received comments from several other delegations, including that of Australia, concerning the text, and some minor amendments had been suggested in order to facilitate the overall understanding of the draft resolution.

7.2 The delegate of Australia said that he would prefer provisions concerning the approval of recommendations to be dealt with in the Convention rather than by means of a resolution; however if it was decided to adopt a resolution on the matter, he would propose the following amendments to the text proposed in Document 131: **considering b)** should read: "that while the process of preparing and adopting standards is vital to the development of telecommunications, increased involvement of developing countries should be facilitated"; the **resolves** section should be divided into two paragraphs, the first of which would retain the wording of the initial **resolves** paragraph in Document 131 and end with the words "with a view to modifying the Rules of Procedure so that", to be followed by a first subparagraph reading "recommendations for approval by correspondence should be approved by a certain majority of favourable replies" and a second subparagraph reading "establishing a means by which a Member who may be adversely affected by a recommendation may raise any concerns with the Director of the relevant Sector for rapid resolution", followed in turn by a second paragraph reading "that the Director shall report to the next relevant conference on all such concerns drawn to his attention".

7.3 The delegate of Colombia supported the draft resolution as proposed by the delegation of Mexico.

7.4 The delegate of the United States, supported by the delegates of Spain, Netherlands, Sweden and Switzerland, said that he would prefer not to adopt such a resolution, as it might put at risk the advantages of the accelerated procedure and consequently the effectiveness of the Union's role in standardization. In his view, the relevant provisions should be placed in the draft Convention, bearing in mind that they should be considered in conjunction with CCITT Resolution No. 2 and CCIR Resolution 97. However, should the Committee wish to approve the draft resolution, his delegation would find it more acceptable as amended by the delegate of Australia.

7.5 The delegate of France said that the draft resolution would be acceptable to him with the amendments proposed by the delegate of Australia, on the understanding that CV116J would be retained in the draft Convention.

7.6 The delegate of Algeria, supported by the delegate of Saudi Arabia, considered that the draft resolution might appropriately replace CV116J.

7.7 Following comments by the delegates of Mexico, Lebanon and the Chairman of the Drafting Group concerning the need for further consultation, the Chairman asked whether, on the understanding that provision CV116J would be retained, the Committee could agree to the draft resolution as amended by the delegate of Australia.

7.8 The draft resolution on the approval of recommendations, as proposed by Mexico in Document 131 and amended by the delegate of Australia, was approved.

8. Draft resolution relating to action by the BDT (Document 128)

8.1 The delegate of Venezuela said that the idea of preparing a draft resolution on the subject of action by the BDT had originally been proposed by the delegate of Lebanon during discussions on GAS activities at an earlier meeting. Both he and the delegate of Grenada had shared the delegate of Lebanon's interest in the topic, in the light of H.L.C. Recommendations 49, 50 and 51. Following consultations in which the delegate of Jordan had also participated, the draft resolution in Document 128 had been prepared. It would be of particular interest to developing countries, since it aimed to ensure the continuation of GAS activities during the transitional period prior to the world development conference.

8.2 The delegate of Lebanon endorsed the previous speaker's remarks, stressing the importance of the continuation of GAS activities. He looked forward to discussing the future of GAS groups with the newly elected Director of the BDT as well as the Directors of the CCITT and the CCIR in due course. In view of his former cooperation with the GAS groups, he was confident that the Director of the BDT would ensure that the necessary funds were allocated for their activities.

8.3 In the ensuing discussion, the delegates of Congo, Algeria, the United States and Venezuela, while endorsing the intent of the draft resolution, said that a number of amendments would be necessary, in particular under **resolves to instruct 1.1** and **1.2**. The delegate of Spain questioned the substance of **resolves to instruct 1.1**, which in his view was not sufficiently flexible.

8.4 The Chairman, in order to expedite the work of the Committee, suggested that the delegate of Lebanon should hold informal consultations with the other delegates who had requested amendments and clarification, with a view to preparing a coordinated text of the draft resolution which would be forwarded directly to the Plenary Meeting.

8.5 It was so agreed.

9. Draft resolution relating to the participation of entities and organizations other than administrations in the activities of the Union (Addendum 2 to Document 26)

9.1 The Chairman invited the Committee to consider the draft resolution submitted by the United States in connection with participation of entities and organizations in the Union's activities.

9.2 The delegate of the United States said that the draft resolution in Addendum 2 to Document 26 was intended to facilitate the implementation of the Committee's earlier decision regarding the participation of entities and organizations in the Union's activities. Following informal consultations, a number of editorial amendments had been suggested. One amendment to the substance of the draft resolution had also been proposed by the United Kingdom delegate, namely, that the final provisions relating to the criteria and procedures for the admission of new entities should be submitted in the form of recommendations to the 1994 Plenipotentiary Conference rather than being approved by the Administrative Council. He could agree to all the suggested amendments.

9.3 The delegate of Morocco failed to understand which types of organization might not be covered by Article 7D. Furthermore, under **instructs the Council 1**, he queried the meaning of the phrase "entities and organizations not specifically covered in the current basic instrument of the Union."

9.4 The delegate of Algeria endorsed the Moroccan delegate's remarks regarding Article 7D.

9.5 The delegate of the United Kingdom, in response to the query raised by the Moroccan delegate, suggested that under both **instructs the Council 1** and **noting b)** it would be clearer to refer to "those organizations specified in CV128X and CV128Y", which would be in line with the text of Article 7D approved earlier by the Committee.

9.6 The Chairman, in order to expedite the work of the Committee, suggested that the delegate of the United States should hold informal consultations with the delegates who had raised queries on the draft resolution, with a view to preparing a finalized consolidated text to be forwarded directly to the Plenary Meeting.

9.7 It was so agreed.

10. Draft resolution on relating to interim arrangements for the early implementation of the new ITU structure (Document 145)

10.1 The Chairman invited the Committee to take up Document 145 containing a coordinated proposal from the European and Australian delegations. Delegates would have a further opportunity to discuss the important issue of transitional arrangements again in a subsequent Plenary Meeting.

10.2 The delegate of Germany, introducing Document 145, said that broad consensus had clearly emerged regarding the proposed new working methods and the importance of their swift implementation before the Kyoto Plenipotentiary Conference. To that end a number of practical steps would have to be taken without further delay, including the convening of conferences in the new Standardization and Radiocommunications Sectors, the restructuring of the former specialized secretariats and the effective implementation of the new Radio Regulations Board. The draft resolution in Document 145 was the result of careful coordination and preparation on the part of many European delegations and that of Australia. If the Committee approved the draft resolution, it would no longer need to consider proposals AUS/19/6 and EUR/27/33. The document also dealt with many of the issues raised by the United States delegation in Addendum 1 to Document 26. Regrettably, due to lack of time, it had not been possible to coordinate with the United States delegation, their name had therefore not been included as a co-sponsor of the document. Highlighting the main proposals listed under **resolves**, he stressed the importance of the three

new Sectors becoming operational as quickly as possible following the signature of the Final Acts of the present Conference. The Secretary-General should be authorized to take any action deemed necessary to attain that end. Furthermore, it was recommended that the present five Members of the IFRB should perform the duties of the new Radio Regulations Board on an interim basis pending the election of the nine part-time Members at the Kyoto Plenipotentiary Conference. Likewise, the present Directors of the CCITT and the CCIR should supervise the activities of the Telecommunication Standardization and Radiocommunication Bureaux respectively until the Kyoto Conference. In conclusion, after announcing a number of drafting amendments, he said that the Bulgarian delegation's name should be added to the list of sponsors.

10.3 The delegate of Morocco said that he would comment on the substantive issues raised in the draft resolution during the Plenary Meeting. However, there were a number of points requiring clarification. For instance, under **resolves 2** and **3**, he suggested that the word "Board" should be substituted for "IFRB". Furthermore, in the latter paragraph he failed to understand the need for the word "interim" with reference to the arrangements. Another problem that had not been addressed in the draft resolution was the possible resignation of a Board Member before the Kyoto Plenipotentiary Conference. Such a Member would have to be replaced in accordance with the procedures laid down by the Convention, and it was not clear whether the appointment would be made on a full-time or part-time basis.He considered **resolves 10** to be rather a risky provision, for it would enable the present Directors of the CCITT and the CCIR to run for two further terms of office, unlike the present Secretary-General and Deputy Secretary-General. He therefore suggested the addition of a phrase along the lines of "the new duties assigned to the Directors of the Standardization and Radiocommunication Sectors shall be considered as a continuation of their current duties". Lastly, he suggested that the scope of **invites the Council** should be expanded so as to enable the Council to take any action it deemed necessary for the effective supervision of work during the transitional period.

10.4 The delegate of Australia said that as a sponsor of the document, his delegation would withdraw its original proposal on the subject (AUS/19/6). The Moroccan delegate had certainly raised a number of pertinent issues which, along with other suggestions, should be dealt with during informal consultations before the draft resolution was forwarded to Plenary.

10.5 The delegate of Senegal drew attention to a number of inconsistencies in the text of the draft resolution, between **resolves 10** and **noting b)** and **c)** on the one hand and **resolves 3**, **6** and **7** on the other. He also queried the intent of **resolves 9**. More importantly, the draft resolution raised a number of legal issues, under **resolves 1** and **2** and **noting d)** specifically. For instance, the latter provision failed to take account of differences in national legislation regarding the ratification of basic instruments. For all those reasons he would have great difficulty in agreeing to the text of the draft resolution as it stood. He would comment on the substance of the proposal at the appropriate Plenary Meeting.

10.6 The delegate of Saudi Arabia shared the concerns expressed by the delegates of Morocco and Senegal with regard to Document 145. He regretted that his delegation's contribution on the subject of transitional arrangements had not been taken into consideration by the Committee. In conclusion, he cautioned against too hasty an implementation of the new ITU structures.

10.7 The delegate of the United States expressed his support for the basic thrust of the draft resolution, namely the rapid implementation of reforms in the ITU. He fully understood the concerns expressed by the delegates of Morocco, Saudi Arabia and Senegal, agreeing that the draft resolution raised some fundamental legal issues which might be resolved with the assistance of the ITU Legal Adviser. Responding to queries raised concerning **resolves 10**, he recalled his Administration's proposal to the Administrative Council, namely, that only in the case of the Director of the BDT, who had been elected at the present Conference, would the period 1992-1994 not be regarded, for purposes of eligibility for re-election, as constituting a term of office.

10.8 The delegate of Japan, while understanding both the importance and necessity of early implementation of the new ITU structures, said that the draft resolution presented a number of legal problems. He could agree to the swift implementation of conferences and study group activities in the new Sectors, and stressed that the status and duties of officials elected at the Nice Plenipotentiary Conference were still those laid down in the Nairobi Convention. He also recognized that the duties assigned to the new Radio Regulations Board were quite different from the tasks defined for the IFRB in the Nairobi Convention, but he doubted whether the draft resolution under consideration would have the legal force to overturn the provisions of that Convention.

10.9 The delegate of Spain endorsed the previous speaker's remarks with regard to the legal status of the draft resolution. He stressed that the duties of the Members of the IFRB were clearly defined in the Nairobi Convention and that any Board Member would be perfectly justified in objecting to the application of the draft resolution under discussion. For those reasons, not to mention the concerns expressed by the delegates of Morocco and Senegal, he had not wished to co-sponsor the draft resolution.

10.10 The delegate of Algeria, referring to the relevant provisions of the Nairobi Convention, endorsed the remarks by the delegates of Japan and Spain with regard to the status of elected officials. He was also grateful to the United States delegate for reminding the Committee of the proposal made during the last session of the Administrative Council to the effect that the first term of office of the Director of the BDT should expire not in Kyoto but at the subsequent Plenipotentiary Conference.

10.11 The delegate of China endorsed the remarks by the delegates of Senegal and Japan.

10.12 The Chairman said that, due to lack of time, the Committee would not be able to pursue its consideration of the draft resolution any further.

11. Completion of the Committee's work

11.1 The Chairman suggested that the Committee should authorize him to approve its pending summary records, subject to any amendments which delegates might wish to submit to the Secretariat in writing.

11.2 It was so agreed.

11.3 The delegate of Canada expressed his appreciation to the Chairman for his excellent conduct of the proceedings.

11.4 The Chairman thanked all those who had contributed to the smooth running of the Committee's business.

The meeting rose at 1715 hours.

The Secretary: The Chairman:

K. OLMS C.L. OLIVER

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 200-E
6 January 1993
Original: French

PLENARY MEETING

MINUTES

OF THE

FIFTH PLENARY MEETING

Wednesday, 16 December 1992 at 1405 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Election of the Director of the Telecommunications Development Bureau (BDT) (continued)	-
2.	Third series of texts submitted by the Editorial Committee for first reading (B.3)	130
3.	Fourth series of texts submitted by the Editorial Committee for first reading (B.4)	135
4.	First series of texts submitted by the Editorial Committee for second reading (R.1)	136

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1. Election of the Director of the Telecommunications Development Bureau (BDT) (continued)

1.1 The Chairman, after reminding the meeting that only Mr. Dijiwatampu and Mr. Jipguep remained in contention, announced that the Republic of Chad had regularized its situation and was thus entitled to vote. He invited the tellers, provided by the delegations of the United States, Finland, Poland, Nigeria and Japan, to take their places. He then announced the commencement of voting.

1.2 The delegations were called up in turn to deposit their ballot papers.

1.3 The votes having been counted, the Chairman announced that a total of 138 ballot papers had been deposited, of which one was blank; the required majority was thus 69.

1.4 The result of the voting, in alphabetical order, was:

Mr. Dijiwatampu: 73

Mr. Jipguep: 64

1.5 Mr. Dijiwatampu was therefore elected to the post of Director of the BDT.

(Applause)

1.6 The Chairman congratulated the Director-elect and wished him every success in his work. The Union had been truly fortunate to have such a large number of highly qualified candidates in the election.

1.7 The delegate of Indonesia expressed his wholehearted gratitude to the delegations for having supported the candidate from his country. The election result was an honour for his country, which had always attached great importance to the Union's work. He assured all delegates that the new Director would do his utmost to defend the interests of all the Members of the Union.

1.8 The Director-elect of the BDT made the statement reproduced in Annex 1.

1.9 The Deputy Secretary-General, speaking as an unsuccessful candidate for the post of the Director of the Telecommunications Development Bureau, wished to be the first to congratulate the Director-elect and to assure him of his support. He also wished to thank all the Members who had voted for him, thereby honouring his country and the Africa region. Finally, he paid tribute to the other candidates, who he hoped would continue to place their skills at the service of the Union. The election of the Director of the BDT was the second historic decision which had been taken by the Additional Plenipotentiary Conference, following the decision to introduce a part-time Radio Regulations Board. Both events were important landmarks in the history of the ITU, which would help the 127 year old organization on its way into the 21st century.

1.10 The Secretary-General made the statement reproduced in Annex 2.

2. Third series of texts submitted by the Editorial Committee for first reading (B.3) (Document 130)

2.1 The Chairman invited delegates to consider Document 130 article by article.

Articles 13B, 13C, 13D and 13E of the draft Constitution

2.2 Approved.

Article 14 of the draft Constitution

2.3 The Chairman said that CS112 was still being studied in the competent Committee, and requested the two countries which had entered reservations on ADD CS116B whether they wished to maintain their reservations.

2.4 The delegates of the Netherlands and the United States withdrew their reservations.

2.5 Article 14 was approved, subject to consideration of CS112.

Articles 14A, 14B and 14C of the draft Constitution

2.6 Approved.

Article 6 of the draft Convention

2.7 The delegate of China, referring to (MOD) CV122C, pointed out that the question of the Advisory Group had not been finally settled within Committee 4. He therefore proposed that Article 6 be placed in square brackets.

2.8 The delegates of Algeria and Lebanon supported that proposal.

2.9 The Chairman of Committee 4 thought that it would be sufficient to place the words "the guidance of the Advisory Group referred to in No. 122L of this Convention and" in (MOD) CV122C in square brackets.

2.10 It was so agreed.

2.11 The delegate of Mexico pointed out that (MOD) CV120A, which referred to No. 111B of the Constitution, related to a world conference. She wondered precisely what was meant by a "conference": a single conference, an annual conference or some other concept?

2.12 The Chairman of Committee 4 said that that specific point had not been discussed in Committee. In his opinion, however, there was no problem since it was a reference to the Constitution.

2.13 The delegate of Mexico accepted the provision in principle, subject to the explanations which she would subsequently be given by the Chairman of Committee 4.

2.14 Article 6, except the parts in square brackets, was approved, subject to the above comments.

Article 7A of the draft Convention

2.15 The Chairman of Committee 6 drew attention to MOD CV128D, which contained two sets of square brackets. The matter would have to be settled before the corresponding pink documents were issued.

2.16 The delegate of Cuba said that several delegations had agreed to propose, as a solution, that the words in the first set of square brackets be replaced by "should establish" and those in the second square brackets by "mobilization of".

2.17 Replying to a question by the Chairman, the Chairman of Committee 4 thought that the proposal could be accepted, since it had already been coordinated, unless any delegations had objections.

2.18 The delegate of Côte d'Ivoire pointed out that for the sake of consistency and to respect the sequence of tenses, it would be preferable to say "shall fix objectives" rather than "should".

2.19 Following a brief discussion on whether or not the conditional tense should be used, in which the delegates of Morocco, Côte d'Ivoire and Mexico and the Chairman of Committee 6 took part, the Chairman proposed that Committee 4 should be invited to prepare the final text in the light of the suggestions made by the different delegations.

2.20 It was so agreed.

2.21 Article 7A was approved, subject to those comments.

Article 7C of the draft Convention

2.22 The Chairman of Committee 6 pointed out that CV128K was still under discussion and that a phrase remained in square brackets in (MOD) CV128P pending a decision by Committee 4.

2.23 The delegate of Greece proposed that the words "catalytic role", which accurately reflected the role of the new ITU, should be maintained in (MOD) CV128P and that the square brackets should be deleted.

2.24 The Chairman of Committee 4 observed that the words in question were used in other provisions and that the delegate of Spain had been requested to reflect on an appropriate term. The words should thus be kept in square brackets for the time being.

2.25 Article 7C was approved, subject to reconsideration of the parts left in square brackets.

2.26 With the exception of the parts remaining in square brackets, the third series of texts submitted by the Editorial Committee (B.3) was approved on first reading.

3. Fourth series of texts submitted by the Editorial Committee for first reading (B.4) (Document 135)

3.1 The Chairman invited delegates to consider Document 135 article by article.

Article 9A of the draft Constitution

3.2 The Chairman said that, according to the Chairman of Committee 4, the square brackets in (MOD) CS69C could be deleted, whereas the square brackets in NOC CS69D had to be maintained for the time being.

3.3 The Chairman of Committee 6 said that in future, as agreed with the Chairmen of Committees 4 and 5, the square brackets around words such as "Sector" or "Directors of the Bureaux" would be deleted in all texts submitted to the Plenary Meeting for second reading.

3.4 The delegate of Mexico recalled that his delegation had submitted a proposed amendment (MEX/57/9) relating to (MOD) CS69C; as the discussion in Committee 5 had been inconclusive, he wished to introduce his proposal in Plenary.

3.5 The delegate of China stressed that his delegation had submitted proposed amendments, along the same lines as Mexico's proposal, relating to (MOD) CS69C and NOC CS69D.

3.6 The Chairman said that items still under discussion in Committees 4 and 5 should remain in square brackets and should not be discussed in Plenary at that stage.

3.7 Article 9 was approved, subject to the above comments.

Article 33 of the draft Constitution

3.8 The Chairman said that the whole of the Article should be left in square brackets, since it was still under discussion in Committee.

3.9 The delegate of Colombia did not agree that the square brackets should be maintained. He was opposed to any amendment of Article 33, which set out important principles on the use of the geostationary-satellite orbit. Under the terms of Resolution No. 2 of the Nice Plenipotentiary Conference, consideration of Article 33 was not within the purview of the Additional Plenipotentiary Conference.

3.10 The Chairman said that the Plenary must wait until Committee 4 had finished discussing Article 33 before taking up consideration of that Article.

3.11 It was decided to leave Article 33 in square brackets.

Articles 44 and 47 of the draft Constitution.

3.12 Approved.

Article 1A of the draft Convention

3.13 The Chairman said that the square brackets in MOD CV6F could be deleted, whereas ADD [CV6M], ADD [CV6N] and ADD [CV6O] had to remain in square brackets since they were still under discussion in Committee 5.

3.14 Article 1A was approved, subject to the above comments.

Article 25 of the draft Convention

3.15 The Chairman said that the square brackets in ADD CV260A should be maintained, the words "at its Radio Regulations Committee" should be deleted in NOC CV265 and the square brackets in (MOD) CV268 should be removed. According to the information he had received, the square brackets in ADD [CV273A] and ADD [CV273B] should be retained. Square brackets should also be inserted around NOC CV311A, which was still under discussion in Committee 5. The last sentence in NOC CV364 should also be left in square brackets. Finally, the square brackets in (MOD) CV367 should be deleted.

3.16 The delegate of Algeria did not share that view concerning the square brackets in CV367, which he believed should be maintained. He reserved the right to come back to that issue.

3.17 Article 25 was approved, subject to the above comments.

Article 35 of the draft Convention

3.18 Approved.

3.19 With the exception of the parts still in square brackets, the fourth series of texts submitted by the Editorial Committee (B.4) was approved on first reading.

4. First series of texts submitted by the Editorial Committee for second reading (R.1) (Document 136)

4.1 The Chairman invited delegates to consider Document 136 article by article.

Preamble and Article 2 of the draft Constitution

4.2 Approved.

Article 3 of the draft Constitution

4.3 At the request of the Chairman of Committee 6, it was decided to defer consideration of that Article to a later meeting.

Article 4 of the draft Constitution

4.4 The delegate of the Russian Federation asked whether it would be possible in NOC CS28 to say International Radio Regulations instead of just Radio Regulations.

4.5 The Legal Adviser, while understanding the reasons behind the Russian Federation delegate's proposal, said that the term used for decades had always been the Radio Regulations. Any change should be made at a world radiocommunication conference.

4.6 The delegate of the Russian Federation withdrew his proposal.

4.7 Article 4 was approved.

Article 5 of the draft Constitution

4.8 Approved.

Article 6 of the draft Constitution

4.9 The delegate of Algeria asked that an initial capital letter be used when speaking of the instruments of the Union.

4.10 The Chairman of Committee 6 , speaking at the request of the Chairman, said that the Plenary Meeting could decide to use an initial capital, but that such a decision would be inconsistent with the general rules followed in the United Nations.

4.11 The Chairman thought that, at the time when efforts were being made to standardize practices, it would be preferable to retain the lower case "i".

4.12 It was so agreed.

4.13 Article 6 was approved.

Articles 18 to 20 and 22 to 25 of the draft Constitution

4.14 Approved.

Article 26 of the draft Constitution

4.15 The delegate of Uruguay said that very recently, in Document 138, he had submitted an important proposal concerning NOC CS163, which he hoped could be taken into account in the manner which the Chairman deemed most appropriate.

4.16 The Chairman thanked the delegate of Uruguay for his proposal. Given its late submission, however, he asked the delegate of Uruguay to submit it on another occasion[1].

4.17 Article 26 was approved.

Articles 27 to 32 and 34 to 40 of the draft Constitution

4.18 Approved.

Article 41 of the draft Constitution

4.19 The Chairman said that the square brackets could be removed in MOD [CS189].

4.20 Article 41 was approved, subject to that clarification.

Articles 42, 43, 45 and 46 of the draft Constitution

4.21 Approved.

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1 A communication on this subject addressed to the Chairman of the Conference by the delegation of Uruguay is reproduced in Annex 3.

Article 1 of the draft Convention

4.22 Approved.

Article 8 of the draft Convention

4.23 The Chairman said that the square brackets in MOD CV136 should be deleted.

4.24 Article 8 was approved, subject to that clarification.

Articles 29 to 34 of the draft Convention

4.25 Approved.

4.26 With the exception of Article 3 of the draft Constitution, the first series of texts submitted by the Editorial Committee (R.1) was approved on second reading.

The meeting rose at 1640 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

Annexes: 3

ANNEX 1

Statement by the Director-elect of the BDT

Allow me to greet you in the popular Indonesian way: Assalammi assalammu'alaikum warrochmattulohi wabarakatuh, and, Peace be with you.

First, which is very important, I would like to thank those of you who have voted for me.

In doing so, you have set a very important milestone in the history of the ITU, by electing not only the first Director of the BDT, but also a candidate from a region of very rich diversity in its economic and telecommunication development. It is also a very fast-growing region, which can share its experience with other countries. I am sure that the ITU and all its Members will benefit from this link.

You will not regret your election, because your candidate, who is now the holder of this very important BDT post, will work for the interest of the developing countries, especially the least developed ones, in order to raise the level of their telecommunication development as soon as possible. By doing this, in fact, we will also help the developed world, because by narrowing the gap we will be able to solve our common problems better and more rapidly.

It is a great pleasure to observe during my discussions with many delegations, from the developing as well as the developed countries, that they have the same desire, the same goal, that BDT resources and outside resources from donors should be utilized directly to benefit the recipients in the field.

I cannot agree more with this policy.

As I do not want to take too much of your time, I just want to say that I am open to any innovative idea which will be of benefit to the Members of the ITU, especially the developing countries, those which need the most assistance. And please remind me and criticize me if you think I am not living up to this goal or acting too slowly to achieve it.

I think it would be better for me to withdraw from this high-level strategic important post before you cast me out. But of course I will consult you before I do so.

May I now also turn to those who did not vote for me. I will not discriminate against them! In fact, I should be grateful to them: the fact that some do not yet know me, or are not familiar with my programmes, means that I shall have to work harder to satisfy the Members concerned.

Those Members too have the right to benefit from the BDT. Please feel free to contact me as soon as you find it necessary, otherwise I will come to you.

Allow me then to turn to my colleagues from my own country. I am amazed myself at the incredibly solid support from my Government, especially from the Ministry of Tourism, Posts and Telecommunications, led by the Secretary-General, Mr. J. Parapak, and the Director-General of Posts and Telecommunications, also the Ambassador at the Indonesian Mission, Mr. Sumadi Brotodiningrat, and Mr. Abdulmachman, Ambassador of Indonesia to Turkey.

Once again, I thank you all.

Long live the ITU.

ANNEX 2

Statement by the Secretary-General

Mr. Chairman,

Distinguished Plenipotentiaries,

I too should like to welcome most warmly the newly elected Director of the BDT (or, in square brackets, the Director of the Development Sector), my good friend Mr. Arnold Djiwatampu, to Geneva to work towards the noble goals of the ITU and the development of telecommunications in particular. This will mean a lot of hard work, but I am sure that with the help of all Member States and with the good BDT staff, it can be done.

The decision taken at this meeting is of course a highlight of this historic Conference, a highlight in the history of our Union's development activities and certainly a major highlight in the history of the BDT and the early history of the Development Sector ... a lot of history. You can all imagine my strong personal feeling of relief. During the past three years I have taken care of, or at least tried to take care of, the duties of the Director of the BDT, and I can tell all of you, and Arnold in particular, that it has not been easy. Not only because I have had two jobs and only one salary but, more importantly, because this job needs somebody full-time and even more than full-time, and also because it needs somebody with a deep and broad knowledge of telecommunications development: somebody like Arnold Djiwatampu and not somebody like myself.

Now we should look ahead. The expectations are tremendous. Expectations of all ITU Members, developing as well as developed, expectations of all those interested in global telecommunications development and, in particular, expectations of the BDT staff. We have only 21 months to go to Kyoto, and there the work will be evaluated. It is a very short period and there is a lot of work. I do not know how we can do it, but we will try.

Mr. Chairman, at this time I can only reiterate my warm words of welcome and commit myself to supporting the new Director in his difficult task and to cooperating with him together with the rest of the family, together with the elected officials and the BDT staff.

I know that we have a good team and I am looking forward with optimism to Kyoto and beyond.

Thank you very much.

ANNEX 3

Communication from the delegation of Uruguay

The delegation of the Eastern Republic of Uruguay has the honour to address the Chairman of the Additional Plenipotentiary Conference (APP-92), with reference to the proposed amendment to No. CS163 of Article 26 of the Constitution of the Union which our country had submitted for consideration by the Plenary Meeting of the Conference.

For procedural reasons, our country's submission could not be studied at the time, and had to be deferred to the next meeting of plenipotentiaries.

Nevertheless, Mr. Chairman, we wish to place on record the importance which Uruguay attaches to the right to privacy and the need for that right to be covered by appropriate regulations.

It was these considerations which prompted our delegation to propose the amendment in question, since we believe that all technological developments must necessarily be accompanied by precise legal rules protecting individual rights and fundamental human freedoms.

Accordingly, Mr. Chairman, we request you to make arrangements for the minutes of the Conference to reflect the proposal which was formally submitted by Uruguay with respect to No. CS163 of Article 26 concerning protection of the right to privacy of all telecommunication system users.

The delegation of the Eastern Republic of Uruguay takes this opportunity to reiterate to you, Mr. Chairman, the assurances of its high consideration and personal esteem.

Geneva, 18 December 1992

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 201-E
7 January 1993
Original: English

PLENARY MEETING

MINUTES

OF THE

SIXTH PLENARY MEETING

Friday, 18 December 1992 at 0910 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Report of Committee 2 to the Plenary Meeting	139
2.	Fifth series of texts submitted by the Editorial Committee for first reading (B.5)	151, 27(Add.1), 31
3.	Second series of texts submitted by the Editorial Committee for second reading (R.2)	153
4.	Report of the Voluntary Group of Experts to the Plenary Meeting	30
5.	Oral reports by the Chairmen of Committees 3, 4 and 5	-

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Report of Committee 2 to the Plenary Meeting (Document 139)

1.1 The Chairman of Committee 2 introduced the report contained in Document 139, drawing attention to the recommendation in the last paragraph that the Plenary should authorize the Chairman and Vice-Chairman of Committee 2 to verify the credentials received after the date of the report and to submit their conclusions to the Plenary Meeting.

1.2 The Secretary of Committee 2, in response to comments by the delegates of Mexico and Chad, confirmed that the credentials deposited by those countries having the right to vote had been found to be in order. A number of other countries had changed status. The delegation of Chad should be transferred from section 2 to section 1 of the annex to the report, the delegations of Italy, Madagascar, Mexico, Tanzania and Uruguay should be transferred from section 4 to section 1. The delegation of Albania should be included in section 4. The requisite corrigendum to Document 139 would be issued.

1.3 Subject to the changes indicated by the Secretary of Committee 2, Document 139 was approved, and the Chairman and Vice-Chairman of the Committee were authorized to verify any credentials received after 17 December 1992.

2. Fifth series of texts submitted by the Editorial Committee for first reading (B.5) (Documents 151, Addendum 1 to 27, 31)

2.1 The Chairman, before inviting the meeting to take up the fifth series of texts submitted for first reading, requested delegates not to reopen discussions which had already taken place in the Committees, to confine their comments to essentials and to be as brief as possible. He suggested that for more complex points, interested delegations might hold informal consultations with a view to achieving the consensus referred to in No. 581 of the Nairobi Convention. He then invited the meeting to consider Document 151 article by article.

Article 1 of the draft Constitution

2.2 The delegate of Mexico drew the attention of the Committee 6 to a drafting error in MOD CS6A.

2.3 Subject to that drafting amendment, Article 1 was approved.

Article 3 of the draft Constitution

2.4 The Chairman said that the square brackets in (MOD) CS24 could be removed.

2.5 The delegate of the United Kingdom recalled that Committee 4 had identified that provision as possibly requiring a consequential amendment in order to extend its scope to cover radiocommunication assemblies also.

2.6 The Chairman of Committee 4 said that his Committee had based its work on the assumption that general references to conferences would encompass radiocommunication assemblies.

2.7 Article 3 was approved, subject to possible redrafting of (MOD) CS24 to take account of the point raised by the United Kingdom delegate.

Article 10 of the draft Constitution

2.8 Approved.

Annex to the draft Constitution

2.9 The delegate of the Republic of Korea, referring to the definition of "operating agency" in MOD CS1007, pointed out that in Committee 5 it had been agreed that the term should cover both private and governmental agencies. He suggested that the words "governmental establishment" should be replaced by "governmental agency" or, even better, that the definition should read simply "Any individual, company or governmental institution which operates ...".

2.10 The Chairman of Committee 6 observed that, in view of the lengthy discussions which had taken place at committee level, considerable difficulties might arise if further major changes were made to the text.

2.11 The delegate of the Russian Federation considered that the proposed amendment was of a substantive nature and could not be dealt with by Committee 6. He was in favour of using the words "any entity", rather than listing specific bodies.

2.12 The delegate of Brazil said that after lengthy discussion in Committee 5 consensus had been reached on the text now before the Plenary Meeting. He therefore proposed that the present wording should be retained, subject only to the substitution of the word "agency" for "establishment".

2.13 It was so agreed.

2.14 The Annex, as amended, was approved.

Article 9A of the draft Convention

2.15 The Chairman said that both pairs of square brackets could be removed from ADD [CV155D]. Furthermore, it had been suggested at committee level that provisions ADD [CV155LA] and ADD [CV155P] might be deleted.

2.16 It was so agreed.

2.17 The delegate of Japan considered that some reference should be made to radiocommunication assemblies in either Article 9A or Article 9. That was linked with the point made earlier by the delegate of the United Kingdom in connection with Article 3 of the draft Constitution. He pointed out that in Document 137(Rev.1), ADD CS85Ebis referred to "radiocommunication assemblies, which shall be associated with world radiocommunication conferences". Furthermore, Article 11B referred to both radiocommunication conferences and radiocommunication assemblies. The question of whether radiocommunication assemblies should be associated with radiocommunication conferences or should be regarded separately, and whether or not they required an invitation to be sent out by the Secretary-General, needed to be clarified.

2.18 The Chairman of Committee 4 emphasized that there were instances when general references were made to conferences and others when specific references were made; where invitations were concerned, the general understanding was that the word "conferences" encompassed assemblies.

2.19 The Legal Adviser confirmed that, under Article 3 of the draft Constitution, radiocommunication assemblies were covered by the term "conferences"; by interpretative extension, such coverage might also be accepted for other provisions. Article 9A of the draft Convention, however, was not relevant in this respect, since it dealt, in its present version contained in Document 151 (B.5), only with standardization and development conferences; the point should, therefore, rather be raised under Article 9 dealing specifically with radiocommunication conferences.

2.20 The delegate of Morocco observed that there were several provisions where a distinction needed to be made between radiocommunication conferences, which were governmental in character, and radiocommunication assemblies, in which the private sector participated. In his view, it would be wise to make that distinction throughout the entire Constitution and Convention.

2.21 The delegate of the United Kingdom said that the term "conferences" might be taken to include assemblies in the context of the rules of procedure; in substantive provisions of the Constitution and Convention concerning obligations and rights of Members and invitations to meetings, however, radiocommunication assemblies should be treated separately.

2.22 The delegate of the Russian Federation supported that suggestion, observing that it might be useful to consider the possibility of extending Article 9A to cover radiocommunication assemblies.

2.23 The Chairman suggested that the Legal Adviser should be asked to take note of the points raised in the discussion and to review Article 9A with interested delegations.

2.24 It was so agreed.

Article 26 of the draft Convention

2.25 The Chairman suggested that MOD [CV375], MOD [CV376] and MOD [CV377], all of which were in square brackets, should be discussed after the other provisions of Article 26.

2.26 It was so agreed.

2.27 The delegate of Mexico, referring to the reservation entered by his delegation in respect of NOC CV385A (Document DT/14), pointed out that that provision was closely linked with H.L.C. Recommendation 45 concerning voluntary contributions for projects of special interest which might not concern the majority of participants. He proposed, therefore, that the phrase "and with the programmes adopted by a conference" should be inserted after the word "Union".

2.28 The delegates of Venezuela, Cuba, Lebanon and Argentina supported that proposal.

2.29 The delegate of Morocco, while agreeing with the basic principle behind the proposal, observed that the addition of such a phrase, which was valid for standardization and radiocommunication conferences, might restrict the BDT's ability to accept voluntary contributions unless a formal decision had been taken by a development conference.

2.30 The delegate of Canada considered that the problem might be solved by adding the words "and programmes" after the word "purposes" in the fourth line of the text.

2.31 The Chairman suggested that informal consultations should be held between the delegations of Mexico, Morocco, Canada and others, with a view to producing a consolidated text of the provision.

2.32 It was so agreed.

2.33 There being no further comments on the remainder of the article, the Chairman invited delegates to take up MOD [CV375], MOD [CV376] and MOD [CV377], which it had not been possible to discuss at committee level.

2.34 The delegate of the United Kingdom drew attention to proposal EUR/27/68 submitted by a number of European countries to amend provision CV376 to reflect the fact that the entitlement of international organizations to participate in ITU meetings without contributing to expenses was subject to reciprocity. He also proposed the deletion of the words "Radio Regulations Committee of" in the second line of MOD [CV377] and the addition of the words "a radiocommunications assembly" to the list of conferences named.

2.35 The delegate of Morocco introduced proposals MRC/31/11 to 17, which had not been discussed in Committee 5 and which were aimed essentially at breaking down the three provisions into shorter and more manageable sentences, while leaving the content substantially unchanged. He would have no objection to the United Kingdom proposals being incorporated in his Administration's text.

2.36 The Chairman, noting that there appeared to be general support for the Moroccan and United Kingdom proposals, suggested that the two delegations should produce a joint text incorporating their respective amendments.

2.37 It was so agreed.

2.38 On the understanding that consolidated texts would be produced for MOD [CV375], MOD [CV376], MOD [CV377] and NOC CV385A, Article 26 was approved.

Article 28 of the draft Convention

2.39 Approved.

Annex to the draft Convention

2.40 Approved.

2.41 With the exception of Article 9A, the fifth series of texts submitted by the Editorial Committee (B.5), as amended, was approved on first reading.

3. Second series of texts submitted by the Editorial Committee for second reading (R.2) (Document 153)

3.1 The Chairman invited the meeting to consider Document 153 article by article.

Article 8 of the draft Constitution

3.2 Approved.

Article 10 of the draft Constitution

3.3 Approved subject to the deletion of the square brackets around the text of MOD [CS70].

Articles 11 and 15 of the draft Constitution

3.4 Approved.

Article 16 of the draft Constitution

3.5 Approved subject to the deletion of the text of MOD [CV132], as proposed by Committee 5.

Articles 17 and 21 of the draft Constitution

3.6 Approved.

Article 3 of the draft Convention

3.7 Approved subject to the deletion of provisions CV41 and CV69, as proposed by Committee 5.

Article 4 of the draft Convention

3.8 Approved subject to the deletion of provision CV90, as proposed by Committee 5.

Article 4A of the draft Convention

3.9 Approved.

Articles 9 and 10 of the draft Convention

3.10 The Chairman observed that amendments would need to be made to a number of paragraphs in the light of decisions taken by the relevant Committees.

3.11 The Legal Adviser suggested that further discussion of Articles 9 and 10 should be deferred until the question of the relationship between radiocommunication assemblies and radiocommunication conferences had been settled.

3.12 It was so agreed.

Articles 11, 12 and 13 of the draft Convention

3.13 Approved.

Article 14 of the draft Convention

3.14 The delegate of Morocco proposed that the title of the article should be amended to read: "Time-Limits and Conditions for Submission of Proposals and Reports to Conferences and Meetings".

3.15 The delegate of the United Kingdom expressed reservations as to the appropriateness of the proposed title.

3.16 The delegate of Germany said that he too had reservations in that respect; perhaps the square brackets in the title should be retained until more was known about the structure of the Radiocommunication Sector's meetings.

3.17 The delegate of Morocco, in the light of the reservations expressed, withdrew his proposal.

3.18 Article 14 was approved subject to the deletion of the square brackets in the title.

Article 15 of the draft Convention

3.19 The Legal Adviser said that it might be advisable to defer a final decision on the Article, which raised the same problem as Articles 9 and 10.

3.20 It was so agreed.

Article 27 of the draft Convention

3.21 Approved.

3.22 With the exception of Articles 9, 10 and 15 of the draft Convention, the second series of texts submitted by the Editorial Committee (R.2), as amended, was approved on second reading.

4. Report of the Voluntary Group of Experts to the Plenary Meeting (Document 30)

4.1 The Chairman of the Voluntary Group of Experts said that, although work had fallen slightly behind the schedule approved by the Nice Plenipotentiary Conference, the Group expected to be ready to report to the Administrative Council in 1993 and to complete its work by the first quarter of 1994 in preparation for a world radio conference expected to be held in the second half of 1995. At present, some teams were working in Geneva and other experts in their home countries, in cooperation with their administrations, on draft texts for simplified Radio Regulations.

4.2 The delegate of New Zealand said that since the present Plenipotentiary Conference had taken a number of key decisions with regard to the Radiocommunication Sector, it was perhaps appropriate for a resolution to be adopted in order to take note of those decisions which affected the future work of the VGE and to specify that the latter's findings should be placed on the agenda of a future world radio conference. Should the principle of such a resolution be found acceptable, his delegation was prepared to cooperate with others in preparing a suitable draft text.

4.3 The delegate of Algeria, observing that the report of the VGE had been prepared well before the present Plenipotentiary Conference, considered that it was inappropriate for certain acronyms to have been placed in square brackets at a time when no decisions had yet been taken regarding the bodies or organs concerned.

4.4 The delegate of Lebanon associated himself with the views expressed by the previous speaker and supported the very constructive proposal made by New Zealand.

4.5 The Chairman thanked the Chairman of the VGE for his report and wished the Group success in its very important work.

5. Oral reports by the Chairmen of Committees 3, 4 and 5

5.1 The Chairman of Committee 3 said that the situation with regard to expenditure for the Conference as at 16 December 1992 was satisfactory and that further information in that connection would be submitted in due course. One important point discussed by the Committee related to the estimates requested by some administrations regarding the cost of the IFRB if it were to function on a non-permanent basis. Sufficient details about the Board's composition and working procedures were not yet available, and a further report would be given on the matter as and when more information was forthcoming.

5.2 The Chairman of Committee 4 said that his Committee had held 17 meetings and completed its consideration of the treaty texts, although some elements remained within square brackets. There remained outstanding a number of draft resolutions which had been given preliminary consideration and referred to coordinating groups which would report directly to the Plenary Meeting. One of those texts related to advisory groups in the Sectors and he hoped that the Plenary would be able to deal with it as early as possible since it would have a number of consequences for the draft treaty texts. Preliminary discussions had also been held in the Committee on interim arrangements but no text had been drawn up. Furthermore, as a result of decisions taken regarding the structure of radiocommunication conferences and assemblies, some coordination would be required between the Chairmen of Committees 4, 5 and 6 regarding the editorial approach to be taken.

5.3 The Secretary of Committee 5, reporting on behalf of the Chairman, said that the Committee had held 12 meetings and had completed consideration of the texts assigned to it, although some articles could not be considered in depth owing to the fact that Committee 4's findings on the texts in question were being awaited.

5.4 The oral reports by the Chairmen of Committees 3, 4 and 5 were noted.

The meeting rose at 1135 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 202-E
11 January 1993
Original: English

PLENARY MEETING

MINUTES

OF THE

SEVENTH PLENARY MEETING

Friday, 18 December 1992 at 1440 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Oral report by the Chairman of Committee 2	-
2.	Draft resolution on the tasks and objectives of the BDT	141
3.	Sixth series of texts submitted by the Editorial Committee for first reading (B.6)	158
4.	Third series of texts submitted by the Editorial Committee for second reading (R.3)	159
5.	Fourth series of texts submitted by the Editorial Committee for second reading (R.4)	160

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1. Oral report by the Chairman of Committee 2

1.1 The Chairman of Committee 2 announced that the Albanian delegation had deposited its credentials, which had been found to be in order. The requisite corrigendum to Committee 2's report to the Plenary Meeting (Document 139) would be issued in due course.

2. Draft resolution on the tasks and objectives of the BDT (Document 141)

2.1 The delegate of Côte d'Ivoire introduced the draft resolution in Document 141, the operative part of which called for the convening of the first world telecommunication development conference as soon as possible before the Kyoto Plenipotentiary Conference with a view to studying *inter alia*: support for developing countries in order to increase their effective participation in the activities of the different Sectors of the Union; training of human resources in the fields of planning, technical network management, financial management and the marketing of goods and services; implementation of a policy for the industrialization of the developing countries in conjunction with the bilateral and multilateral organizations concerned; mobilization of the resources necessary for the execution of those activities, particularly the financing of the projects in development plans; and strengthening of the Union's regional presence through the allocation of adequate resources to regional programmes and harmonization of Headquarters activities with those of decentralized structures at the regional and area levels. The draft resolution also instructed the Director of the BDT to study those points and report to the first world development conference with appropriate recommendations, and recommended that the Council should include the item in the agenda of the Kyoto Plenipotentiary Conference.

2.2 The Chairman having called for general comments on the desirability of adopting a resolution of that kind, the delegate of the Netherlands said that her delegation and those of many other European countries had much sympathy with the desire of the draft resolution's sponsors to move fast and to start work in the new Telecommunication Development Sector; however, the draft resolution might be moving a little too fast. The idea of holding the first world telecommunication development conference before the 1994 Plenipotentiary Conference was a good one, but the draft resolution seemed to be setting the greater part of its agenda already, which was perhaps premature. Moreover, in adopting the resolution the Conference would be telling the newly elected Director of the BDT what to do, which might not be very courteous. In addition, the Administrative Council had not had an opportunity to discuss the agenda set out in the draft resolution. It was true that the words *inter alia* appeared in the text, but the items mentioned were very broad in scope and would probably leave little room for addition or expansion.

2.3 The delegate of Italy said that in principle his delegation was in favour of a resolution of that kind. A text setting out the tasks and objectives of the BDT was useful, but greater stress should perhaps be laid on the role that telecommunications must play in development in general.

2.4 The delegate of Sudan supported the draft resolution, which in his view was couched in appropriate language.

2.5 The delegate of Lebanon congratulated the sponsors on having produced a draft resolution of capital importance for the launching of the work of the BDT. The topics it covered would represent only part of the entire programme to be established with the Director of the BDT at the world telecommunication conference, in continuation of the programme already embarked upon by the Secretary-General.

2.6 The delegate of Niger supported the draft resolution and considered that it was in no way discourteous.

2.7 The delegate of Senegal observed that the precursor of the draft resolution, namely, Document 109, had been discussed in both Committees 4 and 5. The text provided general guidance, which was one of the prerogatives of a Plenipotentiary Conference. It did not contain an exhaustive list of the points to be discussed, as was clear from the use of the term *inter alia*.

2.8 In reply to the delegate of Malaysia, who wished to know whether the ITU would be able to prepare for a first world telecommunication development conference before the Kyoto Plenipotentiary Conference, the Secretary-General said that since the Nice Conference the organization had been preparing both for regional telecommunication development conferences and for a world conference to be held well before the Kyoto Plenipotentiary Conference. Although time was short, he was confident that a very useful conference could be held in the first half of 1994 on the lines set out in the draft resolution.

2.9 The delegate of Mali supported the draft resolution, which was couched in general terms. It lacked only a reference to the least developed countries.

2.10 The delegate of Morocco, speaking as one of the sponsors of the draft resolution, first thanked the delegates of the Netherlands and Italy for their support. He went on to remark that several regional development conferences had already been held, generally ending with grandiloquent declarations without any real effect. No conference had yet come to grips with the details of development problems. That was why such great hopes were placed in the first world telecommunication development conference. In the absence of any relevant provisions, the problem arose as to who would prepare and adopt the agenda of that conference. Since it would be the first of its kind it was not mentioned in the Nairobi Convention, which was still in force. The Nice Convention, in which it was mentioned, was not yet in force, and unfortunately the modalities for preparing the agenda were still unclear. That was why his delegation had sponsored the draft resolution, which gave some badly needed guidance for the preparation of the agenda of what would clearly be a most important conference. Some delegations, including his own, believed that the most appropriate course would be for the agenda to be prepared by the Administrative Council in consultation with Member countries. However, since the Council would not be holding its next session until June 1993, it would not have time to do that unless the way was paved for it. Although he had not been able to consult the other sponsors on the matter, he considered that a paragraph should be added to the draft resolution requesting the Secretary-General to carry out a broad consultation of Members of the Union and to submit to the Administrative Council in 1993 a proposal concerning both the draft agenda and the duration of the first world telecommunication conference.

2.11 The delegates of Zambia, Guinea and Liberia supported the draft resolution and wished their delegations' names to be added to the list of sponsors.

2.12 The delegate of Congo observed that the draft resolution in Document 141 in fact supplemented the one in Document 128 relating to immediate action by the BDT, which had been discussed by Committee 4 the previous day and a revised version of which was currently being prepared. His delegation supported Document 141, which was designed to assist the Director of the BDT in his task, and wished its name to be added to the list of sponsors.

2.13 The delegate of Ethiopia said that the draft resolution would give practical effect to the ideas in Document 109, which his delegation had sponsored. He therefore supported it, together with the improvements suggested by the delegate of Morocco, and wished his delegation's name to be added to the list of sponsors.

2.14 The delegate of the Islamic Republic of Iran said that he too supported the draft resolution and was in favour of the additional points proposed by the delegate of Morocco.

2.15 The delegate of the United Kingdom said that his delegation found much merit in the draft resolution. However, the way in which certain ideas were expressed left open some fundamental questions and the text required adjustment, possibly by a drafting group as suggested by the delegate of Morocco. Without such changes his delegation would have difficulty in supporting the draft resolution.

2.16 The delegate of Bahrain said that his delegation was in favour of the draft resolution as amended along the lines suggested by the delegate of Morocco.

2.17 The Chairman, summing up the discussion, said that there had been broad support for the idea underlying the draft resolution. The point had been made that care must be taken not to bypass the other bodies of the Union. Most delegations believed that the agenda of the first world telecommunication development conference should be carefully prepared. Some delegations had reservations about parts of the text, which they would like to see revised. He therefore requested interested delegations, with the delegate of Côte d'Ivoire as coordinator, to hold informal discussions with a view to submitting a revised text to the Plenary Meeting for adoption by consensus.

2.18 It was so agreed.

3. Sixth series of texts submitted by the Editorial Committee for first reading (B.6) (Document 158)

3.1 The Chairman invited the meeting to consider Document 158 article by article.

Article 11A of the draft Constitution

3.2 The delegate of Mexico said that further progress had been made informally on the text of Article 11A.

3.3 At the suggestion of the Chairman, it was agreed to defer discussion until a revised draft was available for consideration.

Article 6 of the draft Convention (continued)

3.4 The Chairman said that the square brackets could be removed from around NOC [CV120A]. On the other hand, the text relating to the Advisory Group in NOC [CV122C] was to remain in square brackets for the time being.

3.5 On that understanding, Article 6 was approved.

Article 6A of the draft Convention

3.6 The Chairman pointed out that the square brackets should remain in the title.

3.7 The delegate of Mexico withdrew his delegation's reservation in respect of (MOD) CV122G.

3.8 The delegate of Algeria drew attention to the note on the cover page of Document 158, which stated that his delegation had reserved its position on MOD CV122L. The subject of the Advisory Group was nevertheless still under informal discussion and it appeared that consensus was close to being achieved.

3.9 The Chairman suggested that the provision should be treated in a similar way to other passages dealing with the Advisory Group and should be placed in square brackets.

3.10 It was so agreed.

3.11 With the exception of the parts of text remaining in square brackets, Article 6A was approved.

Article 6B of the draft Convention

3.12 The delegate of the United States queried the reference in (MOD) CV122S to a report covering a "two-year" period. He had understood that there was to be a four-year interval between conferences.

3.13 After some discussion, the delegate of Morocco explained that the possibility existed of holding an additional conference in the four-year period. If such an additional conference were to be held, then a report would be made to both conferences, each covering the period since the previous conference, i.e. two years. If no additional conference were scheduled, an intersessional report would nevertheless be presented to the Council, and through the Council to the Members of the Union, again covering the two-year period since the last conference. The text was therefore correct as it stood.

3.14 The delegate of New Zealand, supported by the delegate of Algeria, stressed that the provision sought to ensure a two-year reporting cycle, irrespective of the frequency of conferences.

3.15 The delegate of the United States suggested that the Editorial Committee should try to make the text clearer.

3.16 Article 6B was approved.

Article 7C of the draft Convention (continued)

3.17 Approved.

Article 7E of the draft Convention

3.18 The Chairman noted that the square brackets around the reference to the Advisory Group in (MOD) [CV128AK] should be maintained.

3.19 The delegate of Canada, drawing attention to the reference in MOD CV128AI to equitable geographical distribution, said that that end could only be achieved if the Chairmen and Vice-Chairmen of Study Groups were appointed at conferences. He therefore proposed that the text should be amended to read as follows: "... the world telecommunication development conference shall appoint a Chairman of each study group and normally one Vice-Chairman...".

3.20 It was so agreed.

3.21 The delegate of Papua New Guinea proposed, as a consequential amendment, the deletion of the words "by the study group" from the last sentence of ADD CV128AIB.

3.22 It was so agreed.

3.23 The delegate of India proposed that, as a further consequential amendment, the first sentence of ADD CV128AIB should be amended to read: "If the workload of any study group requires, the assembly or conference shall appoint ...".

3.24 The delegate of the United Kingdom expressed concern that the latter proposal might touch upon a matter of substance.

3.25 Following informal consultations, the proposal by the delegate of India was accepted.

3.26 The delegate of Canada said that he would take up some minor editorial matters with the Chairman of Committee 6.

3.27 With the exception of the text remaining in square brackets in (MOD) [CV128AK], Article 7E, as amended, was approved.

Article 7F of the draft Convention

3.28 Approved.

Article 7G of the draft Convention

3.29 At the suggestion of the delegate of Saudi Arabia, it was agreed to place square brackets around the reference to the Advisory Group in (MOD) CV128AQ.

3.30 Following an exchange of views between the Chairman, the delegates of Algeria and Lebanon and the Chairman of Committee 4 concerning the square brackets around the reference to the Chairman of the Radio Regulations Board in MOD [CV128AR], it was agreed that they should be maintained for the time being.

3.31 With the exception of the parts of text in square brackets, Article 7G was approved.

Resolution COM5/1 - Duration of Plenipotentiary Conferences of the Union

3.32 The Chairman recalled that the draft resolution had been generally supported in Committee 5, the only outstanding question being whether or not the four-week limit should be applied to the Kyoto Plenipotentiary Conference.

3.33 The delegate of the Netherlands, supported by the delegate of Kenya, considered that the four-week limit should not apply to the Kyoto Plenipotentiary Conference and, to that end, proposed that **resolves** 1 should be amended to read "that, following the Plenipotentiary Conference to be held in Kyoto ...".

3.34 It was so agreed.

3.35 The delegate of Lebanon drew attention to the financial implications of that amendment and stressed that proper financial arrangements would have to be made to cover the Kyoto Plenipotentiary Conference.

3.36 In reply to a question by the delegate of Japan, the Chairman said that it would be up to the Administrative Council to decide on the duration of the Kyoto Plenipotentiary Conference.

3.37 The delegate of Mexico, while not opposing the draft resolution, pointed out that it appeared to allow the present Additional Plenipotentiary Conference to place restrictions on future Plenipotentiary Conferences. In her view, it was up to the Kyoto Plenipotentiary Conference to take decisions on the subsequent Plenipotentiary Conference.

3.38 Resolution COM5/1, as amended, was approved.

3.39 With the exception of the parts of text remaining in square brackets, the sixth series of texts submitted by the Editorial Committee (B.6), as amended, was approved on first reading.

4. Third series of texts submitted by the Editorial Committee for second reading (R.3) (Document 159)

4.1 The Chairman invited the meeting to consider Document 159 article by article.

Articles 13B, 13C, 13D and 13E of the draft Constitution

4.2 Approved, subject to the retention within square brackets of ADD [CS111C] in Article 13B.

Articles 14, 14A, 14B and 14C of the draft Constitution

4.3 Approved, subject to the retention within square brackets of ADD [CS112] in Article 14.

Article 7A of the draft Convention

4.4 In response to an observation by the delegate of the United States relating to ADD [CV128D], the Chairman of Committee 4 said that there had been general agreement in favour of the words "should fix" currently within square brackets, although the Mexican delegation had proposed the words "shall establish on an indicative basis".

4.5 The delegate of the United Kingdom suggested that the words "shall recommend" could perhaps be adopted.

4.6 The delegate of Saudi Arabia opposed that proposal, stating his preference for the words "should fix".

4.7 Following a brief discussion in which the delegates of Argentina, the United Kingdom, Mexico, Niger, Spain, and Singapore and the Chairman of the Drafting Group took part, it was agreed to adopt the words "should fix" and remove the square brackets.

4.8 Article 7A was approved.

Article 7C of the draft Convention

4.9 It was agreed to delete the square brackets from around the text of ADD [CV128K].

4.10 The delegate of Mexico, referring to ADD [CV128P], thought that the term "catalytic role", currently within square brackets, was not strong enough to reflect the Union's importance in the area of telecommunication development.

4.11 Following a brief discussion in which the delegates of Canada, Algeria, Greece and Spain took part, it was agreed that the interested delegations, together with a member of the Editorial Committee, should hold informal consultations and report their findings to a subsequent Plenary Meeting.

4.12 On that understanding, Article 7C was approved.

4.13 With the exception of the parts of text remaining in square brackets, the third series of texts submitted by the Editorial Committee (R.3) was approved on second reading.

5. Fourth series of texts submitted by the Editorial Committee for second reading (R.4) (Document 160)

5.1 The Chairman invited the meeting to consider Document 160 article by article. He said that the note on the cover page of the document should be disregarded, for the delegation of Algeria did not wish to express reservations concerning CV367.

Articles 44 and 47 of the draft Constitution

5.2 Approved.

Article 1A of the draft Convention

5.3 The delegate of Algeria, supported by the delegate of Cuba, said that there was no need to deal with the members of the Radio Regulations Board under a separate heading, since they would be covered by the earlier heading "Elected officials". The proposed heading "[- Members of the Radio Regulations Board]" should therefore be deleted, and the following three provisions (ADD [CV6M], ADD [CV6N] and ADD [CV6O]) should be renumbered 8-10 so as to read consecutively from the previous text.

5.4 The Legal Adviser observed that the members of the Radio Regulations Board, being elected as individual experts, would not be international civil servants. As a guide to the distinction to be made between the two types of elected office holders, he drew attention to the proposed new wording of Article 9A of the draft Constitution, in particular the provisions in Nos. CS69C and CS69D thereof, as contained in Document DT/14.

5.5 The delegate of Algeria said that he would not press the point.

5.6 The Chairman, referring to ADD [CV6M], said that the Committee Chairmen had concluded that it would be more logical if members of the Radio Regulations Board were eligible for re-election once only. He took it, therefore, that the word "twice" in square brackets towards the end of the provision should be deleted.

5.7 It was so agreed.

5.8 Article 1A was approved subject to the deletion of all the square brackets remaining in the text.

5.9 The delegate of Mexico made the statement reproduced in Annex 1.

Article 25 of the draft Convention

5.10 Following an observation by the Legal Adviser, the Chairman said that for the time being the square brackets were to be retained in the texts of ADD [CV260A], MOD [CV273], ADD [CV273A], ADD [CV273B], ADD [CV311A] and MOD [CV364], in view of the decision to adopt the term "radiocommunication assembly".

5.11 The delegate of Japan, referring to ADD [CV311A], recalled that his delegation had reserved the right to propose the term "radio technical assembly".

5.12 With those observations, Article 25 was approved.

Article 35 of the draft Convention

5.13 Approved.

5.14 With the exception of the parts of text remaining in square brackets, the fourth series of texts submitted by the Editorial Committee (R.4) was approved on second reading.

The meeting rose at 1750 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

Annex: 1

Annex 1

Statement by the delegation of Mexico

The delegation of Mexico considers that a part-time Board is not justified for the following reasons:

1. Recommendation 61 of the High Level Committee is based on considerations of routine activity, which we do not believe to be the main function of the IFRB, and on the assumption that the effect of the revision of the Radio Regulations incorporating the results of the VGE will be to greatly facilitate the work of the Board.

2. No proper evidence has been provided regarding any savings which could be derived compared with a full-time Board. On the contrary, in the light of recent discussions there are grounds for believing that the savings would not be as substantial as has been made out.

3. Differentiating between members of the part-time Board and other elected officials amounts to attributing a lower status to the Board.

4. The fact that there are more members of the part-time Board is no guarantee, proportionately, of any greater participation by developing countries. There has always been an effort in the ITU to preserve a suitable geographical distribution and a balanced distribution between developing and developed countries.

5. The members of the part-time Board cannot be prevented from participating in the preparation of their administrations' notifications to the ITU or in the preparation of matters brought up by their administrations at a Union conference or meeting.

6. They will not be restricted to being employees of their administrations only.

As a consequence, we shall not have:

a) either any guarantee of impartiality, independence or suitability;

b) or any adequate representation of countries which find it difficult to safeguard their interests, especially in matters of coordination and Union conferences.

We are not satisfied with the outcome of the vote by which the Union took the important decision to change the full-time Board, in view of the fact that the outcome of the vote was not really decisive, nor was the decision well supported.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 203-E
12 January 1993
Original: French

PLENARY MEETING

SUMMARY RECORD

OF THE

EIGHTH PLENARY MEETING

Saturday, 19 December 1992 at 0940 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed		Documents
1.	Report of Committee 3 to the Plenary Meeting	169
2.	Draft Resolution on the Voluntary Group of Experts to study allocation and improved use of the radio-frequency spectrum and simplification of the Radio Regulations	165
3.	Draft Resolution on the priority tasks of the BDT	141(Rev.1)
4.	Draft Resolution relating to immediate action by the BDT	128(Rev.1)
5.	Draft Resolution on the implementation of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors	171
6.	Seventh series of texts submitted by the Editorial Committee for the first reading (B.7)	174

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

1. Report of Committee 3 to the Plenary Meeting (Document 169)

1.1 The Chairman of Committee 3, introducing his Committee's report (Document 169), said that the accounts of the Conference as at 16 December 1992 showed a saving of around 214 000 Swiss francs in relation to the budget approved by the Administrative Council and adjusted at that date. In response to a request by certain delegations, Committee 3 had prepared an estimate (Document DT/13) of the respective costs of a full-time and a part-time Radio Regulations Board.

1.2 The delegate of Argentina said that a part-time Board would yield considerable savings.

1.3 The delegate of Japan said that, depending on the decision taken by the Council concerning the precise duration of the Kyoto Plenipotentiary Conference, the budget foreseen under that head might prove slightly insufficient, since the estimate was based on the assumption of a four-week conference.

1.4 Report of Committee 3 to the Plenary Meeting (Document 169) was approved.

2. Draft Resolution on the Voluntary Group of Experts to study allocation and improved use of the radio-frequency spectrum and the simplification of the Radio Regulations (Document 165)

2.1 The delegate of New Zealand, who had been requested to prepare the text of the draft Resolution, said that it linked the findings of the VGE expected for 1994 with the programme of conferences. The draft had been approved by a number of delegations, a fact which was confirmed by the Chairman of the VGE.

2.2 The delegate of the United States expressed his support for the draft Resolution, emphasizing the importance of the work of the VGE for all future activities of the Union. As a slight drafting amendment, he suggested that, under **resolves**, the word "primary" should be deleted, to enable the world telecommunication conference to deal also with frequency assignment matters.

2.3 The delegate of Senegal, supported by the delegate of Lebanon, requested the deletion of the **resolves** text in order to align the draft Resolution with that relating to the priority tasks of the BDT.

2.4 The delegate of Morocco suggested the deletion of the **resolves** text and the modification of **invites the Council** 3 to read: "to schedule the world radiocommunication conference of 1995 for the second half of the year and to include in its agenda consideration of the final report of the VGE".

2.5 The delegate of Spain said that **invites the Council** 2 should refer to the members of the new part-time Board to enable the members of the Board in the region concerned to attend the meetings.

2.6 The Chairman proposed that delegations wishing to introduce non-substantive changes should discuss them with the delegation responsible for the draft Resolution.

2.7 It was so agreed.

3. Draft Resolution relating to the priority tasks of the BDT (Document 141(Rev.1))

3.1 The delegate of Côte d'Ivoire said that the text in Document 141(Rev.1) had been approved unanimously by the delegations which had taken part in its preparation.

3.2 The draft Resolution relating to the priority tasks of the BDT was approved in the first reading.

4. Draft Resolution relating to immediate action by the BDT (Document 128(Rev.1))

4.1 The delegate of Lebanon explained that the draft Resolution relating to immediate action by the BDT had been jointly revised by a number of delegations, including those of Algeria, Morocco, the United States and the Netherlands. The draft Resolution reinforced that which had just been approved and brought out the importance of the activities of the GAS for the developing countries.

4.2 The draft Resolution relating to immediate action by the BDT was approved in the first reading.

5. Draft Resolution relating to the implementation of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors (Document 171)

5.1 The delegate of Australia, introducing the draft Resolution, explained that the text was the outcome of a compromise among a large number of delegations. The phrases between square brackets should be kept as they stood until a decision was taken with regard to the provisions of the Convention on the establishment of advisory groups. Numerous delegations were anxious to maintain CV116U and CV122L, while others felt that they should be withdrawn and that no reference should be made to the Convention. Nevertheless, whether those provisions were maintained or not, the actual substance of the draft Resolution would in no way be affected, since it would speed up the implementation of advisory groups if the relevant provisions of the Convention were kept, and would secure their establishment if they were omitted.

5.2 The delegate of the United States approved the draft Resolution. However, under **furthermore instructs**, he would like the words "to the members of their respective Sectors" to be added after "each year", to make it easy for the Directors of the Radiocommunication and Telecommunication Standardization Bureaux to inform the members of their respective Sectors each year and not only the Council. He was supported by the delegate of New Zealand.

5.3 The delegate of the Russian Federation, expressing his support for the amendment proposed by the United States, made two other comments. In the first place, the English and French texts of the paragraph under **noting** did not appear to say exactly the same thing; hence the French should be aligned with the English text. Furthermore, he proposed the deletion of the words "in addition to the Director of the Sector" in **instructs** 1.

5.4 The delegate of China said that the text submitted by Australia did not reflect Committee 4's discussions of the status of the Advisory Groups. China would express a reservation if the Conference decided to include that text in the Convention.

5.5 The delegate of Saudi Arabia felt that those Groups should not be referred to in the Convention since, given their advisory character, they should be enabled to work in a flexible manner. Since one of the reasons for taking a historic decision on the IFRB was to make savings, the creation of new structures would be an unfortunate move.

5.6 The delegate of Algeria, calling attention to the draft Resolution relating to the establishment of an Advisory Group for telecommunication standardization, which contained no mention of the Convention, likewise opposed the inclusion of any reference to Advisory Groups in the Convention. Furthermore, he considered it unnecessary to make explicit mention of the existing ad hoc Groups of the CCITT and the CCIR.

5.7 The delegate of the Islamic Republic of Iran pointed out that he had already reserved his position on CV122L and wished the paragraph under **noting** to remain in square brackets.

5.8 The delegate of Mexico supported the draft Resolution presented by Australia, as amended by the United States. She approved the inclusion of a reference to Articles 5A and 6A of the Convention, since the Advisory Groups should have some legal status. She made two further comments regarding the form in: under **resolves**, the square brackets should be deleted if the reference to the Convention were maintained; in **instructs** 1, the Chairman of Committee 6 should ensure that the Directors of the Sectors were given their exact title.

5.9 The delegate of Greece supported as a whole the draft Resolution submitted by Australia. Nevertheless, he proposed that the text under **considering** should read: "that the Convention which will enter into force on 1 July 1994 allows in Article 5A and 6A for Advisory Groups to provide guidance to the Directors of the Radiocommunication and Telecommunication Standardization Bureaux on the work of the Study Groups", the paragraph under **noting** thus being deleted.

5.10 The delegate of Lebanon said that he shared the views of the delegates of Saudi Arabia and Algeria. With regard to the paragraph under **furthermore instructs**, he thought that the Directors of the Radiocommunication and Telecommunication Standardization Bureaux should also report to all Members of the Union and not only to the Members of their Sectors, given the great importance of keeping the developing countries, in particular, informed. His proposal was therefore intended to amplify the amendment proposed by the United States. Furthermore, since the establishment of an advisory structure for the Development Sector was provided for in the draft Convention (MOD CV128S in the third series of texts (B.3) submitted to the Plenary Meeting in Document 130, he felt that the three Sectors should be treated on an equal footing.

5.11 The Chairman of Committee 4 said that the establishment of an Advisory Board for telecommunications development had indeed been approved. The two other Advisory Groups would be dealt with together.

5.12 The delegates of Qatar and Cuba were opposed to the inclusion of any reference to Advisory Groups in the Convention.

5.13 The delegate of Germany supported the draft Resolution as modified by the United States, but he proposed that **instructs** 2 should be placed between square brackets.

5.14 The delegate of the United Kingdom approved the draft Resolution. He was firmly of the opinion that the establishment of the Advisory Groups should be mentioned in the Convention in such a way as to make it clear that they formed part of the Union's structural framework.

5.15 The delegate of Venezuela approved the proposals by the United States and the Russian Federation that the words "in addition to the Director of the Sector" in **instructs** 1 should be deleted. However, he endorsed the comments by the delegate of Saudi Arabia, considering it preferable to set up Advisory Groups by means of a resolution in order to provide greater working flexibility and allow for future developments.

5.16 After a suggestion by the Chairman that the delegate of Australia should coordinate the various proposals, the delegate of Lebanon, the Chairman of Committee 5 and the delegate of Saudi Arabia said that the Plenary Meeting should first of all reach a decision on the fundamental question of whether or not to include the creation of the Advisory Groups in the Convention.

5.17 The delegate of Japan said that he was prepared to make a compromise proposal.

5.18 The delegate of Australia suggested that all interested delegations should take part in a further meeting of the ad hoc Group in an attempt to produce a generally acceptable draft resolution.

5.19 It was so agreed.

6. Seventh series of texts submitted by the Editorial Committee for the first reading (B.7) (Document 174)

Article 7 of the draft Constitution

6.1 The Chairman of Committee 4 said that the Committee had approved the text now submitted to the Plenary Meeting. However, he wished to make some changes. In the first place, the words between square brackets in MOD CS42 should be deleted. Moreover, the paragraphs should be rearranged: paragraph 1 should be followed by paragraph 7, and then by paragraphs 4, 5, 6, 2 and 3. Furthermore, some delegations had commented on the provision relating to the Radiocommunication Sector, in which the Radio Regulations Board was mentioned, whereas that was not the case for the Standardization and Development Sectors. He explained that other articles provided details on that point and that those Sectors did not necessarily possess a symmetrical structure.

6.2 The delegate of Germany said that account should also be taken of Article 11A of the draft Constitution, which contained a detailed definition of the functions of the Radiocommunication Sector. He therefore proposed the following wording for MOD CS42: "4. the Radiocommunication Sector, including radiocommunication conferences, the radiocommunication assembly and the Radio Regulations Board".

6.3 The delegate of China said that the changes introduced by the Chairman of Committee 4 were acceptable, but he proposed the addition, at the end of the existing text of CS37, of the words: "the world international telecommunication conferences and radiocommunication conferences". Furthermore, MOD CS42 should read: "the Radiocommunication Sector, including the radiocommunication assembly, radiocommunication conferences and the Radio Regulations Board".

6.4 The delegate of Algeria felt that the proposal by the Chairman of Committee 4 was preferable, but he pointed out that the relevant parts of the Nairobi and Nice Conventions contained no reference to the plenary assemblies of the CCIs.

6.5 The delegate of Ireland said that the words "world and regional" in CS42 should likewise be removed; in the interest of greater consistency, the delegate of Greece proposed the deletion of the word "world" in NOC CS44.

6.6 The delegate of the United Kingdom expressed full support for the amendments proposed by the Chairman of Committee 4, particularly in MOD CS42. He likewise agreed that reference should be made to the radiocommunication assemblies, which should however be mentioned not solely in MOD CS42 but also in NOC CS44. He also referred the delegates to Article 11A of the draft Constitution, which provided details on the structure. He likewise agreed on the order of paragraphs.

6.7 The delegate of Algeria considered Article 7 to be essential. He fully agreed that the words "world and regional" should be deleted throughout and that the assemblies should be mentioned in paragraphs 4 and 5.

6.8 The delegate of Germany insisted that the assemblies should be mentioned in paragraphs 4 and 5, namely for the Radiocommunication and the Telecommunication Standardization Sectors.

6.9 The delegate of Morocco said that, since world international radiocommunication conferences did not form a part of a Sector, they should be mentioned in Article 7. However, it would be unwise to refer, in Article 7, which defined the structure of the Union, to only one type of conference, and he would have preferred the words "world and regional" to be kept. On the other hand, he supported the proposal by the Chairman of Committee 4 concerning the rearrangement of the paragraphs and also the proposal by Germany relating to the inclusion of a reference to the assemblies.

6.10 The delegate of the Russian Federation supported the proposal by the delegate of Germany and endorsed the explanations given by the delegate of Morocco.

6.11 The delegate of Spain shared the views of the delegate of Morocco, but thought that the assemblies should also be referred to in NOC CS45.

6.12 The Chairman of Committee 4 saw no obstacle to the acceptance of the Spanish proposal, but thought it desirable, for the time being, to avoid giving uniform treatment to the various Sectors, since that point was fully covered by other Articles.

6.13 The delegate of Algeria, although not opposed to the German proposal, pointed out that, in the Nairobi and Nice Conventions, the Administrative Council took precedence over the other organs.

6.14 The Chairman pointed out that, if the paragraphs had been rearranged with the result that the Council had been placed at the end of the Article, that was because not all Members had attended the meetings.

6.15 The delegate of Spain, supported by the delegate of Lebanon, expressed full agreement with the delegate of Algeria. He proposed that reference should be made to the conferences and to the relevant assemblies. If the Plenary Meeting decided to place the assemblies before the Council, he would not demur.

6.16 The delegate of Japan said that, if the radiocommunication assemblies were referred to in MOD CS42, the word "technical" should be inserted.

6.17 The delegate of Korea shared the opinion of the delegate of Japan. A distinction should be drawn between assemblies and conferences.

6.18 The Chairman of the High Level Committee felt that it would be reasonable to accept the proposal of the Chairman of Committee 4. The Japanese proposal did not appear to be strongly supported and the majority had preferred to speak of assemblies without using the word "technical". He therefore proposed that the text appearing in Document 174 should remain unchanged.

6.19 The Chairman, in view of the differences of opinion expressed, requested the delegations which had taken the floor to meet the Chairman of Committee 4 with a view to drawing up a generally acceptable text, which would be submitted at the next meeting.

6.20 It was so agreed.

Article 14D of the draft Constitution

6.21 Approved.

Article 5 of the draft Convention

6.22 The delegate of Argentina considered that, on the basis of the H.L.C. proposal, the conference should adopt texts providing the Members of the Union with adequate guarantees as to the performance, impartiality and economic efficiency of the future Radio Regulations Board.

6.23 The delegate of the Russian Federation said that the question of the membership of the Board should be settled in CV116G, before any discussion of the manner in which it should take its decisions.

6.24 The delegate of Morocco, supported by the delegate of Lebanon, said that, to ensure a certain balance, decisions should be adopted by a majority of six votes. The word "five" should therefore be replaced by "six" in CV116G.

The meeting rose at 1250 hours.

The Secretary General: The Chairman:

Pekka TARJANNE B. de RIEDMATTEN

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 204-E
15 January 1993
Original: English

PLENARY MEETING

MINUTES
OF THE
NINTH PLENARY MEETING

Saturday, 19 December 1992 at 1440 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Draft resolution relating to the convening of a world radiocommunication conference in 1993	178
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1. Draft resolution relating to the convening of a world radiocommunication conference in 1993 (Document 178)

1.1 The delegate of the United States, introducing Document 178, said that the text would doubtless require a number of minor editorial amendments; for example, the paragraph number should be deleted from the penultimate line, and there was also a need to check whether all the references to the CCIR were correct.

1.2 The delegate of the Russian Federation said that he could support the text as a whole, but wondered why the matters referred to in **resolves** 1.1 had been singled out for recommendation to the Council.

1.3 The delegate of Mexico said that in general his delegation had no objection to the proposed text, although it considered that the **resolves** section should mention the need to refer CCIR Resolution 97 to a radiocommunication assembly. In addition, he asked the Legal Adviser to explain the impact of **resolves** 3.

1.4 The delegate of the United States suggested that the sponsors of Document 178 might perhaps discuss the matter informally with the Mexican delegation.

1.5 The Vice-Chairman of the IFRB wondered how the IFRB's work on a new planning method under WARC-92 Resolution COM4/8 would fit in with the work programme referred to in **resolves** 2.2.

1.6 The delegate of Morocco said that the sponsors of the draft resolution had not wished to place an item relating to HF broadcasting on the agenda of the WRC. Nevertheless, the IFRB would be able to report on its work to the Conference.

1.7 The Director of the CCIR observed that one of the resolutions before the Conference contained a request relating to additional work on HF broadcasting by the CCIR Study Groups. He assumed that the intention of **resolves** 2.2 was simply to ascertain, in the light of the work already carried out, whether further work was required in preparation for a future conference.

1.8 The delegate of Algeria said that, as he saw it, there could be no objection in general to establishing a link between the outcome of WARC-92 and the work carried out by the IFRB. Perhaps an appropriate reference to Resolution COM4/8 of WARC-92 should be included in the text.

1.9 The delegate of Senegal agreed, and thought that the reference should appear in the **considering** section of the draft resolution, the text of which should make it clear that the IFRB had a distinct role in respect of planning matters, on which it should be given the opportunity to report to the competent conference.

1.10 The Legal Adviser, referring to **resolves** 3 in Document 178, said that the reference therein to the "ITU Convention" should include the words "(Geneva, 1992)"; he also suggested that the words "have effect" should be replaced by the terms "be provisionally applied". Thus the legal meaning and understanding would be improved and clearer in the sense that, from a date still to be decided by the current Conference, certain of the treaty provisions adopted by it should be provisionally applied prior to 1 July 1994, which had already been chosen as the date for the entry into force of the Geneva Instruments (see No. CS215 in Article 47). It had, however, to be ascertained, in that regard, whether the reference in Document 178 to Articles 4B and 5A alone would suffice or whether a broader reference would be needed. He also recommended that the heading "**resolves**" should be replaced by "**instructs the Council**", since the latter should, at its meeting to be held during the present Conference, determine the period in 1993, during which a world radiocommunication conference was to be held.

1.11 The delegate of Mexico said that the text under discussion seemed merely to repeat what was already stated elsewhere, for example in the draft Resolution in Document 145 on interim arrangements for the early implementation of the new ITU structure. Moreover, the Legal Adviser's proposal relating to **resolves** 3 did not go to the substance of the matter. Her delegation had no objection to the change of structure; however, it must be clearly understood that the Nairobi Convention remained the legal basis of any changes, and any suggestion that decisions were to be taken on the basis of instruments not yet in force must be avoided, bearing in mind the Vienna Convention on the Law of Treaties.

1.12 The Legal Adviser agreed to the fact that the delegate of Mexico in her preceding intervention had raised an important point, namely, the question as to whether or not the instruments adopted by the current Conference could be applied on a provisional basis. It was quite obvious that the contents of many provisions in the instruments as finally adopted by the current Conference would, in many essential as well as minor detailed aspects, considerably differ from those contained in the Nairobi Convention. Consequently, the provisional application of, what could be called, the new "Geneva provisions" would not necessarily be consistent with, and imply a departure from, the provisions of the Nairobi Convention, which was currently in force and would remain legally in force for quite some time after the end of the present Additional Plenipotentiary Conference. The foregoing conclusion would, on the one hand, have to be kept in mind as undeniable. On the other hand, both from a practical and legal point of view, it had to be admitted that the ITU, as any other international organization, was a living organism or body being in a constant evolving process, thus developing and adapting itself to the new telecommunications environment and the changing requirements of its Member States and of other organizations and entities dealing with, or using telecommunications. This had, as a matter of fact, been recognized over the last few years by the work, resolutions, recommendations and decisions of the Nice Plenipotentiary Conference and, subsequently, the High Level Committee, the Administrative Council, the Drafting Group of Experts and the current Conference itself. From the outset, moreover, all that work, carried out by the aforementioned organs and bodies, had been based on what a majority of the Union's membership deemed either imperative or necessary or useful, in order to give as quickly as possible detailed effect to the reform process which had started even prior to the 1989 Nice Plenipotentiary Conference. The 1969 Vienna Convention on the Law of Treaties provided, in paragraph 1 of its Article 25, that "a treaty or a part of a treaty is applied provisionally pending its entry into force if: a) the treaty itself so provides; or b) the negotiating States have in some other manner so agreed". One such "other manner" would be, e.g., a resolution of the type under discussion and relating to the convening of a world radiocommunication conference in 1993 or, more generally and even better, a resolution of the type proposed in Document 145, which was aimed at ensuring, at any rate, the required continuity in the work and activities of the Union pending the entry into force of the Geneva Instruments.

1.13 The Legal Adviser admitted that it was perfectly valid to argue, from a strictly legal standpoint - as the delegate of Mexico had done - that, as long as a basic instrument of an international organization remained in force, a new instrument could not be applied without conflicting with the provisions of the first one. However, and without going into details by referring to similar existing cases of provisional application of treaties in the framework of other international, i.e. inter-governmental organizations, he stressed the point that, during his review of the history of the Union with regard to the matter of provisional application in general, he had found out that the ITU's tradition had constantly been to respond, in a practical and flexible manner to the requirements of the specific situations prevailing at the various times of the Union's adoption or revision of its legal instruments in general as well as, in particular, at moments of taking major and new stradas.

To illustrate such constant practice and flexible responsiveness of the Union, i.e. of the Member States themselves composing it, he referred to the numerous revisions of the Radio Regulations (RR) by past world administrative radio conferences, most of which had approved in one "manner" or the other, i.e. mainly through appropriate resolutions, the principle of provisional application of provisions of the RR, which formed one part of the Union's Administrative Regulations. As to those Administrative Regulations, they were admittedly, in the hierarchy of norms according to the Union's legal instruments, only at the level of so-called "secondary law", i.e. subordinate to the Union's basic instrument, namely the Constitution, the provisions of which were complemented by those of the Convention (see Article 4 (Nos. 26 to 29) of the Nice Constitution 1989, as well as Article 4 (Nos. 26 to 29) of the draft Constitution already adopted by the present Conference). In the actual context of provisional application, it was of importance to note that - with regard to those Administrative Regulations - the 1989 Nice Plenipotentiary Conference had already generally introduced the concept or principle of provisional application "in respect of Members which have signed such revisions" of the Administrative Regulations (for further details, he referred to No. 196 and the related Nos. 194 and 195 as well as Nos. 197 to 200 of Article 43 of the Nice Constitution, 1989 and recalled that the present Conference had already also adopted the very essence of the contents of those provisions in Nos. 194 to 200 of the draft Constitution now under consideration). In addition to those precedents in the Union's treaty making practice for the existence of the provisional application concept, it was of even greater importance to keep in mind that, at any rate, since the end of the Second World War the Members of the Union had at Plenipotentiary Conferences more or less constantly approved that concept of provisional application with regard to certain provisions, which - during the course of their revision of the main and basic instrument of the Union, i.e. the International Telecommunication Convention (as the "primary law" of the Union) - were considered necessary or useful to be applied immediately (or from a certain date onwards) on a "provisional" (or "interim" or "temporary arrangements" or "transitional arrangements") basis. In practical terms those provisions dealing with such provisional application were mainly contained in so-called "Additional Protocols". The Legal Adviser stated that he considered it unnecessary and too time-consuming to refer to, or quote some of those numerous "Additional Protocols", with one exception, however, to be made. That exception concerned the 1947 International Telecommunication Conference of Atlantic City, which - comparable to the situation in which the present Conference would find itself - had to revise the 1932 Madrid Convention and made important structural and institutional changes with regard to the Union's overall organization by virtue of the provisions of the International Telecommunication Convention (Atlantic City, 1947) adopted by that Conference. The latter adopted a number of such "Additional Protocols" containing expressly numerous provisions for provisional application of parts of that new Convention, for which the entry into force was fixed as of 1 January 1949 (see Article 49 of the said Convention), though the then existing International Telecommunication Convention of Madrid (1932) remained officially in force (cf. Article 23 of the 1947 Atlantic City Convention). Although he did not wish to go into all those interesting and important provisions, which set indeed legal precedents for similar actions the present Conference could take. The Legal Adviser expressly referred to some most striking examples contained in the "Additional Protocols" to the 1947 Atlantic City Convention:

a) Protocol I "Concerning Transitional Arrangements" contained "arrangements to ensure the satisfactory functioning of the Union and to facilitate the application of" the latter Convention "upon its coming into force on January 1, 1949". To that end its provisions stipulated that :

   i) the then newly created "Administrative Council ... shall forthwith function on a provisional basis until the coming into force of that Convention" and that "it will hold its first meeting at Atlantic City" and "... shall elect its Chairman and Vice-Chairmen and plan its work for the transitional period ending December 31, 1948, with a view to taking over, on January 1, 1949, its permanent functions";

ii) the then newly established "International Frequency Registration Board shall be set up forthwith in accordance with the provisions of Article 6 of the Atlantic City Convention and shall function on a provisional basis until the coming into force of the said Convention" and "will hold its first meeting at Atlantic City", at which "the Board shall be organized and its work shall be planned for the transitional period between January 1, 1948 and December 31, 1948, ... with a view to its permanent establishment as provided for in the Convention of Atlantic City";

iii) the then newly created "General Secretariat shall be set up forthwith in accordance with the provisions of Article 9 of the Atlantic City Convention", that "until the coming into force of that Convention, it shall function on a provisional basis" and that "with the consent of the Swiss Government, its costs shall be filled as far as possible by the corresponding officials of the present Bureau in order to facilitate the transfer of duties upon the date of the coming into force of the Atlantic City Convention";

iv) "exceptionally, in derogation of that Convention, the International Telecommunication Conference of Atlantic City appoints the first holders of the posts of Secretary-General and Assistant Secretaries-General" and that "these officials shall perform the functions as provided for them in the Convention";

b) Protocol VII provided for the "Authorizing Extraordinary Expenditures for the Provisional Functions of the International Frequency Registration Board ... during the period prior to the effective date of the Atlantic City Convention"; and

c) Protocol VIII provided for the "Authorizing Expenditure for the Provisional Function of the Administrative Council", i.e. by authorizing the Secretary-General "to defray the official travel and subsistence expenses of Members of the Administrative Council and the expenses of its sessions during the period prior to the effective date of the Atlantic City Convention".

In the light of all the precedents continuously set in the past by the Union's supreme organs and its administrative conferences, the Legal Adviser concluded that, in his considered legal opinion, the Union had indeed a sound basis for accepting by the present Conference, once again, the concept of provisional application (as from a date still to be fixed by the Conference) of the provisions of the Constitution and the Convention (Geneva, 1992) relating to the new structure and functioning of the Union. Taking into account the fact that, as a matter of principle, the 1989 Nice Plenipotentiary Conference had abandoned the form of decision taking through "Additional Protocols", the present Conference could adopt such provisional application measures in the "manner" or form of (a) resolution(s) of the type under consideration and referred to by him earlier (see 1.12 above). Finally, the Legal Adviser added that in doing so, the present Conference would simply continue its long since well-established practice with regard to the concept of provisional application, internationally recognized by the provisions in Article 25 of the Vienna Convention on the Law of Treaties (see 1.12 above), and also would not, in any other way, risk to be at variance with other provisions of the said Convention, Article 5 of which expressly provided that that Convention "applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization" (emphasis added).

1.14 The Chairman suggested that the United States delegation, on behalf of the sponsors of Document 178, should approach delegations which had expressed opinions on the subject, with a view to arriving at an acceptable text. He reminded delegations that they were acting as Plenipotentiaries, and stressed that the Administrative Council must have an agreed text before it at its meeting the next day.

1.15 The delegate of Morocco said that there was no time for further drafting. He therefore suggested that, taking into account the draft resolution on provisional application in Document 145(Rev.1), **resolves** 3 could be deleted from the text in Document 178. Furthermore, in order to take account of the IFRB's activities in respect of future work on HF broadcasting referred to in **resolves** 2.2, the words "taking account of any report from the IFRB on the application of Resolution ..." could be added at the end of that text.

1.16 The Chairman said that if he heard no objection he would request the Editorial Committee to take up the Moroccan delegate's suggestions with a view to preparing a revised text for the following day's meeting of the Administrative Council.

1.17 It was so agreed.

2. Article 5 of the draft Convention (continued) (Documents 174 and 177)

2.1 The Chairman invited delegates to consider the provisions of Article 5 of the draft Convention, on which a few preliminary comments had been made at the previous Plenary Meeting, as they appeared in the seventh and tenth series of texts submitted by the Editorial Committee for first reading (Documents 174 and 177).

2.2 The delegate of the Islamic Republic of Iran made the following statement:

"Listening to the several administrations' views on this very important issue which will be a milestone decision in the history of the Union, we observe that there are a large number of administrations supporting the continuation of the existing full-time Board.

Our discussions with many administrations regarding this issue has resulted in a coordinated view which is to postpone the decision of the changes, if any are required, to the Kyoto Plenipotentiary Conference in 1994.

This view has been adopted to save the time of this Conference after a long debate which we have all been witnessing and the trend clearly shows that there would not be a clear-cut solution on this item of the agenda in this Conference."

ADD CV116AA (Document 177)

2.3 The Chairman of Committee 6 suggested that the words "[nine Members of the Union]" should be deleted, and the square brackets removed from around the word "Members", which, in the English text, should have a lower-case initial. The provision would thus read: "The Board is composed of nine members elected by the Plenipotentiary Conference.".

2.4 ADD CV116AA, as amended, was approved.

MOD CV116B (Document 177)

2.5 The Chairman of Committee 6 said that the Chairman of Committee 4 could perhaps explain why two variants were put forward.

2.6 The Chairman of Committee 4 said that his Committee had been unable to agree on a single text. Following an inconclusive discussion, the United Kingdom delegate had coordinated an endeavour to produce a text which was more specific about the extent to which Board members would be involved in an advisory capacity in the Plenipotentiary Conference. In his view, the second variant was the clearer of the two.

2.7 The delegate of the United Kingdom said that his delegation had indeed been involved in efforts to draft a text for the provision, following a difficult discussion about participation by members of the part-time Board in various activities of the Union. The second variant, which brought together the different views expressed in Committee 4, had not been considered by the Committee and was before the Plenary for the first time. He believed that it reflected the Committee's views more clearly than the first variant and his delegation supported it.

2.8 The delegate of Morocco approved the second variant. He wished it to be placed on record that, as his delegation understood it, the provision did not preclude members of the Board who did not represent the latter at a Plenipotentiary Conference from being members of their national delegations to that Plenipotentiary Conference.

2.9 The Chairman noted that the Chairman of Committee 4 endorsed that interpretation and said that due note would be taken of the Moroccan delegate's statement.

2.10 The delegate of Algeria said that his delegation was not happy with either variant, since both of them introduced a discriminatory element with respect to the members who could participate in Plenipotentiary Conferences. He could not support that approach, and proposed that the wording should be: "The members of the Board ...". That proposal was supported by the delegate of Cameroon.

2.11 The delegate of Lebanon observed that the delegate of Morocco's interpretation was based on the premise that one of the variants would be approved by the Conference, whereas no decision had yet been taken. He endorsed the proposal by Algeria.

2.12 The delegate of Morocco said that there seemed to have been some misunderstanding. The second variant merely described the present situation: under the Nairobi Convention only the Chairman and Vice-Chairman of the IFRB took part in Plenipotentiary Conferences. He would not press the point, but considered it unnecessary to depart from the provisions of the Nairobi Convention.

2.13 The delegate of Saudi Arabia endorsed the comments by the delegates of Algeria and Lebanon. The greatest possible use should be made of the members of the Board at the Plenipotentiary Conference, and indeed in all the activities of the Union.

2.14 The delegate of Brazil said that his delegation preferred the second variant.

2.15 The delegate of the United Kingdom drew attention to some of the subsequent provisions of Article 5 in Document 177, relating to the financial implications of the duties of the part-time members of the Board. Clearly it was reasonable to make it a duty for Board members, who were highly experienced in radiocommunications, to take part in radio conferences and radio assemblies. In the case of the Plenipotentiary Conference, however, it did not seem necessary to require participation by all nine members. He agreed with the delegate of Morocco that the existing provisions requiring only the Chairman and Vice-Chairman of the Board to attend Plenipotentiary Conferences would be adequate and more cost-effective. Accordingly, he hoped that the second variant could be adopted.

2.16 The delegate of the Russian Federation observed, with regard to questions concerning the Board, that Article 5 should not be discussed in isolation from Article 12. Regrettably, Committee 4's decision on part-time membership of the Board had been taken by means of a vote, which was not the usual procedure. His delegation considered that a better decision could have been adopted although it would of course follow the majority, while taking all necessary steps to ensure that no ill effects ensued. As to the specific provision under discussion, his delegation was in favour of the second variant.

2.17 The second variant of MOD CV116B (Document 177), as amended by the delegate of Algeria, was approved.

2.18 The delegate of Belgium said that there seemed to be some ambiguity in the last sentence of the French version of MOD CV116B. In his view, the word "doivent" should be replaced by "peuvent".

2.19 The Legal Adviser said it had been the Drafting Group's understanding that in no event should the members of the Board participate in conferences as members of their national delegations. In order to make that quite clear, the last sentence of MOD CV116B might perhaps be amended to read: "In all cases, the members shall not participate in these conferences or assemblies as members of their national delegations".

2.20 The Chairman observed that the meeting was reverting to a matter on which a decision had already been taken.

2.21 Following informal discussions, the delegate of Morocco introduced an amended version of the second variant in which the words "members concerned" in the last sentence were replaced by "members having these duties".

2.22 The delegate of Belgium said that he preferred the original wording of the last sentence.

2.23 The delegate of Algeria said that his delegation's proposed amendment had been to the first variant, in which there had been no ambiguity. He also queried the assumption that the Nairobi Convention precluded participation in Plenipotentiary Conferences by Board members other than the Chairman and Vice-Chairman, drawing attention to No. 341 of that Convention which provided for all the permanent organs to be represented at such conferences in an advisory capacity.

2.24 Following a discussion in which the delegates of Venezuela, Mexico, Saudi Arabia, Spain and Morocco took part, the Chairman suggested that the amended version of the second variant read out by the delegate of Morocco should be placed in square brackets pending further informal discussion before Article 5 was taken up on second reading.

2.25 It was so agreed.

2.26 On that understanding, Article 5, as amended, was approved.

3. Seventh series of texts submitted by the Editorial Committee for first reading (B.7) (continued) (Document 174)

Article 5B of the draft Convention

3.1 The Chairman of Committee 4 said that the square brackets in (MOD) [CV116Y] reflected the fact that no final decision had been reached on the wording following a proposal by European countries to add a reference to the inclusion of proposals of a regulatory nature; opinion had been divided as to whether such an addition was really necessary. With regard to (MOD) [CV116AF], there had been some difficulty in aligning the texts in the three languages. In the French and Spanish texts the verb "formulate" was used in respect of findings, and it had been proposed to change that to "publish". However, the intention of both the H.L.C. and the Drafting Group was clear and, in his view, the problem was not one of substance. Another point of disagreement had been whether to include the phrase "on behalf of the Board"; it had finally been included in order to assist in reaching consensus on the change to a part-time Board. That again was a linguistic problem rather than one of substance.

3.2 The delegate of Lebanon asked which geographical regions would be represented by the nine members of the Board and the Director of the Radiocommunication Bureau. It was essential to achieve a fair geographical distribution in accordance with the Convention, but the issue did not

appear to have been discussed. He proposed that the Secretary-General should inform administrations before the next Plenipotentiary Conference how he proposed to implement the principles adopted by the present Conference.

3.3 The delegate of Algeria supported the use of the verb "publish" in MOD [CV116AF] and emphasized that the actual formulation of findings was the prerogative of the Board, not the Director.

3.4 The delegate of Colombia said he did not share the view that the problem was a purely linguistic one, for it raised questions as to the status of the Board within the Union. He too supported the use of the verb "publish", which would be more in keeping with the H.L.C. recommendations.

3.5 The delegate of Spain considered that the first part of the provision might well be deleted, since it was the Board's job to issue findings anyway.

3.6 The delegate of Brazil said that his delegation favoured retaining the provision as it stood in Document 174, since work would be held up if findings could not be issued until after the Board had met.

3.7 The delegate of Morocco said that the Spanish proposal did not really solve the problem, and suggested that the first part of the provision should be reworded along the following lines: "apply the procedures approved by the Board to prepare and publish the findings of the Board".

3.8 The delegate of the Russian Federation asked whether the use of the verb "publish" would mean that a circular containing the Board's findings would appear only after the Board's quarterly meetings, instead of on a weekly basis as at present. It was very important to be absolutely clear as to the possible implications of the word "publish".

3.9 The Chairman observed that there appeared to be no support for the suggestions by Spain and Morocco; on the other hand, the Algerian proposal had been both supported and opposed.

3.10 The Chairman of Committee 5, replying to the concerns expressed by the delegates of the Russian Federation and Brazil, said that the Board's Rules of Procedure, which were referred to several times in Article 5B, could be made to include provisions allowing the Director to publish findings without waiting for a Board meeting. In his view, that should meet any objections regarding the term "publish".

3.11 The Secretary-General observed that there seemed to be general agreement that provision should be made in the Rules of Procedure for something along the lines of the existing Weekly Circular to continue to be published for ongoing work. To dispel the misunderstanding which had arisen, the provision under discussion might perhaps be recast in order to place more emphasis on the Rules of Procedure.

3.12 The Chairman said that if he heard no objection he would request the Chairman of Committee 6 to prepare a revised text of MOD [CV116AF], taking into account the comments made during the discussion.

3.13 It was so agreed.

The meeting was suspended at 1735 hours and resumed at 1825 hours.

3.14 The Chairman suggested that, in the light of the discussion in Committee 4, the square brackets should be removed from the text of (MOD) [CV116Y].

3.15 It was so agreed.

3.16 The delegate of France drew attention to proposal EUR/27/38 to add the following words to the end of the paragraph: "which may include proposals of a regulatory nature". Enabling the Director of the Radiocommunication Bureau to address regulatory matters would improve the preparatory work for radiocommunication conferences.

3.17 The delegate of the Russian Federation said that the European proposal presented a difficulty in so far as no study group dealt with regulatory matters.

3.18 The delegate of Lebanon supported the proposal. If the need arose, a study group on regulatory matters could be set up.

3.19 (MOD) CV116Y, as amended by proposal EUR/27/38, was approved.

3.20 Subject to agreement on the wording of MOD [CV116AF], Article 5B, as amended, was approved.

Article 7B of the draft Convention

3.21 Approved.

Resolution COM4/1 - Allocation of Work to the Radiocommunication Sector and the Standardization Sector

3.22 The Chairman of Committee 4 recalled that, apart from the parts of text in square brackets, there had been virtual unanimity in Committee 4 with regard to the draft resolution. He drew attention to certain editorial changes that would be required concerning the references to "world" conferences and taking into account the decision to employ the term "radiocommunication assembly".

3.23 With the exception of the parts of text remaining in square brackets, Resolution COM4/1 was approved.

3.24 With the exception of the parts of text remaining in square brackets, 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 175)

Article 9 of the draft Convention (continued)

4.1 Following the advice of the Legal Adviser, the Chairman proposed that the term "observers representing" should be retained in MOD [CV153] and that the square brackets and the term "representatives of" should be deleted.

4.2 It was so agreed.

4.3 Article 9, as amended, was approved.

Article 9A of the draft Convention

4.4 The delegate of Germany pointed out that ADD CV155LA was related to MOD CV116B in Article 5 (Document 177). He therefore suggested that the whole text of ADD CV155LA should be

placed in square brackets until the question of MOD CV116B was resolved, after which a corresponding decision should be taken on ADD CV155LA.

4.5 It was so agreed.

4.6 The delegate of the United States considered that the correct term in ADD [CV155P] was "representatives of". The Legal Adviser endorsed that view.

4.7 It was agreed to retain the words "representatives of" in that provision and to delete the square brackets and the words "observers representing".

4.8 With the exception of ADD CV155LA, Article 9A, as amended, was approved.

Article 10 of the draft Convention (continued)

4.9 Approved.

Article 13 of the draft Convention (continued)

4.10 The delegate of Japan made the following statement:

"The Japanese delegation suggested that the radiocommunication assembly be named the radio technical assembly. In the changing environment of the information society, as the High Level Committee says in Chapter III of its report, the ITU family is growing to include many new actors with important telecommunication interests. These include business users and other groups representing specialized users and development and financial institutions also. Naming is nothing to do with substance; however, it is very important for understanding the work of the assembly at first glance, not only by experts of the ITU but also by the new family of the ITU. The radio technical assembly is obviously easier to recognize than the radiocommunication assembly. Today, the ITU is not the ITU of yesterday. Today's ITU should play a stronger and more catalytic role in stimulating and coordinating cooperation between the increasing number of bodies concerned with telecommunications. The ITU should not be confined only to experts or radio people. Telecommunications serve all mankind all over the world. The ITU must be open to everyone."

4.11 Article 13 was approved.

Articles 14 and 15 of the draft Convention (continued)

4.12 Approved.

Article 25 of the draft Convention (continued)

Section 5 - Composition of Committees

4.13 The Legal Adviser said that the appropriate term to be used in ADD [CV273B] was "representatives of" and therefore that the square brackets and the term "observers representing" should be deleted.

4.14 It was so agreed.

4.15 Section 5, as amended, was approved.

MOD [CV364] (continued)

4.16 The Legal Adviser recalled the previous discussion on Article 25 at the seventh Plenary Meeting, as a result of which part of the text of MOD [CV364] in Document 160 had been left in square brackets. In the light of subsequent decisions, the following change should be made: the last sentence of the provision, together with the square brackets enclosing it, should be deleted.

4.17 It was so agreed.

4.18 The Chairman reminded the meeting that the rest of Article 25 had already been dealt with.

4.19 Article 25, as amended, was approved.

4.20 With the exception of the text in square brackets in Article 9A of the draft Convention, the eighth series of texts submitted by the Editorial Committee (B.8), as amended, was approved on first reading.

5. Ninth series of texts submitted by the Editorial Committee for first reading (B.9) (Document 176)

Optional Protocol

5.1 Approved.

Resolution COM5/2 - Rules of Procedure of Conferences and Meetings of the International Telecommunication Union

5.2 The delegate of Mexico proposed that, under **instructs the Council** 1, the phrase "if required" should be added following the words "to consider the matter and".

5.3 It was so agreed.

5.4 Resolution COM5/2, as amended, was approved.

Resolution COM5/3 - Management of the Union

5.5 Following a comment by the delegate of Bahrain, the Chairman suggested that the square brackets should be deleted from the **noting** paragraph.

5.6 It was so agreed.

5.7 The delegate of the United States pointed out that the English text of **instructs the Council** 3 had not been amended in accordance with the decisions taken in Committee 5.

5.8 The Secretary of Committee 5 said that the French text was correct and that the English version would be aligned with it.

5.9 The delegate of Senegal, also referring to **instructs the Council** 3, recalled the discussion in Committee 5 and the view expressed that the responsibilities of the Council should not be taken over by committees. In order to reflect that concern, he proposed that the text should be amended to read "... required to assist it in performing ...".

5.10 It was so agreed.

5.11 Resolution COM5/3, as amended, was approved.

Resolution COM5/4 - Electronic Access to ITU Documents and Publications

5.12 Following a comment by the delegate of Niger, the Chairman suggested that, under **considering** a), the square brackets should be deleted, so that the title of the H.L.C.'s report appeared in parentheses.

5.13 It was so agreed.

5.14 In reply to a question by the delegate of Algeria, the Legal Adviser said that the term "purchaser" in **resolves** 2 meant any purchaser and was not restricted to the entities and organizations listed in Article 7D of the draft Convention.

5.15 Resolution COM5/4, as amended, was approved.

Resolution COM5/5 - Consideration of the Need to Establish a Forum to Formulate Strategies and Policies in the Changing Telecommunications Environment

5.16 The delegate of Germany proposed the following amendments in order to better reflect the views expressed in Committee 5: the title should be amended to read "... Establish a Forum to Discuss Strategies ..." and the text of **resolves** 1 should be amended to read "... in 1994, the need to establish a forum in which administrations can discuss their telecommunication strategies ...".

5.17 It was so agreed.

5.18 Resolution COM5/5, as amended, was approved.

Resolution COM5/6 - Strengthening of Relationships with Regional Telecommunication Organizations

5.19 The delegate of Morocco proposed that Resolution COM5/6 should include a reference to Resolution No. 14 of the Nice Plenipotentiary Conference, which stressed the need for close cooperation between the ITU and regional telecommunication organizations. He further proposed that the scope of Resolution COM5/6 should be extended to include other organizations, such as the Arab League, which were concerned with telecommunications but which would not be covered by the term "regional telecommunication organization".

5.20 The delegate of Niger said that any rewording would have to be done cautiously in order to ensure that the resolution remained coherent.

5.21 The delegate of the United Kingdom also commented on the need for careful examination of any redrafting. While welcoming links between telecommunication-based organizations, difficulties might arise with respect to other organizations.

5.22 After some informal discussion, the delegate of Morocco withdrew his proposals.

5.23 The delegate of Saudi Arabia said that, while he did not object to Resolution COM5/6, he wished to place on record that it concerned the Arab League, which would be responsible for telecommunications in the region concerned.

5.24 Resolution COM5/6 was approved.

Recommendation COM5/A - Deposit of Instruments and Entry into Force of the Geneva Constitution and Convention of the International Telecommunication Union, 1992

5.25 The Secretary-General explained that a number of Members of the Union had lost the right to vote because they had not yet ratified the Nairobi Convention or, in some cases, earlier Conventions. Some Members were therefore in the process of ratifying the Nairobi Convention in order to regain their voting rights. In order not to disrupt that process, he suggested that the phrase "or to any earlier International Telecommunication Convention" in **invites further** should be deleted.

5.26 The delegate of the Netherlands supported the Secretary-General's suggestion.

5.27 It was so agreed.

5.28 The delegate of Spain recalled that the Nice Plenipotentiary Conference had called on governments to ratify the Nice Constitution and Convention as expeditiously as possible. Some twenty Members had already done so. The work of the present Conference had made the Nice instruments obsolete before they had even entered into force. Rather than sending a contradictory message to governments by telling them not to ratify the Nice instruments, it would surely be more satisfactory simply to call for ratification of the Geneva Constitution and Convention. He therefore proposed the deletion of the entire text of **invites further**.

5.29 The delegates of Algeria, Cuba, Germany and Mexico supported that proposal.

5.30 The delegate of Lebanon said that if the text of **invites further** were deleted, it would not be clear whether Members should ratify both the Nice and the Geneva instruments, or just the Geneva ones.

5.31 The Secretary-General said that, in practice, there was no likelihood of the Nice instruments coming into force. The purpose of the recommendation was to call for ratification of the Geneva Constitution and Convention; there was now no reason to ratify the Nice instruments. The deletion of **invites further**, as proposed by the delegate of Spain, would not cause any real problems.

5.32 The delegate of Niger considered that in order to avoid any possible confusion arising from having two sets of instruments in force at the same time, the recommendation should clearly state that there was now no need to ratify the Nice instruments.

5.33 The delegate of the Netherlands recalled the discussion in Committee 5, which had shown that there was strong support for wording along the lines of **invites further**.

5.34 The delegate of Greece emphasized the utility of such a provision in dealings with national bureaucracies.

5.35 The delegate of the United Kingdom found the text of the recommendation acceptable with or without the **invites further** paragraph. It might perhaps be more appropriate simply to note that Members need not take up ratification procedures with regard to the Nice instruments, rather than inviting them not to do so.

5.36 The delegate of Jordan endorsed the comments by the delegate of the United Kingdom and further suggested that Members should be informed of the contents of the recommendation by means of a circular-letter.

5.37 After further discussion, the delegate of Spain called for closure of the debate under No. 520 of the Nairobi Convention.

5.38 There being no objection to the motion for closure of the debate, the Chairman put to the vote the proposal by the delegate of Spain to delete the **invites further** paragraph.

5.39 The proposal was rejected by 51 votes to 18, with 10 abstentions.

5.40 The delegate of Spain explained that he had called for closure of the debate simply to expedite the work of the meeting.

5.41 It was agreed that the delegate of the United Kingdom would draw up a text along the lines that he had mentioned, taking into account also the suggestion by the delegate of Jordan.

5.42 Subject to that amendment, Recommendation COM5/A was approved.

5.43 The ninth series of texts submitted by the Editorial Committee (B.9), as amended, was approved on first reading.

6. Tenth series of texts submitted by the Editorial Committee for first reading (B.10) (Document 177)

6.1 The delegates of Algeria, the Russian Federation and Mexico pointed out that mention of reservations by their respective delegations had been omitted from the cover page of Document 177.

6.2 The Chairman invited the meeting to consider Document 177 article by article.

Article 11A of the draft Constitution

6.3 The delegate of Spain, referring to MOD CS85A, proposed that the text of the first indent should be amended to read: "... radio-frequency spectrum and of the geostationary-satellite orbit for all radiocommunication services".

6.4 The Chairman of Committee 4 said that the text as it stood struck a careful balance which had been arrived at after lengthy discussions. He urged caution in making any changes to it. The delegates of Sweden and Lebanon endorsed those comments. The delegate of Colombia also supported the text as it stood.

6.5 The delegate of Spain withdrew his proposal.

6.6 Article 11A was approved.

Article 11B of the draft Constitution

6.7 The delegates of France and Switzerland said that they no longer wished to reserve their positions on the title of the Article.

6.8 The delegate of Japan, referring to MOD CS85M, proposed that the second sentence should be amended to read: "The decisions of a radiocommunication assembly or of a regional radiocommunication conference ...".

6.9 The delegate of France proposed that a reference to the Administrative Regulations should be inserted at the end of the second sentence of MOD CS85M.

6.10 The delegate of Algeria, referring to the proposal by the French delegate, wondered to what extent a regional conference might be concerned with telephone and telegraph regulations.

6.11 The delegate of Morocco supported the proposals by the delegates of Japan and France.

6.12 The delegates of Germany and the United Kingdom, supported by the delegate of Finland, said that they could only accept the Japanese amendment on the understanding that it would not inhibit the work of a radiocommunication assembly or hamper its freedom to look ahead in respect of recommendations which would entail amendment of the Radio Regulations.

6.13 The Legal Adviser said that the insertion of the reference to "radiocommunication assemblies", as proposed by Japan, should not be construed as preventing such assemblies from making proposals or recommendations within the purview of their mandate and intended to promote further development of the Radio Regulations. On the question of including a reference to the "Administrative Regulations", he said that from the legal point of view there was no need to do so; mention of the "Radio Regulations" would be adequate.

6.14 The Chairman of Committee 4 urged the meeting not to lose sight of the discussion which had taken place in his Committee concerning that provision.

6.15 The delegate of Sweden said that he was uneasy at the prospect of introducing a change which required a legal explanation in order to be clearly understood. To avoid any possible confusion, he would prefer the text to remain as it stood.

6.16 The delegate of France withdrew his proposal.

6.17 Article 11B, as amended by the delegate of Japan and subject to the removal of the square brackets in the title, was approved.

Article 12 of the draft Constitution

6.18 The Chairman of Committee 4 said that during discussions in the Committee reservations of principle had been made with regard to the article, although the text itself had been approved without qualification.

6.19 The delegate of Algeria, exercising his delegation's right to reserve its position, expressed concern at the possible consequences of the decision taken in Committee 4 with regard to Article 12 and at the manner in which the decision had been taken, which went against the ITU tradition. Other, less important issues had received greater attention, including consideration in specially established formal or informal working groups which had produced solutions in an equitable manner acceptable to all administrations, whether or not the actual solutions had been agreeable to administrations. In the case of Article 12, however, an approach involving two diametrically opposed options had been adopted and no opportunity provided for seeking a compromise solution. None of the many other formal proposals submitted to the Conference had been given due consideration, setting an unfortunate precedent for the Union's working methods. Irreversible machinery seemed to have been set in motion, channelling discussions towards pre-determined decisions and producing frustration for those delegations, including his own, which disagreed with them. The High Level Committee's recommendations had been presented as a sacrosanct and thus unmodifiable set of principles, and participants in the Conference had been swept away by what might be described as a tidal wave. Nevertheless, there was still time for the Conference to reconsider the decision and seek to achieve a compromise solution in a manner acceptable to all. His delegation was willing to assist in any action taken towards that end, and he appealed to the Chairman to invite the Conference to revert to the issue.

6.20 The delegate of Kuwait said that his delegation also wished to reserve its position with regard to the decision embodied in Article 12. First, the issue had not been discussed sufficiently in Committee 4. Second, the solution adopted provided neither a compromise nor an intermediary solution acceptable to both those who supported and those who opposed it. Third, the voting

procedure which had been followed effectively prevented the issue from being reconsidered, whereas other, less important matters were being brought before the Plenary Meeting for discussion.

6.21 The delegate of Qatar, supporting the previous two speakers, said that the issue was of the highest importance to his own and many other small developing countries. His Administration had always been proud to participate in helping the Union to achieve results which were useful to all administrations; hence his surprise at the decision taken in Committee 4, which did not appear to be either fair or of mutual benefit to administrations.

6.22 The delegate of Saudi Arabia said that the position adopted by his country at the Nice Plenipotentiary Conference had not changed, and that his Administration was satisfied neither with the present situation in the IFRB nor with the decision embodied in Article 12. His delegation, which had often expressed its willingness to support compromise solutions in keeping with the tradition of the ITU, supported the views expressed by the delegate of Algeria and subsequent speakers. After expressing profound dissatisfaction with the manner in which the vote in Committee 4 had been imposed on delegations, he appealed to the Chairman to endeavour to reconcile the divergent views on the issue.

6.23 The delegate of Jordan supported the views expressed by all the previous speakers, in particular the delegate of Saudi Arabia.

6.24 The delegate of Cuba, also supporting the previous speakers, said that insufficient time had been devoted to seeking a compromise solution on an issue which was of great importance to many administrations. The adoption of a solution which dissatisfied a large number of administrations was likely to set an unfortunate precedent.

6.25 The delegate of Colombia, supporting the views expressed by the delegate of Algeria and others, drew attention to the Board's crucial task of catering for the needs of the entire international community in respect of a resource of vital strategic importance.

6.26 The delegate of Lebanon, endorsing the comments by the delegate of Algeria, said that his delegation too wished to enter a reservation with regard to Article 12. The decision taken in Committee 4 had been hasty and the ground badly prepared; for example, important aspects such as the countries of origin of the nine part-time members had not been addressed. He therefore expressed the hope that the Chairman would reopen the debate in an endeavour to find a compromise solution.

6.27 The delegate of Mexico emphasized his country's dissatisfaction at the manner in which the decision had been taken and at the fact that greater attention had been paid to relatively less important matters. Furthermore, decisions taken by the Union should be reached by consensus. It was also obvious that certain fundamental issues had not been addressed in respect of the new Board, and that satisfactory interim measures would have to be adopted. He appealed to the Chairman to ensure that all such measures were decided upon by consensus.

6.28 The delegates of Bahrain and the Islamic Republic of Iran, agreeing with previous speakers and expressing concern at the manner in which the decision had been taken in Committee 4, appealed to the Chairman to reopen the debate on Article 12.

6.29 The delegate of Sudan said that the issue of the Radio Regulations Board had been discussed at considerable length and all delegations had been given the opportunity to express their views. Economic aspects had been taken into account, with Document DT/13 allowing a satisfactory comparison to be made of the respective costs of a full-time and a part-time Board. In providing the opportunity for collaboration by a larger number of participants, a nine-member Board would operate more democratically. Those still in favour of a full-time Board should endeavour to produce more convincing arguments in support of their position. That having been said, he would support any endeavour to reach a consensus solution.

6.30 The Chairman said that he was fully aware of the importance of the matter under discussion and of the strong feelings it aroused; he had listened with great attention to the arguments put forward by all speakers. Nevertheless, considerable time had been devoted to the subject in Committee 4 and, following several votes on procedural matters, the substantive issue had been put to the vote. It would certainly have been preferable to reach a decision by consensus, but in cases where that proved impossible the ITU, like all members of the United Nations family, accepted the principle of resorting to a vote, which inevitably produced both a majority and a minority. On the question at issue, he could only appeal to the minority to accept the result. He would be willing to reopen the debate if any proposal was put forward which was likely to produce a more satisfactory solution; at the present juncture, however, no such proposal appeared to be forthcoming. The division produced by the vote should not make delegates forget that they had reached agreement, sometimes through compromise, on many other crucial issues. An obvious desire to solve problems of common interest united participants at the Conference, who should be encouraged to continue to work in that spirit so that the ITU could continue to play its leading role as an international organization.

6.31 The delegate of Algeria said that a compromise solution might in fact be found by maintaining a core of full-time Board members assisted by other members working on a part-time basis. The obvious advantage of having a permanent core would be to ensure continuity and overall supervision of work.

6.32 The delegate of Lebanon, supporting that proposal, suggested that the permanent core could be made up of three members, one from each of the ITU's regions, assisted by six part-time members. Such a solution should prove satisfactory to all delegations.

6.33 The delegates of the Islamic Republic of Iran, Kuwait, Saudi Arabia, Qatar and Jordan supported the Lebanese proposal. The delegate of Sudan saw no objection to it, but considered that the related costs would require further study, as would the geographical distribution of the six part-time members. The delegate of Guinea expressed the view that the proposal deserved further consideration, but that the cost aspects should be studied carefully.

6.34 The Chairman, noting that a number of delegations had expressed support for the proposal by the delegate of Lebanon, said that he nevertheless did not regard it as constituting a sufficient basis for reopening the debate.

6.35 The delegate of Mexico said that even though the preparation and consideration of the texts to be adopted by the Plenary Meeting had reached a fairly advanced stage, it would not be impossible to incorporate the changes entailed by the Lebanese proposal which, furthermore, might enable certain other difficulties relating to the Board to be resolved. He too therefore supported the proposal.

6.36 The Chairman placed himself at the disposal of all delegations wishing to discuss that or any other matter during the interval between the present and the next Plenary Meetings.

The meeting rose at 2125 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

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20 January 1993
Original: English

PLENARY MEETING

MINUTES

OF THE

TENTH PLENARY MEETING

Sunday, 20 December 1992 at 1910 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Oral report by the Chairman of Committee 2	-
2.	Tenth series of texts submitted by the Editorial Committee for first reading (B.10) (continued)	177
3.	Ninth series of texts submitted by the Editorial Committee for first reading (B.9) (continued)	176
4.	Cost estimate for the full-time Board and for the part-time Board meetings	DT/13
5.	Draft Resolution on the Improved Use of the Radio Regulations Board's Technical and Data Storage/Dissemination Facilities	51(Corr.1)
6.	Approval of the minutes of the second Plenary Meeting	152

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1. Oral report by the Chairman of Committee 2

1.1 The Chairman of Committee 2 announced that the Mauritanian delegation had deposited its credentials, which had been found to be in order. The requisite corrigendum to Committee 2's report to the Plenary Meeting (Document 139) would be issued in due course.

2. Tenth series of texts submitted by the Editorial Committee for first reading (B.10) (continued) (Document 177)

Article 12 of the draft Constitution (continued)

2.1 The Chairman, reminding delegations of the debate that had taken place on Article 12 of the draft Constitution at the ninth Plenary Meeting and of his own remarks on that occasion, said that the consultations he had held with delegations subsequently had failed to indicate any real justification for reconsidering the decision taken by a vote in Committee 4 with regard to the Radio Regulations Board. He emphasized that the vote had been resorted to after lengthy discussions had taken place; that it was inadvisable to isolate that particular issue from the overall structure of which it was an integral part, since to do so might oblige the Conference to readdress other issues; that recourse to a vote was a perfectly democratic procedure consistent with all the relevant conference regulations, although it inevitably produced both a majority and minority; and that the minority should accept gracefully the fact that the majority view had prevailed. The present Conference was a watershed in the history of the ITU and had itself reached a crucial stage. For those reasons, and in order for delegations to be able to return home and inform their administrations that they had been successful in restructuring the Union, he was convinced that the best course was to accept the result of the vote, approve Article 12 as it stood in Document 177 and move on to consider the remaining texts.

2.2 The delegate of Spain said that his delegation was willing to accept the majority view and to make every effort to ensure the successful implementation of the decision. However, an important principle in any democracy was that the majority should take account of the views expressed by the minority. The decision taken with regard to the part-time Board had caused some apprehension which did not seem to have been dispelled by subsequent endeavours to introduce improvements in the new structure. Clauses had been approved which recommended impartiality on the part of the Board members and requested them not to take decisions in any way relating to their own administrations; stress had also been placed on the need to limit their attendance at international meetings, and his delegation supported the view that no more than two members should attend any one such meeting; lastly, since the Board was to meet no more than four times a year, the Director of the Radiocommunication Bureau was to assume responsibility for the day-to-day decisions involved in the Board's work. Should the decision taken in Committee 4 prove to be ill-advised, the Kyoto Conference would have the opportunity to review it in less than two years' time. In a spirit of understanding, and in order to move forward with the restructuring of the Union, his delegation was prepared to accept the decision adopted by a majority.

2.3 The delegate of Sudan supported the views expressed by the previous speaker and agreed with the Chairman that Article 12 should be discussed no further.

2.4 The delegate of Senegal recalled that his country had submitted a compromise proposal to defer consideration of the issue until the Kyoto Conference. It was true that the decision taken in Committee 4 had been democratic, and that was why his delegation had not taken the floor during the discussion in the ninth Plenary Meeting. Nevertheless, in a democracy, any majority which had won a vote was obliged to look to the future and, in doing so, to take due account of the minority

view. The text already decided upon must be approved, but surely the concern expressed by a minority of delegations could be taken into consideration by providing for the issue to be taken up again at Kyoto in the light of experience gained in the interval.

2.5 The delegate of Brazil expressed full support for the Chairman's statement and drew attention to Document 155 in which five Latin American countries presented the conclusions of the discussions they had held in order to reconcile their various proposals regarding the establishment of the Radio Regulations Board. Quoting the final paragraph, which appealed to all delegations to share the spirit of consensus demonstrated by the five signatory countries, he recommended that the debate on Article 12 be closed.

2.6 The delegate of Saudi Arabia, commending the Chairman on his endeavours to deal with the crucial issue under discussion, observed that in the past his Administration had consistently sought compromise and refrained from challenging decisions or expressing reservations on them. However, in the case of Article 12, the decision had not been taken in a truly democratic manner, no genuine attempt having been made to seek a compromise solution and considerably more time having been devoted to relatively less important matters. Had more time been spent on considering the substance of the matter, the final decision might have been easier for the minority to accept. Nevertheless, the strong feelings aroused by the debate and the related procedural issues should not blind the Conference to the crucial point, which was that the IFRB was a very important international body and that no effort should be spared to make the new part-time Board a truly valuable organ, with all the authority required to take real decisions. It should not become a purely formal entity providing no practical assistance to administrations and having no real say in radiocommunication conferences. It was to be hoped that a solution could still be found which met the requirements of all administrations.

2.7 The delegate of Lebanon, supporting the previous speaker, observed that many other countries had expressed similar views and said he trusted that the Chairman would do everything within his power to find a satisfactory solution. The problem was more complex than it appeared, and it was regrettable that Committee 4's decision had not been reached on a more democratic, consensual basis. Nevertheless, the five permanent Board members would remain in office until the Kyoto Conference, and he expressed the hope that a small group would be set up during the interim period to consider the proposals which would no doubt be submitted with a view to reinvesting the IFRB with its full authority and soundness.

2.8 The delegate of Kuwait said that, in his experience of ITU conferences, a rigidly dualistic approach had never before been adopted in respect of such an important issue. It was hard to understand why none of the many alternative proposals put forward had been given due consideration. It seemed to him that a predetermined path had been traced and that no heed had been paid to the calls for a compromise. He therefore supported the view that efforts to seek a consensual solution should not be abandoned.

2.9 The delegate of the Russian Federation, while agreeing with the Chairman's remarks and respecting the result of the vote in Committee 4, observed that the decision had been taken on the basis of two diametrically opposed proposals, at committee level, and that a number of countries had reserved the right to revert to the issue in the Plenary Meeting. That in no way violated the principles of democracy, and no delegation had suggested that the vote be taken again. The proposals made at the ninth Plenary Meeting had been aimed at bridging the gap between the two extremes and although they had proved unsuccessful, his delegation still hoped that a solution could be found which was more acceptable to all and made it unnecessary to use the words "majority" and "minority". To that end, further to the comments by the delegate of Senegal, he endorsed the view that the text of Article 12 as contained in Document 177 should be accepted, but proposed that a resolution should be adopted asking Members to study the issue during the

interim period so that, if necessary, further provisions could be introduced at the Kyoto Conference. The resolution should stipulate that, to be adopted, any amendment to Article 12 would require approval by a simple majority, rather than the two-thirds majority provided for in No. 204 of the draft Constitution. Such an arrangement offered perhaps a last chance of reaching a consensus with regard to Article 12.

2.10 The Secretary-General said that, as he saw it, a point had been reached in the proceedings where first Article 12 as it appeared in Document 177, and then the transitional measures already agreed upon, could be approved. However, in order to consolidate the spirit of consensus and to provide enough flexibility for the Union to adapt to the rapidly changing environment, the possibility should be allowed of making certain changes to the Convention and Constitution at the Kyoto Conference in the light of experience gained, for example, with the new Radiocommunication Sector, which was the area of the ITU undergoing the most extensive change. In that context, he understood the proposals by the delegates of Senegal and the Russian Federation to mean that provision should be made to allow the most controversial issues concerning the Radiocommunication Sector to be taken up again and any amendments to the relevant treaty texts to be adopted on the basis of a simple rather than a two-thirds majority. That approach was a sound one and, if the Plenary Meeting so wished, he would take it upon himself, with the assistance of the Legal Adviser, to prepare a draft resolution along the desired lines suggested above for consideration by the Plenary Meeting. Meanwhile, Article 12 could perhaps be approved and other items on the agenda, including transitional measures, taken up.

2.11 The delegate of Lebanon supported the Secretary-General's suggestion.

2.12 In reply to a query by the delegate of the Russian Federation, the Chairman confirmed that the draft resolution to be prepared by the Secretary-General would provide for the issue under consideration to be taken up again at the Kyoto Conference and, if appropriate, for the related texts to be amended on the basis of a simple rather than a two-thirds majority.

2.13 The delegate of Morocco said that his delegation had no objection to providing for a trial period up to the Kyoto Conference, at which time a final decision could be taken. However, it would not be able to approve Article 12 if such approval necessarily implied that the principle of a simple rather than a two-thirds majority would apply when the issue came up for discussion at the Kyoto Conference.

2.14 The Chairman said that, although the discussions which had taken place should be borne in mind, the suggestion at that stage was simply to approve Article 12 formally, as it appeared in Document 177. The other proposals made during the discussion, together with any texts which might be produced as a result, would be considered at a subsequent meeting.

2.15 On that understanding, Article 12 was approved.

Articles 13 and 13A of the draft Constitution

2.16 Approved.

Articles 13B and 14 of the draft Constitution (continued)

2.17 MOD CS111C (Article 13B), NOC CS112 and ADD CS112A (Article 14) were approved.

Article 2 of the draft Convention

2.18 The delegate of the United States supported the alternative proposal for the first indent of MOD CV10 submitted by Committee 6 in the footnote on page B.10/7.

2.19 The delegate of the United Kingdom, supported by the delegates of Spain, the United States, Lebanon and Guinea, proposed that the alternative proposal might be better worded "... cancelled even if the other is held" rather than "... held even if the other is cancelled".

2.20 It was so agreed.

2.21 The delegate of Algeria, supported by the delegates of Morocco and France, said that removal of the square brackets in the second indent of MOD CV10 would open the way to the convening of three world radiocommunication conferences in the period between Plenipotentiary Conferences, which would be too many.

2.22 The delegate of Turkey, referring to CS85L (Article 11B) which had already been approved on first reading, said that his delegation had originally put forward the idea of providing for an additional conference in order to cover specific cases where there might be a need to hold preparatory conferences in order to ensure effective contributions by administrations to a main conference. The intention had not been to add extra conferences unnecessarily or to increase the financial burden, but merely to provide such an opportunity in exceptional cases.

2.23 Following further discussion, in which the delegates of Turkey, Morocco and Spain, the Chairman and the Chairmen of Committees 4 and 6 took part, the Chairman suggested that informal consultations should take place between the delegations concerned and with the Chairman of Committee 4 and that, meanwhile, the words in square brackets in the second indent of MOD CV10 should be deleted.

2.24 It was so agreed.

2.25 The Legal Adviser, referring to (MOD) CV29B, suggested that the provision be amended to read: "The provisions for the convening of, the adoption of the agenda of, and the participation in a world radiocommunication conference ...".

2.26 It was so agreed.

2.27 Article 2, as amended, was approved.

Article 4B of the draft Convention

2.28 Approved.

Article 4BA of the draft Convention

2.29 The Chairman of Committee 4 observed that NOC [CV109U] had been kept in square brackets because the general question of advisory groups had yet to be settled.

2.30 The Chairman said he took it that the Plenary Meeting wished to retain the square brackets for the time being.

2.31 It was so agreed.

2.32 The delegate of Spain said that ADD 109XC as worded might cause some difficulty to those administrations which felt that a host country should be allowed some freedom in the appointment of the Chairman of a radiocommunication assembly. He therefore proposed that the words "the Head of the delegation of" should be deleted, together with the square brackets around the provision as a whole.

2.33 It was so agreed.

2.34 Article 4BA, as amended, was approved subject to retention of the square brackets in NOC [CV109U].

Article 4C of the draft Convention

2.35 Approved.

Article 5 of the draft Convention (continued)

2.36 The delegate of Saudi Arabia emphasized the sensitive legal nature of MOD CV116B, both suggested versions of which were still within square brackets. The delegate of Bahrain endorsed that comment, referring to the large number of delegates that had taken the floor during earlier discussion on the matter.

2.37 The Chairman confirmed that MOD CV116B would remain in square brackets for the time being.

2.38 It was agreed to defer further consideration of Article 5.

Article 5A of the draft Convention

2.39 The Chairman of Committee 4 suggested that consideration of Article 5A should be deferred as an amended text was being prepared in the light of decisions taken on related provisions.

2.40 In reply to a question by the delegate of Lebanon, the Chairman confirmed that the text of MOD CV116U should be in square brackets. He took it that the Plenary Meeting was agreeable to the suggestion by the Chairman of Committee 4.

2.41 It was agreed to defer consideration of Article 5A.

Article 7D of the draft Convention

2.42 The Legal Adviser suggested that, in the interests of consistency, the words "of the Bureaux" should be inserted after "Directors" in MOD CV128T.

2.43 It was so agreed.

2.44 The delegates of Sweden, the United Kingdom, the United States and Côte d'Ivoire drew attention to the need for some editorial amendment, including the consistent use of the word "list" in the singular or the plural as appropriate, in provisions MOD CV128AA - (MOD) CV128AD.

2.45 The Chairman said that such matters would be dealt with by the Editorial Committee.

2.46 On that understanding, Article 7D, as amended, was approved.

Resolution COM4/2

2.47 It was agreed to remove the square brackets from the title.

2.48 The delegate of the United Kingdom indicated that the reference to the CCIR Resolution number should be corrected.

2.49 The delegate of the Russian Federation observed that, in the light of decisions already adopted, reference to a "world radiocommunication assembly" should be made alongside each reference to a "world radiocommunication conference".

2.50 The member of the IFRB suggested that the word "respectively" should be inserted in **resolves** 1, following the reference to the CCITT and CCIR Resolutions.

2.51 Draft Resolution COM4/2, as amended, was approved.

2.52 With the exception of the parts of text remaining in square brackets, the tenth series of texts submitted by the Editorial Committee (B.10) as a whole, as amended, was approved on first reading.

3. Ninth series of texts submitted by the Editorial Committee for first reading (B.9) (Document 176) (continued)

Recommendation COM5/A (continued)

3.1 The Chairman recalled that the only part of the draft recommendation which remained outstanding was the **invites further** paragraph, for which the United Kingdom delegate had been requested to draw up a text.

3.2 The delegate of the United Kingdom proposed that the **invites further** paragraph should be replaced by a **noting** paragraph, which would read: "that it is no longer necessary for Members of the Union to take up their respective national ratification, acceptance, approval or accession procedures with regard to the Constitution and Convention of the International Telecommunication Union, 1989, which have not yet come into force", and that, in the **instructs the Secretary-General** paragraph, the words "by means of a circular-letter" should be added after "Members of the Union".

3.3 The delegate of Cyprus noted that, in the **instructs the Secretary-General** paragraph, the word "Resolution" in the second line should be replaced by "Recommendation".

3.4 The delegate of Turkey suggested that the new **noting** paragraph should be placed before the **invites**.

3.5 Draft Recommendation COM5/A, as amended, was approved.

4. Cost estimate for the full-time Board and for the part-time Board meetings (Document DT/13)

4.1 The delegate of Lebanon welcomed the information contained in Document DT/13 but said that, to present a more accurate picture, the cost of an elected Director of the Radiocommunication Bureau should be added to the figure given for part-time Board meetings (Annex 2 to Document DT/13).

4.2 The delegate of the Russian Federation said that, although interesting, the information provided in the document was only indicative. For example, no costs were given for Board members' attendance at the IFRB seminars planned for forthcoming years. More detailed information was needed.

4.3 The delegate of Saudi Arabia endorsed the comments by the delegates of Lebanon and the Russian Federation, adding that no information was given on the costs borne by administrations with respect to part-time Board members.

4.4 The delegate of Canada pointed out that the cost of the present Director of the CCIR balanced the cost of the future Director of the Radiocommunication Bureau. It was therefore valid to compare the costs for a full-time and a part-time Board, without adding the cost of a Director.

4.5 Document DT/13 was noted.

5. Draft Resolution on the Improved Use of the Radio Regulations Board's Technical and Data Storage/Dissemination Facilities (Corrigendum 1 to Document 51)

5.1 The delegate of New Zealand, introducing the draft resolution in Corrigendum 1 to Document 51, said that the text had been discussed in Committee 4 and had subsequently been amended to take account of various views expressed, both in the Committee and informally. The draft resolution did not address the Board's tasks in relation to assistance to administrations or development; it simply asked the Secretary-General to study the costs involved in the technical examination of assignment notifications, as a preliminary step to establishing a policy.

5.2 The delegate of the United States considered that the draft resolution would initiate a useful activity. He expressed concern, however, about the wording of the text. The Radio Regulations Board (RRB) was a very special entity; surely some of the references to the RRB in the text of the draft resolution should be to its specialized secretariat or, rather, to the secretariat of the Radiocommunication Sector, as it would be called in the future.

5.3 The Member of the IFRB endorsed the comments by the delegate of the United States. The title of the draft resolution should refer to the Radiocommunication Bureau rather than the Radio Regulations Board, since the work in question would not be done by the Board in the future.

5.4 The delegate of Mexico was in favour of considering cost recovery options, as proposed in paragraph 2 under **resolves that the Secretary-General should**, and stressed the need for overall sound financial management.

5.5 The delegate of the Russian Federation said that, in addition to the editorial amendments suggested by previous speakers, a substantive change should be made to paragraph 2. He had no objection to cost recovery; however, the only way to recover costs was through the contributions of Members of the Union channelled through the budget of the Union. The objective should be to reduce costs, and the paragraph should therefore envisage a report on ways of reducing costs, rather than on cost recovery. The delegate of Algeria supported those views.

5.6 The delegate of Australia endorsed the suggestions for editorial changes made by previous speakers. Despite the comment on substance made by the delegate of the Russian Federation, he still felt that the original purpose of the draft resolution was valid. A study would make it possible to identify the various types of costs involved, and some of them might be amenable to cost recovery.

5.7 The delegate of Bahrain suggested that the draft resolution should envisage "offsetting" costs, as a happy medium between cost recovery and cost reduction.

5.8 The delegate of Germany supported the views expressed by the delegate of the Russian Federation. The restructuring of the Board provided an excellent opportunity to work on reducing the cost to Members of the procedures associated with notifications.

5.9 The delegate of Morocco agreed with the delegate of Mexico on the need for sound financial management and, in that context, considered that the study proposed in the draft resolution would be useful. He supported the view of the delegate of the Russian Federation that the objective should be cost reduction. Finally, he wished it to be placed on record that assistance to developing countries should not be subject to cost recovery.

5.10 The delegate of New Zealand confirmed that the draft resolution did not contemplate applying cost recovery to assistance to developing countries. Such assistance would be covered by the budget of the Union.

5.11 The Chairman suggested that the delegation of New Zealand should amend the draft resolution to take account of the comments made.

5.12 It was so agreed.

5.13 The Chairman announced that, because of time constraints, the amended version of the draft resolution and the other texts still to be considered by the Conference would be issued only once, and would be considered as serving for both first and second readings.

6. Approval of the minutes of the second Plenary Meeting (Document 152)

6.1 The minutes of the second Plenary Meeting were approved.

The meeting rose at 2155 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 206-E
21 January 1993
Original: French

PLENARY MEETING

MINUTES

OF THE

ELEVENTH PLENARY MEETING

Monday, 21 December 1992 at 0905 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Draft Resolution on the participation of entities and organizations other than administrations in the activities of the Union	26(Add.2 to Corr.2)
2.	Draft Resolution relating to the implementation of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors	171(Rev.1)
3.	Article 26 of the draft Convention (continued)	181
4.	Fifth series of texts submitted by the Editorial Committee for second reading (R.5)	180
5.	Sixth series of texts submitted by the Editorial Committee for second reading (R.6)	182
6.	Seventh series of texts submitted by the Editorial Committee for second reading (R.7)	184

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1. Draft Resolution relating to the participation of entities and organizations other than administrations in the activities of the Union (Document 20(Add.2, Corr.2))

1.1 The delegate of the United States said that the draft Resolution relating to the participation of entities and organizations other than administrations in the activities of the Union reflected the views expressed in Committee 4 and that it provided for the prompt implementation of Article 7D.

1.2 The delegate of Sweden proposed that **recognizing** a) should be amended to read: "that Members and their administrations"; that **noting** a) should contain a precise reference to the Convention, reading: "that No. CV128U of the Convention already contains criteria ...", and that the word "provisionally" should be inserted after "be promptly implemented" under **resolves**.

1.3 The delegate of Germany noted with regard to **recognizing** a) that the definition of the term "administration" had not been modified and that a distinction had always been drawn between Members and administrations; the point was difficult to resolve at the present stage and he hoped that it would be studied more thoroughly.

1.4 The delegate of Spain said that, as distinct from Members, administrations enjoyed no sovereign rights.

1.5 The delegate of France stated that, in the case at issue, Members could not be dissociated from their administrations, since it was governments or ministries, and not private recognized operating agencies, that were concerned.

1.6 The delegate of the United Kingdom, supported by the delegates of Greece and the Netherlands, said that rights and obligations belonged exclusively to the Members of the Union. Hence they were the only ones to enjoy sovereign rights. For the sake of clarity, any reference to administrations should be removed.

1.7 The Legal Adviser said that the term "Members" should be kept, but that the reference to "administrations" might be deleted.

1.8 The delegate of Algeria made the point that, if administrations were omitted, only the Members would be empowered to represent the sovereign rights of Members, which constituted a tautology. Both Members and administrations should therefore be maintained, since it was the administration that was responsible for putting into effect the texts ratified by the Members.

1.9 The delegate of Niger suggested that reference should be made to Members and mandated administrations.

1.10 For the delegate of Spain, it was obvious that a Member was sovereign. **Considering** a) might therefore be deleted. He was supported by the delegates of New Zealand and Singapore.

1.11 The delegate of France, supported by the delegates of Cameroon and Switzerland, said that administrations should be written with an initial capital, as in the Nairobi Convention. Thus any problem of ambiguity or tautology would be obviated.

1.12 The delegate of Japan suggested that the Members of major participants in Union activities should be qualified in paragraph a) and that the importance of encouraging a great number of participants should be emphasized in paragraph b).

1.13 The delegate of the United Kingdom pointed out that the representation of sovereign rights was the point at issue. They belonged to the Members alone; it should therefore be stated that the Members were solely responsible for representing their sovereign rights within the Union.

1.14 The Legal Adviser said that the "Members" should undoubtedly be included, since sovereign rights were mentioned, and that it was indeed the "Members" of the Union which enjoyed sole responsibility for representing sovereign rights within the Union.

1.15 The delegate of Morocco said that 311A of the draft Convention allowed a Member not represented by an administration to delegate its powers to a recognized private operating agency for purposes of voting. It was essential to avoid any conflict with that provision.

1.16 The delegate of the United States said that he would prefer **noting** a) to remain unchanged since, if reference was made to CV128U, other entities would be involved.

1.17 The Swedish proposal not having been accepted, it was agreed to maintain **noting** a) unchanged.

1.18 The addition of the word "provisionally" after "be promptly implemented" under **resolves**, as proposed by Sweden and supported by the delegates of Mexico and Switzerland was approved.

1.19 The delegate of Spain supported by the delegates of Algeria and Uruguay, proposed the deletion of the words "rights and obligations" under **instructs the Council**.

1.20 That proposal was approved.

1.21 In the absence of agreement on the wording of **recognizing** a), it was agreed to defer discussion of the draft Resolution.

2. Draft Resolution relating to the implementation of Advisory Groups for the Radiocommunication and Telecommunication Standardization Sectors (Document 171(Rev.1))

2.1 The delegate of Australia, who was responsible for the coordination of proposals within the ad hoc group, emphasized in introducing Document 171(Rev.1) that it constituted a compromise text and that it had been proposed that CV116U and CV122L of the Convention should be kept, modified in such a manner as to ensure consistency with Article 68 of the Nairobi Convention. In both texts, the term "code of participation" should be replaced by "conditions of participation". With regard to the draft Resolution, the square brackets had been kept in **considering** c) owing to the group's failure to reach agreement. Furthermore, the term "Advisory Group" would have to be deleted in texts possessing treaty force if Document 171(Rev.1) was approved.

2.2 The delegate of Algeria, who had taken part in the ad hoc group's discussions, said with reference to CV116U that it concerned not a radiocommunication assembly but a world radiocommunication conference. That term should likewise appear in the corresponding section of the **instructs** text of the draft Resolution. The original version of that text, namely Document 171, referred to a radiocommunication conference and not to an assembly.

2.3 The delegate of Australia, supported by the delegate of Lebanon, felt that the term "assembly" was correct, since the work of study groups was involved.

2.4 The delegate of India said that the new text of the Convention and the draft Resolution represented a sound compromise; on grounds of consistency, however, he merely proposed that the term "Directors of the Sectors" should be replaced by "Directors of the Bureaux" in **instructs** 1 of the draft Resolution.

2.5 That proposal was approved.

2.6 The delegate of Germany explained that, in **instructs** 2, the words "world radiocommunication conference" had been replaced by "radiocommunication assembly", since the activities of the Advisory Groups came under the assembly. In that respect, he referred to H.L.C. Recommendation 60.

2.7 The delegate of Algeria considered that the implementation of Advisory Groups was not the business of the assembly; they should be set up by a world radiocommunication conference in the presence of all administrations. The role of the assembly was to organize the working of the Advisory Groups.

2.8 The delegate of Australia said that the concept of conference had changed and that all activities of the Advisory Groups, as well as their implementation, would in future be a matter for the radiocommunication assembly.

2.9 The delegates of Liechtenstein, the United Kingdom and the United States supported the views of Australia and Germany.

2.10 The delegate of Algeria emphasized that the Advisory Groups had to be established by the world radiocommunication conference, since it was the Director of the Bureau and the radicommunication assembly which would be responsible for following up their activities. The conference would provide smooth continuity between the existing groups of the CCIs and the new Advisory Groups.

2.11 The delegate of Colombia expressed his support for the views of the delegate of Algeria and said that the administrations should share in the establishment of the Advisory Groups.

2.12 There being no further comments on **instructs** 2, the Chairman said that he would regard the text of the draft Resolution as having been accepted. The comments by the delegates of Algeria and Colombia would appear in the summary record.

2.13 It was so agreed.

2.14 The delegate of Mexico, supported by the delegate of Algeria, proposed that, in the first indent of **resolves**, the word "Union" should be deleted and that the words "of their respective Sectors" should be inserted at the end.

2.15 That proposal was approved.

2.16 The Chairman of Committee 4 explained, at the Chairman's request, that in the basic instruments all reference to the Advisory Groups would be deleted, but that there was no obstacle to its being maintained in any of the Resolutions.

2.17 The delegate of Australia said that the square brackets around the words "on 1 July 1994" might be removed, but that the Plenary Meeting should decide on those placed around "Articles 5A and 6A" in **considering** c).

2.18 The delegate of Saudi Arabia felt that all references to the Articles of the Convention should be deleted.

2.19 The delegate of the United Kingdom said that he would prefer the reference to be maintained but that, in a spirit of compromise, he would not insist.

2.20 It was agreed to delete the words between square brackets "[Articles 5A and 6A]" in **considering** c).

2.21 The draft Resolution, as amended, was approved.

2.22 There being no objection, the Chairman said that he would consider the text of Document 171(Rev.1) as having been approved on first reading.

2.23 It was so agreed.

3. Article 26 of the draft Convention (continued) (Document 181)

3.1 The delegate of Morocco introduced Document 181, which he had prepared together with the delegate of the United Kingdom with a view to simplifying the financial provisions. The words "in a radiocommunication conference" should be added after "which participates" in MOD CV377.

3.2 The delegate of Germany considered it unnecessary to refer explicitly to the radiocommunication conference in MOD CV377, since the words "a conference or assembly of a Sector", were used later in the same sentence. His opinion was supported by the delegate of France.

3.3 The delegate of Morocco explained that the addition was intended to ensure that an entity or organization also paid its share of the cost of a world radiocommunication conference; otherwise an entity which had already contributed to the cost of a radiocommunication assembly would be entitled to request to take part in a conference without paying its share. He could supply more detail if delegates required.

3.4 Since that part of Article 26, as amended, was acceptable, the Chairman said that, if there was no objection, he would regard the entire Article as having been approved on first reading.

3.5 It was so agreed.

4. Fifth series of texts submitted by the Editorial Committee for second reading (R.5) (Document 180)

Article 1 of the draft Constitution

4.1 Approved.

Article 2 of the draft Constitution

4.2 The delegate of the United Kingdom proposed that the square brackets around the words "radiocommunication assemblies" and "study group meetings" in MOD CS24 should be deleted and the text maintained.

4.3 It was so agreed.

4.4 Article 3 was approved.

Article 9A and Annex to the draft Constitution

4.5 Approved.

Article 6 of the draft Convention

4.6 The Chairman said that, in the light of what had already been decided, the words between square brackets in ADD [CV122C] should be deleted.

4.7 The delegate of the Russian Federation drew attention to the fact, which was not brought out explicitly in the Convention, that a world standardization conference was not to produce final acts. The role of the world standardization conferences was akin to that of the former plenary assemblies.

4.8 Article 6, as amended, was approved.

Article 6A of the draft Convention

4.9 It was agreed to delete the words "and Advisory Groups" between square brackets in the title and to replace ADD [CV122L] by CV122L contained in Document 171/Rev.1), which had been approved.

4.10 The delegate of the United Kingdom said that, in view of the decisions already taken, the words "world radiocommunication conference" in the last sentence of ADD CV 122J should be replaced by the words "radiocommunication assembly". He was supported by the delegate of Germany.

4.11 The delegate of Algeria disagreed with that suggestion, considering that the last sentence of the provision involved the rank of the various instances; it was clear that problems occurring at a conference would have to be submitted to the Plenipotentiary Conference, whereas any contentious issues arising at assembly level would have to be referred to the world conferences.

4.12 The Chairman of Committee 4 said that there should be some balance between the various Sectors and that all conferences should be equally empowered to produce final acts.

4.13 After informal consultations with various delegations, the delegate of the United Kingdom proposed that the reference to world conferences in the last sentence of ADD CV122J should be removed. The sentence would read: "If agreement is not reached, the matter may be submitted through the Council to the Plenipotentiary Conference for decision". The same amendment should be introduced in the corresponding provision for the Radiocommunication Sector (Article 5A, ADD CV(116S).

4.14 It was so agreed.

4.15 Article 6A, as amended, was approved.

Article 6B of the draft Convention

4.16 Approved.

Article 7E of the draft Convention

4.17 It was agreed to delete the reference to the Advisory Group in ADD [CV128AK].

4.18 In reply to a question by the delegate of Morocco concerning the meaning of the word "Board" in ADD [CV128AK], the Chairman of Committee 4 explained that the purpose had been to give the Advisory Groups of the Standardization and Radiocommunication Sectors the same status as the Development Advisory Board; the wording of that provision should be reviewed. He suggested, in view of the decision to delete the reference to the Advisory Group, that the text

should read: "the Director of the Bureau of each Sector on the basis of the decisions of the competent conference, after consultation with the Secretary-General and coordination as required by the Constitution and the Convention, shall draw up the general plan of study group meetings". The Chairman of Committee 6 would have to find a new wording for ADD [CV128AQ] (Article 7G) along the same lines.

4.19 It was so agreed.

4.20 Following a proposal by the delegate of Bahrain, supported by the delegate of Germany, it was agreed to merge ADD CV128AIBA and ADD CV128AIC.

4.21 The delegate of Spain, supported by the delegate of Algeria, proposed that the words "of the relevant Bureau" should be inserted after "the Director" in ADD CV128AN.

4.22 It was so agreed.

4.23 Article 7E, as amended, was approved.

Article 7F of the draft Convention

4.24 Approved.

Article 7G of the draft Convention

4.25 It was agreed to defer discussion of ADD [CV128AQ].

4.26 The Chairman of Committee 4 said that ADD [CV128AR] created no commitment but simply gave the Directors and elected officials the option of taking part in various meetings.

4.27 The delegate of Saudi Arabia wondered, in connection with that provision, what the situation of the IFRB Members was concerning participation in meetings, and he proposed that, the words "the Chairman of the Radio Regulations Board" should be replaced by "the members of the Radio Regulations Board", the square brackets being deleted.

4.28 The Legal Adviser drew attention to No. 448 of the Nairobi Convention, which stipulated that: "the Secretary-General, the Deputy Secretary-General, the Chairman of the International Frequency Registration Board, and the Director of the other Consultative Committee, or their representatives, may attend meetings of a Consultative Committee in an advisory capacity".

4.29 The delegate of Saudi Arabia said that it was important to enable the members of the Radio Regulations Board to attend conferences or meetings of a Sector, whenever appropriate, since they were highly qualified persons whose experience might prove of great benefit. At all events, participation in such meetings was only optional, and it would be regrettable if all members of the Radio Regulations Board were not given the opportunity of taking part.

4.30 The delegate of Algeria supported the proposal of the delegate of Saudi Arabia, referring in that connection to Nos. 340 and 459 of the Nairobi Convention.

4.31 The delegate of the United Kingdom proposed, after consultation with a number of delegations, that the first sentence of ADD [CV128AR] should read: "Conferences or meetings of a Sector may be attended in an advisory capacity by the Secretary-General, Deputy Secretary-General, the Directors of the Bureaux of the other Sectors, or their representatives, and members of the Radio Regulations Board".

4.32 The delegate of Iran said that he feared that inviting the nine members of the Radio Regulations Board to attend conferences, might affect costs.

4.33 The Secretary-General pointed out that the words "may be attended" meant that no obligation was involved; furthermore, the participation of the persons concerned in conferences or meetings invariably depended on the funds available.

4.34 With the exception of ADD [CV128AQ], Article 7G, as amended by the delegate of the United Kingdom was approved.

Article 28 of the draft Convention

4.35 The delegate of Saudi Arabia proposed the deletion of the words "including meetings of the Council" in MOD CV388.

4.36 That proposal, supported by the delegates of Algeria and Lebanon, was approved.

4.37 Article 28, as amended, was approved.

Annex to the draft Convention

4.38 Approved.

Resolution COM5/1

4.39 Approved.

4.40 With the exception of ADD [CV128AQ] in Article 7G of the draft Convention, the fifth series of texts submitted by the Editorial Committee (R.5), as amended, was approved on second reading.

5. Sixth series of texts submitted by the Editorial Committee for second reading (R.6) (Document 182)

Resolution PLEN/1

5.1 The delegate of the United States wished to have the word "pattern" replaced by "cycle" in **having decided** c), in conformity with the French text.

5.2 The Chairman said that the proposal would be referred to the Editorial Committee.

5.3 Resolution PLEN/1 was approved.

Resolution PLEN/2

5.4 The Chairman of Committee 6 proposed the addition at the end of **instructs the Council** 2, of the words: "in accordance with No. CV128F of the draft Convention".

5.5 Subject to that amendment, Resolution PLEN/2 was approved.

Resolution PLEN/3

5.6 The Chairman of Committee 6 said that, in the French text of **resolves** to, **instruct** 1.4, the words "le doyen des présidents" should be replaced by "le premier président".

5.7 Subject to that amendment, Resolution PLEN/3 was approved.

5.8 The sixth series of texts submitted by the Editorial Committee (R.6), as amended, was approved.

6. Seventh series of texts submitted by the Editorial Committee for second reading (R.7) (Document 184)

Resolution PLEN/4

6.1 The delegate of Germany proposed that a reference to the radiocommunication assembly should be added to **noting** b).

6.2 On a proposal by the delegate of Sudan, it was agreed to delete the square brackets in **considering** b).

6.3 The Chairman of Committee 6 said that the reference to WARC-92 Resolution No. 522 should be deleted in **considering** e).

6.4 The delegate of the United States said that in **resolves** 1a), the words "including the revision of the Radio Regulations based on the report of the VGE" should be inserted after "1995 world radiocommunication conference". He also proposed that "**further resolves**" and "to convene ... 1993 in order:" should be replaced by "**requests the radiocommunication assembly associated with the World Radiocommunication Conference of 1993:**".

6.5 The delegate of Sweden expressed full agreement with the views of the delegate of the United States with regard to **resolves** 1a).

6.6 The delegate of Mexico proposed, following the decisions taken, to add to **further resolves** a new paragraph d):" to consider the revision of CCIR Resolution 97 in conformity with Resolution COM4/2 of this Conference."

6.7 Subject to those amendments, Resolution PLEN/4 was approved.

6.8 The seventh series of texts submitted by the Editorial Committee (R.7), as amended, was approved.

The meeting rose at 1235 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 207-E
29 January 1993
Original: English

PLENARY MEETING

MINUTES

OF THE

TWELFTH PLENARY MEETING

Monday, 21 December 1992 at 1410 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed:		Documents
1.	Seventh series of texts submitted by the Editorial Committee for second reading (R.7) (continued)	184
2.	Draft resolution on the participation of entities and organizations other than administrations in the activities of the Union (continued)	26(Add.2 to Corr.2)
3.	Eighth series of texts submitted by the Editorial Committee for second reading (R.8)	186
4.	Ninth series of texts submitted by the Editorial Committee for second reading (R.9)	187 + Corr.1 + Add.1
5.	Swearing-in of the Director-elect of the BDT	-
6.	Ninth series of texts submitted by the Editorial Committee for second reading (R.9(Add.1)) (resumed)	187(Add.1)
7.	Tenth series of texts submitted by the Editorial Committee for second reading (R.10)	188
8.	Draft resolution on the provisional application of certain parts of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992)	32, 65, 145(Rev.1)
9.	Eleventh series of texts submitted by the Editorial Committee for second reading (R.11)	193

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		Documents
10.	Numbering of chapters, articles and paragraphs of the draft Constitution and draft Convention	-
11.	Caribbean resolution addressed to the Additional Plenipotentiary Conference	102
12.	Approval of the minutes of the third Plenary Meeting	172
13.	Statement by a member of the IFRB	-
14.	Amendment of Article 12 of the ITU Constitution (Geneva, 1992) by the Kyoto Plenipotentiary Conference	DT/15

1. Seventh series of texts submitted by the Editorial Committee for second reading (R.7) (continued) (Document 184)

Resolution PLEN/4 (continued)

1.1 The Chairman gave the floor to the delegate of Germany, who had asked to speak on Resolution PLEN/4 at the end of the previous meeting but had not been able to do so because of time constraints.

1.2 The delegate of Germany, supported by the delegate of Australia, proposed, for the sake of clarity, that the text of **instructs the Administrative Council** should read "... to convene the world radiocommunication conference and to include in its agenda the items mentioned in this Resolution."

1.3 The delegate of Spain supported the proposal and suggested the addition of "**resolves** of" after "mentioned in".

1.4 The Chairman said that if he heard no objection he would take it that the Conference wished to confirm its approval of Resolution PLEN/4 on second reading, subject to the additional drafting amendments proposed by the delegates of Germany and Spain.

1.5 It was so agreed.

2. Draft resolution on the participation of entities and organizations other than administrations in the activities of the Union (continued) (Addendum 2 to Corrigendum 2 of Document 26)

2.1 The delegate of Germany requested clarification of the situation with regard to the draft resolution and, in particular, the problem which had arisen in connection with **recognizing** a). When would the matter be further discussed?

2.2 The delegate of Morocco proposed, following informal discussions, that the text of that paragraph should be amended to read: "that Members have sole responsibility for representing their sovereign rights in the Union as they deem advisable, and that they exercise their rights through the intermediary of an administration which they designate;".

2.3 The delegate of Qatar said that he would need to see the amendment in writing.

2.4 The delegate of Germany observed that the matter involved the fundamental issue of relations between Members and administrations. He still had doubts about some of the wording in view of the speed with which the matter was being dispatched and the fact that the amendment had been made orally. He was therefore not in a position to ascertain whether the text was correct; accordingly, he entered a reservation and requested the opinion of the Legal Adviser.

2.5 The Chairman said that the text would be considered later in the meeting when he hoped that the situation would be clarified and Germany would be able to withdraw its reservation.

3. Eighth series of texts submitted by the Editorial Committee for second reading (R.8) (Document 186)

Optional Protocol

3.1 Approved.

Article 14D of the draft Constitution

3.2 Approved.

Article 7B of the draft Convention

3.3 Approved.

Articles 9, 10, 13, 14 and 15 of the draft Convention (continued)

3.4 Approved.

Article 25 of the draft Convention (continued)

Section 5

3.5 The delegate of the United Kingdom proposed that the title of subsection 5.2 should be amended to read "Radiocommunication Conferences and World Conferences on International Telecommunications" since the provision applied also to the latter type of conference.

3.6 It was so agreed.

3.7 Section 5 of Article 25, as amended, was approved.

Resolutions COM5/2, COM5/3, COM5/4, COM5/5 and COM5/6

3.8 Approved.

3.9 The eighth series of texts submitted by the Editorial Committee (R.8), as amended, was approved on second reading.

4. Ninth series of texts submitted by the Editorial Committee for second reading (R.9) (Document 187 + Corrigendum 1 + Addendum 1)

4.1 The Chairman of Committee 6 pointed out that the document reproduced certain parts of various other pink documents which were pending decision on second reading.

4.2 The Chairman invited the meeting to take up the texts in Document 187.

Article 7 of the draft Constitution

4.3 The Chairman of Committee 4 said that the text was the result of informal consultations among interested parties. The main change made was that the reference to the Council in

MOD CS39 had been restored to its original place in the article with additional wording to explain why it was mentioned immediately after the Plenipotentiary Conference. In MOD CS42 a reference to radiocommunication assemblies had been added and the reference to world and regional conferences had been reinstated. As he understood it, the text was now acceptable to all the delegations which had participated in the consultations.

4.4 The delegate of Morocco considered that the wording now proposed for MOD CS39 might be restrictive, for the Council's functions were not limited to acting on behalf of the Plenipotentiary Conference; he therefore considered that the words "which acts on its behalf" should be deleted.

4.5 The delegate of the United Kingdom, referring to the same provision, said that the word "its" was unclear.

4.6 Following a discussion in which the Chairman and the delegates of Spain, France and Saudi Arabia took part, the delegate of Argentina proposed that MOD CS39 should be amended to read "the Council, which acts on behalf of the Plenipotentiary Conference;".

4.7 It was so agreed.

4.8 Article 7, as amended, was approved.

Article 5B of the draft Convention

ADD [CV116AF]

4.9 The Chairman suggested that the square brackets should be deleted and the text approved.

4.10 In reply to a question by the delegate of Switzerland, the Chairman of Committee 6 said that the words "requested" and "resolved" referred to the word "review" and not to the word "finding", and that the French text should be adjusted accordingly.

4.11 Following a discussion in which the delegates of Colombia, Saudi Arabia and Mexico and the Secretary-General took part, the member of the IFRB explained that the intent of the High Level Committee had been for the Rules of Procedure to be adopted by the Board and applied by the Director, who would publish, on a weekly basis, any findings that were fully in conformity with them.

4.12 The Chairman said that he was reluctant to reopen discussion on a text which had already been the subject of lengthy debate, and again suggested that the square brackets be deleted and the text approved.

4.13 It was so agreed.

4.14 Article 5B was approved, subject to the deletion of the square brackets from around the text of ADD [CV116AF].

4.15 The delegate of Mexico said that the wording just approved did not fully reflect the discussions which had taken place. A question of national sovereignty was concerned and he therefore could not agree to the text.

Article 9A of the draft Convention

ADD [CV155LA]

4.16 The Chairman of Committee 6 explained that the provision had been placed in square brackets awaiting final formulation once a decision had been taken regarding participation in radiocommunication assemblies.

4.17 The delegate of Spain proposed deletion of the text, since the question of participation in meetings by members of the Radio Regulations Board was covered elsewhere. The delegates of Saudi Arabia and Switzerland supported that proposal.

4.18 The delegates of Australia and Germany confirmed that the matter was covered by texts which had already been approved.

4.19 The delegate of Morocco said that he had no objection to the proposal; to be logical, however, similar references would need to be deleted elsewhere in the instrument.

4.20 The delegates of Mexico, Qatar and France supported the Moroccan approach but said that they were prepared to be flexible.

4.21 It was agreed to delete the provision.

4.22 Article 9A, as amended, was approved.

Article 10 of the draft Convention (continued)

MOD Title, ADD CV155Q

4.23 Approved.

Resolution COM4/1

4.24 The Chairman of Committee 6, noting that advisory groups were not to be mentioned in the Constitution, asked for clarification of the situation with regard to resolutions.

4.25 The Chairman of Committee 4 suggested that "advisory groups" throughout the resolution should be written in lower case. Furthermore, the square brackets could be removed from **considering** b) as Articles 5A and 6A contained no controversial provisions, from **considering** f) where the text should read "advisory groups are to be established", from **resolves further** 2, from **resolves further** 3 where the text should read "and the relevant advisory groups", and from **invites the Members of the Union** a).

4.26 It was so agreed.

4.27 Resolution COM4/1, as amended, was approved.

Recommendation COM5/A (Corrigendum 1 to Document 187)

4.28 Approved.

4.29 The Chairman invited the meeting to turn to the texts in Addendum 1 to Document 187.

Article 11A of the draft Constitution

4.30 It was agreed to delete the words within square brackets in ADD [CS85F].

4.31 Article 11A, as amended, was approved.

Article 4BA of the draft Convention

4.32 It was agreed to delete the text within square brackets in ADD [CV109U].

4.33 Article 4BA, as amended, was approved.

Article 5 of the draft Convention

MOD [CV116B]

4.34 The Chairman of Committee 6 recalled that the provision had already been discussed at some length, and expressed the hope that the new text would meet with general approval.

4.35 The delegate of Mexico said that the text still failed to reflect the fundamental principle that in no case should members of the Board be able to participate in any of the Union's conferences or meetings as members of their national delegation. He proposed that the last sentence should be amended accordingly.

4.36 The delegate of Venezuela, supporting the Mexican proposal, said that the Board's impartiality and independence had to be guaranteed, irrespective of whether it was constituted on a full- or part-time basis; administrations must therefore accept that Board members could not represent their administrations at any conference.

4.37 The delegate of Liberia said that he supported a part-time Board in principle, but considered that its members should receive some kind of honorarium in return for providing a professional and impartial service; wording to that effect should be added to the paragraph now being discussed.

4.38 The delegates of Colombia, Saudi Arabia, Cuba, Algeria and Argentina also supported the Mexican proposal, emphasizing the need to safeguard the impartiality and independence of Board members and to avoid the various conflicts of interest which might arise if they took part in conferences as members of national delegations.

4.39 The delegate of Bahrain, expressing support for the Mexican proposal, drew attention to ADD CS86E (Article 12 of the draft Constitution), which stated that Board members must refrain from intervening in decisions directly concerning their own administrations.

4.40 The Chairman noted that, despite the exhaustive discussions which had taken place, no clear consensus had emerged on the final wording of the text. In view of the limited time remaining, he had no option but to exercise his prerogative under No. 461 of the Nairobi Convention and to propose that the discussion be closed.

4.41 The delegate of Algeria proposed that the Mexican proposal should first be put to the vote.

4.42 The delegate of Mexico, supporting that proposal, wished it to be placed on record that nobody had opposed the amendment suggested by his delegation.

4.43 The Legal Adviser, replying to a request by the delegate of Saudi Arabia for clarification of the precise legal implications of the Mexican amendment, confirmed that, under the terms proposed by Mexico, Board members would indeed under no circumstances whatsoever be allowed to participate in ITU conferences or meetings as members of their national delegation.

4.44 Following a procedural discussion, the delegate of Mexico, supported by the delegates of Saudi Arabia and Uruguay, proposed that a final decision on the wording should be deferred to allow time for a written text to be produced.

4.45 It was so agreed.

ADD CV116F, ADD CV116G

4.46 The delegate of Morocco pointed out that the number "five" in ADD CV116G should be replaced by "six". He also proposed that the words "six members" in ADD CV116F should be replaced by "two-thirds of its members", so as to allow the Board to carry out its duties during the coming two years.

4.47 It was so agreed.

4.48 With the exception of MOD [CV116B], Article 5, as amended, was approved.

Article 5A of the draft Convention

4.49 The Chairman of Committee 6 said that, in the light of decisions taken on other paragraphs, the words within square brackets should be deleted from the title, the phrase "even at the level of the radiocommunication assembly and the world telecommunication standardization conference" should be deleted from ADD CV116S, and the amended version of the text of CV116U in Document 171(Rev.1) approved at the previous Plenary Meeting should be substituted for that of ADD [CV116U] in the document under consideration.

4.50 It was so agreed.

4.51 Article 5A, as amended, was approved.

5. Swearing-in of the Director-elect of the BDT

5.1 The Chairman called upon the Director-elect of the BDT to take the oath of office.

5.2 The Director-elect of the BDT took the following oath of office:

"I solemnly swear to exercise in all loyalty, discretion and conscience the functions entrusted to me as a staff member of the International Telecommunication Union; to discharge these functions and to regulate my conduct with the interest of the Union only in view, without seeking or accepting instructions or assistance from any government or other authority external to the Union in regard to the accomplishment of my duties."

5.3 The Chairman, speaking on behalf of all the delegates, wished the Director-elect of the BDT every success in his new duties.

(Applause)

The meeting was suspended at 1700 hours and resumed at 1825 hours.

6. Ninth series of texts submitted by the Editorial Committee for second reading (R.9(Add.1)) (resumed) (Addendum 1 to Document 187)

Article 5 of the draft Convention (resumed)

MOD [CV 116B] (resumed)

6.1 The delegate of Saudi Arabia proposed, following informal discussions, that the last sentence of the provision should be amended to read: "Other members of the Board may participate in the Plenipotentiary Conference. They shall not participate in their national delegations."

6.2 In response to a request for clarification by the delegate of Spain, the delegate of Mexico said that the intention of the proposal was to permit members of the Board other than the Chairman and Vice-Chairman to participate in Plenipotentiary Conferences, while excluding the possibility that they might at the same time participate in their national delegation.

6.3 The Chairman, noting that there were objections to the proposal, repeated his earlier proposal that the debate should be closed.

6.4 There being no objection, it was so agreed.

6.5 The Chairman put the proposed amendment to the vote.

6.6 The amendment was rejected by 46 votes to 31, with 15 abstentions.

6.7 The Chairman put to the vote MOD [CV116B] as it stood in Addendum 1 to Document 187.

6.8 MOD CV116B was approved by 54 votes to 16, with 20 abstentions.

6.9 The ninth series of texts submitted by the Editorial Committee (R.9) as a whole, as amended, was approved on second reading.

7. Tenth series of texts submitted by the Editorial Committee for second reading (R.10) (Document 188)

Article 11B of the draft Constitution

7.1 Approved.

Article 12 of the draft Constitution

7.2 In response to a comment by the delegate of the Russian Federation concerning the desirability of deferring consideration of Article 12 so that it could be taken up in conjunction with related texts in other documents, the Chairman said that time constraints unfortunately did not allow for such a procedure.

7.3 Article 12 was approved.

Articles 13 and 13A of the draft Constitution

7.4 Approved.

Articles 13B and 14 of the draft Constitution (continued)

7.5 Approved.

Articles 2, 4B and 4C of the draft Convention

7.6 Approved.

Article 7D of the draft Convention

7.7 Approved subject to deletion of the square brackets in ADD CV128AC.

Resolution PLEN/5

7.8 Approved.

Resolution COM4/2

7.9 The delegate of the United Kingdom, referring to the **instructs the Council** paragraph and the view expressed at an earlier Plenary Meeting that it was not appropriate for the Council to be given such instructions, proposed that the paragraph be replaced by a "**further resolves**" paragraph to the effect that the revision of CCITT Resolution No. 2 and CCIR Resolution 97 should be included in the agendas of the relevant world conferences.

7.10 The delegate of Morocco supported that proposal but suggested that the word "considered" would be more appropriate than "included".

7.11 The delegate of Sweden having questioned whether such a paragraph was in fact necessary in the light of **resolves** 1, the delegate of the United Kingdom agreed that the whole **instructs the Council** paragraph might indeed be deleted.

7.12 Following comments by the delegates of Spain, Mexico and Germany concerning the use of the word "respectively" in both the **resolves** and the **instructs the Council** paragraphs, the Chairman said that the Editorial Committee would ensure that the meaning was appropriately rendered in the Spanish-language version to ensure that it was in harmony with the other versions.

7.13 Subject to the deletion of the **instructs the Council** paragraph, Resolution COM4/2 was approved.

IN WITNESS WHEREOF of the draft Constitution

7.14 Approved.

7.15 The tenth series of texts submitted by the Editorial Committee (R.10) as a whole, as amended, was approved on second reading.

8. Draft resolution on the provisional application of certain parts of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) (Documents 145(Rev.1), 32, 65)

8.1 The delegate of Australia, introducing Document 145(Rev.1), reported that as a result of discussions in Committee 4 on the earlier version of Document 145 and following guidance from the Legal Adviser concerning the provisional application of provisions to be adopted by the current Conference, an informal group had continued to consider and seek advice on the matter and, on that basis, was presenting a revised version of the document. The purpose of the draft resolution contained therein was to enable the historic decisions which the Conference was making on a new structure for the Union to be implemented provisionally pending the entry into force of the new Constitution and Convention on 1 July 1994. The date proposed for such provisional implementation was 1 March 1993. The specific questions to be covered included the duties of the IFRB and the election of officials. Special attention should be given to the proposed **resolves** section in that respect; in particular, he drew attention to the paragraphs concerning the election of the Directors of the BDT and the two Bureaux, which were intended to make clear the implications of the transition from the old to the new provisions. The effect of the text, if adopted, would be, firstly, in the case of the Director of the BDT, that the period up until the 1994 election at Kyoto would not count as one of the two terms of office referred to in No. CV6F of the draft Convention, and, secondly, for the Directors of two Bureaux, that the first of those two terms of office would be considered to have started at Nice.

8.2 In conclusion, he emphasized that such a resolution was vital to the reform process and to the continued preeminence of the ITU in the development of world telecommunications. It was essential to transmit a clear signal that the ITU was credible and that its operations were relevant to the needs of major providers, equipment manufacturers and users. The reforms must be implemented promptly and should not be delayed until the treaty texts came into force in July 1994.

8.3 The delegate of Uruguay, after drawing attention to the proposal submitted by his delegation in Document 65, expressed support for the draft resolution in Document 145(Rev.1). The delegates of Brazil, Niger and Tanzania also supported the draft resolution.

8.4 The delegate of Saudi Arabia drew attention to the fact that his delegation's Document 32 had been submitted prior to the Conference and thus before any of the latter's results had been known. His Administration had submitted no other written contribution because it had participated in the work of the High Level Committee and had wished to allow other countries the opportunity to make contributions. His delegation was in favour of doing everything possible to implement the results of the present Conference as quickly as possible; indeed, Document 32 covered all the points dealt with in Document 145(Rev.1), but with a greater degree of flexibility, and furthermore did not raise the legal problems that appeared to be inherent in Document 145(Rev.1), for example with regard to the terms of office of certain officials elected at Nairobi and re-elected at Nice. The implications of **resolves** 9b) might cause some administrations to reconsider their positions when they voted to elect certain officials at the Kyoto Plenipotentiary Conference.

8.5 The delegate of Algeria expressed support for the Saudi Arabian proposals in Document 32, subject to the updating of certain terms in proposal ARS/32/4.

8.6 The delegate of China agreed that Document 145(Rev.1) seemed to raise certain legal problems and said that, given the late stage of proceedings, his delegation favoured the adoption of the transitional measures proposed in Document 32.

8.7 The delegate of Qatar, while agreeing with the previous speaker, suggested that an alternative solution might be to approve the draft resolution in Document 145(Rev.1) and annex to it the measures set out in Document 32.

8.8 The delegate of Cameroon, after expressing general support for Document 145(Rev.1), said that the text of **resolves** 9 needed to be made more precise. To that end, either the original text of **resolves** 10 in Document 145 could be used, or **resolves** 9a) could be amended to read: "with regard to the Director of the BDT, the election by the Plenipotentiary Conference (Kyoto, 1994) shall count as a first election." In addition, paragraph 9b) should be amended to include the Secretary-General.

8.9 The delegate of Mexico fully supported the speedy introduction of the Union's new structure and working methods and thus approved the general thrust of the draft resolution in Document 145(Rev.1). Nevertheless, she found it difficult to justify the legal basis for provisional application of provisions which had not entered into force.

8.10 The delegate of Spain proposed the following editorial amendments: **noting** a) should be amended to read: "... between the Parties which have ratified them"; in **noting** b), the words "an improved" should be replaced by "a new", and "more efficient working methods" by "working methods intended to be more efficient"; the word "significant" should be deleted from **resolves** 6b); and the words "to that post" at the end of **resolves** 9a) should be replaced by "to the post of Director of the Development Bureau".

8.11 The delegate of Colombia, while supporting the thrust of the draft resolution in Document 145(Rev.1), said that his delegation too had serious difficulties in accepting some of its aspects which touched upon the provisional implementation of the instruments before their entry into force.

8.12 The delegate of the United States said that Document 145(Rev.1) provided a sound basis for approaching the future. It appeared to meet the interests of the Union and its Members, and to take account of the specific legal questions raised during the discussion of the earlier version of the text. His delegation therefore fully supported it.

8.13 The delegate of Australia suggested that the Legal Adviser might perhaps be invited to provide reassurance on the concerns expressed by previous speakers with regard to the legal basis of the draft resolution.

8.14 The Legal Adviser, after recalling that he had commented in some detail on the issue of provisional application already at an earlier Plenary Meeting, i.e. the ninth[1], said that he fully understood the concern expressed by a number of speakers with regard to the legal justification for provisionally applying measures which had not yet entered into force, and the reluctance which such a practice provoked on the part of certain governments. Nevertheless, the Union was a constantly developing legal entity or organism, and, therefore, decisive steps simply had to be taken - at certain intervals - in order to enhance, develop and improve its structure, working methods and overall importance, in order to rejuvenate it and to keep it in the best possible form to remain attractive and efficient. After referring again to the Atlantic City Conference, as one of the most striking examples of a historically comparable and most important turning-point in the Union's long lifetime of now more than 127 years of existence, at which measures had been taken similar to those now actually contained in the draft resolution under consideration as well as to various other transitional or provisional measures adopted by earlier ITU Plenipotentiary, world and regional administrative conferences, he stressed that the concept of provisional application was thus perfectly acceptable and indeed, as required, also applied in practice in international law. Nevertheless, the problem felt by some delegations at the present Conference was also a real one, with which the Conference was again faced. It consisted in the undeniable fact that the Nairobi Convention was still in force as the Union's basic instrument and would remain so for quite some time. In despite thereof, the majority of the delegations, present at this Conference and representing thus the majority of the Union's membership itself, realized the need for provisional application of the new measures, in order to allow the Union to develop further and to change as soon as possible its structure and working methods so that it could meet the changed requirements better, quicker and thus more efficiently. Such provisional application would not be at variance with the spirit of the Nairobi Convention, which, in its No. 45, provided for its revision if necessary, though it did, of course, not expressly contain any provisional application clause for any such revision. The task of revising this time the Union's basic instrument was, however, aimed essentially at enabling the organization to move forward. Seen against the legal background of what was generally recognized and authorized by international law as well as what, in conformity therewith, had already been frequently practiced according to the Union's own traditions, he considered the actions envisaged in the draft resolution, in order to meet the desired goal, as legally justified and legitimate. After all, he concluded that, being fully aware of the possible legal problems which might perhaps, but were nevertheless rather unlikely to arise, the law as well as the Legal Adviser should, as much as possible and when legally justifiable, foster and enable any

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[1] See the minutes thereof in Document 204, paragraphs 1.12 and 1.13.

positive and required evolution of the organization. In this sense, he saw no unsurmountable legal objections against the essence of the draft resolution in Document 145(Rev.1), for the adoption of which "green light" could be given, in his considered legal opinion.

8.15 Turning, thereafter, briefly to the amendment proposed by the delegate of Spain to **noting** a), he urged that the terminology used in Document 145(Rev.1) be retained, since it appeared in many other similar texts adopted over the years. To speak of "ratification" would entail the need to employ a far longer legal formula, whereas "the Parties thereto" or "the Member Parties thereto" was perfectly adequate.

8.16 In relation to this last point made by the Legal Advisor, the delegate of Spain, while expressing thegreatest respect for the Legal Adviser's opinion, quoted the Vienna Convention on the Law of Treaties in support of his proposal. All the amendments he had suggested were editorial in nature and ought to be incorporated, since in some cases form was just as important as substance.

8.17 The Chairman, summing up, said that the discussion which had just taken place further highlighted the desirability and necessity of making arrangements for the prompt implementation of the new measures required for the Union to develop. The practical means of achieving that objective were set out in the draft resolution, for which there appeared to be many supporters, including of course the sponsors of Document 145(Rev.1). He therefore invited the meeting to take up the draft resolution paragraph by paragraph, calling upon the delegate of Saudi Arabia to intervene when he considered that material contained in Document 32 might usefully be incorporated in the text.

Title, introductory paragraph, having considered, emphasizing

8.18 Approved.

Noting

Paragraph a)

8.19 The Legal Adviser having given further explanations in support of retaining the text as it appeared in Document 145(Rev.1), the delegate of Spain agreed to withdraw his proposal.

8.20 Paragraph a) was approved.

Paragraph b)

8.21 The delegate of Algeria having supported the amendments suggested earlier by the delegate of Spain, the Chairman asked delegations to indicate by a show of cards whether they supported those changes. Noting that opinions were divided on the proposed amendments, he observed that over and above the practical purpose it was intended to serve, the draft resolution was designed to transmit a message bringing out the Union's determination to improve its working methods and structure. Accordingly, it might be preferable to keep the text of paragraph b) as it stood.

8.22 The delegate of Algeria expressed his preference for phraseology along the lines suggested by the Spanish delegation.

8.23 The delegate of Spain said he found it difficult to understand why such minor amendments should be causing such major problems. Not all the decisions taken during the Conference had been universally acceptable, and the majority which had been satisfied by the earlier decisions ought now to be prepared to make some small concessions to the minority.

8.24 The Chairman of Committee 5 suggested, as a compromise, that the first of the two amendments proposed by the delegate of Spain, namely the replacement of "improved" by "new", should be accepted.

8.25 It was so agreed.

8.26 Paragraph b), as amended, was approved.

Recognizing

8.27 Approved, subject to deletion of the word "present".

Resolves

Paragraph 1

8.28 The delegate of Morocco recalled that, during its consideration of draft Resolution PLEN/4 in Document 184 (R.7), the Plenary Meeting had deleted paragraph 2 in the **resolves** section of that draft resolution on the understanding that its contents would be covered in the resolution now under consideration. He sought confirmation that that was indeed the case.

8.29 The Legal Adviser replied in the affirmative, observing that the date given for provisional application in paragraph 1 was 1 March 1993 and that the World Radiocommunication Conference to which Resolution PLEN/4 referred was scheduled to take place late in 1993.

8.30 Paragraph 1 was approved.

Paragraphs 2, 3, 4 and 5

8.31 Approved.

Paragraph 6

8.32 The delegate of Algeria proposed that subparagraphs a) and b) should be the subject of a separate section headed by the words "**instructs the IFRB**". In addition to minor editorial amendments, subparagraph a) should be amended to read: "... and to carry out any special task in collaboration with the Secretary-General"; subparagraph b) would remain unchanged except for the deletion of the word "significant", as suggested earlier by the delegate of Spain.

8.33 The Chairman having noted that opinions on the Algerian proposal were divided, the Chairman of Committee 5 observed that the suggested amendments did not appear to alter the basic meaning of paragraph 6 the intention - as he understood it - being to place the IFRB on the same footing as the CCIR and CCITT. In his view, the Algerian proposal improved the layout of the draft resolution.

8.34 The delegate of France agreed. However, the heading of the new section should be "**instructs the members of the present International Frequency Registration Board**" rather than "**instructs the IFRB**". Furthermore, he expressed the hope that the Algerian delegate would not press his proposed amendment to subparagraph a), which would more appropriately be left as it stood.

8.35 The delegate of Sweden, supported by the delegate of Finland, said that it had taken several days to develop the text of Document 145(Rev.1), which was sponsored by 25 administrations and had been supported by several other delegates during the discussion. He therefore suggested that the text be accepted as it stood.

8.36 Following further discussion in which the delegates of Algeria, Mexico and the United Kingdom took part, the delegate of France said that he could obviously accept the draft resolution as it stood in Document 145(Rev.1), since his country was listed as one of the sponsors. However, it seemed that the text was unacceptable to a certain number of other administrations, and that was why he had made a compromise suggestion based on the Algerian proposal, which itself took account of the Spanish amendment. As only two delegates appeared to object to such a compromise, he suggested that it should be accepted. The delegate of Algeria signified his agreement to the compromise.

8.37 Paragraph 6, as amended, was approved on the understanding that the new section, to be headed by "**instructs the members of the present International Frequency Registration Board**", would be inserted immediately before the **instructs the Secretary-General** section.

Paragraphs 7 and 8

8.38 Approved.

Paragraph 9

8.39 The Chairman drew attention to the fact that certain amendments had been suggested earlier in the discussion, in particular by the delegate of Cameroon.

8.40 The delegate of Algeria considered that subparagraph a) should be amended to make it clear that the first term of office of the Director of the BDT would end at the Plenipotentiary Conference following the Kyoto Conference.

8.41 The Chairman of Committee 5 suggested that subparagraphs a) and b) should be dealt with separately. With regard to subparagraph a), the substantive issue was whether the two-year period up until the Kyoto Conference should be considered as a first election or not. The Algerian proposal was that the election by the present Conference should be considered as a first election, but for a period of six years.

The meeting was suspended at 2100 hours and resumed at 2145 hours.

8.42 The delegate of Saudi Arabia observed that proposal ARS/32/2 was identical to the Algerian proposal. The delegate of Algeria concurred, adding that the United States delegation to the 47th session of the Administrative Council had also proposed a first term of office lasting six years for the Director of the BDT. The delegate of the United States confirmed that statement, drawing attention to Document 7 which set out the details of his Administration's proposal to the Administrative Council.

8.43 The delegate of Brazil called for a decision to be taken on whether the first official term of office of the Director of the BDT should be two years or six.

8.44 The Chairman said that, under No. 571 of the Nairobi Convention, the first proposal to be decided on was proposal ARS/32/2, since it was the one furthest from the text in Document 145(Rev.1).

8.45 The delegate of Sudan supported proposal ARS/32/2.

8.46 The Chairman, having invited delegates to indicate whether or not they supported proposal ARS/32/2, noted that the meeting was divided on the issue and said that the proposal would have to be put to the vote.

8.47 The delegate of Kenya questioned whether the present Conference had the authority to decide that the term of office of the Director of the BDT should be six years, since it would thereby be depriving the Kyoto Plenipotentiary Conference of one of is perogatives under Article 8 of the Constitution, namely, that of electing certain Union officials. Before proceeding to a vote, he wished to hear the Legal Adviser's opinion on the matter.

8.48 The Legal Adviser said that the point raised by the previous speaker had been taken into consideration when the subparagraph a) now under consideration had been drafted. The Constitution and Convention approved by the present Conference would have entered into force by the time the Kyoto Conference would take place. The present Conference was certainly free to express the wish, in a resolution, that the first term of office of the Director of the BDT should be six years; in doing so, it would not deprive the Kyoto Conference of any right, since each Plenipotentiary Conference was as sovereign as any other.

8.49 The delegate of Kenya observed that the Additional Plenipotentiary Conference was unlike any other Plenipotentiary Conference in that it had a limited agenda and therefore, in his opinion, a limited mandate. He would not press the point, but wished it to be noted that, in the view of his delegation, the present Conference's mandate in respect of the matter under consideration was confined to what was stipulated in subparagraph a) as it stood in Document 145(Rev.1).

8.50 The Chairman put proposal ARS/32/2 to the vote.

8.51 The proposal was rejected by 51 votes to 20, with 14 abstentions.

8.52 The delegate of Algeria, explaining his vote under No. 558 of the Nairobi Convention, said that he had supported the Saudi Arabian proposal because it seemed unfair to ask an elected official to report on his achievements a mere 19 months after his first election, whereas other elected officials were to enjoy an initial term of office lasting more than five years.

8.53 The delegate of Saudi Arabia fully supported that view and deplored that the present Conference was setting a precedent in electing an official for a relatively limited number of months.

8.54 After the Legal Adviser's confirmation that none of the remaining proposals relating to subparagraph a) affected the substance of the text as it appeared in Document 145(Rev.1), the Chairman put that text to the vote.

8.55 Subparagraph a) as it appeared in Document 145(Rev.1) was approved by 64 votes to 6, with 6 abstentions.

8.56 The delegate of Senegal, exercising his right to comment on the vote, thanked the Legal Adviser for his explanations concerning subparagraph a), and expressed the hope that the Kyoto Conference would take due account of the rather unusual situation of the Director of the BDT, whose post would be put to the vote again in 1994 and who by then would have been responsible for the Bureau for barely two years.

8.57 The delegate of Saudi Arabia, referring to subparagraph b), said that even though proposal ARS/32/4 was well-founded and correct, he was willing to withdraw it in order to expedite matters.

8.58 The delegate of Cameroon repeated the proposal he had made earlier with regard to subparagraph b).

8.59 There being no support for that proposal, subparagraph b) was approved without change.

Instructs the Secretary-General, instructs the Council

8.60 Approved.

8.61 The delegate of Sudan said that, while respecting the majority decision, his delegation reserved its position for the reasons given earlier by the delegates of Algeria and Saudi Arabia with regard to the election of certain officials of the Union. Provision was being made in the resolution for some officials to continue in office far longer than others.

8.62 The delegate of Colombia said that, for the legal reasons he had given earlier, his delegation reserved its position with regard to the resolution.

8.63 The Chairman said that due note would be taken of the reservations expressed.

8.64 The draft resolution in Document 145(Rev.1) as a whole, as amended, was approved on first and second readings.

9. Eleventh series of texts submitted by the Editorial Committee for second reading (R.11) (Document 193)

Article 5A of the draft Convention (continued)

ADD CV116U

9.1 Approved.

9.2 The Chairman of Committee 6 recalled that the article as a whole had already been dealt with during consideration of the ninth series of texts (Document 187 and Addendum 1) earlier in the meeting.

Article 6A of the draft Convention (continued)

ADD CV122L

9.3 Approved.

9.4 The Chairman of Committee 6 recalled that the article as a whole had already been dealt with during consideration of the fifth series of texts (Document 180) at the previous meeting.

Article 26 of the draft Convention

9.5 The delegate of Mexico suggested that, in ADD CV385A, the words "as appropriate" should be inserted after the word "consistent" in the fourth line.

9.6 It was so agreed.

9.7 Article 26, as amended, was approved.

Resolution PLEN/6

9.8 Approved.

Resolution PLEN/7

9.9 The Chairman of Committee 6 drew attention to an editorial amendment to be made to **recognizing** b): the phrase "with appropriate rights and obligations" should be moved to follow the word "participants".

9.10 Resolution PLEN/7, as amended, was approved.

9.11 The eleventh series of texts submitted by the Editorial Committee (R.11) as a whole, as amended, was approved on second reading.

10. Numbering of chapters, articles and paragraphs of the draft Constitution and draft Convention

10.1 It was agreed that the final numbering of the chapters, articles and paragraphs of the draft instruments should be entrusted to the Secretary-General, in accordance with No. 597 of the Nairobi Convention.

10.2 The delegate of Greece called on the Secretary-General to accelerate publication of the Final Acts in order to allow national ratification procedures to proceed as rapidly as possible.

11. Caribbean resolution addressed to the Additional Plenipotentiary Conference (Document 102)

11.1 The delegate of Côte d'Ivoire observed that the wishes expressed in Document 102 were met in Resolution PLEN/2 relating to priority tasks of the BDT.

11.2 Document 102 was noted.

12. Approval of the minutes of the third Plenary Meeting (Document 172)

12.1 The minutes of the third Plenary Meeting were approved.

13. Statement by a member of the IFRB

13.1 Mr. Bellchambers made the statement reproduced in Annex 1.

14. Amendment of Article 12 of the ITU Constitution (Geneva, 1992) by the Kyoto Plenipotentiary Conference (Document DT/15)

14.1 The Chairman recalled that Article 12 of the draft Constitution had been approved on first reading at the tenth Plenary Meeting. At that time, the concern had been expressed that the Kyoto Plenipotentiary Conference might wish to reconsider the provisions relating to the Radio Regulations Board in the light of experience with the new Board, and the Secretary-General had been requested to suggest ways and means of allowing for such reconsideration.

14.2 The Secretary-General, introducing the draft resolution in Document DT/15, drawn up in response to the request made at the earlier meeting, said that it accorded exceptional treatment to Article 12 of the Constitution by allowing amendment of that article and consequential amendments to the Constitution to be made on the basis of the less stringent majority normally required for amendment of the Convention. Since Document DT/15 had been issued, various informal consultations had taken place and a revised text had been prepared by the delegation of Morocco to address the difficulties that some delegations had with respect to the one in Document DT/15.

14.3 The Chairman apologized for the fact that the revised text referred to by the Secretary-General existed in English only. In introducing it, the delegate of Morocco might wish to read out the full text so that it could be interpreted into the other languages.

14.4 The delegate of Spain protested strongly against that method of work. Texts for discussion should be produced in all the required languages in order to enable delegates to consider them with the care and attention they deserved.

14.5 The delegate of Uruguay supported the comments by the previous speaker. Even with excellent interpretation, it was extremely difficult to appreciate drafting subtleties in the absence of a written text.

14.6 The delegate of Cuba also protested against the consideration of a document in a single language.

14.7 The Chairman acknowledged that the protests were justified, but drew attention to the severe time constraints for the completion of the work of the Conference. He appealed to delegates, as an exceptional measure, to agree to consider a text of which only one language version existed.

14.8 On the clear understanding that no precedent was being established, it was so agreed.

14.9 The delegate of Morocco, introducing the revised version of the draft resolution proposed by his delegation, read out the full text, which had been drafted somewhat hastily in "Moroccan English" and would no doubt require some editorial amendment.

14.10 The delegate of the Russian Federation supported the draft resolution in Document DT/15, which accurately reflected the wishes of the earlier meeting. The text presented by the delegation of Morocco appeared to include other elements, and thus required careful study.

14.11 The delegate of Saudi Arabia said that, under the draft resolution in Document DT/15, the Additional Plenipotentiary Conference seemed to be imposing a procedure on the Kyoto Plenipotentiary Conference, in contravention of the right of each Plenipotentiary Conference to take its own decisions. The revised version addressed that concern, and he thanked the delegate of Morocco for his efforts.

14.12 The delegate of Côte d'Ivoire, referring to the draft resolution in Document DT/15, said that there was surely no doubt about whether the Kyoto Plenipotentiary Conference would wish to discuss Article 12 of the Geneva Constitution.

14.13 The delegate of Uruguay endorsed the remarks by the delegate of the Russian Federation. The proposal in the revised version to add a footnote to the Constitution referring to the resolution presented a particular difficulty in that it appeared to upset the established hierarchy of legal instruments. The delegate of Ghana expressed a similar concern.

14.14 The delegate of Kenya acknowledged that the authors of both draft resolutions had made praiseworthy attempts to reflect the compromise reached during the discussion of Article 12 of the draft Constitution. Nevertheless, he remained convinced that singling out a provision of the Constitution for special treatment would establish a dangerous precedent and, in that respect, neither text was acceptable.

14.15 The delegate of Kuwait supported the draft resolution in Document DT/15, which had been prepared by the Secretary-General at the request of the earlier Plenary Meeting. It was surprising that an alternative proposal was also being put forward. The delegate of Cuba expressed a similar view.

14.16 The delegate of Argentina recalled that the draft resolution in Document DT/15 had been prepared by the Secretary-General to meet concerns voiced in connection with the approval of Article 12 of the draft Constitution. There had been no requests for an alternative text. He moved for closure of the debate and called for a vote on the text in Document DT/15.

14.17 The delegate of Morocco, while agreeing with the delegate of Kenya, said that in the light of the views expressed in connection with the approval of Article 12 of the draft Constitution, his delegation had worked in a spirit of compromise to draft a resolution that took those views into account while at the same time avoiding the major drawback of the text in Document DT/15 - that of making it appear that the present Additional Plenipotentiary Conference was imposing conditions on the Kyoto Plenipotentiary Conference. On a point of order, he said that the draft resolution in Document DT/15 could not be voted upon since it was submitted by an elected official of the Union, contrary to No. 379 of the Nairobi Convention.

14.18 The delegate of Albania said that it was clear from the lengthy debate on Article 12 of the draft Constitution that the Conference was not really ready to take a definitive decision. Time should be allowed for reflection until the Kyoto Plenipotentiary Conference, and an exceptional mechanism making it easier to amend Article 12 was necessary. Indeed, the Conference had already reached agreement to that effect.

14.19 The delegate of Niger stressed the independence of Plenipotentiary Conferences and said that the present Conference could not decide what the Kyoto Plenipotentiary Conference should do. A recommendation or an opinion would therefore be more suitable than a resolution.

14.20 The delegate of Argentina said that his delegation endorsed the draft resolution in Document DT/15, which he formally submitted as a proposal of the delegation of Argentina.

14.21 The delegate of Algeria supported the draft resolution in Document DT/15 and therefore seconded the proposal of the delegation of Argentina. In response to an objection raised by the delegate of Morocco, he said that the change in sponsorship of the draft resolution was a question not of substance, but of competence and observed that, under No. 529 of the Nairobi Convention, that question needed to be settled before a vote was taken on the substance of the matter.

14.22 The delegate of the Russian Federation, speaking on a point of order, said that in his view the Conference had already agreed on the substance of the draft resolution at the tenth Plenary Meeting and that there was thus no need to vote on it. The delegate of the United States disputed that opinion.

14.23 Following further comments of a procedural nature by the delegates of Morocco, the United States and Jordan and the Chairman, the Legal Adviser said that, under No. 520 of the Nairobi Convention, following a successful motion for closure of the debate, the Chairman would have immediately to call for a vote "on the point at issue". The question to be determined, before doing so, was therefore, what point was at issue in the present case. Two draft resolutions had been presented to the meeting and had been under discussion when closure of the debate had been moved. Under No. 563 of the Nairobi Convention, they should be put to the vote in the order in which they had been presented, unless the meeting decided to the contrary. The first draft resolution presented was that in Document DT/15.

14.24 The Chairman, noting that there were no proposals to change the order in which the texts were to be considered, put to the vote the draft resolution in Document DT/15.

14.25 The draft resolution in Document DT/15 was rejected by 43 votes to 35, with 9 abstentions.

14.26 The Chairman invited the meeting to take up the second draft resolution.

14.27 The delegate of Spain, quoting No. 123 of the Nairobi Convention, objected to consideration of the second text, which was not available in all the working languages of the Union.

14.28 The delegate of Uruguay, referring to No. 564 of the Nairobi Convention, said that the meeting should first decide whether or not to vote on the draft resolution proposed by the delegation of Morocco.

14.29 The delegate of Morocco withdrew his delegation's proposal.

14.30 There being no further documents before the meeting, the Chairman said that consideration of the agenda had been completed.

The meeting rose at 0015 hours on Tuesday, 22 December 1992.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

Annex: 1

ANNEX 1

Statement by Mr. Bellchambers

Mr. Chairman,

The adoption of the Resolution on the provisional arrangements effectively abolishes the CCITT, CCIR and the IFRB from 1 March 1993. That means that this will be my last opportunity of speaking at a conference of the Union as a member of the International Frequency Registration Board. Consequently, I hope you will allow me two or three minutes to say a few words.

The IFRB has served the Union for 45 years and has faithfully carried out the functions entrusted to it under the Convention and the Radio Regulations. The Board's weaknesses and strengths are the result of those regulations but it is now time for change.

Board members, past and present, can be proud of what has been achieved. However, considerable credit must be given to the staff of the IFRB Specialized Secretariat which has so ably assisted the Board members both individually and collectively. Special relationships have developed between staff members and Board members and in general these have been excellent. These relationships and working methods will now change. I would like, therefore, to publicly record my thanks, and I am sure those of my colleagues, to the staff of the IFRB Secretariat for their dedication and assistance, particularly during the last nine years.

Many people are aware that I have not been in agreement with the merging of the CCIR and the IFRB and a part-time Board. Perhaps this is not surprising as I have been an active participant in the work of the Union for over 25 years but the decisions have been taken by the Conference. I too like the challenge of change and consequently I will now work enthusiastically to implement those decisions.

The IFRB now dies and from the flames arises the phoenix of the Radio Regulations Board.

I wish it every success.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 208-E
28 January 1993
Original: French

PLENARY MEETING

MINUTES

OF THE

THIRTEENTH PLENARY MEETING

Tuesday, 22 December 1992 at 1105 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed		Document
1.	Declarations and reservations	195
2.	Deadline for submission of additional declarations	-

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring their copies to the meeting since no others can be made available. ●

1. Declarations and reservations (Document 195)

1.1 The Chairman invited delegates to take note of the declarations and reservations which had been submitted within the stipulated deadline and were reproduced in Document 195.

1.2 The delegate of Spain observed that the French-language version of Declaration No. 32 submitted by his delegation altered the meaning of the original and should therefore be corrected.

1.3 The delegate of Colombia said that the name of his country had been misspelt in the English-language version of Reservation No. 48.

1.4 The Chairman informed delegations that declarations and reservations which had not been submitted within the prescribed time limit could not be incorporated in the Final Acts of the Conference; however, they would be annexed to the minutes of the present meeting.

1.5 With those comments, Document 195 was noted.

1.6 The delegations of the following countries submitted the declarations and reservations reproduced in the annex: Republic of Albania, Central African Republic, Republic of the Gambia, Republic of Honduras, Republic of Liberia, Republic of Mali, Republic of Mauritius, Islamic Republic of Pakistan, Czech and Slovak Federal Republic, Republic of Zaire, Republic of Zimbabwe.

2. Deadline for submission of additional declarations

2.1 The Secretary-General said that the deadline for submission of additional declarations had been set at 1230 hours that day.

The meeting rose at 1125 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

Annex: 1

ANNEX

Declarations and reservations

Original: French

For the Republic of Albania:

In signing the present document, which forms part of the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Republic of Albania reserves for its Government the right to take any action it may deem necessary to safeguard its interests should certain Members of the Union not share in defraying Union's expenses or fail in any way to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) or of the Annexes or Protocols attached thereto, or should reservations by other Members entail an increase in its contributory share in defraying the expenses of the Union or jeopardize the operation of telecommunication services in the Republic of Albania.

The Delegation of Albania further reserves for its Government the right to make any other declaration or reservation until such time as the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) are ratified by the Republic of Albania.

Original: French

For the Central African Republic:

In signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992), the Delegation of the Central African Republic reserves for its Government the right to take any action it may deem necessary to safeguard its interests should other Members of the Union fail in any way to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) or should reservations made by Members directly or indirectly affect its telecommunication services or its sovereignty.

Original: English

For the Republic of Gambia:

The Gambian Delegation reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that certain Members do not share in defraying the expenditure of the Union or fail in whatever other manner to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and the Administrative Regulations which supplement them, or should reservations made by other countries jeopardize the operation of its telecommunication services or entail an increase in its contributory share in defraying the expenditure of the Union.

Original: Spanish

For the Republic of Honduras:

The Delegation of the Republic of Honduras reserves for its Government the right to take any action it may deem necessary to safeguard its interests should other Members fail to comply with the provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) or of the optional Protocol, or should reservations made by other Members jeopardize the operation of its telecommunication services.

Original: English

For the Republic of Liberia:

In signing the formal Acts of the Additional Plenipotentiary Conference pending ratification by the Interim Legislative Assembly of Liberia, we note the following:

1. Any act of non-compliance to the Constitution and Convention of the ITU as a result of reservations by other Member Countries could also lead to the non-compliance of the Government of the Republic to these instruments;

2. Any act by any nation which jeopardizes the existence of a unified Republic of Liberia or its economic, social, cultural and politic stability could serve as a basis for non-compliance to these instruments.

Original: French

For the Republic of Mali:

The Delegation of the Republic of Mali to the Additional Plenipotentiary Conference (Geneva, 1992) reserves for its Government the right not to accept any increase in its contributory share as a result of the failure of any country to settle its contributions and other related expenditure or to meet the obligations arising from the Constitution and Convention, or as a result of reservations made by other countries.

It further reserves for its Government the right to take any action which may be necessary to safeguard its interests in the field of telecommunications should any Member country fail to comply with the Constitution and Convention (Geneva, 1992).

Original: English

For the Republic of Mauritius:

The Delegation of Mauritius reserves for its Government the right to take any action which it may deem necessary to safeguard its interests in the event that any of the Members fail in any way to comply with the provisions of the Constitution or the Convention of the International Telecommunication Union (Geneva, 1992), or should reservations made by any such Members directly or indirectly affect the operations of its telecommunication service or its sovereignty or its territorial integrity.

Original: English

For the Islamic Republic of Pakistan:

The Delegation of the Islamic Republic of Pakistan reserves the right of its Government to take any such action as it considers necessary to safeguard its interests should any Member Country fail, in any way, to comply with the provisions of the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), or its Annexures and Protocols attached thereto, or should reservations made by any country jeopardize its telecommunication services, or lead to an increase in its share towards defraying the expenses of the Union.

Original: English

For the Czech and Slovak Federal Republic:

While signing the Final Acts of the Additional Plenipotentiary Conference (Geneva, 1992) the Delegation of the Czech and Slovak Federal Republic reaffirms on behalf of its Government the essence of the reservations made by the Czechoslavak Delegation at the Nice Plenipotentiary Conference of the International Telecommunication Union (1989).

Original: French

For the Republic of Zaire:

Having neither voted nor signed the Final Acts of the Additional Plenipotentiary Conference of the International Telecommunication Union (Geneva, 1992), the Delegation of the Republic of Zaire reserves for its Government the right not to be bound by those provisions of the Constitution and Convention of the International Telecommunication Union (Geneva, 1992) which might directly or indirectly jeopardize its sovereignty or infringe the Act promulgating the transitional constitutional provisions currently in force in the Republic of Zaire.

Original: English

For the Republic of Zimbabwe:

In signing the Final Acts of the Additional Plenipotentiary Conference held at Geneva, 1992, the Delegation of the Republic of Zimbabwe declares on behalf of its Government that it accepts no consequences arising from reservations made by other Governments with regard to the institution of a part-time Radio Regulation Board and any action by other Governments which might result in an increase in its contributory share in defraying the expenses of the Union.

Further, the Delegation of the Republic of Zimbabwe reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Member fail to comply with the provisions of the Constitution and/or the Convention of the International Telecommunication Union (Geneva, 1992) or their Annexes or the Protocol attached thereto, or should reservations by any countries jeopardize its telecommunication services.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 209-E
29 January 1993
Original: French/
English

PLENARY MEETING

MINUTES

OF THE

FOURTEENTH AND LAST PLENARY MEETING

Tuesday, 22 December 1992 at 1610 hours

Chairman: Mr. B. de RIEDMATTEN (Switzerland)

Subjects discussed		Documents
1.	Additional Declarations	196
2.	Signing of the Final Acts	-
3.	Conference closing ceremony	-

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

1. Additional Declarations (Document 196)

1.1 The Chairman invited delegates to take note of Document 196, containing the Additional Declarations.

1.2 The delegate of Saudi Arabia, having referred to Additional Declaration No. 75, pointed out that one and perhaps several Arab delegations had not had the opportunity to sign Declaration No. 63 in Document 195. They nevertheless fully supported it.

1.3 The meeting took note of Document 196.

2. Signing of the Final Acts

2.1 The Executive Secretary reminded the meeting that delegations were invited to sign the Final Acts, which comprised the Constitution, the Convention and the declarations and reservations, as well as the document containing the Optional Protocol. He then called the roll of those delegations whose credentials had been found to be in order.

2.2 The Final Acts were signed by the following delegations:

Afghanistan (Islamic State of), Albania (Republic of), Algeria (People's Democratic Republic of), Germany (Federal Republic of), Saudi Arabia (Kingdom of), Argentine Republic, Australia, Austria, Bahamas (Commonwealth of the), Bahrain (State of), Barbados, Belarus (Republic of), Belgium, Benin (Republic of), Bhutan (Kingdom of), Botswana (Republic of), Brazil (Federative Republic of), Brunei Darussalam, Bulgaria (Republic of), Burkina Faso, Burundi (Republic of), Cameroon (Republic of), Canada, Cape Verde (Republic of), Central African Republic, Chile, China (People's Republic of), Cyprus (Republic of), Vatican City State, Colombia (Republic of), Comoros (Islamic Federal Republic of the), Korea (Republic of), Côte d'Ivoire (Republic of), Croatia (Republic of), Cuba, Denmark, Djibouti (Republic of), Egypt (Arab Republic of), El Salvador (Republic of), United Arab Emirates, Spain, Estonia (Republic of), United States of America, Ethiopia, Fiji (Republic of), Finland, France, Gabonese Republic, Gambia (Republic of the), Ghana, Greece, Grenada, Guinea (Republic of), Honduras (Republic of), Hungary (Republic of), India (Republic of), Indonesia (Republic of), Iran (Islamic Republic of), Ireland, Iceland, Israel (State of), Italy, Jamaica, Japan, Jordan (Hashemite Kingdom of), Kenya (Republic of), Kuwait (State of), Lesotho (Kingdom of), Latvia (Republic of), Lebanon, Liberia (Republic of), Liechtenstein (Principality of), Lithuania (Republic of), Luxembourg, Madagascar (Democratic Republic of), Malaysia, Malawi, Mali (Republic of), Malta, Morocco (Kingdom of), Mauritania (Islamic Republic of), Mexico, Moldova (Republic of), Monaco, Mongolia, Myanmar (Union of), Nepal, Niger (Republic of), Nigeria (Federal Republic of), Norway, New Zealand, Oman (Sultanate of), Pakistan (Islamic Republic of), Panama (Republic of), Papua New Guinea, Netherlands (Kingdom of the), Philippines (Republic of the), Poland (Republic of), Portugal, Qatar (State of), Democratic People's Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, Russian Federation, San Marino (Republic of), Senegal (Republic of), Singapore (Republic of), Slovenia (Republic of), Sudan (Republic of the), Sri Lanka (Democratic Socialist Republic of), Sweden, Switzerland (Confederation of), Suriname (Republic of), Swaziland (Kingdom of), Tanzania (United Republic of), Chad (Republic of), Czech and Slovak Federal Republic, Thailand, Tunisia, Turkey, Ukraine, Uruguay (Eastern Republic of), Venezuela (Republic of), Viet Nam (Socialist Republic of), Yemen (Republic of), Zambia (Republic of), Zimbabwe (Republic of).

2.3 The Chairman announced that 127 delegations had signed the Final Acts of the Plenipotentiary Conference.

2.4 The following delegations also signed the Optional Protocol:

Afghanistan (Islamic State of), Albania (Republic of), Saudi Arabia (Kingdom of), Australia, Austria, Bahamas (Commonwealth of the), Bahrain (State of), Barbados, Belarus (Republic of), Belgium, Benin (Republic of), Bhutan (Kingdom of), Botswana (Republic of), Brazil (Federative Republic of), Brunei Darussalam, Bulgaria (Republic of), Burkina Faso, Burundi (Republic of), Cameroon (Republic of), Canada, Cape Verde (Republic of), Central African Republic, Chile, Cyprus (Republic of), Colombia (Republic of), Comoros (Islamic Federal Republic of the), Korea (Republic of), Côte d'Ivoire (Republic of), Cuba, Denmark, Djibouti (Republic of), Egypt (Arab Republic of), United Arab Emirates, Estonia (Republic of), Ethiopia, Fiji (Republic of), Finland, Gabonese Republic, Gambia (Republic of the), Ghana, Greece, Grenada, Guinea (Republic of), Honduras (Republic of), Hungary (Republic of), India (Republic of), Indonesia (Republic of), Iran (Islamic Republic of), Ireland, Iceland, Israel (State of), Italy, Jamaica, Japan, Jordan (Hashemite Kingdom of), Kenya (Republic of), Kuwait (State of), Lesotho (Kingdom of), Latvia (Republic of), Lebanon, Liberia (Republic of), Liechtenstein (Principality of), Lithuania (Republic of), Luxembourg, Madagascar (Democratic Republic of), Malawi, Mali (Republic of), Malta, Mauritania (Islamic Republic of), Mexico, Monaco, Nepal, Niger (Republic of), Nigeria (Federal Republic of), Norway, New Zealand, Oman (Sultanate of), Pakistan (Islamic Republic of), Panama (Republic of), Papua New Guinea, Netherlands (Kingdom of the), Philippines (Republic of the), Poland (Republic of), Portugal, Qatar (State of), Democratic People's Republic of Korea, United Kingdom of Great Britain and Northern Ireland, San Marino (Republic of), Senegal (Republic of), Singapore (Republic of), Slovenia (Republic of), Sudan (Republic of the), Sri Lanka (Democratic Socialist Republic of), Sweden, Switzerland (Confederation of), Suriname (Republic of), Swaziland (Kingdom of), Tanzania (United Republic of), Chad (Republic of), Czech and Slovak Federal Republic, Thailand, Tunisia, Turkey, Uruguay (Eastern Republic of), Viet Nam (Socialist Republic of), Yemen (Republic of), Zambia (Republic of), Zimbabwe (Republic of).

3. Conference closing ceremony

3.1 The Secretary-General delivered the address which appears in Annex 1.

3.2 The Chairman, having thanked the Secretary-General and all the participants, delivered the speech which appears in Annex 2.

3.3 The Chairman of the High Level Committee reassured the meeting that he would not speak for three hours, as he had done in 1991 when he had presented the H.L.C. recommendations to the Administrative Council. He congratulated the Chairman of the Conference for passing his ITU baptism with flying colours, having exhibited all the qualities of a professional diplomat and steered the right path between fairness and firmness. The moving statement by a member of the IFRB at the twelfth Plenary Meeting brought to mind those who had served the Union in the past. He himself felt particularly nostalgic, as the present meeting marked the end of 32 years of his own involvement in multilateral and United Nations work. He now intended to devote himself to jazz. Two major highlights stood out from his past career: the drafting of the Helsinki Final Acts in 1975 on Security and Cooperation in Europe; and the restructuring of the ITU which had taken place since the Nice Plenipotentiary Conference and had culminated in the agreements reached at the present Additional Plenipotentiary Conference. The latter results had been achieved through teamwork and by all those who had participated in the Conference. He singled out, in particular, the Secretary-General, with whom it had been a very great pleasure to work and who had unfailingly listened most attentively to the opinions of others as well as presenting his own. The views put forward by the Secretary-General in Copenhagen in 1990, known as Vision X, were largely reflected in the recommendations of the H.L.C. The other elected officials had also contributed most usefully, and the friendly rivalry between the different parts of the ITU that they represented had been very creative. The staff of the ITU were the Union's most

precious asset and he thanked them all for their efforts, in particular the Secretary of the H.L.C. and the Legal Adviser, as well as those responsible for the excellent preparation and functioning of the Conference. He also paid a tribute to the Chairmen of the Committees, the hosts of the regional preparatory meetings, those who had dealt with very difficult problems in working groups, and all the members of the H.L.C., especially the late Poul Hansen. Not only had the present Conference successfully achieved its goals, but it had seen Mr. Barrada top his earlier performances in the H.L.C., the Drafting Group and at Torremolinos.

3.4 It was embarrassing for him, as Chairman of the H.L.C., to be complimented on his work since the whole Canadian delegation had acted as a team. The present Conference had achieved its major goal of adapting the ITU on a continuing basis to meet the challenges of the rapidly changing telecommunication environment. He welcomed the newly-elected Director of the BDT and promised him support in his vital task of demonstrating that the ITU could make a difference. In a sense, the H.L.C. had acted as a lightening rod to force changes. While he was generally pleased with the results achieved, he had one complaint. In paragraph 3.5 of Chapter VI of its report, the H.L.C. had called upon administrations to encourage more women to apply and to put forward more women candidates, and had called on the Secretary-General to increase the number of women in professional positions. For some reason, that recommendation had not been given a number; he proposed that it should be referred to as Recommendation 88bis. He thanked delegates for allowing the Union its "catalytic role" in CV128P. He also thanked the Conference for agreeing that the Final Acts should come into force on 1 July 1994, which was not only Canada's birthday but his own birthday as well. Finally, he was very grateful for having been allowed to work with the world's oldest existing intergovernmental organization in order to ensure that it would continue to be a model of excellence. He looked forward very much to seeing participants again in Kyoto, and wished them all a restful holiday season.

3.5 The delegate of the Islamic Republic of Iran thanked all those wise and able persons whose leadership had enabled the Conference to attain its goals. He mentioned, in particular, the Chairman of the Conference, the Secretary-General, the Chairman of the High Level Committee and the Chairmen of the Committees of the Conference. The restructuring of the Union and the election of the first Director of the BDT were milestones in the history of the ITU. He hoped that the BDT would have a real impact on telecommunication development, both at the regional level and within individual developing countries, in particular through the promotion of low-cost technologies and the fostering of self-reliance in the operation and maintenance of telecommunications equipment.

3.6 The delegate of Algeria said that, at the end of the Conference, it was opportune to look back on the important decisions that had been taken. The implementation of those decisions should be carefully monitored, so that any necessary corrections could be made at Kyoto. The old IFRB was to disappear, and the Conference had been moved by Mr. Bellchambers' touching statement. The first Director of the BDT had been elected, with the heavy responsibility of setting up a programme for world telecommunications development within a mere 18 months. He wished him good luck in his challenging task. The catalytic role of the ITU in the changing telecommunication environment would ultimately be played out at the level of the Member States, where telecommunications development would have to be harmonized so that all countries were able to enjoy the benefits of progress. He looked forward to seeing the Chairman again in Kyoto, by which time the "baby" delivered by the additional Plenipotentiary Conference would have grown into a toddler taking its first steps.

3.7 The delegate of the United States said that the success of the Conference was in no small part due to the strong leadership and guidance of its Chairman. From a substantive point of view, the Final Acts had charted the way forward for the Union to become the dynamic and preeminent international organization for telecommunications, in accordance with the vision of the Secretary-General and the H.L.C. All countries had to continue to work together for telecommunications

development in order to help improve telecommunications throughout the world. On a personal level, the Conference had also been successful. Both the Chairman and the Secretary-General had devoted much time and effort to ensuring that its goals were achieved. Needless to say, their endeavours had been backed by those of a host of experts, both delegates to the Conference and staff of the ITU. He welcomed the election of the first Director of the BDT. Finally, it was gratifying to be able to say that despite differences of opinion the ITU family had remained united in making the historic changes.

3.8 The delegate of the Czech and Slovak Federal Republic announced that the Czech and Slovak Republics would become independent countries on 31 December 1992. In accordance with an agreement reached between the two governments, the Czech Republic would continue as a Member of the ITU and the Slovak Republic would apply for membership as soon as it became a Member of the United Nations. The Czech Republic would continue to exercise the rights and honour the obligations of the former Member. He thanked the Union for past and present cooperation and asked for support in future to enable both new republics to participate in ITU activities. He had every confidence that the close cooperation that had existed with the ITU would continue in the future.

3.9 The delegate of Germany, speaking on behalf of the 32 members of CEPT which had sponsored many of the proposals discussed by the Conference and which his country now had the honour to lead, thanked all concerned, both delegates and ITU staff, for their contributions to the success of the Conference and for the results achieved in restructuring the Union.

3.10 The delegate of Senegal made the statement reproduced in Annex 3.

3.11 The delegate of Argentina welcomed the achievements of the Conference and said that his Administration would do its utmost to ensure the success of the first World Telecommunication Development Conference to be held at Buenos Aires in March 1994.

3.12 The delegate of Sudan, speaking as a member of the Arabic, African and Islamic worlds, thanked the Chairman for his patient efforts to help the Conference reach its decisions, and wished the new Director of the BDT all the best in carrying out his tasks. The Conference had shown that, through cooperation and the uniting of efforts, important results could be achieved. He hoped that such cooperation would continue and wished the Union every success in its future work.

3.13 The delegate of Uruguay echoed the congratulations offered by earlier speakers. Speaking as Vice-President of the intergovernmental organization CITEL, which was engaged in telecommunications development in the Americas Region, he welcomed the achievements of the Conference. Referring to the Regional Conference held in Acapulco in 1992, he stressed that close links had already been established between CITEL and the Union. The Americas Region would continue to make every effort in favour of telecommunications development.

3.14 The delegate of Japan congratulated the Chairman on his excellent conduct of the debates and expressed appreciation of the qualities he had exhibited, which combined the punctuality of a Swiss watch with the precision of a Swiss army knife. Japan had the honour of hosting the next Plenipotentiary Conference and the Japanese delegation looked forward to welcoming delegates to the beautiful city of Kyoto. As a country also known for producing watches, he hoped that the Kyoto Plenipotentiary Conference would adhere strictly to its schedule and that a spirit of compromise would prevail, thus allowing participants enough leisure time to sample the renowned Japanese drink saké.

3.15 The delegate of the Russian Federation wished everyone a happy new year, a safe trip home and the best of luck for the future.

3.16 The Chairman thanked all the speakers for their kind words and said that, as Chairman of the Conference, he had greatly appreciated the cooperation and helpfulness of participants. The Conference had set tomorrow's ITU well on the way to becoming the dynamic, restructured and successful Union that had been envisaged. After wishing all participants a safe trip home, he declared the Additional Plenipotentiary Conference closed.

The meeting rose at 1815 hours.

The Secretary-General:
Pekka TARJANNE

The Chairman:
B. de RIEDMATTEN

Annexes: 3

ANNEX 1

Address by the Secretary-General

Mr. Chairman,

Excellencies,

Ladies and Gentlemen,

Dear Friends,

I would first of all like to thank you, Mr. Chairman, and all of the participants of APP-92 for the work you have done in the past two weeks. Together, we have brought to a successful conclusion a reform process that began formally over three years ago at Nice and informally long before that, as a matter of fact in the time of Mr. Mohamed Mili, the distinguished predecessor of my predecessor, who has been with us during this Conference and is with us here today, a fact that we have appreciated very much. In times of change, continuity is a precious thing.

After a long period of gestation and a somewhat difficult birth (some have even talked about a Caesarean section), we now have a new ITU. I predict that the baby will be healthy and have a long and successful life - at least another 127 years. Congratulations are in order to everyone who took part in the conception and delivery - to the delegates, who acted in the best traditions of the ITU whether they found themselves in a majority or a minority, to the members of the High Level Committee and the Drafting Group, under the able and jazzy leadership of Gaby Warren, and certainly to you, Mr. Chairman, who presided over our deliberations with great skill, firm determination to help us conclude our business on time and successfully, and a wonderful sense of humour.

On behalf of the Conference and its secretariat, Mr. Chairman, I should like to present to you two small souvenirs. One of them looks back, the other looks ahead. The one looking back is an album with a dozen photographs of you, Mr. Chairman, in different moods during different moments at more or less easy or difficult times during the past two weeks. The other one looks ahead. You have referred so frequently to Swiss watches that we thought you must be in need of one. This is the very latest model, hot from the press, a very good Swiss watch to make sure that, even in the future, you take and lead timely decisions at home and at work. And perhaps, symbolically, this might mean that your country, our host country, will also be able to make timely decisions in a changing environment.

And now, dear friends, we should all look ahead. Although we are all rather tired after our efforts of the past two weeks, and anxious to rejoin our families and countries, we must remember that this Conference was only the first step in the ITU reform process, the beginning of the beginning. We have restructured the ITU to give our three fundamental sectors of activity - development, radiocommunications and standardization - a framework in which they can operate more efficiently. The challenge before us is to use these new structures to tackle the fundamental problems of international telecommunications, not only to better achieve our goal of developing telecommunication networks and services in a harmonized and efficiently regulated and managed manner, but also to ensure that telecommunications contribute to human development by

promoting economic growth as well as the improvement of our environment, not only our social, cultural and political environment, but our natural environment as well.

The next step, the next challenge is to ensure that the ITU will continue to be not only a but the leading forum for all the players on the global telecommunication scene.

I am delighted that in addition to adopting recommendations to improve the structure and functioning of the Union, the Conference was also able to agree to a series of transitional measures which ensure that these provisions will come into effect without delay. And I am particularly delighted that you have decided to entrust the implementation of your decisions to the Council, the elected officials and the appointed staff, and, at least for the time being, not to set up any more committees, even though another H.L.C. may be required at some time in the future. For the present, it is time for the ITU headquarters and regional and area offices to get on with the job, with the specific support of the strategic advisory groups and the Strategic Planning Unit.

In conclusion, Mr. Chairman, I can say - and I think you can see it and hear it from my voice - that I am very happy with the results of this Conference, and look forward to the future with optimism and with increased motivation. When we look at how much we have been able to accomplish in just two weeks, compared for instance to what has been done in much longer periods of time in the past, I think that there is every reason to be satisfied and confident in the ITU's capacity to respond to change. With our team of elected officials now complete, we shall do our best to implement your decisions and prepare for new ones. Indeed, I have invited all the elected officials to a meeting tomorrow morning to start the job. Together with our dedicated staff - who, by the way, are in need of far more appreciation from the UN common system - we shall do our very best to serve the Members of the Union and mankind as a whole.

Mr. Chairman, dear friends, thank you, shukran, shie shie, gracias, merci, spasibo bolshoe, und auf dem Kanal 7, danke schön.

I look forward to seeing you in Kyoto, if not before. Bon voyage, bonnes fêtes et bonne année.

ANNEX 2

Address by the Chairman of the Conference

Secretary-General,

Excellencies,

Ladies and Gentlemen,

We have now reached the end of our Additional Plenipotentiary Conference.

We are all well aware just how high the bar was set for this Conference, as it was called upon to fully revise the basic legal instruments governing all the Union's activities.

I think we can safely say that, having presented ourselves with this fearsome challenge, we took it up successfully. We have just signed a Final Act launching a remodelled, restructured International Telecommunication Union adapted to suit a greatly changed environment. We can be very proud and satisfied that the ITU today, star in the constellation of the United Nations system, has been able to recognize that times have changed, to open up to the modern world and to respond to the expectations of both developed and developing countries. This is a crucial stage in the prestigious life of the ITU, which, despite its 127 years, proves that it is still full of youthful vigour.

Needless to say, an undertaking of such proportions is a long-term exercise, of which this Additional Conference constitutes one of the final stages. Over the past two weeks, we have had the good fortune in our work to be able to rely on remarkable preparatory work contained in the reports of the High Level Committee and the Drafting Group, both of which were so masterfully chaired by Mr. Warren.

Throughout their work, the ITU Secretariat headed by the Secretary-General provided them with a back-up remarkable, I must stress, both for its professionalism and its quality.

A restructuring operation of this kind is obviously not easy. It involves choices, changes of habits and mentalities, a reallocation of priorities and resources. Only too naturally, it meets with some resistance and provokes some clashes. But the important point is that, after this dialogue phase during which discussions were often quite intense, a consensus has emerged on the objectives to be attained and how to attain them.

Mr. Secretary-General, I can safely say today that we are handing over to you a modern instrument, flexible enough to be tailored from time to time to suit a constantly changing world. We are confident that the dynamism and profound commitment you have shown with regard to reform will enable you to see this restructuring exercise through to its successful conclusion.

May I add, Ladies and Gentlemen, that Geneva and Switzerland were pleased to welcome you once more to the town which is the home of the Union's headquarters. I hardly need add that we are especially proud that the name of our town will henceforth be associated with the Union's basic instrument.

As far as I personally am concerned, this Conference has been particularly rewarding and stimulating. It has given me a better understanding of the outstanding importance of telecommunications in virtually all areas of our lives. Your deliberations have also brought home to me the enormous development potential of this sector and, consequently, the need to manage it in the best and most equitable way. Please rest assured that I will never forget my experience. And how could I, even if I wanted to, as you have just presented me with a photograph album allowing me to relive, like in a film, the various different stages of the Conference. I am only too pleased to find you in it, Mr. Secretary-General, and indeed you all. To look through it will always be a source of encouragement and inspiration to me.

Ladies and Gentlemen, a conference of this kind is, by definition, a collective undertaking. Its success could not have been possible without bringing together countless individual contributions.

I should first like to thank you, the delegates to this Conference. You have supported me in my efforts and provided me with much wise and friendly advice. It was both a privilege and an immense pleasure to work with you all. I should like to say a particular thank-you to the members of the Steering Committee and to the Committee Chairmen, especially those of Committees 4 and 5, Mr. Oliver and Mr. Vignon, to whom - we all know - much of the success of this Conference is due.

May I also extend my gratitude to all those members of the ITU Secretariat who briefed me for this Conference and subsequently supported me very professionally for this entire fortnight. Unfortunately, it would take too long to mention each person by name, but I am extremely grateful to them all.

Lastly, I am sure I speak for you all when I express my heartfelt thanks to all those who, both beneath the spotlight and behind the scenes, by day and by night - these conferences really are a "round-the-clock" job, and I am sure that is why you have given me a watch - have allowed us to carry out our work in the best possible conditions and helped make this Conference a success from every point of view.

Ladies and Gentlemen, in just a few moments this Geneva Plenipotentiary Conference will be over. Less than two years from now many of you will meet up again in Kyoto. I should like to take this opportunity to wish our Japanese friends every success with their Conference. We all know how efficient our Japanese colleagues are, and I can predict now that Kyoto will be a great success and will stand out as a golden milestone in this long line of meetings which, since 1867, have marked the work accomplished by this outstanding organization to which we all belong.

That is all I wanted to say, Mr. Secretary-General, Ladies and Gentlemen. May I end by repeating how happy and honoured I have been to act as Chairman to this Conference. It was an extremely rewarding experience. I am very grateful for all you have given me. It will remain in my memory, and I very much hope to have other opportunities to meet you again in the future, in Geneva or elsewhere. Thank you.

ANNEX 3

Address by the delegate of Senegal

Mr. Chairman,

Plenipotentiaries,

As our Conference draws to a close, it is a special pleasure for me to take the floor on behalf of the African Group of the ITU, to express our full satisfaction with the outstanding results achieved by our Conference.

You may remember, Mr. Chairman, Ladies and Gentlemen, that when this Conference began it was my privilege to bring to you a message from His Excellency Mr. Abdou Diouf, President of the Republic of Senegal and current Chairman of the Organization of African Unity. In his message, President Abdou Diouf reiterated unequivocally the great hope the entire African community places in the ITU, and its awareness of the leading role played by the Union in a world where information and telecommunications are the key to all development processes, be they economic, political, social or cultural.

As we approach the third millenium, Africa is pleased to note that this Additional Plenipotentiary Conference has taken major decisions to lay the foundations required to undertake, pragmatically and effectively, the task of developing telecommunications harmoniously throughout the world.

For this reason, Mr. Chairman, our Conference's election of the first Director of the Telecommunication Development Bureau (BDT) holds a particular significance for us. Further to the historic decisions taken at Nice in 1989, this election fully bears out the determination of the Union's Members to develop, on an equal footing, the three key areas of standardization, radiocommunications and development.

Therefore, Mr. Chairman, Ladies and Gentlemen, we have particularly appreciated our Conference's unanimous adoption of Resolutions Nos. (128) and (141) relating to the priority tasks of the BDT, including convening the first World Telecommunication Development Conference in 1993, so that the necessary arrangements and policies are quickly decided to make the BDT operational.

Here today, Mr. Chairman, in the name of Africa, we should like to reiterate our satisfaction at the election of Mr. Arnold Djiwatampu as Director of the BDT. We are confident in the future of the BDT, as Mr. Djiwatampu is fully aware of the problems facing developing countries in the field of telecommunications.

I should like to assure him of the unfailing support he will receive from the whole of Africa in the difficult but exalting global mission with which our Conference has entrusted him. But how can we forget those moving moments when Mr. Bellchambers retraced in such striking terms the outstanding role and work which the International Radio Frequency Board (IFRB) has carried out for almost half a century, up until the key period between Nice and Geneva when a new era began for the ITU, focused on Kyoto.

Thanks to this historic Geneva Conference, the whole family of our prestigious Union which in the forefront of the United Nations family after 127 years wants to adapt to the new world environment is equipping itself with a new flexible structure to give the Union the operational efficiency it requires.

Mr. Chairman, as I did when our deliberations began, may I once more congratulate you for the enthusiasm, courtesy and firmness, inspired by Helvetian wisdom, with which you have guided our work. Please convey to the authorities of your beautiful and generous country our profound gratitude for the remarkable efforts they ceaselessly furnish to promote world peace and development.

Lastly, we should like to express our full encouragement to the Secretary-General, the other elected officials and their collaborators in carrying out all the tasks which have just been entrusted to them, in order to give a new lease of life to our Union, for the good of all mankind.

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 210-E
22 December 1992
Original: French

REPORT BY COMMITTEE 6

After its formal opening meeting, the summary record of which is contained in Document 78, Committee 6 held numerous working meetings between Wednesday, 9 December at 1400 hours and Monday, 21 December at 2400 hours.

Committee 6 examined, with a view to improving their form without changing the substance:

- texts transmitted by Committees 4 and 5, for submission to the Plenary Meeting for approval on first reading (Blue Documents B.1 to B.10);
- amendments introduced by the Plenary Meeting on first reading, for submission for second reading (Pink Documents R.1 to R.11);
- amendments introduced by the Plenary Meeting on second reading, for preparation of the "proof" of the Final Acts.

At the twelfth Plenary Meeting, the Chairman of Committee 6 announced that the Committee had not had time to carry out the final numbering of sections, chapters, articles and provisions of the instruments of the Union, and proposed that, under No. 597 of the Nairobi Convention, the final numbering be entrusted to the Secretary-General.

The Chairman and two Vice-Chairmen of Committee 6 will of course remain at the Secretary-General's disposal should he require any assistance in the numbering or any other editorial matter.

An information note prepared by Committee 6 indicating the articles of the Convention referred to in the Constitution is attached in Annex 1 hereto.

During the work of the Drafting Group, it was proposed that an information document be issued containing the definitions given in annex to the Constitution or the Convention, set out in a logical order rather than in French alphabetical order. A draft of such a document may be found in Annex 2 hereto.

● For reasons of economy, this document is printed in a limited number of copies. Participants are therefore kindly asked to bring ● their copies to the meeting since no others can be made available.

ANNEX 1

INFORMATION NOTE

Articles of the Convention referred to in the Constitution

Provision of the Constitution	Article of the Convention
CS58	CV Article 35
CS69E	CV Article 1A
CS85J	CV Article 7D
CS85K	CV Articles 4B and 5A
CS94A	CV Article 5
CS97A	CV Article 5A
CS111A	CV Article 5B
CS111J	CV Article 7D
CS111N	CV Article 6A
CS111O	CV Article 6B
CS123C	CV Article 7D
CS124H	CV Article 7B
CS124I	CV Article 7C
CS138	CV Article 7D
CS140	CV Article 26
CS149	CV Article 26

This list is based on the indications given in the working document prepared by the Drafting Group.

Once the final numbering of the articles and provisions of the Constitution and Convention has been completed, the Secretary-General will compile and circulate a list showing the correspondence between provisions of the Constitution and articles of the Convention.

ANNEX 2

INFORMATION NOTE

NOC

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

NOC CS1001 For the purpose of the above instruments of the Union, the following terms shall have the meanings defined below:

NOC CS1002 *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.

MOD CS1007 *Operating Agency:* Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

MOD CS1008 *Recognized Operating Agency:* Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 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 CV1003A *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.

MOD CS1005 *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, inter alia, in the capacity of delegates, advisers or attachés, persons belonging to any entity or organization authorized in accordance with the relevant provisions of the Convention.

MOD CS1006 *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 a conference or at a meeting of the Union.

MOD CV1001 *Expert*: A person sent by either:

a) the Government or the administration of his country, or

b) an entity or an organization authorized in accordance with Article 7D of this Convention, or

c) an international organization

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

MOD **CV1002** *Observer:* A person sent by:

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

in accordance with the relevant provisions of this Convention.

NOC **CS1013** *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 **CS1004** *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 **CS1012** *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 **CS1017** *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 **CS1014** *Telegram:* Written matter intended to be transmitted by telegraphy for delivery to the addressee. This term also includes radiotelegrams unless otherwise specified.

NOC **CS1018** *Telephony:* A form of telecommunication primarily intended for the exchange of information in the form of speech.

NOC **CS1015** *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 **CS1016** *Private Telegrams:* Telegrams other than government or service telegrams.

MOD **CV1004** *Service Telecommunication:* A telecommunication that relates to public international telecommunications and that is exchanged among the following:

- administrations,
- recognized operating agencies, and
- the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

ADD **CV1003B** *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 Nos. 116J to 116O of this Convention, the term "radiocommunication" also includes telecommunications using electromagnetic waves of frequencies above 3 000 GHz, propagated in space without artificial guide.

NOC **CV1003** *Mobile Service:* A radiocommunication service between mobile and land stations, or between mobile stations.

NOC **CS1011** *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.

NOC **CS1003** *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.

ENGLISH ALPHABETICAL INDEX

Administration	CS1002
Broadcasting service	CS1011
Delegate	CS1006
Delegation	CS1005
Expert	CV1001
Government telecommunications	CS1015
Harmful interference	CS1003
International telecommunication service	CS1012
Mobile service	CV1003
Observer	CV1002
Operating agency	CS1007
Private telegrams	CS1016
Public correspondence	CS1004
Radiocommunication	CS1010 CV1003B
Recognized operating agency	CS1008
Scientific or industrial organization	CV1003A
Service telecommunication	CV1004
Telecommunication	CS1013
Telegram	CS1014
Telegraphy	CS1017
Telephony	CS1018

UNION INTERNATIONALE DES TELECOMMUNICATIONS

APP-92 CONFERENCE DE PLENIPOTENTIAIRES ADDITIONNELLE

GENEVE, DECEMBRE 1992

Document 211-F/E/S
15 janvier 1993

LISTE DES PARTICIPANTS - LIST OF PARTICIPANTS - LISTA DE PARTICIPANTES

Cette liste comprend les sections suivantes - This list includes the following sections - Esta lista comprende las secciones siguientes

I. Administrations - Administrations - Administraciones

II. Organisations internationales - International Organizations - Organizaciones Internacionales

II.1 Nations Unies - United Nations - Naciones Unidas

II.2 Institutions spécialisées - Specialized Agencies - Instituciones especializadas

II.3 Organisations régionales - Regional Organizations - Organizaciones regionales

III. Mouvements de libération - Liberation Movements - Movimientos de Liberación

IV. Siège de l'Union - Headquarters of the Union - Sede de la Unión

V. Secrétariat de la Conférence - Secretariat of the Conference - Secretaría de la Conferencia

****

Symboles utilisés - Symbols used - Símbolos utilizados

C : Chef de délégation - Head of Delegation - Jefe de delegación

CA : Chef adjoint - Deputy Head - Subjefe

D : Délégué - Delegate - Delegado

A : Conseiller - Adviser - Asesor

● Pour des raisons d'économie, ce document n'a été tiré qu'en un nombre restreint d'exemplaires. Les participants sont donc priés de bien vouloir apporter à la réunion leurs documents avec eux, car il n'y aura pas d'exemplaires supplémentaires disponibles. ●

Président de l'APP: S.E. M. B. DE RIEDMATTEN
Ambassadeur représentant permanent de la Suisse près les organisations internationales à Genève

assisté de: M. A.D. HENCHOZ
Secrétaire d'ambassade

I. ADMINISTRATIONS - ADMINISTRATIONS - ADMINISTRACIONES

AFG Afghanistan (Etat islamique d')
Afghanistan (Islamic State of)
Afganistán (Estado Islámico del)

C S.E. M. AKRAM Mohamad
Minister of Communications
Ministry of Communications
Kabul

CA S.E. M. MIR Azmuddin
Deputy Minister of Communications
Ministry of Communications
Kabul

D Mlle AKRAM Wajma
Second Secretary
Permanent Mission of Afghanistan
Geneva

D M. AZIZI Abdul-Baky
Telecom. President
Ministry of Communications
Kabul

D M. BURHANI Azizullah
President
Monitoring Department
Ministry of Communications
Kabul

D M. SHARAR Khowaja Aqa
President
International Relations
Ministry of Communications
Kabul

D M. SHIREEN Mohammad
Director General
International Communications
Ministry of Communications
Kabul

ALB Albanie (République de)
Albania (Republic of)
Albania (República de)

C M. BEKTESHI Hasan
Directeur général des PTT
Direction générale des PTT
Tirana

D M. QESTERI Emil
Conseiller
Ministère du Transport et des Communications pour les PTT
Tirana

ALG Algérie (République algérienne démocratique et populaire)
Algeria (People's Democratic Republic of)
Argelia (República Argelina Democrática y Popular

C S.E. M. SEMICHI Abdelhamid
Ambassadeur
Mission permanente d'Algérie
Genève

CA M. OUHADJ Mahieddine
Secrétaire général du Comité interministériel des télécom.
Ministère des postes et télécommunications
Alger

D Mlle BELKHEIR Dalila
Premier Secrétaire
Mission permanente d'Algérie
Genève

D M. BOUTOUABA Mohamed
Directeur de la Communication audiovisuelle
Ministère de la culture et de la communication
Alger

D M. FARAOUN Boualem
Directeur des transmissions nationales
Ministère de l'intérieur
Alger

D M. HOUYOU Abdelmalek
Directeur général de la télédiffusion d'Algérie
Ministère de la culture et de la communication
Alger

D M. OULD-MADI Hacene
Ingénieur des transmissions nationales
Ministère de l'intérieur
Alger

D Allemagne (République fédérale d')
Germany (Federal Republic of)
Alemania (República Federal de)

CA M. MOHR Ulrich
Director
Ministry of Posts and Telecommunications
Bonn

D Allemagne (République fédérale d')
Germany (Federal Republic of)
Alemania (República Federal de)
(suite)

CA M. GEORGE Eberhard
Director
Federal Ministry of Posts and Telecommunications
Bonn

D M. BACKES Peter
Expert
Deutsche Bundespost Telekom
Bonn

D M. BROCKMANN Martin
Assistant Head of Section
Federal Ministry of Posts and Telecommunications
Bonn

D Mme FEZER Isabel
Assistant Head of Section
Federal Ministry of Posts and Telecommunications
Bonn

D Mme KOHLHAW Monika
Second Secretary
Permanent Mission of the Federal Republic of Germany
Geneva

D M. LIESER Eckart
Executive Officer
Federal Ministry of Posts and Telecommunications
Bonn

D M. MEIER Klaus Dieter
Deputy Head of Section
Federal Ministry of Posts and Telecommunications
Bonn

D Mlle ROTH Heike
Executive Officer
Federal Ministry of Posts and Telecommunications
Bonn

D M. TEGGE Andreas
Assistant Director
Deutsche Bundespost Telekom
Bonn

D M. VETTER Horst
Assistant Director
Deutsche Bundespost Telekom
Bonn

D Allemagne (République fédérale d')
Germany (Federal Republic of)
Alemania (República Federal de)
(suite)

D M. VOSS Peter
Deputy Head of Section
Federal Ministry of Posts and Telecommunications
Bonn

D M. WETZ Clemens
Counsellor
Permanent Mission of the Federal Republic of Germany
Geneva

ARS Arabie saoudite (Royaume d')
Saudi Arabia (Kingdom of)
Arabia Saudita (Reino de)

C M. ZAIDAN Faisal A.
Deputy Minister for Telephones
Ministry of Post, Telegraph and Telephone
Riyadh

CA M. AL-BASHEER Sami S.
Director-General, International Relations Department
Ministry of Post, Telegraph and Telephone
Riyadh

D M. AL-MEHAIMEED Abdullah Saad
Engineer
Radiocommunications Department
Ministry of Post, Telegraph and Telephone
Riyadh

D M. KHALIL Khalid O.
Chief of Section
Ministry of Post, Telegraph and Telephone
Riyadh

ARG Argentine (République)
Argentine Republic
Argentina (República)

C M. GABRIELLI Alberto J.
Secretario General
Comisión Nacional de Telecomunicaciones
Buenos Aires

ARG Argentine (République)
Argentine Republic
Argentina (República)
(suite)

D M. BOSSA Mauricio
Profesional del Area
Internacional
Comisión Nacional de
Telecomunicaciones
Buenos Aires

D M. CRISTIANI Antonio Ermete
Asesor del Area Internacional
Comisión Nacional de
Telecomunicaciones
Buenos Aires

D M. GARCIA Armando
Asesor
Comisión Nacional de
Telecomunicaciones
Buenos Aires

D M. VON KESSELSTATT Maximiliano M.
Coordinador de Asuntos
Internacionales
Comisión Nacional de
Telecomunicaciones
Buenos Aires

A M. COLOMBO SIERRA Agustín
Gerente de Relaciones
Institucionales
TELECOM Argentina
Buenos Aires

A Mlle FABRO Patricia I.
Primer Secretario
Misión Permanente de
la República Argentina
Ginebra

A Mlle MOGLIA Ana M.
Primer Secretario
Misión Permanente de
la República Argentina
Ginebra

A M. RUIZ DE OÑA DOMINGUEZ M.A.
Subdirector de Relaciones
Institucionales
Telefónica de Argentina S.A.
Buenos Aires

AUS Australie
Australia
Australia

C M. HUTCHINSON Michael J.
Deputy Secretary
Communications
Department of Transport and
Communications
Canberra

AUS Australie
Australia
Australia
(suite)

CA M. SMITH Roger N.
First Assistant Secretary
Radiocommunications Division
Department of Transport and
Communications
Canberra

D M. DEACON Christopher W.
Director
Telecommunications Standards
Policy Section
Department of Transport and
Communications
Canberra

D M. HANNOUSH John F.
First Secretary
Permanent Mission of
Australia
Geneva

D M. HAYDON John M.
Manager
International Standards Branch
Australian Telecommunications
Authority
Canberra

D Dr. HORTON Robert
Executive General Manager
Technical Standards Division
Australian Telecommunications
Authority
Melbourne

D M. OLIVER Colin L.
Director
International &
Standards Policy Section
Radiocommunications Division
Department of Transport and
Communications
Canberra

A M. BARTON Richard M.
Deputy Federal Director
Federation of Australian
Commercial Television
Stations
Mosman

A M. CABRERA Alan K.
Manager Standards Development
Australian & Overseas
Telecommunications
Corporation Ltd.
Sydney

AUS Australie
Australia
Australia
(suite)

A M. DARLING Peter G.
Chief Engineer
Network Standards
Australian & Overseas
Telecommunications
Corporation Ltd.
Melbourne

A M. HUGHES John G.
Manager Cable Arrangements &
International Organizations
Australian & Overseas
Telecommunications
Corporation Ltd.
Sydney

AUT Autriche - Austria - Austria

C M. BAYER Josef
Head of Telecom Legal Branch
General Directorate of
Posts and Telegraphs
Federal Ministry for Public
Economy and Transport
Vienna

CA M. KUDRNA Walter
Head of Telecom Operations
Branch
General Directorate of
Posts and Telegraphs
Federal Ministry for Public
Economy and Transport
Vienna

CA M. LETTNER Gerd
Head of Frequency Branch
General Directorate of
Posts and Telegraphs
Federal Ministry for Public
Economy and Transport
Vienna

D M. DESSER Michael
Attaché
Permanent Mission of Austria
Geneva

BAH Bahamas (Commonwealth des)
Bahamas (Commonwealth of the)
Bahamas (Commonwealth de las)

C M. BETHEL Leander A.
Assistant General Manager E.P.
Bahamas Telecommunications
Corporation
Nassau

BHR Bahreïn (Etat de)
Bahrain (State of)
Bahrein (Estado de)

C M. ASHOOR Rasheed
Chief of Telecommunications
Ministry of Transportation
Manama

CA M. AL-THAWADI Abdulla
President
Bureau of Wireless Licensing,
Frequency and Monitoring
Ministry of Information
Manama

D M. FOLAD Jamal
Senior Telecoms Technician
Telecommunications Office
Ministry of Transportation
Manama

BGD Bangladesh (République - populaire du)
Bangladesh (People's Republic of)
Bangladesh (República Popular de)

D M. QUAUNINE Nazmul
Second Secretary
Permanent Mission of
Bangladesh
Geneva

BRB Barbade - Barbados - Barbados

C M. GREAVES Philip M.
Deputy Prime Minister and
Minister of Public Works
Ministry of Public Works,
Communications and
Transportation
Bridgetown

CA M. LAYNE Edward A.
Permanent Secretary
International Transport and
Communications Division
Ministry of Public Works,
Communications and
Transportation
Bridgetown

BLR Bélarus (République du)
Belarus (Republic of)
Belarús (República de)

C M. GRITSUK Ivan M.
Minister of Posts,
Telecommunications and
Informatics
Ministry of Posts,
Telecommunications and
Informatics
Minsk

BLR Bélarus (République du)
Belarus (Republic of)
Belarús (República de)
(suite)

D M. BOUDAI Anatoly I.
Chief of Radio and Television Department
Ministry of Posts, Telecommunications and Informatics
Minsk

A M. GALKA Valentin
Second Secretary
Permanent Mission of the Republic of Belarus
Geneva

BEL Belgique - Belgium - Bélgica

C S.E. M. REYN A.
Ambassadeur
Représentant permanent
Mission permanente de la Belgique
Genève

C M. GONY Michel R.G.
Directeur d'administration
BELGACOM
Bruxelles

CA M. LAMBOTTE Jean-Paul
Ingénieur en chef
Directeur d'administration
BELGACOM
Bruxelles

CA M. VAN CRAEN M.
Représentant permanent adjoint
Mission permanente de la Belgique
Genève

D M. DANNEELS F.D.V.
Ingénieur en chef
Directeur
BELGACOM
Bruxelles

D M. GEDOPT M.
Conseiller
Mission permanente de la Belgique
Genève

BLZ Belize - Belize - Belice

C M. RAMNARINE Deoraj
Secretary General
Caribbean Telecommunications Union
Port of Spain

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Benin (Republic of)
Benin (República de)

C M. METINHOUE G.P.
Directeur de cabinet
Ministère de la culture et des communications
Cotonou

1)C M. ADADJA Désiré
CA Directeur général
Office des postes et télécommunications
Cotonou

1) C 14-22.12

1)CA M. VIGNON Honoré
D Directeur général adjoint
Office des postes et télécommunications
Cotonou

1) CA 14-22.12

D M. ZODEHOUGAN Nicolas U.
Chef
Division de télécommunications internationales
Office des postes et télécommunications
Cotonou

BTN Bhoutan (Royaume du)
Bhutan (Kingdom of)
Bhután (Reino de)

C H.E. M. DORJI Dasho Paljor J.
Ambassador
Permanent Representative
Permanent Mission of the Kingdom of Bhutan
Geneva

D M. PENJOR Thinley
First Secretary
Permanent Mission of the Kingdom of Bhutan
Geneva

D M. WANGDI Phuntsho
Attaché
Permanent Mission of the Kindgom of Bhutan
Geneva

BOL Bolivie (République de)
Bolivia (Republic of)
Bolivia (República de)

C S.E. M. SORUCO Jorge
Embajador
Misión Permanente de Bolivia
Ginebra

D M. ARCE JOFRE José A.
Secretario General de
Comunicaciones
Dirección General de
Telecomunicaciones
La Paz

BOT Botswana (République du)
Botswana (Republic of)
Botswana (República de)

C M. GABORONE Olebile M.
Acting Chief Executive
Botswana Telecommunications
Corporation
Gaborone

B Brésil (République fédérative du)
Brazil (Federative Republic of)
Brasil (República Federativa del)

C M. BARBUDA A.F.
Deputy Permanent
Representative
Permanent Mission of Brazil
Geneva

CA M. BLOIS MONTES DE SOUZA Roberto
Director
Departamento de Servicos
Privados
Ministério das Comunicaçôes
Brasilia

CA M. PINHEIRO Francisco S.C.
Ministério das Comunicaçôes
Brasilia

D M. HOSANNAH Eduardo de Mattos
First Secretary
Permanent Mission of Brazil
Geneva

D M. OKURA Motokazu
Empresa Brasileira de
Telecomunicaçôes (EMBRATEL)
Rio de Janeiro

BRU Brunéi Darussalam
Brunei Darussalam
Brunei Darussalam

C M. AWANG SAIFULBAHRI Haji J.
Senior Telecom Executive
Engineer
Jabatan Telekom Brunei
Bandar Seri Begawan

BRU Brunéi Darussalam
Brunei Darussalam
Brunei Darussalam
(suite)

D M. HJ ALI BIN HJ ABD HAMID
Telecom Engineer
Jabatan Telekom Brunei
Bandar Seri Begawan

D M. WONG Derek T.L.
System Analyst
Ministry of Communications
Bandar Seri Begawan

BUL Bulgarie (République de)
Bulgaria (Republic of)
Bulgaria (República de)

C M. MIRSKI Krastju
Vice-Président
Comité des postes et
télécommunications
Sofia

CA M. DIKOV Nikola
Expert en chef
Comité des postes et
télécommunications
Sofia

D M. BORISSOV Kalin
Deuxième Secrétaire
Mission permanente de la
République de Bulgarie
Genève

BFA Burkina Faso
Burkina Faso
Burkina Faso

C M. THIOMBIANO Justin
Directeur général
Office national des
télécommunications
Ouagadougou

1)C M. SANOU Brahima
CA Office national des
télécommunications
Ouagadougou

1) C 17-22.12

D M. BONKOUNGOU Zouli
Directeur
Etudes et Planification
Office national des
télécommunications
Ouagadougou

BDI Burundi (République du)
Burundi (Republic of)
Burundi (República de)

C M. NDAYIZEYE Apollinaire
Directeur général
Ministère des transports, postes et télécommunications
Bujumbura

CA M. NIYOKINDI Fiacre
Conseiller technique
Direction générale de l'Office national des télécommunications
Bujumbura

D M. BUSOKOZA Bernard
Directeur
Régie nationale des postes
Bujumbura

CME Cameroun (République du)
Cameroon (Republic of)
Camerún (República de)

C M. DAKOLE DAISSALA
Ministre d'Etat
chargé des postes et télécommunications
Ministère des postes et des télécommunications
Yaoundé

CA M. DJOUAKA Henri
Directeur général adjoint
INTELCAM
Ministère des postes et des télécommunications
Yaoundé

CA M. KAMDEM KAMGA Emmanuel
Inspecteur général
Direction des télécommunications
Ministère des postes et des télécommunications
Yaoundé

D M. BISSECK Hervé G.
Directeur de l'Exploitation
INTELCAM
Ministère des postes et des télécommunications
Yaoundé

D M. MAGA Richard
Directeur du Centre d'études des télécommunications
Ministère des postes et des télécommunications
Yaoundé

CME Cameroun (République du)
Cameroon (Republic of)
Camerún (República de)
(suite)

D Mme MBETTE V.
Deuxième Conseiller
Mission permanente du Cameroun
Genève

D M. NDE Ningo
Directeur adjoint des télécommunications
Chargé des problèmes techniques
Ministère des postes et des télécommunications
Yaoundé

D M. SOB Pierre
Premier Conseiller
Mission permanente du Cameroun
Genève

D M. TALLAH William
Conseiller technique
Ministère des postes et des télécommunications
Yaoundé

D M. WANMI François
Directeur des télécommunications
Ministère des postes et des télécommunications
Yaoundé

CAN Canada - Canada - Canadá

C M. JONES Robert W.
Director General
Radio Regulatory Branch
Department of Communications
Ottawa

CA M. GAGNE Pierre
Directeur, Télécommunications internationales
Ministère des communications
Ottawa

D M. AUSMAN J.
Conseiller et Consul
Mission permanente du Canada
Genève

CAN Canada - Canada - Canadá
(suite)

D M. EXTON Ted
Director
Standards Policy and
International Affairs
Telecom Canada
Ottawa

D M. GRACIE Bruce
Head WARC/CCI Affairs
Department of Communications
Ottawa

D M. ISRAEL Michel
Directeur, Systèmes de
satellites et normes de
télécommunications
Téléglobe Canada Inc.
Montréal

D Mme ST-ARNAUD Diane
Analyste de politiques
Ministère des communications
Ottawa

D M. WARREN Gaby I.
Consultant
Department of Communications
Ottawa

A Mlle MURPHY Paula
Department of Communications
Ottawa

A M. TAYLOR William J.
Supervising Engineer
Radio Standards Development
Bell Canada
Ottawa

CPV Cap-Vert (République du)
Cape Verde (Republic of)
Cabo Verde (República de)

C M. LOBO Antonio P.B.
Directeur général des
communications
Entreprise publique des postes
et télécommunications
Praia

D M. ALMEIDA Francisco J.S.
Chef, Centre de transmission
Entreprise publique des postes
et télécommunications
Praia

CAF Centrafricaine (République)
Central African Republic
Centroafricana (República)

C M. GONIFEI-GAIBONANOU Pierre
Ministre des transports,
aviation civile, postes et
télécommunications
Ministère des transports, de
l'aviation civile, des postes
et télécommunications
Bangui

1)C M. SAKANGA Vincent
CA Chargé de missions
Ministère des transports, de
l'aviation civile, des postes
et télécommunications
Bangui

1) C 9-22.12

D M. NZENGOU Eugène
Directeur d'audit interne &
contrôle de gestion
SOCATEL
Bangui

D M. SAKILA Jean-Marie
Directeur d'exploitation et
des affaires commerciales
SOCATEL
Bangui

CHL Chili - Chile - Chile

C M. PLISCOFF VASQUEZ Roberto
Subsecretario de
Telecomunicaciones
Ministerio de Transportes
y Telecomunicaciones
Santiago de Chile

CA M. GATICA VILLARROEL L.
Jefe del Departamento de
Asuntos Internacionales
Ministerio de Transportes
y Telecomunicaciones
Santiago de Chile

CA M. GONZALEZ ANINAT Raimundo
Ministro Consejero
Misión Permanente de Chile
Ginebra

D M. PEÑA SALAZAR Manuel
Experto en Planificación
Compañía de Teléfonos de Chile
Santiago de Chile

CHL Chili - Chile - Chile
(suite)

D M. ROMERO Pablo
Primer Secretario
Misión Permanente de Chile
Ginebra

CHN Chine (République populaire de)
China (People's Republic of)
China (República Popular de)

C M. ZHU Gaofeng
Vice-Minister
Ministry of Posts and Telecommunications
Beijing

CA M. ZHAO Xintong
Director, Department of External Affairs
Ministry of Posts and Telecommunications
Beijing

D M. DING Yixing
Chief Engineer
Radio Regulatory Department
Ministry of Posts and Telecommunications
Beijing

D M. HOU Zhenyi
First Secretary
Permanent Mission of China
Geneva

D M. LI Baodong
First Secretary
Ministry of Foreign Affairs
Beijing

D M. QU Wenchu
Division Chief, International Telecommunication Organizations
Ministry of Posts and Telecommunications
Beijing

D M. SUN Benji
Deputy Chief, Division of International Economic and Technical Cooperation
Department of External Affairs
Ministry of Posts and Telecommunications
Beijing

D Mme WANG Yurong
Assistant Chief
Department of External Affairs
Ministry of Posts and Telecommunications
Beijing

CHN Chine (République populaire de)
China (People's Republic of)
China (República Popular de)
(suite)

D M. YANG Jinjing
Interpreter
Ministry of Posts and Telecommunications
Beijing

D M. ZHU Rongjian
Ministry of Posts and Telecommunications
Beijing

D M. ZHU Sanbao
Division Chief
Ministry of Posts and Telecommunications
Beijing

CYP Chypre (République de)
Cyprus (Republic of)
Chipre (República de)

C M. STAVRAKIS Renos
Minister of Communications and Works
Ministry of Communications and Works
Nicosia

CA M. CHRISTODOULIDES Kyriakos
Manager, Technical Services
Network Operation and Maintenance
Cyprus Telecommunications Authority
Nicosia

CA M. MODESTOU Sparsis
Assistant General Manager
Cyprus Telecommunications Authority
Nicosia

CA M. SAVVIDES Lazaros
Senior Electrical Engineer
Ministry of Communications and Works
Nicosia

D M. CHAPPAS Christos
Manager, Technical Services
Network Development
Cyprus Telecommunications Authority
Nicosia

CYP Chypre (République de)
Cyprus (Republic of)
Chipre (República de)
(suite)

D M. KRITIOTIS Adam
Manager, Commercial Services
Cyprus Telecommunications Authority
Nicosia

A S.E. M. MACRIS Nicolas
Ambassador
Permanent Representative
Permanent Mission of Cyprus
Geneva

A M. ZODIATES George
First Secretary
Permanent Mission of Cyprus
Geneva

CVA Cité du Vatican (Etat de la)
Vatican City State
Ciudad del Vaticano (Estado de la)

C M. MATIS Eugenio
Directeur technique
Radio Vatican
Cité du Vatican

CA M. GIUDICI Pier Vincenzo
Vice-directeur technique
Radio Vatican
Cité du Vatican

CLM Colombie (République de)
Colombia (Republic of)
Colombia (República de)

CA S.E. M. MESTRE SARMIENTO Eduardo
Embajador
Representante Permanente
Misión Permanente de Colombia
Ginebra

D M. CASTRO ROJAS Felix
Jefe de la Oficina Internacional
Ministerio de Comunicaciones
Bogotá

D M. DAZA CASTELBLANCO Germán
Ingeniero
Oficina Internacional
Ministerio de Comunicaciones
Bogotá

CLM Colombie (République de)
Colombia (Republic of)
Colombia (República de)
(suite)

D M. ESPINOSA ESCALLON Juan C.
Primer Secretario
Misión Permanente de Colombia
Ginebra

COM Comores (République fédérale islamique des)
Comoros (Islamic Federal Republic of the)
Comoras (República Federal Islámica de las)

C M. ALI Mohamed Abdallah
Secrétaire général
Ministère de l'équipement, des postes et télécommunications
Moroni

CA M. DAHALANI Said Abasse
Directeur général
Société nationale des postes et télécommunications
Moroni

D M. CHAIBATI Matoiri
Directeur des télécommunications
Société nationale des postes et télécommunications
Moroni

COG Congo (République du)
Congo (Republic of the)
Congo (República del)

C M. EBAYI Faustin
Conseiller aux télécommunications
Ministère de la communication, des postes et télécommunications
Brazzaville

D M. KINZONZI Léonard
Directeur des télécommunications
Office national des postes et télécommunications
Brazzaville

D M. MAHOUKOU Marcel-Lucas
Chef de division des études et des relations internationales
Office national des postes et télécommunications
Brazzaville

COG Congo (République du)
Congo (Republic of the)
Congo (República del)
(suite)

D M. OKOUO Jean-Pierre
Directeur général
Administration centrale des postes et télécommunications
Ministère de la communication, des postes et télécommunications
Brazzaville

D M WENAMIO Pascal
Directeur général
Président
Office national des postes et télécommniations/CNE
Brazzaville

KOR Corée (République de)
Korea (Republic of)
Corea (República de)

C M. PARK Young-Ihl
Director General for Telecommunications Policy
Ministry of Communications
Seoul

CA M. LEE Kyo-Young
Director of International Cooperation Division
Telecom. Policy Office
Ministry of Communications
Seoul

D M. CHO Hyun-Dong
Second Secretary
Permanent Mission of the Republic of Korea
Geneva

D M. LEE Dong-Hyung
Deputy Director of International Cooperation Div.
Telecom. Policy Office
Ministry of Communications
Seoul

D M. LEE Won-Ja
Assistant Director of Telecoms Management Division
Telecom. Policy Office
Ministry of Communications
Seoul

D M. SONG Yoo-Jong
Deputy Director of Policy Planning Division
Telecom. Policy Office
Ministry of Communications
Seoul

KOR Corée (République de)
Korea (Republic of)
Corea (República de)
(suite)

D M. YOO Hae-Soo
Deputy Director of Frequency Division
Radio Regulation Bureau
Ministry of Communications
Seoul

A M. CHO Yu-Hyon
Director
Overseas External Planning Group
Korea Telecom
Seoul

A M. JANG Myung-Gook
Director
Korea Telecommunications Technology Association
Seoul

A Mlle KIM Eun-Ju
Research Fellow
Korea Information Society Development Institute
Seoul

A M. KIM Hak-Rim
Korea Telecom
Liaison Office
Geneva

A M. KIM Young-Soo
Manager
Dacom Corporation
Seoul

A M. LEE Dong-Chul
Senior Member of Technical Staff
Electronics and Telecommunications Research Institute (ETRI)
Seoul

A M. PACK Young-Hak
Korea Telecom
Liaison Office
Geneva

A M. PARK Jae-Chon
Managing Director
Dacom Corporation
Seoul

A M. SEO Bo-Hyun
Senior Research Fellow
Radio and New Media Policy Research Division
Korea Information Society Development Institute
Seoul

KOR Corée (République de)
Korea (Republic of)
Corea (República de)
(suite)

A M. SHIM Bum-Sup
Director
Engineering Strategy
Planning Group
Korea Telecom
Seoul

CTI Côte d'Ivoire (République de)
Côte d'Ivoire (Republic of)
Côte d'Ivoire (República de)

C M. ANGORAN Yed Esaïe
Ministre des mines et de l'énergie, chargé des postes et télécommunications
Ministère des mines et de l'énergie
Abidjan

CA S.E. M. KOFFI Kouamé
Ambassadeur
Mission permanente de la Côte d'Ivoire
Genève

D M. AHOU JOSEPH J.-B.
Secrétaire général
CI-TELCOM
Abidjan

D M. AKA BONNY Léon
Président directeur général
CI-TELCOM
Abidjan

D M. DEMBELE Yahaya
Chef du service de la formation et de la coopération internationale
Ministère des mines et de l'énergie
Abidjan

D M. KOFFI Kouman
Secrétaire du Comité technique de la RTI
Ministère de la communication
Abidjan

D M. KONAN Kouadio E.
Sous-Directeur de la législation et des règlements
Direction de la réglementation générale
Ministère de la communication
Abidjan

CTI Côte d'Ivoire (République de)
Côte d'Ivoire (Republic of)
Côte d'Ivoire (República de)
(suite)

D M. N'TAKPE N'Cho
Conseiller
Mission permanente de la Côte d'Ivoire
Genève

D M. TIEMELE KOUANDE C.
Inspecteur
Ministère de la communication
Abidjan

D M. YAO Kouakou J.-B.
Sous-directeur du contrôle des radiocommunications
Direction de la réglementation générale
Ministère de la communication
Abidjan

HRV Croatie (République de)
Croatia (Republic of)
Croacia (República de)

C M. FILIPOVIC Dominik
Ministry of Maritime Affairs, Transport & Communications
Zagreb

D M. BRLIC Vladimir
Croatian Post and Telecommunications
Zagreb

D Mme BRUKETA-VERSIC Jasminka
Croatian Post and Telecommunications
Zagreb

D M. ORESKOVIC Ljudevit
Technical Assistant of General Manager
Hrvatska Radio Televizija
Zagreb

D M. PERCIN Nikola
Hrvatska Radio Televizija
Zagreb

D M. URLICIC Ivica
Hrvatska Radio Televizija
Zagreb

CUB Cuba - Cuba - Cuba

C M. MARTINEZ ALBUERNE Carlos M.
Director de Frecuencias Radioeléctricas
Ministerio de Comunicaciones
La Habana

CUB Cuba - Cuba - Cuba
(suite)

D M. FERNANDEZ MACBEATH Hugo A.
Jefe de Departamento
Administración de Frecuencias
Dirección de Frecuencias
Radioeléctricas
Ministerio de Comunicaciones
La Habana

DNK Danemark - Denmark - Dinamarca

C M. MOLLMANN Erik
Head of Division
General Directorate of P&T
Copenhagen

CA M. JENSBY Joern
Head of Division
National Telecom Agency
Copenhagen

D M. ERIKSEN Hans
Consultant
General Directorate of P&T
Copenhagen

D M. JACOBSEN Marius
Head of Division
National Telecom Agency
Copenhagen

D Mrs KONNER Mette J.
Head of International Section
National Telecom Agency
Copenhagen

D M. TOFT Ole
Director
International Relations
Tele Danmark A/S
Taastrup

D M. TOFT Villy
Deputy Director
International Relations
Tele Danmark A/S
Taastrup

DJI Djibouti (République de)
Djibouti (Republic of)
Djibouti (República de)

C M. FARAH MOUMIN YABEH
Directeur adjoint
Office des postes et
télécommunications
Djibouti

EGY Egypte (République arabe d')
Egypt (Arab Republic of)
Egipto (República Arabe de)

C H.E. M. ZAHRAN Mounir
Ambassador
Permanent Representative
Permanent Mission of the
Arab Republic of Egypt
Geneva

1)C M. SELIM Mohamed
Vice-Chairman
Operation and Maintenance
National Telecommunications
Organization (ARENTO)
Cairo

1) C 14-22.12

CA M. EL NEMR Mahmoud M.S.
Head of Central Department
International
Telecommunications
National Telecommunications
Organization (ARENTO)
Cairo

D M. KHALIL Hesham
Third Secretary
Permanent Mission of the
Arab Republic of Egypt
Geneva

D M. SIRRY Aly
Attaché
Permanent Mission of the
Arab Republic of Egypt
Geneva

SLV El Salvador (République d')
El Salvador (Republic of)
El Salvador (República de)

Répresenté par
les Etats-Unis d'Amérique

UAE Emirats arabes unis
United Arab Emirates
Emiratos Arabes Unidos

C M. AL MEHREZI Abdulla K.
Assistant General Manager
Technical
ETISALAT
Ministry of Communications
Abu Dhabi

UAE Emirats arabes unis
United Arab Emirates
Emiratos Arabes Unidos
(suite)

CA M. AL MULLA Mohammed Rafi
Assistant General Manager
International Relations
ETISALAT
Ministry of Communications
Abu Dhabi

A M. HIZAM Hamoud Naji
Staff Member
Permanent Mission of the
United Arab Emirates
Geneva

EQA Equateur - Ecuador - Ecuador

C S.E. M. PINOARGOTE Alfredo
Embajador
Misión Permanente
del Ecuador
Ginebra

CA M. RIOFRIO Francisco
Representante Permanente
Adjunto
Misión Permanente
del Ecuador
Ginebra

E Espagne - Spain - España

C Mme SALGADO MÉNDEZ Elena
Secretaria General de
Comunicaciones
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

CA M. LOSADA FERNANDEZ Angel
Consejero
Misión Permanente de España
Ginebra

CA M. NADAL ARIÑO Javier
Director General de
Telecomunicaciones
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

E Espagne - Spain - España
(suite)

CA M. SANCHEZ VALLE Juan N.
Jefe del Area de Relaciones
Internacionales
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

D M. CAMBLOR-FERNANDEZ José R.
Jefe del Area de Planificación
Espectro Radioeléctrico
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

D M. CRESPO MARTINEZ Carlos L.
Jefe del Servicio Régimen
Jurídico de Radiodifusión
y Televisión, Dirección
General de Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

D M. GARCIA BARQUERO Pedro
Jefe del Area de Ingeniería
del Espectro
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

D M. MACHOTA VADILLO J.L.
Director de Servicio
Estrategias Internacionales
Telefónica de España, S.A.
Madrid

D M. RUBIO CARRETON Vicente
Jefe del Servicio Jurídico
Internacional
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
Y Transportes
Madrid

D M. RUEDA CRUZ J.P.
Consejero Técnico
Secretaría General de
Comunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

E Espagne - Spain - España
(suite)

D M. SANCHEZ BLANCO Miguel
Jefe de Sección Jurídica
Dirección General de
Telecomunicaciones
Ministerio de Obras Públicas
y Transportes
Madrid

D M. SANCHEZ MORA Vicente
Experto en Organismos
Internacionales
Telefónica de España, S.A.
Madrid

D M. SERIÑA RAMIREZ Javier
Experto en Relaciones
Internacionales
Telefónica de España, S.A.
Madrid

EST Estonie (République d')
Estonia (Republic of)
Estonia (República de)

C M. JOEMA Juri
Director General
Inspection of
Telecommunications
Ministry of Transport and
Communications
Tallinn

D M. TOOMET Madis
Principal Specialist
Ministry of Transport and
Communications
Tallinn

D M. ULMAN Jaak
Deputy Director General
Estonian Telecom
Tallinn

USA Etats-Unis d'Amérique
United States of America
Estados Unidos de América

C H.E. M. HOLMES Bradley P.
Ambassador
US Coordinator and Director
Communications and Information
Policy
Department of State
Washington DC

USA Etats-Unis d'Amérique
United States of America
Estados Unidos de América
(suite)

CA M. BEAIRD Richard C.
Senior Deputy Coordinator and
Director
Communications and Information
Policy
Department of State
Washington DC

CA M. DAVIS Douglas V.
Senior Attorney/Advisor
International Telecom Policy
Federal Communications
Commission
Washington DC

CA M. FITCH Michael T.N.
Deputy Coordinator and
Director
Communications and Information
Policy
Department of State
Washington DC

CA M. PREWITT Jean M.
Associate Administrator,
National Telecommunications
& Information Administration
Department of Commerce
Washington DC

CA M. URBANY Francis S.
Director
International and Agency
Relations
Bellsouth
Washington DC

1)D M. JAHN William H.
Director of Telecommunications
Policy for Mexico and
Micronesia
Communications and Information
Policy
Department of State
Washington DC

1) Executive Director

D M. ANDERSON Dexter A.
Telecommunications Manager
U.S. Information Agency
Washington DC

D M. BORMAN William M.
Vice President & Director
Global Spectrum
Motorola Inc.
Washington

USA Etats-Unis d'Amérique
United States of America
Estados Unidos de América
(suite)

D Mme COOPER Jodi
Senior Attorney
International Regulatory Affairs
MCI Telecommunications Corporation
Washington DC

D M. CROWELL Raymond B.
Director, Industry and Government Planning
COMSAT World Systems
Washington DC

D M. FINE David
Assistant Vice President
Government & International Relations
Southwestern Bell Corporation-Washington, Inc.
Washington DC

D M. FISHER Ben C.
Fisher, Wayland, Cooper & Leader
Washington DC

D M. FRANK Robin J.
Attorney
Office of the Legal Advisor, Department of State
Washington DC

D M. HORNE William D.
Senior Engineer
Stanford Telecommunications
Seabrook

D M. KIMBALL Harold G.
Director
International Regulation and Technology Division
NTIA/Department of Commerce
Washington DC

D M. KONRATH Robert
Economic Officer
Permanent Mission of the United States of America
Geneva

D M. LEVIN Lon C.
Vice-President
Regulatory Counsel
American Mobile Satellite Corporation
Washington DC

USA Etats-Unis d'Amérique
United States of America
Estados Unidos de América
(suite)

D M. MCBRIDE Richard
Consultant
Foreign Affairs Committee
US House of Representatives
Washington DC

D M. MCLELLAN Donald
Telecommunications Counsel
United States Senate Staff
Department of State
Washington DC

D M. ONSTAD Phillip C.
Director
Telecommunications Public Policy
International Communications Association
Edison NJ

D M. RAISH Leonard R.
Fletcher, Heald & Hildreta
Washington DC

D Ms. REID Catherine
Counsel
Energy and Commerce Committee
US House of Representatives
Washington D.C.

D M. ROSE Reynold L.
Assistant to the DASD/DWC3
Office of the Secretary of Defense
Washington DC

D M. RUBENSAAL Clayton
First Secretary
Permanent Mission of the United States of America
Geneva

D M. SMITH Robert
Director
Nynex Science & Technology
Cambridge

D M. THOVSON Dennis K.
Vice-President
Corporate Standards
AT&T
Bedminster

D M. WALSH Thomas M.
Senior Engineer/International
Federal Communications Commission
Office of International Communications (FCC/OIC)
Washington DC

USA Etats-Unis d'Amérique
United States of America
Estados Unidos de América
(suite)

D M. WRIGHT Richard J.
Associate Program Manager
ARC (Atlantic Research Corporation)
Virginia

ETH Ethiopie - Ethiopia - Etiopía

CA M. YADETTA Bekele
Acting Radio Division Manager
Ethiopian Telecommunications Authority
Addis Ababa

D M. BELAY Melaku
Acting Operations Department Manager
Ethiopian Telecommunications Authority
Addis Ababa

D M. TAYE Gelaneh
Manager, Central Region
Ethiopian Telecommunications Authority
Addis Ababa

FJI Fidji (République de)
Fiji (Republic of)
Fiji (República de)

C S.E. M. TAVOLA Kaliopate
Ambassador
Embassy of Fiji
Brussels

CA M. MAIVUSAROKO Josaia
Counsellor
Embassy of Fiji
Brussels

A M. NAQOVA Emori
Managing Director
Fiji Posts and Telecommunications Ltd.
Suva

FNL Finlande - Finland - Finlandia

C M. SVENSSON Reijo
Chief Executive Officer
Telecommunications Administration Centre
Helsinki

FNL Finlande - Finland
Finlandia (suite)

CA M. KARJALAINEN Jorma
Head of Radio Frequency Department
Telecommunications Administration Centre
Helsinki

D M. ELOVAINIO Mauri K.
Secretary-General
Telecom Finland
Helsinki

D M. MATTILA Olli
International Affairs
Telecommunications Administration Centre
Helsinki

D M. SALONEN Pentti
Telecom Research Centre
Telecom Finland
Helsinki

D Mme VIRTANEN Marja-Liisa
First Secretary
Permanent Mission of Finland
Geneva

A M. HALME Seppo J.
Professor
Helsinki University of Technology
Espoo

F France - France - Francia

C S.E. M. MIYET Bernard
Ambassadeur
Représentant permanent
Mission permanente de la France
Genève

CA M. LASSERRE Bruno
Directeur de la réglementation générale
Ministère des postes et télécommunications
Paris

CA M. MAIN DE BOISSIERE J.-B.
Sous-directeur de la prospective et affaires internationales
Ministère des postes et télécommunications
Paris

F France - France - Francia
(suite)

D M. ABOUDARHAM Pierre
Directeur départemental
CNET/BF
Issy-les-Moulineaux

D M. BOURGEAT Lucien
Ingénieur en chef des télécommunications
Ministère des postes et télécommunications
Paris

D Mlle CHAUDER Françoise
Attachée d'administration centrale
Ministère des postes et télécommunications
Paris

D M. DELACROIX Philippe
Premier secrétaire
Mission permanente de la France
Genève

D M. DENIAUD Jean-Claude
Inspecteur général
Ministère des postes et télécommunications
Arcueil

D M. FEVRE Nicolas
Président
Comité de coordination des télécommunications
Paris

D Mme GARDIEN-FUHRMANN Michèle
Chargée de mission
Ministère des affaires étrangères
Paris

D M. GARNIER Dominique
Administrateur, Chargé des relations internationales
Ministère des postes et télécommunications
Paris

D M. GONIN Paul
Délégué à la normalisation internationale
France Telecom
Montrouge

D M. PERROUIN Luc
Sous-directeur des affaires européennes et multilatérales
France Telecom
Montrouge

F France - France - Francia
(suite)

D M. POPOT Michel
Secrétaire général
Comité de coordination des télécommunications
Ministère des postes et télécommunications
Paris

D M. ROUXEVILLE Bernard
Chef du groupement affaires multilatérales internationales
Ministère des postes et télécommunications
Paris

D M. SILLARD F.J.L.
Ingénieur Télécom
Ministère des postes et télécommunications
Paris

D M. TASSIN Jean
Administrateur
Ministère des postes et télécommunications
Paris

D M. THUE Marcel
Conseiller pour les affaires internationales
France Telecom - CNET
Issy-les-Moulineaux

D M. VOISIN Joël
Conseiller industriel et international
Ministère des postes et télécommunications
Paris

GAB Gabonaise (République)
Gabonese Republic
Gabonesa (República)

C M. NZIENGUI Patrice
Ministre
Office des postes et des télécommunications
Libreville

CA M. BANGUEBE J.-P.
Directeur général
Office des postes et des télécommunications
Libreville

GAB Gabonaise (République)
Gabonese Republic
Gabonesa (República)
(suite)

D M. BOUKOMEY Laurent
Conseiller du Directeur général OPT
Office des postes et des télécommunications
Libreville

D M. HELLA ONDO Dominique
Directeur général adjoint
Office des postes et des télécommunications
Libreville

D M. LEGNONGO Jules
Directeur général adjoint
Radiodiffusion Télévision Gabonaise
Libreville

D M. MASSIMA-LANDJI Jean-Jacques
Directeur central
Réseau national des télécommunications
Office des postes et des télécommunications
Libreville

D M. MBENG-EKOGHA Fabien
Directeur des inspections des études
Office des postes et des télécommunications
Libreville

GMB Gambie (République de)
Gambia (Republic of the)
Gambia (República de)

C M. BALDEH Matthew
Minister
Ministry of Works and Communications
Banjul

CA M. BADJIE Dembo M.
Deputy Permanent Secretary
Ministry of Works and Communications
Banjul

CA M. NJIE B.K.
Managing Director
Gambia Telecommunications Company Limited (GAMTEL)
Banjul

GMB Gambie (République de)
Gambia (Republic of the)
Gambia (República de)
(suite)

D M. CHAM Eliman M.
Deputy Managing Director
Gambia Telecommunications Company Limited (GAMTEL)
Banjul

D M. CHAM Momodou M.
Senior Operations Manager
Gambia Telecommunications Company Limited (GAMTEL)
Banjul

GHA Ghana - Ghana - Ghana

C S.E. M. AMOO-GOTTFRIED Kojo
Ambassadeur
Représentant Permanent
Mission permanente de la République du Ghana
Genève

D M. ESSEL Paul
Director
External Telecom Services
Ghana Posts and Telecommunications Corporation
Accra

D M. ODURO-NYANING Dickson
Deputy Director Engineering
Ghana Posts and Telecommunications Corporation
Accra

GRC Grèce - Greece - Grecia

C H.E. M. GHIKAS Emmanuel
Ambassador
Permanent Representative
Permanent Mission of Greece
Geneva

CA M. ANTONIOU Georges
Directeur général des communications
Ministère des transports et des communications
Athènes

CA M. GIANTAIS Dimitrios
Premier Conseiller
Mission permanente de la Grèce
Genève

GRC Grèce - Greece - Grecia
(suite)

CA M. NODAROS Anastase
Sous-Directeur - Chef de la Division des organisations internationales des télécommunications
Organisme des télécommunications helléniques (OTE)
Athènes

D M. CASSAPOGLOU Vassili G.
Expert en télécommunications internationales
Faculté de Droit
Université d'Athènes
Athènes

D Mlle PROTOPSALTI Zoé
Chef de la Section de la planification et du développement
Ministère des transports et des communications
Athènes

GRD Grenade - Grenada - Granada

C M. RAMNARINE Deoraj
Secretary General
Caribbean Telecommunications Union
Port of Spain

GUI Guinée (République de)
Guinea (Republic of)
Guinea (República de)

C M. DIALLO Alpha-Ibrahima
Secrétaire général
Ministère de la communication
Conakry

CA S.E. M. CAMARA Mamadou Bobo
Ambassadeur de Guinée auprès du Benelux, de la CEE et du Groupe ACP à Bruxelles
Ministère des affaires étrangères
Conakry

D M. CONDE Lancey
Chef, Réseaux locaux de télécommunications
Ministère de la communication
Conakry

GUI Guinée (République de)
Guinea (Republic of)
Guinea (República de)
(suite)

D M. DIALLO Mamadou Malal
Conseiller du Ministre de la communication
Ministère de la communication
Conakry

D M. SOW Mamadou Dioulde
Responsable de la gestion des fréquences
Ministère de la communication
Conakry

HND Honduras (République du)
Honduras (Republic of)
Honduras (República de)

C Mme VALERIANO DE MENDOZA A.
Subgerente General
de Hondutel
Empresa Hondureña de Telecomunicaciones
Tegucigalpa

D Mme CALIX Miriam
Directora
Dirección de finanzas
Empresa Hondureña de Telecomunicaciones
Tegucigalpa

D S.E. M. FORTIN MIDENCE Mario A.
Embajador
Representante Permanente
Misión Permanente de Honduras
Ginebra

HNG Hongrie (République de)
Hungary (Republic of)
Hungría (República de)

C M. GYURKOVICS Sandor
Administrative State Secretary
Ministry of Transport, Communication and Water Management
Budapest

CA M. BOLCSKEI Imre
Deputy State Secretary
Ministry of Transport, Communication and Water Management
Budapest

HNG Hongrie (République de)
Hungary (Republic of)
Hungría (República de)
(suite)

D M. HORVATH Ferenc
Deputy General Director of Frequency Management
Ministry of Transport, Communication and Water Management
Budapest

D M. KATONA-KIS Laszlo
Senior Adviser of International Affairs
Antenna Hungaria
Hungarian Radiocommunications Corporation
Budapest

D M. MEZEY Gabor
Senior Official
Ministry of Transport, Communication and Water Management
Budapest

D M. PUSKAR Attila
Director of International Affairs
Antenna Hungaria
Hungarian Radiocommunications Corporation
Budapest

D Mme SZLATENYI Sznezsanka B.
Senior official
Ministry of Transport, Communication and Water Management
Budapest

D M. TAKACS Kalman
General Director of Telecommunication
Ministry of Transport, Communication and Water Management
Budapest

D M. VILLANYI Otto
Director of International Affairs
Hungarian Telecommunication Company
Budapest

IND Inde (République de l')
India (Republic of)
India (República de la)

C M. WAGLE H.P.
Chairman, Telecom Commission & Secretary
Dept. of Telecommunications
Ministry of Communications
New Delhi

IND Inde (République de l')
India (Republic of)
India (República de la)
(suite)

C M. JOSHI A.M.
1)CA Wireless Adviser
Ministry of Communications
New Delhi

1) CA 9-11.12

D M. AGARWAL R.N.
Joint Wireless Adviser
Ministry of Communications
New Delhi

D M. TRIPATHI S.K.
Counsellor
Permanent Mission of India
Geneva

INS Indonésie (République d')
Indonesia (Republic of)
Indonesia (República de)

C M. PARAPAK Jonathan L.
Secretary General
Department of Tourism, Post and Telecommunications
Jakarta

CA H.E. M. ABDULRACHMAN S.
Ambassador Extraordinary and Plenipotentiary to Turkey

CA H.E. M. BROTODININGRAT Soemadi D.M.
Ambassador
Permanent Representative
Permanent Mission of Indonesia
Geneva

CA M. DJAKARIA Purawidjaja
Director General of Post and Telecommunications
Department of Tourism, Post and Telecommunications
Jakarta

CA M. DJIWATAMPU Arnold Ph.
Head of the Directorate of Post and Telecommunications Standardization
Department of Tourism, Post and Telecommunications
Jakarta

INS Indonésie (République d')
Indonesia (Republic of)
Indonesia (República de)
(suite)

D Mlle ABAS Musma M.
First Secretary
Permanent Mission of Indonesia
Geneva

D M. ADAMHAR Ferry
Third Secretary
Permanent Mission of Indonesia
Geneva

D M. HERI INDRA JAYA
Third Secretary
Permanent Mission of Indonesia
Geneva

D M. NURHADI Tyasno
Official
PT Industri Telekomunikasi
Indonesia (PT INTI)
Bandung

D Mme PANDJAITAN Ingrid R.
Head of the Sub-Directorate of
Telecommunications
Standardization
Department of Tourism, Post
and Telecommunications
Jakarta

D Mme PELITAWATI Dewie
Official
PT Indonesia Satellite
Corporation (PT INDOSAT)
Jakarta

D M. SANTOSA Setyanto P.
President Director
PT TELCOM
Bandung

D M. SARTONO Petrus
Corporate Secretary
PT TELCOM
Bandung

D M. SOETJIPTO
Head of Legal and
Organization Bureau
Department of Tourism, Post
and Telecommunications
Jakarta

D M. SULISTYO Bambang
Director
PT Indonesia Satellite
Corporation (INDOSAT)
Jakarta

INS Indonésie (République d')
Indonesia (Republic of)
Indonesia (República de)
(suite)

D M. SUWARSO Martosuwignko
Director of PAN System
Ministry of Tourism, Post and
Telecommunications
Jakarta

D M. TAMPUBOLON U.S.M.
General Manager
Law and Public Relations
PT Indonesia Satellite
Corporation (INDOSAT)
Jakarta

D M. WIRAJUDA N. Hassan
Minister Counsellor
Permanent Mission of Indonesia
Geneva

IRN Iran (République islamique d')
Iran (Islamic Republic of)
Irán (República Islámica del)

C M. SHAHABEDDIN Hossein
Deputy Minister for
Telecommunication Affairs
Ministry of P.T.T.
Tehran

CA M. MAHYAR Hossein
Director General of
Telecommunications
Ministry of P.T.T.
Tehran

CA H.E. M. TABATABAIE Kia
Ambassador
Permanent Mission of the
Islamic Republic of Iran
Geneva

D M. BAGHDADI Gholamreza
Head of International Affairs
Directorate General of
Telecommunications
Ministry of P.T.T.
Tehran

D M. BEHDAD Emamgholi
General Director of Network
Expansion
Islamic Republic of Iran
Broadcasting
Tehran

IRN Iran (République islamique d')
Iran (Islamic Republic of)
Irán (República Islámica del)
(suite)

D M. GASPAR Vanand
Senior Planning Engineer
Islamic Republic of Iran
Broadcasting
Tehran

D M. HOMAEI-NEJAD Mohammad
Permanent Mission of the
Islamic Republic of Iran
Geneva

D M. MEHRPOUYAN Golali
Senior Engineer
Islamic Republic of Iran
Broadcasting
Tehran

D M. RAZANI Mohammad
Head of the Frequency Planning
& Satellite Affairs
Departments
Ministry of P.T.T.
Tehran

A M. KHABIRI Mohammad Karim
Adviser
Permanent Mission of the
Islamic Republic of Iran
Geneva

A M. MOEINI-MEYBODI Hossein
Expert
Specialized Agency Office
Ministry of Foreign Affairs
Tehran

IRL Irlande - Ireland - Irlanda

C M. GRANT Michael N.
Assistant Secretary
Department of Tourism,
Transport and Communications
Dublin

CA M. DEMPSEY T.A.
Staff Engineer
Department of Tourism,
Transport and Communications
Dublin

D M. BREEN John A.C.
Assistant Staff Engineer
Department Tourism,
Transport and Communications
Dublin

IRL Irlande - Ireland - Irlanda
(suite)

D M. O'DONNCHU Niall
Department of Tourism,
Transport and Communications
Dublin

D M. O'FLOINN Colm
First Secretary
Permanent Mission of Ireland
Geneva

ISL Islande - Iceland - Islandia

C M. JONSSON Thorvardur
Director, Telecommunications
General Directorate of
Posts and Telecommunications
Reykjavik

ISR Israël (Etat d')
Israel (State of)
Israel (Estado de)

C M. FAIRMONT Moss
Adviser to Director-General
International Relations
Ministry of Communications
Tel-Aviv

D M. KEREM Ariel
Minister-Counsellor
Deputy Permanent
Representative
Permanent Mission of Israel
Geneva

D M. LEVKOVITCH Zeev
Head, Satellite Communications
Department
Ministry of Communications
Tel-Aviv

D M. SHEINK Jonathen
Head, Legal Advisers
Ministry of Communications
Jerusalem

I Italie - Italy - Italia

C S.E. M. JACOANGELI Giuseppe
Ambassadeur
Direzione General Ufficio
Relazioni Internazionali
Ministero Poste e
Telecomunicazioni
Roma

I **Italie - Italy - Italia**
(suite)

CA Mme DAMIA Giovanna
Directeur des relations internationales
Ufficio Relazioni Internazionali
Ministero Poste e Telecomunicazioni
Roma

CA M. NALIN Georgio
Manager
Italian PT Administration
Ministry of Post and Telecommunications
Rome

CA M. TIBERIO Sebastiano
Vice-Director
IST.SUP.PT
Ministry of Post and Telecommunications
Rome

D Mme BENEDETTI Manuela
Space Segment and Frequency Management Division
TELESPAZIO S.p.A.
Rome

D M. BONCOMPAGNI LUDOVISI Paolo
Direzione Generale
Società Italiana per l'Esercizio delle Telecomunicazioni (SIP)
Roma

D M. COLAVITO Cosmo
Direzione Generale
Società Italiana per l'Esercizio delle Telecomunicazioni (SIP)
Roma

D M. D'ANDRIA Emanuele
Head, Space Segment & Frequency Management Division
TELESPAZIO S.p.A.
Rome

D M. DEL PRETE Gianluigi
Italcable (Stet Group) Servizi Cablografici, Radiotelegrafici e Radioelettrici S.p.A.
Roma

D M. DELL'OVO Andrea
Expert
Ministero Poste e Telecomunicazioni
Roma

I **Italie - Italy - Italia**
(suite)

D M. FLAVIANO Federico
Deputy Manager
Ispettoraio Generale Telecomunicazioni
Ministero Poste e Telecomunicazioni
Roma

D Mme GIANCASPRO Maria
Dirigeant supérieur exploitation
Ministero Poste e Telecomunicazioni
Roma

D M. LARI Mario
Direttore Suporto Tecnico
RAI-Radiotelevisione Italiana
Roma

D M. MAGENTA Alfredo
Directeur des relations techniques internationales
RAI-Radiotelevisione Italiana
Roma

D M. MURCHIE Charles
Direzione Generale
Società Italiana per l'Esercizio delle Telecomunicazioni (SIP)
Roma

D M. PETTI Angelo
Expert
Ministero Poste e Telecomunicazioni
Roma

D Mme PILERI Alessandra
Director of TLC Department
International Relations Office
Ministry of Posts and Telecommunications
Roma

D M. REPACI Giuseppe
Manager of International Department
Italcable (Stet Group) Servizi Cablografici, Radiotelegrafici e Radioelettrici S.p.A.
Roma

D M. SERPI Paolo
Premier Secrétaire
Mission permanente d'Italie
Genève

I Italie - Italy - Italia
(suite)

D Mme STENDARDI Alida
Dirigeant principal pour
l'exploitation
Ufficio Relazioni
Internazionali
Ministero Poste e
Telecomunicazioni
Roma

D M. TAGLIALEGNA Giuseppe
Head of Section
Direzione Centrale Servizi
Radioelettrici
Ministero Poste e
Telecomunicazioni
Roma

JMC Jamaïque - Jamaica - Jamaica

Répresenté par les Bahamas

J Japon - Japan - Japón

C H.E. M. UKAWA Hidetoshi
Ambassador
Permanent Mission of Japan
Geneva

CA M. KUSUDA Shuji
Director General
International Affairs
Department
Ministry of Posts and
Telecommunications
Tokyo

CA M. TANI Masahito
Deputy Minister
Policy Coordination
Ministry of Posts and
Telecommunications
Tokyo

CA M. UTSUMI Yoshio
Deputy Director-General
Communications Policy Bureau
Ministry of Posts and
Telecommunications
Tokyo

D M. BANDO Masaaki
Director
ITU Plenipotentiary Conference
Preparation Office
International Affairs Dept.
Ministry of Posts
and Telecommunications
Tokyo

J Japon - Japan - Japón
(suite)

D M. HASHIMOTO Satoru
Adviser
Ministry of Posts and
Telecommunications
Tokyo

D M. ISHIDA Yoshihiro
Director
Telecommunications Standards
Office
Communications Policy Bureau
Ministry of Posts and
Telecommunications
Tokyo

D M. ITO Tetsuo
Minister
Permanent Mission of Japan
Geneva

D M. KAWAUCHI Masataka
Director, International
Frequency Affairs Office,
Department of the
Telecommunications Bureau
Ministry of Posts and
Telecommunications
Tokyo

D Mlle KINOSHITA Noriko
Assistant Director
Personnel Development Division
Personnel Department
Ministry of Posts and
Telecommunicationns
Tokyo

D M. MINAMI Takaaki
Official
United Nations Bureau
Ministry of Foreign Affairs
Tokyo

D M. MUGISHIMA Masayasu
Deputy Director
International Organizations
Division, International
Affairs Department
Ministry of Posts and
Telecommunications
Tokyo

D M. NISHIHARA Akira
Deputy Director
International Organizations
Division
International Affairs Dept.
Ministry of Posts and
Telecommunications
Tokyo

J Japon - Japan - Japón
(suite)

D M. OBU Shuji
Director, International
Organizations Division
International Affairs
Department
Ministry of Posts and
Telecommunications
Tokyo

D M. OHASHI Ikuo
Director, International
Organizations Division
International Affairs
Department
Ministry of Posts and
Telecommunications
Tokyo

D M. TACHIOKA Yoshio
Assistant Director
International Organizations
Division, International
Affairs Department
Ministry of Posts and
Telecommunications
Tokyo

D Mlle TANAKA Haruko
International Organizations
Division, International
Affairs Department
Ministry of Posts and
Telecommunications
Tokyo

D M. YOSHIDA Yasushi
First Secretary
Permanent Mission of Japan
Geneva

A M. HIRATSUKA Yoshitaka
General Manager
Ministry of Posts and
Telecommunications
Tokyo

A M. II Chikai
Assistant
Telecommunications Division
Ministry of Posts and
Telecommunications
Tokyo

A M. ISHIGURO K.
Professor
Faculty of Law
University of Tokyo
Tokyo

J Japon - Japan - Japón
(suite)

A M. KURIHARA Yoshitaka
Adviser
Ministry of Posts and
Telecommunications
Tokyo

A M. NAKAMURA Yukio
Official, CIAJ
Ministry of Posts and
Telecommunications
Tokyo

A M. NIIYA Masamichi
Ministry of Posts and
Telecommunications
Tokyo

A M. NISHIMOTO Toshio
Adviser
Ministry of Posts and
Telecommunications
Tokyo

A Mme OKAZAKI Naoko
Ministry of Posts and
Telecommunications
Tokyo

A M. OWAKU Toru
Adviser
Ministry of Posts and
Telecommunications
Tokyo

A M. SHINTANI Yasuhiro
Senior Manager
Ministry of Posts and
Telecommunications
Tokyo

A M. SUZUKI Noboru
Chief Engineer
Ministry of Posts and
Telecommunications
Tokyo

A M. TANAKA Hiroyuki
Adviser
Ministry of Posts and
Telecommunications
Tokyo

A M. TERASHIMA Makoto
Ministry of Posts and
Telecommunications
Tokyo

JOR Jordanie (Royaume hachémite de)
Jordan (Hashemite Kingdom of)
Jordania (Reino Hachemita de)

C M. AL-NAWAWI Ahmad
Director General
Telecommunications Corporation
Amman

D M. KHASAWNEH Moh'd
Assistant Director General
Telecommunications Corporation
Amman

KEN Kenya (République du)
Kenya (Republic of)
Kenya (República de)

C H.E. M. DON NANJIRA Daniel D.C.
Ambassador
Permanent Mission of Kenya
Geneva

CA M. CHEMAI S.K.
Principal
Kenya College of
Communications Technology
Nairobi

D M. GITHUA Daniel Kariuki
Development Engineer
Kenya Broadcasting
Corporation
Nairobi

D M. MBURU C.K.
Second Secretary
Permanent Mission of Kenya
Geneva

D M. MUREITHI Muriuki
Assistant Manager
International Technical
Relations
Kenya Posts and
Telecommunications Corporation
Nairobi

D M. OCHIENG-NYAMOGO Nyamodi
Senior Assistant Manager/Legal
Kenya Posts and
Telecommunications Corporation
Nairobi

D M. SHINGIRAH R.M.J.
Assistant General Manager
Telecommunications Domestic
Services
Kenya Posts and
Telecommunications Corporation
Nairobi

KWT Koweït (Etat du)
Kuwait (State of)
Kuwait (Estado de)

C M. AL-IBRAHIM Adel A.-A.
Chief Engineer
Ministry of Communications
Safat

CA M. AL-QATTAN Hameed H.
Director
Technical Services Department
Ministry of Communications
Safat

D M. AL-FADHLI Essa M.C.
Head of Maintenance Workshops
M.O.I.
Safat

D M. AL-MASOUD Hend S.
Director of Legal Affairs
Ministry of Communications
Safat

D M. AL-SANEEN Abdul-Wahab
Ministry of Communications
Safat

D M. AL-SHATTI Ismail M.
Conferences Preparation
Controller
Ministry of Communications
Safat

D M. AL-ZAID Ahmed Zaid
Head of Planning section
M.O.I.
Safat

D M. HUSAIN Mohammed M.KH.
Conferences Follow-up
Controller
Ministry of Communications
Safat

LSO Lesotho (Royaume du)
Lesotho (Kingdom of)
Lesotho (Reino de)

C Mme RAMAEMA Mpatliseng
Deputy Principal Secretary
Ministry of Transport and
Communications
Maseru

CA M. KHABELE T.
Divisional Manager
Construction & Major Works
Lesotho Telecommunications
Corporation
Maseru

LSO Lesotho (Royaume du)
Lesotho (Kingdom of)
Lesotho (Reino de)
(suite)

D Mme PHOLO M.
Corporate Secretary/
Legal Adviser
Lesotho Telecommunications
Corporation
Maseru

LVA Lettonie (République de)
Latvia (Republic of)
Letonia (República de)

C M. PETERSONS Uldis
Deputy Minister of Transport
Ministry of Transport
Riga

D M. JERKENS Ansis
Chief Specialist
Ministry of Transport
Riga

LBN Liban - Lebanon - Líbano

C M. GHAZAL Maurice-Habib
Représentant permanent aux
instances internationales
des télécommunications
Ministère des postes et
télécommunications
Beyrouth

LBR Libéria (République du)
Liberia (Republic of)
Liberia (República de)

C M. JAYJAY Roosevelt G.
Minister
Ministry of Posts and
Telecommunications
Monrovia

D M. DUOE G. Thomas
Assistant Minister/
Special Assistant
Ministry of Posts and
Telecommunications
Monrovia

D M. TOW G. Alfred
Director
Radio Regulatory Services
Ministry of Posts and
Telecommunications
Monrovia

LBR Libéria (République du)
Liberia (Republic of)
Liberia (República de)
(suite)

D S.E. M. WILLIAMSON Henry D.
Chargé d'Affaires
Permanent Mission of Liberia
Geneva

LBY Libye (Jamahiriya arabe libyenne populaire et socialiste)
Libya (Socialist People's Libyan Arab Jamahiriya)
Libia (Jamahiriya Arabe Libia Popular y Socialista)

C Mme EL HAJJAJI Najat
Counsellor
Permanent Mission of the
Socialist People's Libyan Arab
Jamahiriya
Geneva

D M. HUWAIDI Abdulhamid
Consultant
Permanent Mission of the
Socialist People's Libyan
Arab Jamahiriya
Geneva

LIE Liechtenstein (Principauté de)
Liechtenstein (Principality of)
Liechtenstein (Principado de)

Répresenté par la Suisse

LTU Lituanie (République de)
Lithuania (Republic of)
Lituania (República de)

C M. ZINTELIS Gintautas
Minister of Communications
and Informatics
Ministry of Communications
and Informatics
Vilnius

CA M. BASEVICIUS Alfredas
Vice-Minister
Ministry of Communications
and Informatics
Vilnius

D M. BURKAUSKAS Antanas
Head of Department
Ministry of Communications
and Informatics
Vilnius

LTU Lituanie (République de)
Lithuania (Republic of)
Lituania (República de)
(suite)

D M. SERYS Remigius
Executive Engineer
Ministry of Communications
and Informatics
Vilnius

LUX Luxembourg
Luxembourg
Luxemburgo

C M. SCHUH Paul
Conseiller de direction
Première classe
Ministère des communications
Luxembourg

CA M. DONDELINGER Charles
Directeur général adjoint
Direction générale des
postes et télécommunications
Luxembourg

D M. HOFFMANN Joseph
Attaché de Gouvernement
Direction générale des postes
et télécommunications
Luxembourg

D M. NICOLAI Michel
Inspecteur de direction
Premier en rang
Direction générale des
postes et télécommunications
Luxembourg

MDG Madagascar (République
démocratique de)
Madagascar (Democratic
Republic of)
Madagascar (República
Democrática de)

C M. MARCEL Aimé
Ministre des postes et des
télécommunications
Ministère des postes et des
télécommunications
Antananarivo

CA M. RAPIERA Claude
Secrétaire général
Ministère des postes et des
télécommunications
Antananarivo

MDG Madagascar (République
démocratique de)
Madagascar (Democratic
Republic of)
Madagascar (República
Democrática de)
(suite)

D M. RASOLOJAONA Mamiharilala
Directeur des études et de la
planification
Ministère des postes et des
télécommunications
Antananarivo

MLA Malaisie - Malaysia - Malasia

C M. VELLU S. Samy
Minister
Ministry of Energy,
Telecommunications and Posts
Kuala Lumpur

CA M. ISMAIL Mohd Y.
Deputy Secretary General
Ministry of Energy,
Telecommunications and Posts
Kuala Lumpur

CA M. YUSOFF Mohamed Ali
Director General
Jabatan Telekom Malaysia
Kuala Lumpur

D M. BABA M. Rashdan
Executive Chairman
Telekom Malaysia Berhad
Kuala Lumpur

D M. IBRAHIM Abd. Majid
Head of Regulatory Unit
Telekom Malaysia Berhad
Kuala Lumpur

D M. KRISHNAN S/O PERUMAL P.
Political Secretary
Ministry of Energy,
Telecommunications and Posts
Kuala Lumpur

MWI Malawi - Malawi - Malawi

C M. CHIRWA R.W.
Minister of Transport
and Communications
Ministry of Transport
and Communications
Blantyre

MWI Malawi - Malawi - Malawi
(suite)

CA M. MIJIGA S.J.F.S.
Postmaster General
Post Office Headquarters
Blantyre

D M. HIWA E.S.
Assistant Chief
Telecommunications Officer
Post Office Headquarters
Blantyre

D M. MAKAWA M.M.
Deputy Engineer-In-Chief
Post Office Headquarters
Blantyre

MLI Mali (République du)
Mali (Republic of)
Malí (República de)

C M. DIALLO Dahirou
Conseiller
Ministère de la communication
Bamako

1)C M. BA Mamadou
CA Direction générale
Société des télécommunications
du Mali (SOTELMA)
Bamako

1) C 9-22.12

CA M. TRAORE Sahibou
Président directeur général
Société des télécommunications
du Mali (SOTELMA)
Bamako

D M. GUEYE Amadou S.
Ingénieur
Société des télécommunications
du Mali (SOTELMA)
Bamako

A M. SOW Mahamadou
Ingénieur
Office de radiodiffusion/
télévision du Mali
Bamako

MLT Malte - Malta - Malta

C M. ZAMMIT DIMECH Francis
Minister for Transport and
Communications
Ministry of Transport and
Communications
Valletta

MLT Malte - Malta - Malta
(suite)

CA M. BARTOLO Joseph
Head, Wireless Telegraphy
Wireless Telegraphy Branch
Office of the Prime Minister
Valletta

D M. CAMILLERI John
Deputy Chairman
Telemalta Corporation
Marsa

D M. DE BONO Anthony
General Manager
Telemalta Corporation
Marsa

D M. FENECH Godfrey
Private Secretary to the
Minister of Transport and
Communications
Ministry for Transport and
Communications
Valletta

D M. SPITERI George
Inspector of Wireless
Telegraphy III
Wireless Telegraphy Branch
Office of the Prime Minister
Valletta

D M. VALENTINO Martin
First Secretary
Permanent Mission of Malta
Geneva

MRC Maroc (Royaume du)
Morocco (Kingdom of)
Marruecos (Reino de)

C S.E. M. BENHIMA El Ghali
Ambassadeur
Représentant permanent
Mission permanente du Royaume
du Maroc
Genève

CA M. BERRADA Abderrazak
Conseiller
Ministère des postes
et des télécommunications
Rabat

CA M. WAKRIM Mohamed
Directeur des relations
internationales
Office national des postes
et télécommunications
Ministère des postes et des
télécommunications
Rabat

MRC Maroc (Royaume du)
Morocco (Kingdom of)
Marruecos (Reino de)
(suite)

D M. MEZIATI Mohamed
Directeur commercial
Office national des postes
et télécommunications
Ministère des postes et des
télécommunications
Rabat

MAU Maurice (République de)
Mauritius (Republic of)
Mauricio (República de)

C M. MOHABEER PADYA G.K.
First Secretary
Permanent Mission of Mauritius
Geneva

CA M. MAKOONLALL V.
Manager
Telecommunication Authority
Ministry of Internal and
External Communications
Port Louis

D M. GOPEE R.
Administrative Officer
Ministry of Internal and
External Communications
Port Louis

MTN Mauritanie (République -
islamique de)
Mauritania (Islamic Republic of)
Mauritania (República -
Islámica de)

CA M. AIDARA Cheikhna Ahmed
Chef de Département des
relations internationales
et de la coopération
Office des postes et des
télécommunications
Nouakchott

D M. MOCTAR Mohamed
Chef de Département de
planification
Office des postes et des
télécommunications
Nouakchott

MEX Mexique - Mexico - México

C M. PADILLA LONGORIA J.A.
Coordinador de Relaciones
Internacionales
Secretaría de Comunicaciones
y Transportes
México D.F.

MEX Mexique - Mexico - México
(suite)

CA M. BROWN HERNANDEZ L.M.
Subdirector de Asuntos
Internacionales
Coordinador de Relaciones
Internacionales
Secretaría de Comunicaciones
y Transportes
México D.F.

CA M. HERNANDEZ GONZALEZ J.J.
Subdirector de Asuntos
Internacionales
Coordinación de Relaciones
Internacionales
Secretaría de Comunicaciones
y Transportes
México D.F.

CA Mme RAMIREZ DE ARELLANO R.M.
Directora de Consulta y
Estudios Jurídicos
Dirección General de
Estudios Jurídicos
Secretaría de Comunicaciones
y Transportes
México D.F.

D M. GALVAN TALLEDOS J.
Gerente de Planeación
Telecomunicaciones de México
México D.F.

D M. MEDINA DE LA MADRID G.
Subdirector de Relaciones
Internacionales
Coordinación de Relaciones
Internacionales
Secretaría de Comunicaciones
y Transportes
México D.F.

D Mme RAMOS SANDOVAL M.
Jefe del Departamento de
Consultas Diversas
Dirección General de
Asuntos Jurídicos
Secretaría de Comunicaciones
y Transportes
México D.F.

D M. ROMERO ESQUIVEL E.
Tercer Secretario
Misión Permanente de México
Ginebra

MDA Moldova (République de)
Moldova (Republic of)
Moldova (República de)

Répresenté par la Roumanie

MCO Monaco - Monaco - Mónaco

C M. SOLAMITO César Charles
Délégué permanent auprès des organismes internationaux
Direction générale des postes et télécommunications
Monaco

CA M. FRANZI Etienne
Délégué permanent adjoint auprès des organismes internationaux
Direction générale des postes et télécommunications
Monaco

D M. ALLAVENA Lucien
Ingénieur
Direction générale des postes et télécommunications
Monaco

MNG Mongolie - Mongolia - Mongolia

C H.E. M. YUMJAV Schirchinjavyn
Ambassador
Permanent Mission of Mongolia
Geneva

CA M. BOLDBAATAR Danzannorovyn
Attaché
Permanent Mission of Mongolia
Geneva

MOZ Mozambique (République du)
Mozambique (Republic of)
Mozambique (República de)

C M. LOUSA Rui J.G.
Vice-Minister of Transport and Communications
Ministry of Transport and Communications
Maputo

D M. FERNANDEZ Rui J.L.
Director General
Telecomunicaçoes de Moçambique
Maputo

BRM Myanmar (Union de)
Myanmar (Union of)
Myanmar (Unión de)

C H.E. M. HLAING Tin Kyaw
Ambassador
Permanent Representative
Permanent Mission of the Union of Myanmar
Geneva

BRM Myanmar (Union de)
Myanmar (Union of)
Myanmar (Unión de)
(suite)

CA M. THAN Mya
Deputy Permanent Representative
Permanent Mission of the Union of Myanmar
Geneva

D M. SWE Nyunt
Second Secretary
Permanent Mission of the Union of Myanmar
Geneva

NPL Népal - Nepal - Nepal

C M. GACHHADAR Bijaya K.
Minister of State for Information and Communications
Ministry of Information and Communications
Kathmandu

CA M. CHAUDHARY Basanta K.
Member, Board of Directors
Nepal Telecommunications Corporation
Kathmandu

D M. BAJRACHARYA Vidya B.
Deputy General Manager
Nepal Telecommunications Corporation
Kathmandu

D M. LACOUL Banmali P.
Chargé d'Affaires
Permanent Mission of Nepal
Geneva

NCG Nicaragua
Nicaragua
Nicaragua

C S.E. M. ALANIZ Jorge
Embajador
Representante Permanente
Misión Permanente de Nicaragua
Ginebra

D M. MIRANDA-CASTILLO Norman
Representante Permanente Adjunto
Misión Permanente de Nicaragua
Ginebra

NGR Niger (République du)
Niger (Republic of the)
Níger (República del)

D M. MOUNKAILA Moussa
Directeur technique
Société des télécommunications internationales du Niger (STIN)
Niamey

D M. TINNI Ate
Directeur des télécommunications
Office des postes et télécommunications
Niamey

NIG Nigéria (République fédérale du)
Nigeria (Federal Republic of)
Nigeria (República Federal de)

C M. UMAR Alhaji A.S.
Director-General
Ministry of Transport and Communications
Lagos

CA M. MATANKARI S.D.
Deputy Director
Planning, Research & Statistics
Ministry of Transport and Communications
Lagos

D M. ADEFIOYE A.O.
Senior Planning Officer
Ministry of Transport and Communications
Lagos

D M. ONABANJO A.O.
Chief Technical Officer
Ministry of Transport and Communications
Lagos

D M. OSAKWE T.
Senior Legal Officer
Ministry of Transport and Communications
Lagos

D M. SOLOMON S.
Principal Planning Officer
Ministry of Transport and Communications
Lagos

A M. AGIM George N.A.
Second Secretary
Permanent Mission of Nigeria
Geneva

NOR Norvège - Norway - Noruega

C M. TINGVOLD Rolf
Director General
Ministry of Transport and Communications
Oslo

CA M. JOHNSEN Kjell
Deputy Director General
Ministry of Transport and Communications
Oslo

D M. BOE Thormod
Chief Engineer
Norwegian Telecommunications Regulatory Authority
Oslo

D Mme CHRISTENSEN Elisabeth
Senior Executive Officer
Norwegian Telecommunications Regulatory Authority
Oslo

D M. LANDEIDE Eugen
Director
Networks and Services Regulation
Norwegian Telecommunications Regulatory Authority
Oslo

D Mme LILLEBO Anne L.T.
Senior Executive Officer
Norwegian Telecom
Oslo

D M. SANDNES Bjorn
Engineer-in-Chief
Norwegian Telecom
Oslo

D M. UTVIK Einar
Head of Division
Norwegian Telecom
Oslo

NZL Nouvelle-Zélande
New Zealand
Nueva Zelandia

C M. HUTCHINGS Ian R.
Manager, Radio Spectrum Policy
Ministry of Commerce
Wellington

NZL Nouvelle-Zélande
New Zealand
Nueva Zelandia
(suite)

CA M. PERKINS Roger P.
Manager, International
Communications Policy
Ministry of Commerce
Wellington

D M. HAMILTON Alan Charles J.
Group Coordinator,
Strategic Development, TCNZ
TELECOM Corporation
Wellington

D M. WALKER David J.
Second Secretary (Economic)
Permanent Mission of
New Zealand
Geneva

OMA Oman (Sultanat d')
Oman (Sultanate of)
Omán (Sultanía de)

CA M. AL-BALUSHI Abdullah S.
Under Secretary
Ministry of Posts, Telegraphs
and Telephones
Muscat

D M. AL-ABDISALAM Salim A.
Director, Frequency Management
and Monitoring
Ministry of Posts, Telegraphs
and Telephones
Muscat

D M. AL-GHATRAIFI Yahya M.
Acting Director of
International Relations
Ministry of Posts, Telegraphs
and Telephones
Muscat

D M. AL-KHASAIBY Mahir M.
Director General
International Relations &
Coordination
Ministry of Posts, Telegraphs
and Telephones
Muscat

UZB Ouzbékistan (République d')
Uzbekistan (Republic of)
Uzbekistán (República de)

C M. RAHIMOV Kamilgan
Minister
Ministry of Communication
Tashkent

PAK Pakistan (République islamique du)
Pakistan (Islamic Republic of)
Pakistán (República Islámica del)

C M. NAZIR AHMAD
Director General
International Communications
Pakistan Telecommunication
Corporation
Islamabad

D M. KHAN M. Younis
Counsellor
Permanent Mission of Pakistan
Geneva

PNR Panama (République du)
Panama (Republic of)
Panamá (República de)

D M. DE SOUZA FRANCESCHI Alfredo
Jefe del Departamento de
Telecomunicaciones
Ministerio de Gobierno y
Justicia
Panama

PNG Papouasie-Nouvelle-Guinée
Papua New Guinea
Papua Nueva Guinea

C M. THOMPSON Martin P.
Minister for Communications
Ministry of Communications
Boroko

1)C M. KAMBLIJAMBI John
CA Director, Corporate Services
Posts and Telecommunications
Corporation
Boroko

1) C 7-10.12

D M. DE SOYZA Annesley
Manager
Spectrum Engineering Branch
Posts and Telecommunications
Corporation
Port Moresby

D M. LAILAI Lindsay
Secretary
Department of Communications
Posts and Telecommunications
Corporation
Boroko

PRG Paraguay (République du)
Paraguay (Republic of)
Paraguay (República del)

C M. GAUTO VIELMAN Rigoberto
Consejero
Misión Permanente del
Paraguay
Ginebra

HOL Pays-Bas (Royaume des)
Netherlands (Kingdom of the)
Países Bajos (Reino de los)

C M. DE RUITER Albert
Head, Telecommunications
and Post Department
Ministry of Transport, Public
Works and Water Management
The Hague

CA Mme ALBERS Irene
Head, International Policy
Affairs
Ministry of Transport, Public
Works and Water Management
The Hague

D M. BRAEKEN M.J.
Adviser
International Policy Affairs
Ministry of Transport, Public
Works and Water Management
The Hague

D M. BROERE J.F.
Head, Frequency Management,
Standardisation and
Licencing
Ministry of Transport, Public
Works and Water Management
The Hague

D Mme DA COSTA GEVEKE Else
Policy Adviser
Ministry of Foreign Affairs
The Hague

D M. HAMELBERG P.J.C.
Director, Standards and
International Affairs
Royal PTT Nederland NV
The Hague

D M. MULDER H.
Head, International
Organizations
Standards and International
Affairs
Royal PTT Nederland NV
The Hague

HOL Pays-Bas (Royaume des)
Netherlands (Kingdom of the)
Países Bajos (Reino de los)
(suite)

D M. VAN DER KOLK Marcel
First Secretary
Permanent Mission of the
Kingdom of the Netherlands
Geneva

PRU Pérou - Peru - Perú

D M. LOPEZ CHAVARRI Mario
Segundo Secretario
Misión Permanente del Perú
Ginebra

PHL Philippines (République des)
Philippines (Republic of the)
Filipinas (República de)

C Mme LICHAUCO Josefina T.
Under Secretary
Department of Transportation
and Communications
Metro Manila

CA Mlle HECETA Kathleen G.
Director, Legal Department
National Telecommunications
Commission
Quezon City

D M. AFRICA Jose L.
Executive Vice-President
Philippine Communications
Satellite Corporation
Metro Manila

D M. ALIAS Cresenciano B.
Technical Assistant Operations
Philippine Communications
Satellite Corporation
Metro Manila

D M. LATINA Melchor
Manager, Legal Services
Globe-Mackay Cable and Radio
Corporation
National Telecommunications
Commission
Quezon City

D Mme MENEZ-ROSAL Delia
Minister - Counsellor
Permanent Mission of the
Philippines
Geneva

D M. ONG Antonio A.
Vice-President
Philippine Global
Communications, Inc.
Metro Manila

PHL Philippines (République des)
Philippines (Republic of the)
Filipinas (República de)
(suite)

D M. SANTIAGO Jesus A.
Vice-President
General Counsel & Corporate Secretary
Globe Telecom (GMCR,Inc.)
Metro Manila

D M. VIRATA Nestor
First Vice-President
Philippine Long Distance Tel. Co.
Metro Manila

POL Pologne (République de)
Poland (Republic of)
Polonia (República de)

CA M. DEPCZYNSKI Tomasz
Sous-secrétaire d'Etat
Ministère des postes et télécommunications
Varsovie

CA M. HALKA Wojciech
Directeur adjoint
Département de techniques et développement
Ministère des postes et télécommunications
Varsovie

D M. GUZEK Jerzy
Director of Technical and Development Bureau
Telekomunikacja Polska S.A.
Warsaw

D M. KSIEZNY Andrzej
Director
National Radiocommunication Agency
Warsaw

D M. LEWICKI Fryderyk
Head of the TPSA Research Centre
Telekomunikacja Polska S.A.
Warsaw

D M. MORON Wladyslaw
Department Head
Telecommunication Institute
Warsaw

D M. WOJTYNSKI Benedykt
Deputy President
National Radiocommunication Agency
Warsaw

POL Pologne (République de)
Poland (Republic of)
Polonia (República de)
(suite)

A M. MARCINIAK Pawel
First Secretary
Permanent Mission of Poland
Geneva

POR Portugal - Portugal - Portugal

C S.E. M. DA SILVA Zozimo
Ambassadeur
Représentant permanent
Mission permanente du Portugal
Genève

CA M. GARCIA PEREIRA Luis M.P.
Director for International Affairs
Instituto das Comunicaçôes de Portugal (ICP)
Lisboa

CA M. MENDES Fernando A.R.
Chairman of the Board
Instituto das Comunicaçôes de Portugal (ICP)
Lisboa

CA M. ROBALO DE ALMEIDA A.M.
Board Member
Instituto das Comunicaçôes de Portugal (ICP)
Lisboa

D M. ANGELO J.V.
Mission permanente du Portugal
Genève

D M. BOTAO Antonio
Conseiller
Mission permanente du Portugal
Genève

D Mme BOTELHO Maria de Fatima
Senior Adviser - International Affairs Department
Instituto das Comunicaçôes de Portugal (ICP)
Lisboa

D M. CUNHA ALVES Paulo
Deuxième secrétaire
Ministère des affaires étrangères
Lisbonne

D M. DE BARROS Luis
Représentant permanent adjoint
Mission permanente du Portugal
Genève

POR Portugal - Portugal
Portugal (suite)

D M. FERNANDES DA ROCHA Alvaro
Director for International Affairs
Telefones de Lisboa e Porto (TLP)
Lisboa

D M. GALHARDO Fernando J.P.
Instituto das Comunicaçôes de Portugal (ICP)
Lisboa

D Mme NETO Liliana
Premier Secrétaire
Mission permanente du Portugal
Genève

D M. SILVA Mario
Mission permanente du Portugal
Genève

D M. SILVA GOMES J.A.
Inspecteur général
Telecom Portugal
Lisbonne

QAT Qatar (Etat du)
Qatar (State of)
Qatar (Estado de)

CA M. AL-HASHEMI Hashim A.
Commercial & Marketing Manager
Qatar Public Telecommunications Corporation (Q-TEL)
Doha

D M. FAKHROO Abdulwahed A.
Manager Frequency Management
International & Public Relations
Qatar Public Telecommunications Corporation (Q-TEL)
Doha

SYR République arabe syrienne
Syrian Arab Republic
República Arabe Siria

D M. DAWALIBI Hamzeh
Deuxième Secrétaire
Mission permanente de Syrie
Genève

KRE République populaire démocratique de Corée
Democratic People's Republic of Korea
República Popular Democrática de Corea

C M. KIM RYE HYON
Director
International Relations
Ministry of Posts and Telecommunications
Pyongyang

D M. CHONG Yong Yung
First Secretary
Permanent Mission of the Democratic People's Republic of Korea
Geneva

D M. HONG SONG O.
Officer
Foreign Ministry
Pyongyang

ROU Roumanie - Romania - Rumania

C M. IONESCU Cantemir
Director General
Ministry of Communications
Bucarest

D M. ISTODE Gheorghe
First Secretary
Permanent Mission of Romania
Geneva

D M. LISKA William
Head of European and International Regulatory Dept.
Ministry of Communications
Bucarest

D M. RUSOVICI Ion
Expert
Ministry of Communications
Bucarest

G Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
United Kingdom of Great Britain and Northern Ireland
Reino Unido de Gran Bretaña e Irlanda del Norte

C M. SALVIDGE Paul
Head, Telecommunications and Posts Division
Department of Trade and Industry
London

CA M. GODDARD Michael
Head, International Branch
Radiocommunications Agency
Department of Trade and Industry
London

CA M. HENDON David A.
Director of Telecommunications Technical Affairs
Telecommunications and Posts Division
Department of Trade and Industry
London

CA M. MCMILLAN Neil
Head, International Telecommunications Branch
Telecommunications and Posts Division
Department of Trade and Industry
London

D M. BARCLAY L.W.
Deputy Director
Radiocommunications Agency
Department of Trade and Industry
London

D M. DAVEY Ian E.
Manager
International Liaison
BBC World Service
London

D M. DAVIES Michael P.
Consultant
Radiocommunications Agency
Department of Trade and Industry
London

D Ms GODWIN Anna
Head of Section, International Telecommunications Branch
Telecommunications and Posts Division
Department of Trade and Industry
London

G Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
United Kingdom of Great Britain and Northern Ireland
Reino Unido de Gran Bretaña e Irlanda del Norte
(suite)

D M. HALL David J.
Senior Executive Satellite Policy
Cable and Wireless plc
London

D M. HEWITT Michael T.
BT Laboratories
Ipswich

D M. JOHNSON Malcolm A.
Radiocommunications Agency
Department of Trade and Industry
London

D Mlle LAWRENCE Karen
International Organizations Manager
BT
London

D M. LEACH Michael J.
Executive Officer
International Branch
Telecommunications and Posts Division
Department of Trade and Industry
London

D Mme LEMON Tulin L.
Personal Secretary
Radiocommunications Agency
Department of Trade and Industry
London

D Mlle LOSTY Clare
Desk Officer, Environment, Science & Energy Department
Foreign and Commonwealth Office
London

D M. LOW M.J.
Radio Frequency Manager
Radiocommunications Agency
Department of Trade and Industry
London

D M. LUCAS Wyn R.
Manager
International Organizations
BT
London

G **Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**
United Kingdom of Great Britain and Northern Ireland
Reino Unido de Gran Bretaña e Irlanda del Norte
(suite)

D M. MICHELL M.J.
Chief Executive
Radiocommunications Agency
Department of Trade and Industry
London

D M. MOORE Brian W.
Principal Standards Adviser
BT
Ipswich

D M. MORLAND M.R.
Permanent Representative
Permanent Mission of the United Kingdom
Geneva

D M. MORRIS Mike
Consultant
Department of Trade and Industry
London

D M. PYNE Andrew
Principal Assistant Secretary
Economic Services Branch
Hong Kong Government
Hong Kong

D M. RAIKES D. Charles
Legal Adviser
Department of Trade and Industry
London

D M. ROGERS John
Manager, Technology Support
BT
London

D Mlle SPOOR Mary
Member of Telecommunications & Posts Division Section 2
Department of Trade and Industry
London

D M. THOMAS David L.
Consultant
Department of Trade and Industry
London

G **Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**
United Kingdom of Great Britain and Northern Ireland
Reino Unido de Gran Bretaña e Irlanda del Norte
(suite)

D M. WHEATON Oliver J.
Deputy Director
Radiocommunications Agency
Department of Trade and Industry
London

D M. WILSON A. John
Head of Network Strategy and International Representation
Cable and Wireless plc
London

D M. WONG A.S.K.
Assistant Postmaster General (TELECOM)
Hong Kong Post Office
Hong Kong

A M. CHAPLIN E.G.M.
Deputy Head of Mission
Permanent Mission of the United Kingdom
Geneva

A M. PARKER Nigel D.
Assistant Legal Adviser
Foreign and Commonwealth Office
London

A M. PERRY Geoff
First Secretary
Permanent Mission of the United Kingdom
Geneva

A Mlle PICKERING Helen
Third Secretary
Permanent Mission of the United Kingdom
Geneva

A Mlle ROBSON Carol
First Secretary
Permanent Mission of the United Kingdom
Geneva

RUS Russie (Fédération de)
Russian Federation
Rusia (Federación de)

CA M. TIMOFEEV V.V.
Deputy Chairman
State Commission on Frequency Management
Moscow

RUS Russie (Fédération de)
Russian Federation
Rusia (Federación de)
(suite)

D M. ASTAEV Nikolay
Second Secretary
Permanent Mission of the
Russian Federation
Geneva

D M. BADALOV A.L.
Senior Expert
State Commission on Frequency
Management
Moscow

D M. BURATCHENKO Valeri N.
Director of the Department for
Social and Production
Infrastructure
Moscow

D M. BYSTROV Alexandr A.
Expert of the Scientific
and Technical Department
Ministry of Posts and
Telecommunications
Moscow

D M. CHTCHEPOTIN Vladimir I.
Vice-President
v/o Morsviazsptunik
Moscow

D M. DAPKUNAS Edmundas
Senior Counsellor
Permanent Mission of the
Russian Federation
Geneva

D M. DMITRIEV Leonid N.
Head of Division
Federal Agency of Governmental
Communications and Information
Moscow

D M. FETISSOV Sergeï A.
Director for International
Relations
Intertelecom Joint Stock
Company
Moscow

D M. IVANOV Alexandr A.
Expert of the Scientific and
Technical Department
Ministry of Posts and
Telecommunications
Moscow

RUS Russie (Fédération de)
Russian Federation
Rusia (Federación de)
(suite)

D M. KORBUT Nikolaï E.
Director of the International
Cooperation Division
Ministry of Posts and
Telecommunications
Moscow

D M. KOUCHTOUEV A.I.
First Deputy Director
Radio Research Institute
Moscow

D M. KRAPOTIN O.S.
Head of International
Division
State Commission on Frequency
Management
Moscow

D Mme KREINGEL Irina V.
Vice-Director of the Dept. for
International Cooperation of
State Telecommunications
Committee
Ministry of Posts and
Telecommunications
Moscow

D M. KRUPNOV Alexandre E.
General Director of the
Department for International
Relations
Ministry of Posts and
Telecommunications
Moscow

D M. PISKOUNOV Alexandre
Member of Parliament
Moscow

D M. REZNITCHENKO Pavel A.
Director, Logistics Department
Ministry of Posts and
Telecommunications
Moscow

D M. SOKOLOV Andrey I.
Expert of State
Telecommunications Inspection
Ministry of Posts and
Telecommunications
Moscow

D M. TCHERNIKOV Pavel
Third Secretary
Permanent Mission of the
Russian Federation
Geneva

RUS Russie (Fédération de)
Russian Federation
Rusia (Federación de)
(suite)

D M. TOLMACHEV Yuri A.
Vice-President of the State
Telecommunication Committee
Ministry of Posts and
Telecommunications
Moscow

D M. VASILIEV Nikolai N.
Head Engineer of State
Telecommunications Inspection
Ministry of Posts and
Telecommunications
Moscow

D M. VECHNIAKOV Alexandre
Member of the Supreme Soviet
Moscow

D M. VESHCHUNOV Victor S.
Head of Desk
Ministry of Foreign Affairs
Moscow

SMR Saint-Marin (République de)
San Marino (Republic of)
San Marino (República de)

CA M. CARATTONI Corrado
Private Secretary
Dicastero Comunicazioni e
Trasporti
San Marino

CA M. GRANDONI Ivo
PTT Representative Director
Direzione Generale Poste e
Telecomunicazioni
San Marino

D M. GIRI Michele
Technical Adviser
Post and Telecommunications
Direzione Generale Poste e
Telecomunicazioni
San Marino

D S.E. M. THOMAS Dieter
Ambassadeur
Représentant permanent
Mission permanente de
San Marin
Genève

) Mme ZEILER Huguette
Conseiller
Mission permanente de
San Marin
Genève

VCT Saint-Vincent-et-Grenadines
Saint Vincent and the Grenadines
San Vicente y las Granadinas

C M. GREAVES Philip M.
Deputy Prime Minister and
Minister of Public Works
Ministry of Public Works,
Communications and
Transportation
Bridgetown

SEN Sénégal (République du)
Senegal (Republic of)
Senegal (República del)

C S.E. M. SENE Alioune
Ambassadeur
Mission permanente de la
République du Sénégal
Genève

CA M. NDIONGUE Cheikh Tidiane
Directeur de la communication
Ministère de la communication
Dakar

CA M. MBAYE Souleymane
Directeur, Coopération et
relations internationales
Societé nationale des
télécommunications du Sénégal
(SONATEL)
Dakar

CA M. MBAYE Cheikh Tidiane
Directeur général
Société nationale des
télécommunications du Sénégal
(SONATEL)
Dakar

D M. KEBE Ousmane
Présidence de la République du
Sénégal
Dakar

D M. MBENGUE Papa Gana
Chef, Unité des relations avec
les organisations
internationales
SONATEL
Dakar

D M. SOURANG Abdou Lahad
Premier secrétaire
Mission permanente du Sénégal
Genève

A M. CISSE Ibrahima
Attaché
Mission permanente du Sénégal
Genève

SNG Singapour (République de)
Singapore (Republic of)
Singapur (República de)

C M. NG Hong Yew
Director-General
Telecommunication Authority
Singapore

CA M. LIM Choon Sai
Director
Telecommunication Authority
Singapore

D Mlle D'COSTA Valerie A.
International Affairs
Officer
Telecommunication Authority
Singapore

SVN Slovénie (République de)
Slovenia (Republic of)
Eslovenia (República de)

C M. VUGRINEC Joze
Director
Telecommunication Authority
Ljubljana

CA M. GRIL Erih-Janez
PTT Slovenia
Corporate PTT Enterprises of
Slovenia
Ljubljana

D M. JAGODIC Marko
Director
Research and Development
Iskratel
Kranj

SOM Somalie (République démocratique)
Somali Democratic Republic
Somalí (República Democrática)

C M. DUBAD Mohamed O.
Minister/Counsellor
Permanent Mission of the
Somali Democratic Republic
Geneva

D M. ISSE Ahmed Abdi
Counsellor
Permanent Mission of the
Somali Democratic Republic
Geneva

SDN Soudan (République du)
Sudan (Republic of the)
Sudán (República del)

C M. MUSTAFA Ibrahim M.
Director General
Sudan Telecom Corporation
Khartoum

CA M. GAMAL Abdelwahab
Senior Advisor
Sudan Telecom Public
Corporation
Khartoum

D M. ABDALLA Mohamed E.
Director of Technical
Administration
Sudan Telecommunication
Corporation
Khartoum

D M. ELKARIB Mohamed A.
Counsellor
Permanent Mission of Sudan
Geneva

D M. GUBARTALLA Ahmed A.
Chargé d'affaires
Permanent Mission of Sudan
Geneva

CLN Sri Lanka (République socialiste démocratique de)
Sri Lanka (Democratic Socialist Republic of)
Sri Lanka (República Socialista Democrática de)

C M. MANICCAVASAGAR Arunachalam
Director General of
Telecommunications
Sri Lanka Telecommunication
Authority
Colombo

CA M. FAROUQUE M.M.A.
Minister/Counseller
Permanent Mission of Sri Lanka
Geneva

S Suède - Sweden - Suecia

C M. JOHANSSON Per E.
Under-Secretary of State
Ministry of Transport and
Communications
Stockholm

S Suède - Sweden - Suecia (suite)

CA M. ANDERSSON Curt
Deputy Director General
National Telecom Agency
Haninge

CA M. BJÖRNSJÖ Krister
Director
National Telecom Agency
Haninge

CA M. MARTIN-LÖF Johan
Director
International Affairs
Swedish Telecom
Farsta

D M. CARLSSON Claes-Göran
Legal Adviser
Swedish Telecom
Farsta

D M. FREESE Jan
Director-General
National Telecom Agency
Haninge

D M. MELLBERG Per
Teracom Svensk Rundradio AB
Stockholm

D M. ORRSTEN Rolf H.
Coordinator
International Affairs
Swedish Telecom
Farsta

D M. SUNDIN Lars
Research Engineer
Teracom Svensk Rundradio AB
Stockholm

D Mlle SVENSSON B. Marianne
Coordinator
International Affairs
Swedish Telecom
Farsta

D Mlle ULFVENSJÖ Maria
Regulatory Affairs
Tele2AB
Kista

D M. VAN DER SPANK Anders
Frequency Planning Coordinator
Teracom Svensk Rundradio AB
Stockholm

S Suède - Sweden - Suecia (suite)

A M. STALBERG Lars A.
Vice-President
Corporate Markets
LM Ericsson
Stockholm

A M. TROILI Björn P.
Director
LM Ericsson
Stockholm

SUI Suisse (Confédération)
Switzerland (Confederation of)
Suiza (Confederación)

C M. RIEHL Frédéric
Vice-Directeur
Office fédéral de la communication (OFCOM)
Bienne

CA M. DUPUIS Gilbert
Chef de Section
Affaires internationales
Direction générale des PTT
Berne

CA M. OBERSON Raphaël
Chef de Division
Direction générale des PTT
Berne

D M. KANGELDI Tahsin
Adjoint
Direction générale des PTT
Berne

D M. KLINGLER Rolf J.
Direction générale des PTT
Berne

D M. MARTIN Jésus
Direction générale des PTT
Berne

D Mme PETTER Dominique
Collaboratrice diplomatique
DFAE
Berne

D M. RIEDWEG Walter
Chef de Division "Funkregal"
Direction générale des PTT
Berne

D Mme VOISARD VOLLMER Patricia
Avocate, Section fréquences et concessions
Office fédéral de la communication (OFCOM)
Bienne

SUR Suriname (République du)
Suriname (Republic of)
Suriname (República de)

C M. ADAMA Roy
Chairman of Board of Directors
Telecommunicatiebedrijf
Suriname (TELESUR)
Paramaribo

CA Mme STRUIKEN-WIJDENBOSCH Iris
Deputy Director
Legal & Personnel Affairs
Telecommunicatiebedrijf
Suriname (TELESUR)
Paramaribo

D M. RAJCOMAR Wim A.A.
Acting Head
International Affairs
Telecommunicatiebedrijf
Suriname (TELESUR)
Paramaribo

D Mlle RIESKIN Marjorie
Head, Legal Department
Telecommunicatiebedrijf
Suriname (TELESUR)
Paramaribo

SWZ Swaziland (Royaume du)
Swaziland (Kingdom of)
Swazilandia (Reino de)

C M. SHABANGU A.H.N.
Minister of Transport and Communications
Ministry of Transport and Communications
Mbabane

CA M. SHABALALA R.M.
Principal Secretary
Ministry of Transport and Communications
Mbabane

D M. MANANA Basilio F.
Senior Manager, International Relations/Traffic Operations
Posts & Telecommunications Corporation
Mbabane

A Mme FRÜHWIRTH Tebogo
Corporation Secretary
Legal Adviser
Swaziland Posts and Telecommunications
Mbabane

TZA Tanzanie (République-Unie de)
Tanzania (United Republic of)
Tanzanía (República Unida de)

CA M. ISMAIL M.H.
Deputy Minister
Ministry of Communications and Transport
Zanzibar

CA M. MAPUNDA A.B.
Acting Director General
Tanzania Posts and Telecommunications Corporation
Dar-es-Salaam

CA M. NDAKIDEMI Alphonce S.
Director of Communications
Ministry of Communications and Transport
Dar-es-Salaam

D M. MVULA C.H.
Second Secretary
Permanent Mission of Tanzania
Geneva

TCD Tchad (République du)
Chad (Republic of)
Chad (República del)

C M. NADJITA YON HON BEL Beassoumal
Ministre
Ministère des postes et des télécommunications
N'Djamena

CA M. MYARO Berangoto
Directeur général
Ministère des postes et des télécommunications
N'Djamena

D M. HADJARO Barkaye
Directeur des télécommunications
Office national des postes et des télécommunications
N'Djamena

TCH Tchèque et slovaque (République fédérale)
Czech and Slovak Federal Republic
Checa y Eslovaca (República Federal)

C M. MATAS Attila
Vice-Minister
Federal Ministry of Economy
Division for Posts and Telecommunications
Prague

TCH Tchèque et slovaque (République fédérale)
Czech and Slovak Federal Republic
Checa y Eslovaca (República Federal)
(suite)

CA M. ORAVEC Peter
Director of International Relations Department
Federal Ministry of Economy
Division for Posts and Telecommunications
Prague

D M. BERANEK Milan
Deputy Director
Federal Ministry of Foreign Affairs
Prague

D M. DRUGA Peter
Expert, Telecommunication Department
Ministry of Transport, PTT and Public Works
Bratislava

D M. HUDECKOUA Libuse
Chief of Telecommunication Department
Federal Ministry of Economy
Prague

D M. ROUCKA Bohuslav
Deputy Director of International Relations Department
Division for Posts and Telecommunications
Federal Ministry of Economy
Prague

A M. BENKO MARTIN
Third Secretary
Permanent Mission of the Czech and Slovak Federal Republic
Geneva

A M. ZICH Miroslav
Second Secretary
Permanent Mission of the Czech and Slovak Federal Republic
Geneva

THA Thaïlande
Thailand
Tailandia

C M. YUPHO Kitti
Deputy Director General
Post and Telegraph Department
Bangkok

THA Thaïlande
Thailand
Tailandia
(suite)

CA M. CHAROENPHOL Direk
Director, Office of Internal Audit
Telephone Organization of Thailand
Bangkok

D Mme AIYARA Aurapin
Chief, International Telecommunication Organizations Section
Communication Authority of Thailand
Bangkok

D M. BOONPRACONG Ittiporn
First Secretary
Permanent Mission of Thailand
Geneva

D Mlle CHITRASWANG Chirapa
Official Class 7
Chief of International Telecommunication Section
Post and Telegraph Department
Bangkok

D Mlle CHUENTONGKAM Wajana
Official Class 6
Chief of International Telecommunication Sub-Section
Post and Telegraph Department
Bangkok

D M. JORPHOCHAUDOM Phisal
Assistant Director
Telecommunication Services Division
Communications Authority of Thailand
Bangkok

D Mme VASUDHARA Suporn
Head of International Affairs Division
Telephone Organization of Thailand
Bangkok

TRD Trinité-et-Tobago
Trinidad and Tobago
Trinidad y Tobago

C Mme GONZALES Annette
Deputy Permanent Representative
Permanent Mission of Trinidad and Tobago
Geneva

TUN Tunisie - Tunisia - Túnez

C M. BACCAR Mongi
Secrétaire général
Ministère des communications
Tunis

CA S.E. M. ENNACEUR Mohamed
Ambassadeur
Représentant permanent
Mission permanente de la
Tunisie
Genève

D M. BELHASSEN Faouzi
Chef de Service de la
coopération internationale
Ministère des communications
Tunis

D M. BOUMAIZA Mohamed
Président directeur général
Ministère des communications
Tunis

D M. CHKIR Raouf
Directeur général
Ministère des communications
Tunis

D M. TEBOURDI Habib
Conseiller
Mission permanente
de la Tunisie
Genève

A M. MILI Mohamed
Conseiller
Ministère des communications
Tunis

TUR Turquie - Turkey - Turquía

C M. BETTEMIR Veli
Acting Director General
General Directorate of PTT
Ankara

1)C M. BULUT Cengiz
Deputy Director General
General Directorate of PTT
Ankara

1) C 7-14.12

CA M. ERYOL Orhan
Head of Communications
Department
Ministry of Transportation
and Communications
Ankara

TUR Turquie - Turkey - Turquía
(suite)

CA M. GÜLER Hüseyin
Deputy General Director
General Directorate of
Radiocommunications
Ankara

D M. ANIK Cengiz
Head of International
Relations Department
General Directorate of PTT
Ankara

D Mme CELAYIR Nihal
Deputy Head of International
Relations Department
General Directorate of PTT
Ankara

D Mme CENKCILER A. Dilek
Chief Engineer
Turkish Radio-Television
Corporation (TRT)
Ankara

D M. ERKMENOGLU Ferhan
Counsellor
Permanent Mission of Turkey
Geneva

D M. GURHAN Canan
Deputy Economic and
Commercial Counsellor
Permanent Mission of Turkey
Geneva

D M. KURU Yücel
Head of Frequency Management
Department
General Directorate of
Radiocommunications
Ankara

D M. SAYRAC M. Timur
Head of Research Department
Supreme Council for Radio and
Television
Ankara

D M. YURDAL Fatih Mehmet
Branch Manager
Frequency Management
General Directorate of
Radiocommunication
Emek-Ankara

UKR Ukraine - Ukraine - Ucrania

C M. PROGIVALSKII Oleg P.
Ministre des postes et
télécommunications
Ministère des postes et
télécommunications
Kiev

UKR Ukraine - Ukraine - Ucrania (suite)

CA M. KLIKICH Anatolii V.
Directeur du Département des affaires internationales
Ministère des postes et télécommunications
Kiev

D M. REVA Serguey V.
Deuxième Secrétaire
Mission permanente de l'Ukraine
Genève

URG Uruguay (République orientale de l')
Uruguay (Eastern Republic of)
Uruguay (República Oriental del)

C M. JUAN DE LA CRUZ SILVEIRA Z.
Vicepresidente de la Administración Nacional de Telecomunicaciones (ANTEL)
Montevideo

CA M. PELUFFO CANEPA Luis Manuel
Gerente de Asuntos Internacionales
Administración Nacional de Telecomunicaciones
Montevideo

D M. CHABEN Nelson
Primer Secretario
Misión Permanente del Uruguay
Ginebra

VEN Venezuela (République du)
Venezuela (Republic of)
Venezuela (República de)

CA Mme VIVAS ARIZALETA A.
Asesor Jurídico
Comisión Nacional de Telecomunicaciones (CONATEL)
Caracas

D M. CHINEA Antonio
Director, Relaciones Internacionales
Compañía Anónima Teléfonos de Venezuela (CANTV)
Caracas

D M. PESTANA-MACEDO Carlos R.
Segundo Secretario
Misión Permanente de Venezuela
Ginebra

VEN Venezuela (République du)
Venezuela (Republic of)
Venezuela (República de) (suite)

D M. REQUENA Marcos
Jefe de la División de Transporte y Comunicaciones Internacionales
Ministerio de Relaciones Exteriores
Caracas

A M. AGUERREVERE RUIZ S.E.
Gerente General de Telecomunicaciones de Caracas

A Mme ORNES-URBANY Alejandra
Motorola de Venezuela
Caracas

VTN Viet Nam (République - socialiste du)
Viet Nam (Socialist Republic of)
Viet Nam (República - Socialista de)

C M. MAI LIEM TRUC
Deputy Director General
Directorate General of P&T
Hanoï

D M. VU DUC DAM
Assistant to the Director General
Directorate General of P&T
Hanoï

D M. VU HUY TAN
Premier Secrétaire
Ministère des affaires étrangères
Hanoï

YEM Yémen (République du)
Yemen (Republic of)
Yemen (República del)

C H.E. M. AL-ARASHI Mohamed M.
Deputy Minister of Communications
Ministry of Communications
Sana'a

CA M. ABDULMALEK SAAD YESER Ahmed
Head of Frequency Section
Ministry of Communications
Sana'a

YEM Yémen (République du)
Yemen (Republic of)
Yemen (República del)
(suite)

D M. AL-ABHAR Abdulla
Manager, Operation & Planning
Ministry of Communications
TELEYEMEN
Sana'a

D M. ALGEEZ Mohamed
Director of Projects
Public Telecommunication
Corporation
Sana'a

ZAI Zaïre (République du)
Zaire (Republic of)
Zaire (República del)

C M. KUMBU Kumbel
Coordonnateur National BLET
Cabinet Ministre PTT
Kinshasa

D M. KAMBU MBUANGI Fabien
Chef de Service électronique
Régie des voies maritimes
Boma

A M. KIAKU Mbuta
Conseiller, Chargé de missions
Ministère des postes et des
télécommunications
Kinshasa

ZMB Zambie (République de)
Zambia (Republic of)
Zambia (República de)

C H.E. M. MWENDA A.A.
Ambassador
Permanent Representative
Permanent Mission of Zambia
Geneva

CA M. SIAME Ronex K.
Deputy Director
Zambia Posts and
Telecommunications
Ndola

D M. CHISHIMBA Robert
Manager
International Relations
Posts and Telecommunications
Corporation
Ndola

ZMB Zambie (République de)
Zambia (Republic of)
Zambia (República de)
(suite)

D M. KATAPA Julius
Chief Engineer
Posts and Telecommunications
Corporation
Ndola

D M. NDANDULA Charles
Legal Counsel
Posts and Telecommunications
Corporation
Ndola

ZWE Zimbabwe (République du)
Zimbabwe (Republic of)
Zimbabwe (República de)

C M. KARIMANZIRA David I.G.
Cabinet Minister
Ministry of Information,
Posts and Telecommunications
Harare

CA M. DANDATO Mazwi F.
Senior Deputy Postmaster
General (Telecommunications)
Posts and Telecommunications
Corporation
Harare

CA H.E. M. JOKONYA T.J.B.
Ambassador
Permanent Mission of Zimbabwe
Geneva

D M. KANEUNYENYE Frank
Director Headquarters
Posts and Telecommunications
Corporation
Harare

D M. MATAVIRE D.F.
Manager, Frequency Management
and Services
Posts and Telecommunications
Corporation
Harare

A M. KHUMALO Sibusiso D.
First Secretary
Permanent Mission of Zimbabwe
Geneva

II. ORGANISATIONS INTERNATIONALES
INTERNATIONAL ORGANIZATIONS
ORGANIZACIONES INTERNACIONALES

II.1 NATIONS UNIES
UNITED NATIONS
NACIONES UNIDAS

ONU - UNO

M. KHMELNITSKI S.
External Relations and
Inter-Agency Affairs Officer
UN
Geneva

II.2 INSTITUTIONS SPECIALISEES
SPECIALIZED AGENCIES
INSTITUTIONES ESPECIALIZADAS

BIT

M. WIDDOWS Kelvin R.
Juriste
BIT
Genève

GATT

Ms TUTHILL Lee
Consultant
Group of Negotiations on
Services Division
GATT
Geneva

IBRD

M. CRUZAT Alberto
Senior Telecommunications
Finance Specialist
World Bank
Washington

M. KAYANI Rogati
Senior Telecommunications
Engineer
Africa Technical Department
World Bank
Washington

M. SHANMUGARAJAH A.
Senior Telecommunications
Engineer
Asia Technical Department
World Bank
Washington

OMS

M. MANDIL Salah Hussein
Director-Adviser on
Informatics
World Health Organization
Geneva

UNESCO

M. DUPONT Georges
Project Manager
UNESCO
Paris

UPU

M. GHARBI El Mostafa
Sous-Directeur général,
Affaires juridiques et
administratives
Bureau international de
l'Union postale universelle
Berne

II.3 ORGANISATIONS REGIONALES
REGIONAL ORGANIZATIONS
ORGANIZACIONES REGIONALES

APT

M. THONGMA Chao
Executive Director
Asia Pacific Telecommunity
Bangkok

ATU

M. ALMOMAN Ala
Attaché économique
Ligue des Etats Arabes
Genève

M. EL-HAJJE Osman
Conseiller
Ligue des Etats Arabes
Le Caire

CEPT

M. MORRIS Mike
Consultant
Department of Trade and
Industry
London

CTU

M. RAMNARINE Deoraj
Secretary General
Caribbean Telecommunications
Union
Port of Spain

II.3 ORGANISATIONS REGIONALES
REGIONAL ORGANIZATIONS
ORGANIZACIONES REGIONALES
(suite)

EUTELSAT

M. GRENIER Jean
Directeur général
EUTELSAT
Paris

M. AMADESI Paolo
Affaires UIT
EUTELSAT
Paris

M. BAKER Simon J.
Policy Analyst
EUTELSAT
Paris

INMARSAT

M. ASINUGO J.N.
Regional Director
INMARSAT
London

M. KENNEDY Donald M.
Senior Manager
Systems Engineering
INMARSAT
London

M. MACKAY Paul
Assistant General Counsel
INMARSAT
London

M. VARGAS-ARAYA Armando
Director Regional para
Latinoamérica y el Caribe
INMARSAT
London

INTELSAT

M. CHASIA Henry
Manager
Orbital Resources Department
INTELSAT
Washington

M. HAMPTON John
Executive Vice-President
INTELSAT
Washington

M. LEIVE David M.
General Counsel
INTELSAT
Washington

UPAT
PATU

M. TUNIS M.H.
Counsellor (Economic Affairs)
UPAT
Kinshasa

M. WEGE-NZOMWITA Venant
Observer permanent a.i.
UPAT
Kinshasa

III. MOUVEMENTS DE LIBERATION
LIBERATION MOVEMENTS
MOVIMIENTOS DE LIBERACION

ANC

Mme SHOPE-MAFOLE Lyndall
Researcher
ANC Telecommunication Dept.
Johannesburg

M. NGCABA A.
Head of Telecommunications &
Information Systems
ANC
Johannesburg

Palestine
Palestina

M. ELLAHAM Zouheir
Head
Telecommunication
Administration
Tunis

M. MUSA Ibrahim
Second Secretary
Bureau de l'Observateur de la
Palestine
Genève

IV. SIEGE DE L'UNION - HEADQUARTERS OF THE UNION - SEDE DE LA UNION

IV.1 Secrétariat général

M. P. Tarjanne, Secrétaire général
Assistantes: Mlle M.A. Palmeter
Mlle N. Obuobi

M. J. Jipguep, Vice-Secrétaire général
Assistante: Mme Ch. Gervais

M. T. Ras Work, Conseiller spécial de direction

M. G. Barboux, Département des conférences et services communs
M. J.P. Baré, Département du personnel et de la protection sociale
M. L. Goelzer, Département des services informatiques
M. A. Tazi-Riffi, Département des finances
M. T. Dahl-Hansen, TELECOM
Prof. Dr. I. Stojanovic, Rapporteur principal, Secteur des Radiocommunications (HLC)

IV.2 Comité international d'enregistrement des fréquences (IFRB)

M. M. Miura, Président
Assistante: Mme M. Balfroid-Morrissey

M. M. Harbi, Vice-Président
Assistante: Mme F. Maisonneuve

M. W.H. Bellchambers, Membre
M. G.C. Brooks, Membre
M. V.V. Kozlov, Membre

M. M. Giroux, Département des Services de terre
M. G. Kovacs, Département des Services spatiaux
M. K. Olms, Département des Systèmes informatiques

IV.3 Comité consultatif international des radiocommunications (CCIR)

M. R.C. Kirby, Directeur
Assistante: Mme G. Benoit

M. R. Nickelson, Département A
M. R. G. Struzak, Département B
M. Wu Deyan, Département C

IV.4 Comité consultatif international télégraphique et téléphonique (CCITT)

Mr. Th. Irmer, Directeur
Assistante: Mme B. Berghorn

M. M. Malek Asghar, Department A
M. J. Lepesqueur, Département C

IV.5 Bureau de développement des télécommunications (BDT)

M. P.S. Kurakov, Département des activités hors siège
M. A. Laouyane, Département des politiques, stratégie et programmation
M. W. Richter, Département d'appui aux programmes, organisations et méthodes
Assistante: Mlle I. Gordon

V. SECRETARIAT DE LA CONFERENCE - SECRETARIAT OF THE CONFERENCE SECRETARIA DE LA CONFERENCIA

V.1	Secrétaire de la Conférence	:	M. P. Tarjanne, Secrétaire général
	Secrétaire exécutif	:	M. X. Escofet
	Secrétaire administratif	:	M. J. Escudero
V.2	Séances plénières et Commissions		
	Séance plénière et Commission 1	:	M. D. MacLean Assistante: Mlle J. Butterfield
	Commission 2	:	M. X. Escofet Assistante: Mme B. Bux
	Commission 3	:	M. A. Tazi Riffi Assistante: Mme P. Bertinotti
	Commission 4	:	M. K. Olms Assistante: Mme A. Behrouz
	Commission 5	:	M. Malek Asghar Assistante: Mlle K. Fameliadou
	Commission 6	:	M. P.A. Traub M. F. Lagraña assistés de Mmes S. Petter et D. Bourne Assistantes: Mlle C. Brunet Mme B. Brissonnaud
V.3	Affaires de caractère légal	:	M. A. Noll M. A. Boussaid M. A. Guillot M. E. Dahlen Assistantes: Mlle M.J. Urena Mlle H. Tulloch
V.4	Relations publiques		
	Presse	:	Mme F. Lambert Mlle S. Scott
V.5	Services de la Conférence		
	Secrétaire administratif	:	M. J. Escudero Assistante: Mlle D. Boccard
	Inscription des délégués	:	Mme L. Domingo
	Contrôle des documents	:	Mme E. Baron Mlle P. Janin

Traduction

Enregistrement des documents	:	Mme T. Lucas Mlle A. Alonso
Section française	:	Mme F. Sala
Section anglaise	:	Mme S. Rossington
Section espagnole	:	M. A. Peñaranda
Procès-verbalistes	:	Mme S. Rossington

Interprétation

Service des interprètes	:	Mme M. Jouffroy
Saisie documents	:	Mme D. Duvernay Mme J. Felisaz
Section française	:	Mme G. Mazella Mme M.C. Girard
Section anglaise	:	Mlle S. Neal Mlle J. Currie
Section espagnole	:	Mme L. Scolari Mlle M.C. Burro
Secrétaire du Président	:	Mme C. Boccard
Reprographie	:	M. Ph. Constantin
Distribution des documents	:	M. G. Delaye
Ordre du jour & salles	:	Mlle Ch. Clin
Messagers et transport	:	M. A. Brusson
Huissiers de salles	:	M. M. Diaby
Service médical	:	Mlle M. Chauvin Mme C. Weber

INTERNATIONAL TELECOMMUNICATION UNION

APP-92 ADDITIONAL PLENIPOTENTIARY CONFERENCE

GENEVA, DECEMBER 1992

Document 212-E
18 February 1993
Original: English
French
Spanish

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No.	Origin	Title	Destination
1 + Add.1	SG	Agenda of the Conference	PL
2	SG	Credentials of Delegations to Conferences	PL
3	SG	Elections	PL
4+Add.1, 2, 3(Rev.1),4,5+ Add.2(Add.1)	CHL, CME, ETH, F, GUI, INS, POR, THA, TUN	Candidatures for the post of Director of the Telecommunications Development Bureau (BDT)	PL
5	SG	Participation of entities and organizations other than Administrations in the Activities of the Union	PL
6	SG	World Administrative Radio Conference for dealing with matters connected with the broadcasting service in the HF Bands (HFBC-93)	PL
7	SG	Election of the Director of the Telecommunications Development Bureau (BDT)	PL
8	KOR	Proposals for the work of the Conference	C4, C5
9	RUS	Proposals for the work of the Conference	C4, C5
10	GUI	Election to the Post of Director of the BDT - Statement by Mr. Mamadou Bobo CAMARA	PL
11	THA	Election to the Post of Director of the BDT - Statement by Mr. Chao THONGMA	PL
12	OMA	Proposals for the work of the Conference	C4, C5
13	CHN	Proposals for the work of the Conference	C4, C5
14	INS	Proposals for the work of the Conference	C4, C5
15	SG	Note by the Secretary-General	PL
16	World Bank	Information Document	PL, C4
17	F	Election to the Post of Director of the BDT - Statement by Mr. Jean-Claude DENIAUD	PL
18	SEN	Proposals for the work of the Conference	C4, C5
19	AUS	Proposals for the work of the Conference	C4, C5
20	POR	Election to the Post of Director of the BDT - Statement by Mr. J. Victor ANGELO	PL

No.	Origin	Title	Destination
21	CHL	Election to the Post of Director of the BDT - Withdrawal of the candidacy of Mr. Carlos Masao Haramoto Nishikimoto	PL
22	KEN	Proposals for the work of the Conference	C4, C5
23	E	Proposals for the work of the Conference	C4, C5
24	SG	Expenditure Limit for the Additional Plenipotentiary Conference	C3
25	SG	Budget of the Additional Plenipotentiary Conference	C3
26+Cor.1+ Add.1,2+ Add.2(Cor.1,2)	USA	Proposals for the work of the Conference	C4, C5
27+Cor.1-6 + Add.1+ Add.1 (Cor.1-4)	EUR	European Common Proposals for the work of the Conference	C4, C5
28	ARG	Proposals for the work of the Conference	C4, C5
29	CHN	Proposals for the work of the Conference	C4, C5
30	SG	Report to the Additional Plenipotentiary Conference prepared by the Voluntary Group of Experts to Study Allocation and Improved Use of the Radio-Frequency Spectrum and Simplification of the Radio Regulations	PL, C4
31	MRC	Proposals for the work of the Conference	C4, C5
32	ARS	Proposals for the work of the Conference	C4, C5
33	AUS	Proposals for the work of the Conference	C4, C5
34	ETH	Election to the post of Director of the BDT - Statement by Mr. Terrefe RAS-WORK	PL
35	CAN	Proposals for the work of the Conference	C4, C5
36	-	Not allocated	-
37	TUN	Election to the post of Director of the BDT - Statement by Mr. Ahmed LAOUYANE	PL
38	SNG	Proposals for the work of the Conference	C4, C5
39	SG	Situation of the accounts of the Additional Plenipotentiary Conference on 30 November 1992	C3
40	ALG	Proposals for the work of the Conference	C4
41	SG	Convocation of the Conference	PL

No.	Origin	Title	Destination
42	D	Proposals for the work of the Conference	C4
43(Rev.1)	SG	Loss of the Right to Vote	PL
44	BFA	Proposals for the work of the Conference	C4
45	CHL	Proposals for the work of the Conference	C4
46	IND	Proposals for the work of the Conference	C4, C5
47+Cor.1	KWT	Proposals for the work of the Conference	C4, C5
48	CME	Election to the post of Director of the BDT - Statement by Mr. Jean JIPGUEP	PL
49	J	Proposals for the work of the Conference	C4, C5
50	SG	List of Documents	-
51+Cor.1	NZL	Proposals for the work of the Conference	C4
52	SG	Candidature for the Post of Director of the BDT - Letter from Mr. Terrefe RAS-WORK	PL
53	C3	Note by the Chairman of Committee 3 to the Chairmen of Committees 4 and 5	C4, C5
54	CAF	Statement by the Minister of Transport, Civil Aviation and Posts and Telecommunications of the Central African Republic	PL
55+Cor.1	IRN	Proposals for the work of the Conference	C4, C5
56	CTU	Information Document	PL
57	MEX	Proposals for the work of the Conference	C4, C5
58	UER	Information Document	PL
59	ABU	Information Document	PL
60(Rev.1)	MEX	Proposals for the work of the Conference	C4
61	GUI	Proposals for the work of the Conference	C4, C5
62(Rev.1)	CTI	Proposals for the work of the Conference	C4, C5
63	ROU	The election of a Member of the Administrative Council for Region C	PL
64	VEN	Comments of the Venezuelan Administration on the most salient Recommendations in the Report of the High Level Committee to the Additional Plenipotentiary Conference ..	C4, C5

No.	Origin	Title	Destination
65	URG	Proposals for the work of the Conference	C4
66+Cor.1	TUR	Proposals for the work of the Conference	C4, C5
67	SG	General Schedule of the work of the Conference	-
68	SG	Chairmanship of the Conference	-
69	SG	Structure of the Additional Plenipotentiary Conference	-
70	SG	Secretariat of the Conference	-
71	CUB	Proposals for the work of the Conference	C4, C5
72	CUB	Proposals for the work of the Conference	C4
73	SG	Allocation of Documents	-
74	CAF	Proposals for the work of the Conference	C4
75	SG	Procedures for the Election of the Director of the BDT and one Member of the Administrative Council for Region C ...	PL
76	CCIR, CCITT	Information Document	C4
77(Rev.1)	PL	Minutes of the First Plenary Meeting	PL
78	C6	Summary Record of the First Meeting of Committee 6	C6
79	AFG	Statement by the Minister of Post and Telecommunications of the Islamic State of Afghanistan ...	PL
80	SG	Candidatures for the Election of the Director of the Telecommunications Development Bureau (BDT) and a Member of the Administrative Council for Region C	PL
81+Cor.1	C4	Summary Record of the First Meeting of Committee 4	C4
82	C5	First Series of Texts from Committee 5 to the Editorial Committee	C6
83	BEL,DNK, POR,S,G	Proposals for the work of the Conference	C4
84(Rev.1)+ Cor.1-8	*	Proposals for the work of the Conference	C5
85	MLT	Proposals for the work of the Conference	C5

* AUS, CAN, TCH, DNK, EST, F, ISR, J, KOR, NOR, PHL, POL, ROU, G, USA, URG, VEN

No.	Origin	Title	Destination
86	C4	First series of texts from Committee 4 to the Editorial Committee	C6
87	HNG	Election of a Member of the Administrative Council for Region C	PL
88	LIE	Transfer of Powers	PL
89	HRV	Transfer of Powers	PL
90	JMC	Transfer of Powers	PL
91	C5	Summary Record of the First Meeting of Committee 5	C5
92	C5	Summary Record of the Second Meeting of Committee 5	C5
93	MLI	Proposals for the work of the Conference	C5
94	C6	B.1 - First Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
95	C5	Second Series of texts from Committee 5 to the Editorial Committee	C6
96	MOZ	Transfer of Powers	PL
97	MLD	Transfer of Powers	PL
98	MDA	Transfer of Powers	PL
99	AGL	Transfer of Powers	PL
100	SG	List of documents	-
101	C4	Summary Record of the Second Meeting of Committee 4	C4
102	BRB, GRD,BAH	Proposals for the work of the Conference	PL
103	C5	Third Series of texts from Committee 5 to the Editorial Committee	C6
104	J	Proposals for the work of the Conference	C5
105	IRN	Proposals for the work of the Conference	C4
106	C2	Summary Record of the First Meeting of Committee 2	C2
107	C3	Summary Record of the First Meeting of Committee 3	C3
108	C4	Summary Record of the Third Meeting of Committee 4	C4

No.	Origin	Title	Destination
109	*	Missions and objectives of the BDT	C4, C5
110	C6	B.2 - Second Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
111	C4	Second Series of texts from Committee 4 to the Editorial Committe	C6
112	C5	Summary Record of the Third Meeting of Committee 5.....	C5
113	IRN	Proposals for the work of the Conference	C4, C5
114	C5	Summary Record of the Fourth Meeting of Committee 5 ...	C5
115	ARM	Transfer of Powers	PL
116	C5	Fourth Series of texts from Committee 5 to the Editorial Committee	C6
117	SG	Candidacies for the post of Director of the BDT	PL
118	GT 2A	First Report by Working Group 2A to Committee 2	C2
119	BOT	Transfer of Powers	PL
120	Ad hoc 4B	Report from ad hoc Group 4B to Committe 4	C4
121+Cor.1	C4	Summary Record of the Fourth Meeting of Committee 4 ..	C4
122	C4	Summary Record of the Fifth Meeting of Committee 4	C4
123	SLV	Transfer of Powers	PL
124	C5	Summary Record of the Fifth Meeting of Committee 5	C5
125	C5	Fifth Series of texts from Committee 5 to the Editorial Committee	C6
126	SG	List of countries having ratified or accepted (or acceded to) the Constitution and Convention of the International Telecommunication Union, Nice, 1989	PL
127	UZB	Transfer of Powers	PL
128(Rev.1)	GRD, JOR, LBN, ARS, VEN	Proposals for the work of the Conference	C4
129(Rev.1)	NIG	Proposals for the work of the Conference	C4

* ALG, BEN, BOT, BFA, CME, CPV, CAF, COM, COG, CTI, EGY, ETH, GAB, GMB, GHA, GUI, LSO, LBR, MDG, MWI, MLI, MRC, MAU, NIG, NGR, SEN, SDN, SWZ, TCD, TUN, ZAI, ZMB

No.	Origin	Title	Destination
130	C6	B.3 - Third Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
131	MEX	Proposals for the work of the Conference	C4
132	C5	Summary Record of the Sixth Meeting of Committee 5	C5
133	C5	Sixth Series of texts from Committee 5 to the Editorial Committee	C6
134	C4	Summary Record of the Sixth Meeting of Committee 4	C4
135	C6	B.4 - Fourth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
136	C6	R.1 - First Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
137(Rev.1)	C4	The Radiocommunication Sector	C4
138	URG	Proposals for the work of the Conference	C4, C5
139 + Cor.1-3	C2	Report by Committee 2 to the Plenary	PL
140	SG	Candidatures for the election of the Director of the BDT ...	PL
141(Rev.1) +Cor.1,2	*	Proposals for the work of the Conference	PL
142	C5	Seventh Series of texts from Committee 5 to the Editorial Committee	C6
143	C4	Third Series of texts from Committee 4 to the Editorial Committee	C6
144+ Cor.1,2	C4	Summary Record of the Seventh Meeting of Committee 4	C4
145(Rev.1)	**	Proposals for the work of the Conference	C4
146	***	Proposals for the work of the Conference	C4
147	****	Proposals for the work of the Conference	C5

* ALG, BEN, BFA, CME, COM, CTI, GAB, MDG, MLI, MRC, SEN

** D, AUS, BEL, CYP, DNK, EST, FNL, F, GRC, HOL, IRL, ISL, I, LIE, LTU, MLT, NOR, POL, POR, ROU, G, S, SUI, TCH

*** ALG, ARS, BHR, CHN, CTI, CUB, UAE, KWT, LBN, QAT, SEN

**** AUS, CAN, CYP, DNK, USA, IRL, NOR, HOL, POL, G, S, SUI, TUR

No.	Origin	Title	Destination
148	C4	Note from the Chairman of Committee 4	C4
149	C5	Summary Record of the Seventh Meeting of Committee 5	C5
150	SG	List of documents	-
151	C6	B.5 - Fifth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
152	PL	Minutes of the Second Plenary Meeting	PL
153	C6	R.2 - Second Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
154+Cor.1	C4	Summary Record of the Eighth Meeting of Committee 4 ..	C4
155	ARG,B,CHL PRG,URG	Proposals for the work of the Conference	PL
156+Cor.1	C4	Summary Record of the Ninth Meeting of Committee 4	C4
157	C2	Summary Record of the Second and Last Meeting of Committee 2	C2
158	C6	B.6 - Sixth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
159	C6	R.3 - Third Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
160	C6	R.4 - Fourth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
161	C4	Summary Record of the Tenth Meeting of Committee 4 ...	C4
162	C4	Fourth Series of texts from Committee 4 to the Editorial Committee	C6
163(Rev.1)	C5	Summary Record of the Eighth Meeting of Committee 5 ..	C5
164	SG	Final Days of the Conference	-
165	NZL	Proposals for the work of the Conference	PL
166	C5	Summary Record of the Ninth Meeting of Committee 5	C5
167	C5	Eighth Series of texts from Committee 5 to the Editorial Committee	C6
168	C4	Fifth and last Series of texts from Committee 4 to the Editorial Committee	C6

No.	Origin	Title	Destination
169	C3	Report of the Budget Control Committee to the Plenary Meeting	PL
170	C5	Summary Record of the Tenth Meeting of Committee 5 ...	C5
171(Rev.1)	AUS	Proposals for the work of the Conference	PL
172	PL	Minutes of the Third Plenary Meeting	PL
173	SG	Signing Ceremony	-
174	C6	B.7 - Seventh Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
175	C6	B.8 - Eighth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
176	C6	B.9 - Ninth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
177	C6	B.10 - Tenth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
178	*****	Proposals for the work of the Conference	PL
179	C4	Summary Record of the Eleventh Meeting of Committee 4	C4
180	C6	R.5 - Fifth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
181	MRC,G	Proposals for the work of the Conference	PL
182	C6	R.6 - Sixth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
183	C4	Summary Record of the Twelfth Meeting of Committee 4 .	C4
184	C6	R.7 - Seventh Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
185	C4	Summary Record of the Thirteenth Meeting of Committee 4	C4
186	C6	R.8 - Eighth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
187+Add.1 +Cor.1	C6	R.9 - Ninth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL

***** D, AUS, CAN, DNK, E, USA, FNL, F, HNG, IND, ISL, I, LIE, MLT, MRC, NIG, NOR, NZL, HOL, ROU, G, S, SUI, TUR, URG, VEN

No.	Origin	Title	Destination
188	C6	R.10 - Tenth Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
189	C3	Summary Record of the Second and Last Meeting of Committee 3	C3
190	C5	Summary Record of the Eleventh Meeting of Committee 5	C5
191	C5	Summary Record of the Twelfth and Last Meeting of Committee 5	C5
192	C4	Summary Record of the Fourteenth Meeting of Committee 4	C4
193	C6	R.11 - Eleventh Series of texts submitted by the Editorial Committee to the Plenary Meeting	PL
194	C4	Summary Record of the Fifteenth Meeting of Committee 4	C4
195	-	Declarations and Reservations	PL
196	-	Additional Declarations	PL
197	C4	Summary Record of the Sixteenth Meeting of Committee 4	C4
198	PL	Minutes of the Fourth Plenary Meeting	PL
199	C4	Summary Record of the Seventeenth and Last Meeting of Committee 4	C4
200	PL	Minutes of the Fifth Plenary Meeting	PL
201	PL	Minutes of the Sixth Plenary Meeting	PL
202	PL	Minutes of the Seventh Plenary Meeting	PL
203	PL	Minutes of the Eighth Plenary Meeting	PL
204	PL	Minutes of the Ninth Plenary Meeting	PL
205	PL	Minutes of the Tenth Plenary Meeting	PL
206	PL	Minutes of the Eleventh Plenary Meeting	PL
207	PL	Minutes of the Twelfth Plenary Meeting	PL
208	PL	Minutes of the Thirteenth Plenary Meeting	PL
209	PL	Minutes of the Fourteenth and Last Plenary Meeting	PL

No.	Origin	Title	Destination
210	C6	Report of the Editorial Committee	PL
211	SG	List of participants	-
212	SG	Final List of documents	-