



Documents of the International Telecommunications Conference
(Atlantic City, 1947)

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(ITU) للاتصالات الدولي الاتحاد في والمحفوظات المكتبة قسم أجراه الضوئي بالمسح تصوير نتاج (PDF) الإلكترونية النسخة هذه والمحفوظات المكتبة قسم في المتوفرة الوثائق ضمن أصلية ورقية وثيقة من نقلاً

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 101 TR-E

July 16, 1947

Note by U. K. Delegation

Status of Annex and Appendix to
the Madrid Convention.

The U.K. Delegation would like to invite attention to the status of (1) the Annex and (2) the Appendix to the Convention. Its understanding of the position is as follows:-

(1) Annex.

The Annex is covered by Article 1 paragraph 2 of the Convention. It is thus integral to the Convention itself and as such it is due to be revised by the Plenipotentiary Conference. (Its revision is included in the terms of reference of Committee E.) It consists of definitions of certain terms used in the Convention. The list of definitions in Article 1 of the General Radiocommunication Regulations repeats some of these definitions and adds others of a technical character used in the Regulations. The Convention is the major act but the Plenipotentiary Conference must necessarily take fully into account the recommendations of the Radiocommunication Conference. Co-ordination of views at their formative stage seems essential in order to avoid the presentation of conflicting definitions by the two Conferences, with the resulting necessity of co-ordinating the definitions after separate presentation to the Plenary Assembly.

(2) Appendix

The Appendix is not integral to the Convention. Sections A and B of the Appendix consist of a series of declarations and resolutions extracted from the minutes of the combined Madrid Conferences and they are thus ephemeral in character. The Plenipotentiary Conference may consider it desirable for a series of extracts from the minutes of the Atlantic City Conferences to be included in an Appendix to the revised Convention. The Rules of Procedure contained in Section C of the Appendix were to serve as a basis for the Rules of future Conferences. These Rules in Section C were, in fact, revised at the Cairo Conferences and the text adopted

appears in Volume II of the documents of the Cairo Telegraph and Telephone Conference and of the Cairo Radio-communication Conference. It will be noted in particular that Article 2 of the Madrid Rules (Invitation to the Conference) was revised at Cairo and relegated to each of the three sets of Regulations.

16 July, 1947.

*The term "Reglement Interieur" is translated "Rules of Procedure" in United Nations documents.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 102 TR-E

July 16, 1947

Committee E

COMMITTEE E

Comparison of the Text of the Madrid Convention with
the Corresponding Proposals

MADRID
Article 32
Monetary Unit

The monetary unit used in the composition of international telecommunication rates and in setting up the international accounts shall be the gold franc of 100 centimes, weighing 10/31 of a gram, and of a fineness of 0.900.

CHILE. 24 TR, Art. 31 (Document No. 6 TR-E)

Monetary Unit

The monetary unit used in the composition of the tariffs of the international telecommunication services and in the establishment of the international accounts is one and invariable.

Reason.

A monetary unit must be decided on.

UNITED KINGDOM. 49 TR, Art. 24 (Document No. 9 TR-E)

Basis of Tariff and Accounts.

The tariffs of the international telecommunication services and the international accounts shall be based either on the gold franc of 100 centimes, of a weight of 10/31sts of gramme and of a fineness of 0.900, or on the United States dollar and United Kingdom pound sterling, as may be agreed between the Contracting Governments.

Settlements of international accounts shall be regarded as current transactions and shall be discharged in accordance with the current international obligations of the countries concerned.

Reason.

As Article 32 Madrid with provision for a dollar/sterling basis as an alternative to the gold franc.

In some relations, the dollar/sterling basis has already been adopted as a special arrangement under Article 13 of the Madrid Convention. Tariff studies which are now being pursued, particularly by the C.C.I.T., may make it desirable, during the period before the Convention is next reviewed, to introduce dollar/sterling provisions into some or all of the sets of Regulations. The amplification of the Madrid article on monetary unit is intended to make this possible. The dollar/sterling basis would of course be used solely in relations in which all parties concerned agreed to its adoption.

The provision about settlement of accounts is added to ensure conformity with approved international financial obligations. If the revised Convention comes into force before the Telegraph and Telephone Regulations are revised, special provision should be made for the abrogation of such provisions for the settlement of accounts as are repugnant to this article.

FRANCE. 121 TR, art. 15 (Document No. 14 TR-E)

(Madrid text, no change.)

GREECE. 160 TR, art. 32 (Document No. 55 TR-E)

General Proposals on Monetary Unit

When the gold franc was introduced in the conventions and regulations of the Union, as a monetary unit, numerous national currencies met the requirements of the regulations to be freely exchangeable in gold. However, for many years now, all States have abandoned the gold franc as a basis for their economic system; therefore, no currency now meets the requirements of the Regulations. Furthermore, in the Final Protocol of the Telegraph and Telephone Regulations, practically all of the contracting States have inserted their formal reservation against the application of Articles 31 of the Telegraph Regulations and 48 of the Telephone Regulations, which prescribed the fixing in each national currency, of an equivalent as near as possible to the value of the gold franc.

Therefore, the gold franc is no longer the monetary unit of the Union; and has become a fictitious and false unit, applied by each State according to its convenience. This results in an abnormal situation that must be taken into consideration.

The Greek Delegation believes that it is not compatible with the interests of the Union, to maintain the idea of a unit that nobody agrees to apply. It therefore believes, that it consequently would be necessary to abandon gold as a standard and to adopt as a monetary unit a real currency whose stability is incontestable. It therefore proposes to adopt as a monetary unit the dollar of the United States of America which meets the aforementioned requirements.

U.S.A. 165 TR (Doc. No. 77 TR-E) replacing proposal
17 TR, Art. 27 (Doc. No. 2 TR-E)

Monetary unit

Operating agencies may enter into special arrangements with respect to the monetary unit to be used in the composition of international telecommunication rates and in setting up the international accounts. In the absence of such special arrangements, the monetary unit for the foregoing purposes shall be the gold franc of 100 centimes, weighing 10/31 of a gram, and of a fineness of 0.900.

U.S.S.R. 166 TR, Art. 23 (Doc. No. 79 TR-E)

Monetary unit

The monetary unit used in the composition of the tariffs of international telecommunication services and in the establishment of the international accounts is the gold franc of 100 centimes, of a weight of 10/31 sts of a gramme and of a fineness of 0.900.

The Delegations of the U.S.A., the United Kingdom and China proposed to defer consideration on this question.

The Delegations of France and the U.S.S.R. considered it possible to preserve the terms of the Madrid Convention.

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July 17, 1947

169 TR

SWITZERLAND

Proposal concerning the definition of
terms used in the International
Telecommunications Convention.

According to the Madrid Convention, art. 1, § 2, and the annex to the Convention, Government telegrams and radiotelegrams are defined as those originating, among other sources,

- f) from the Secretary General of the League of Nations.

As this organization is no longer in existence, the provision in question is no longer justified. If I am not mistaken, certain Delegations have already proposed a modification in this regard.

As for Switzerland, arrangements have been made with the Secretary General of the U.N. and with the International Labor Organization, stipulating that the European headquarters of the United Nations and the International Labor Organization, both in Geneva, should be entitled to the privilege of exchanging Government telephone communications and telegrams.

The same question having arisen for the International Education Bureau and also for the World Health Organization, Switzerland proposes to the Telecommunications Conference, that the privilege in question, should not only be extended to the United Nations, but also to any International Organization, affiliated with the United Nations.

It would, therefore, be necessary to modify as follows the list of Government telegrams and radiograms:

- f) from the Secretary General of the United Nations
- g) from the European headquarters of the United Nations
- h) from the Secretary General of any international organization affiliated with the United Nations.

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July 17, 1947

Report
of the
Special Committee on the Right to Vote

The Special Committee on the Right to Vote, in conformity with the terms of reference laid down for it by the Plenary Assembly of July 2, 1947, submits for the consideration of the Plenary Assembly the following results of its deliberations. The considerations which led to the decisions reported below are contained in the series of documents of the Committee, which, in accordance with the decision of the Committee, have been circulated only to the Heads of Delegations of the Plenipotentiary Conference.

1. List of Countries enumerated in Article 18
of the Internal Regulations (Doc. 42 TR)

The Committee was asked to consider the inclusion or non-inclusion of the following countries in the list of countries enumerated in paragraph 1 of Article 18: Esthonia, Latvia, Lithuania, the People's Republic of Outer Mongolia, Spain, and Monaco.

a) On the question of the inclusion of Esthonia, Latvia, and Lithuania, the Delegate of the U.S.S.R. submitted the following proposal:

"Taking into consideration that Latvia and Lithuania signed the International Telecommunications Convention in 1932 and Esthonia adhered to this Convention in 1935, to recommend the Plenary Assembly of the Plenipotentiary Telecommunications Conference to include them in the list (Article 18 of the Internal Regulations) of countries, which have the right to vote at the Conference."

After discussion, the Committee considered it preferable to vote on the following question: "Should the Baltic States be included in the list appearing in Article 18 of the Internal Regulations?"

The Committee voted by a show of hands, as follows:

For inclusion - 4 Against - 9 Abstentions - 5

b) The Committee adopted the following statement with respect to the People's Republic of Outer Mongolia:

"The Committee, noting that the People's Republic of Outer Mongolia has fulfilled the requirements provided in Article 3 of the Madrid Convention to the extent compatible with present circumstances, expresses the view that this country should be included in the list of countries enumerated in

Article 18 of the Internal Regulations."

The vote on this proposal was as follows:

<u>For - 8</u>	<u>Against - 2</u>	<u>Abstentions - 8</u>
Argentina	Union of South Africa	Canada
Belgium	Greece	China
France		United States
New Zealand		United Kingdom
Czechoslovakia		Guatemala
U.S.S.R.		Netherlands
Uruguay		East Indies
Yugoslavia		Portugal
		Sweden

c.) The Committee had for its final consideration two proposals concerning Spain, as follows:

I. Proposal of Argentina

"The Committee, in view of the fact that the recommendation of the United Nations does not invalidate the membership of Spain in the International Telecommunications Union, it being a signatory of the Madrid Convention, recommends that the omission of Spain in Article 18 of the Internal Regulations be corrected, and that the customary invitation be sent to Spain to attend the Atlantic City Conferences as an active and legitimate member of the International Telecommunications Union."

II. Consolidated Proposal of the U.S., U.S.S.R., and Guatemala

"Taking into account the recommendation of the General Assembly of the United Nations of December 12, 1946, the Committee recommends that Franco Spain be not included in the list of countries enumerated in Article 18 of the Internal Regulations."

The vote on these proposals was as follows:

For Proposal I - 2 For Proposal II - 14 Abstentions - 2

Argentine
Portugal

Belgium
Canada
China
United States
France
United Kingdom
Greece
Guatemala
New Zealand
Netherlands
East Indies
Czechoslovakia
U.S.S.R.
Uruguay
Yugoslavia

Union of
South Africa
Sweden

d.) Although doubt was expressed as to whether it was intended that the question of the deletion of Monaco from the list should have been referred to the Committee, the Committee nevertheless unanimously approved the following statement:

"The Committee, noting that Monaco has fulfilled the requirements provided in Article 3 of the Madrid Convention to the extent compatible with present circumstances, expresses the view that this country should be maintained in the list of countries enumerated in Article 18 of the Internal Regulations."

e.) With regard to the further study of the voting rights of countries other than those specifically mentioned in the Plenary Assembly, the Committee, because of lack of time, approved the following recommendation:

"The Committee recommends to the Plenary Assembly that the case of countries which have been invited to the Atlantic City Conferences and which are not members of the Union should be studied by the Special Committee on Voting and should be the object of recommendations to be submitted to a forthcoming Plenary Assembly."

The vote on this recommendation, which was taken by a show of hands, was as follows:

For - 9 Against - 7 Abstentions - 2

2. Voting by Proxy

The Committee recommends that the following text be substituted for paragraph 2 of Article 18 of the Provisional Internal Regulations (Document 42 TR):

"Any government may give a permanent or temporary mandate to the delegation of another country to vote in its place either for the duration of the Conference if such country cannot send a representative, or for one or more meetings when such country cannot be represented. In no case may one delegation dispose, under such conditions, of the votes of more than two delegations. However, the delegations of the United Kingdom and of the United States may vote for their colonies, protectorates and territories as a group."

The Committee agreed that such a mandate might be given to a specified individual as well as to a delegation. It was also agreed that the verification of the mandates so given should be performed by the Credentials Committee, as in the case of credentials given by a government to its own delegation.

3. Signature by Proxy

The Committee considered that a delegate provided with the necessary powers from another country might sign the Convention on its behalf in accordance with Article 26 of the Internal Regulations, and consequently recommends that the present text of Article 26 be maintained.

The Rapporteurs:

Paul Commanay
John D. Tomlinson

The Chairman:

Hakan Sterky

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY

1947

Document No. 105 TR-E
July 17, 1947

Committee C

CORRECTIONS

to Document No. 78 TR-E
Committee for the Organization of the
Union:
(Committee C) - 2nd Meeting
July 9, 1947

Page 12, number 10, replace sub-paragraph c) by
the following: "c) it shall be necessary to draw
up specific and separate provisions for the
meetings of plenipotentiary conferences and for
administrative conferences."

Page 14, number 13, 2nd line, read:
"France, of Italy and of the United Kingdom for
their kind words"

Page 14, number 13, third sub-paragraph, replace
by the following:

"If circumstances require it, the scope of the
reorganized international Bureau should be
enlarged, but the Administrative Council must be
a supervising and coordinating organ without any
executive functions."

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July 17, 1947

Committee F

COMMITTEE "F"

Draft of Article 19 of the Internal Regulations of the International Telecommunications Conference of Atlantic City, 1947, approved on July 14, 1947, by Committee F and submitted to the Plenary Assembly.

"Article 19

VOTING IN PLENARY SESSIONS

- § 1. In order that the Plenary Assembly may cast a valid vote at least one-half of the delegations accredited to the Conference and entitled to vote must be present or represented at such Plenary Session.
- § 2. With the exception of important questions provided for in § 3, no proposal or amendment shall be adopted unless supported by the absolute majority of the votes cast for and against. In case of a tie, it shall be considered as rejected.
- § 3. For important questions:
- a) a majority of two-thirds of the total number of votes, for or against, shall be required.
 - b) if at least one-half of the delegations, present or represented in the assembly and entitled to vote, abstain from voting for or against, the question shall be carried over to a later meeting, at which a second vote shall be taken according to the provisions of subparagraph a) above, and without taking the abstentions into account.

NOTE: After an exchange of views, the Committee suggests that the Plenary Assembly itself, after examining the general list of questions appearing in the agenda, determine by an absolute majority, in accordance with the provisions of § 2, which of these questions shall be deemed important.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 107 TR-E

July 17, 1947

Committee B

Committee B

REPORT
of the Credentials Committee
to the International
Telecommunications Conference

1. The Committee agreed that they would accept credentials in the form of a note or a telegram from governments or their diplomatic missions addressed to the Secretary General or to the Department of State of the United States.

2. On this basis, the Committee examined the credentials of the countries listed in Article 18 of the Internal Regulations of this Conference. The delegations listed in Annex 1 were considered to be properly accredited.

The international organizations listed in Annex 2 were considered to be properly accredited.

The credentials of the countries and organizations listed in Annex 3 either were not produced before the Committee or did not conform to the above requirements. On July 8th the Committee requested the Secretary General to get in touch with the delegations concerned with a view to obtaining their credentials by 16th July. Replies from the countries listed in Annex 3 are still outstanding.

Credentials were presented in respect of the countries listed in Annex 4, but, inasmuch as these countries do not appear in the list contained in Article 18 of the Internal Regulations, their credentials were not examined, since it was felt that the Committee held no mandate to do this.

3. IT IS RECOMMENDED that this Conference agree to the criteria adopted by the Committee in respect of credentials for participation in the work of the Conference and confirm that the countries and organizations

listed in Annexes 1 and 2 are properly accredited. The Committee further invites the Conference to pronounce upon the status of those delegations who have not submitted credentials.

4. As regards the appropriate form of full powers for the signature of the convention and other documents adopted by the Conference.

IT IS RECOMMENDED

That Full Power for the signing of final documents, adopted by the International Telecommunications Conference be in the form of a written authorization for the persons named therein to sign such documents on behalf of the accrediting government; and that this authorization be signed either by the head of the state or by the head of the government, or by the minister of foreign affairs; and

That such authorizations which have not yet been deposited in the Office of the Secretary General of the Conference for review by the Credentials Committee of the Conference be so deposited not later than August 7, 1947.

The Rapporteurs:

A. G. David
Leproux

CHAIRMAN

Liu Chieh

Annex 1

Countries whose credentials were
examined and found to be in order

Afghanistan, as observer.	Colonies, Protectorates,
Union of South Africa and	Overseas Territories and
the Mandated Territory of	Territories under Sovereignty
Southwest Africa.	or Mandate of Great Britain.
Albania	Greece.
Argentina.	Guatemala.
Australia.	Haiti.
Austria.	Honduras.
Belgium.	Hungary.
Belgian Congo, and mandat-	India.
ed territories of Ruanda-	Iraq.
Urundi.	Iran.
Bielorussia.	Ireland.
Burma.	Iceland.
Brazil.	Italy.
Bulgaria.	Lebanon.
Canada.	Liberia.
Chile.	Luxembourg.
China.	Mexico.
Vatican City State.	Monaco.
Colombia.	Nicaragua.
Cuba.	Norway.
Denmark.	New Zealand.
Dominican Republic.	Panama.
El Salvador.	Paraguay.
Egypt.	Netherlands.
Ecuador.	Netherlands Indies.
United States of America.	Peru.
Territories of the United	Philippines.
States of America.	Poland.
Ethiopia.	Portugal.
Finland.	Portuguese Colonies.
France.	Rumania.
Colonies, Protectorates,	Siam.
and Overseas Territories	Sweden.
under French Mandate.	Switzerland.
French Protectorates of	Czechoslovakia.
Morocco and Tunisia.	Turkey.
United Kingdom of Great	Ukraine.
Britain and Northern	Uruguay. (U.S.S.R.)
Ireland.	Venezuela.
	Yugoslavia.

Supreme Command of Allied Powers (S.C.A.P.)
United States Army Forces in Korea (U.S.A.F.I.K.)

-4-
(107 TR.E)
Annex 2.

International Organizations whose credentials were
examined and found to be in order.

United Nations (U.N.)
International Civil Aviation Organization
(I.C.A.O.)
United Nations Economic, Social and
Cultural Organization (U.N.E.S.C.O.)

Annex 3.

Countries and organizations whose credentials
either were not presented to the Committee or
were found not to be in order.

Saudi Arabia.	
Bolivia.	Yemen
Costa Rica.	
Southern Rhodesia.	Allied Control
Syria.	Commission of Berlin
	(A.C.C.)

Annex 4.

People's Republic of Mongolia.
Netherlands, Antilles (Surinam
and Curacao).

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

E
Document No. 108 TR-E

July 17, 1947

SECOND PLENARY SESSION -
INTERNATIONAL TELECOMMUNICATIONS CONFERENCE

RENAISSANCE ROOM,
10:00 A.M., FRIDAY, JULY 18, 1947

AGENDA

1. Approval of Minutes of First Plenary Session
(Doc. 57 TR).
2. Amendment of Article 19 of Internal Regulations
to Provide for 2/3 Majority and Other Voting
Procedures (Doc. No. 95 TR).
3. Admission of Esthonia, Latvia and Lithuania
(Doc. No. 104 TR).
4. Admission of People's Republic of Outer Mongolia
(Doc. No. 104 TR).
5. Admission of Spain (Doc. No. 104 TR).
6. Admission of Monaco (Doc. No. 104 TR).
7. Amendment of Article 18 of Internal Regulations
to Provide for Proxy Voting (Doc. No. 104 TR).
8. Amendment of Article 26 of Internal Regulations
to Provide for Proxy Signing (Doc. No. 104 TR).
9. Question Concerning Admission of Other Countries
(Doc. 104 TR).
10. Report of Credentials Committee.
11. Miscellaneous.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

DOCUMENT NO. 109 TR-E

July 17, 1947

Committee C

REPORT
of the Committee on Organization of the Union
(Committee C)
3rd Meeting
July 11, 1947

1. The meeting was opened at 3:30 p.m. under the chairmanship of Mr. A. Fortoushénkó (Soviet Union).

The Chairman submitted the report of the first meeting (Doc. No. 52 TR-E) to the Committee.

The Delegate from France pointed out that page 2 of this document, paragraph 6, the end of the first paragraph should read:

"...., Committee E will not be able to reach a decision regarding the adherence of various governments to the Convention and to the General Regulations."

With the reservation regarding this correction, the report was approved by the Committee.

2. The Chairman then asked the Committee to give its opinion on Document No. 58 TR-E which was drawn up in joint agreement by the chairmen of Committees C, E, and F, and which determines the distribution of the articles of the Madrid Convention among these three Committees. He reminded the meeting that Article 2 was in reality assigned to Committee C.

The Delegate from France stated that, taking into account the correction of the typographical error with regard to Article 2, he felt it necessary to make the following remarks:

- Article 19 should be assigned to Committee E;
- Article 15, which deals with arbitration, should be submitted to Committee C, for no matter how reasonable the new structure of the Union may be, differences of opinion may arise and it is likely

that the arbitration procedure will have to be altered subsequently;

- Article 32, dealing with the monetary unit should also be referred to Committee C, as this question which directly involves the structure of the Union will probably give rise to numerous and important discussions.

He added that after further study he was of the opinion to leave Article 20 to Committee F.

The Delegate from the United States of America stated that the monetary unit is in no way related to the new structure of the Union, and that Article 32 should therefore be left to Committee E.

The Delegate from Egypt assumed that the Subcommittee on Finance and Personnel would in fact have to study Article 15 because it would have to consider the question of the apportionment of expenses incurred by the arbitration procedure.

The Chairman pointed out:

a) that Article 19, dealing with the change of the date of the Conferences, is related to questions of procedure, and it is more logical to assign it to Committee F;

b) that the question of arbitration can, without any difficulty, be dealt with by either of the two Committees, and that, in order not to overburden Committee C, it is preferable to assign Article 15 to Committee E;

c) that the monetary unit, in his opinion, is not related to the organization of the Union;

d) that the Subcommittee on Finance and Personnel would be in a position to study all the Articles of the Convention and of the General Regulations which are likely to have financial repercussions;

e) finally, that the important questions may be settled equally well by all the Committees, and that in distributing the questions, the criterion had not been their importance, but only the most practical way of studying them.

The Delegate from France, after emphasizing the fact that in his opinion the monetary unit would, in the future, be one of the essential factors in the relations between the members of the Union, and, considering that Committee C was already overburdened, stated that he was ready to accept the opinion of the Chairman.

Since no other objection was raised, the Committee approved the distribution proposed in document No. 58 TR-E.

3. The Chairman drew attention to document No. 74 TR-E which completes document 58 TR-E, indicating, with references to the Articles of the Madrid Convention, the different proposals to be studied by the Committee. He pointed out that Article 2 had been omitted by error and he requested the Secretary-General to take care of this matter. He asked the various Delegations to verify whether all their proposals had been inserted in document No. 74 TR-E. Errors or omissions could be reported during the next meeting.

4. The Chairman proposed to resume the general discussion begun during the preceding meeting in order to allow the various Delegations to express their views regarding the principles upon which the reorganization of the I.T.U. should be based.

5. He recognized the Delegate from Canada, who made the following statement:

"The Canadian Delegation recognizes that, with the ever increasing development of the art of Telecommunications and in particular of radio, there has arisen a real need for strengthening the structure of the Union, in order that it may better perform its function of promoting the orderly progress of the art and furthering its usefulness to all the Nations of the world.

It is the purpose of this Conference to provide the Union with such administrative and technical agencies as may be necessary to this end.

In performing this task we must, in the opinion of the Canadian Delegation, keep two objectives before us.

The first one is the need for the utmost economy consistent with efficiency. The prosecution of the war and the destruction resulting from it have placed a heavy financial and economic strain on many Nations, and if the

new organization should impose too heavy a burden on the less fortunate among them, there would be, in our opinion, grave danger that the Union would be weakened rather than strengthened.

The second objective is the need for caution, lest we make the Union too heavy with administrative and technical bodies.

As has been already pointed out by the Delegate of France, there will be another Plenipotentiary Conference in six or possibly four years and it is always easier to expand an organization if, in the light of our experience over the next few years, it proves to be inadequate, than it is to reduce an oversize one.

It is not my purpose, Mr. Chairman, to go into details today. Our Delegation will present its views when the various proposals are examined by the Committee.

Thank you."

6. The Delegate from the Netherlands thanked the Delegations that had submitted proposals for setting up a new structure of the Union. He explained that because of the German occupation and the devastations suffered as a result, his country has not been able to undertake the considerable amount of work required to fulfill such an important task.

The Netherlands consider that the I.T.U. has done a magnificent job in the past and, that it is extremely important to cooperate with this organization. We should pay tribute to the Berne Bureau and to the Swiss Government which has often assumed more than its share of responsibility.

The general opinions of the Netherlands, are summarized as follows:

- the Union must be strengthened particularly by setting up an Administrative Council to insure the continuity of the work in the periods between plenipotentiary conferences.

- there should be some discussion before it is agreed that an executive board would be useful.

- it would be useful to set up the International Frequency Registration Board and to reorganize the

Consulting Committees on the basis of the C.C.I.F., but the Union should not be overburdened by the setting up of new consulting committees.

- it is not evident that a Consulting Committee for Broadcasting (C.C.I.D.) is necessary; many technical broadcasting problems can be dealt with by the C.C.I.R.

- the Norwegian proposal to merge the C.C.I.T. and the C.C.I.F. is very satisfactory because it would restrict the organization and at the same time maintain its complete effectiveness; particularly, the problems of signaling could be dealt with by a special committee.

- for the intervals between plenipotentiary conferences, four years is too short a period; it would be preferable to provide for a period of five or six years in order to take into consideration the periods before the Regulations become effective.

- the question of the list of members of the Union brings up the delicate matter of representation of colonies; at the present time, there are very few territories which can be designated as "colonies" in the old sense of the term; countries are becoming more and more independent, particularly since the end of the war, and the former colonies would not understand why the I.T.U. "should close its doors to them" when in the past they were amongst its most loyal and useful members. Membership in the I.T.U. can not be refused to territories with 70 million inhabitants which cover distances equal to the distance between New York and San Francisco and which have a telecommunications network.

7. The delegate from Czechoslovakia stated that his administration had studied with great interest the documents of the Moscow Conference and the new proposals submitted to the present Conference by the United States of America, France, the United Kingdom, Switzerland and certain other countries. In general he agreed with their proposals which aim to strengthen the structure of the Union and to achieve a new Union which is more flexible and better adapted to disseminate information on technical progress. He summarized the Czechoslovak point of view on this problem:

- it would be useful to create an Administrative Council, but, as suggested by the United Kingdom and Switzerland it is not necessary to set up an Executive Board since its duties could very well be carried out by

the Secretary General and the Chairman of the Administrative Council.

- the Consulting Committees should be strengthened and assured of a permanent activity, as in the case of the C.C.I.F.

- it would be useful to set up an International Frequency Registration Board.

- the duties of the future secretariat will be very similar to those of the present bureau; it is necessary to strengthen it, but it would be desirable to keep the name of this bureau.

- the I.T.U. should become universal by grouping all peoples desiring to cooperate in the technical field of telecommunications.

8. The Delegate from China made the following statement:

After having heard various general statements made by many delegations, we think it is not necessary for us to make further comments of a general nature. For we have many views in common with one delegation or other who have spoken before us.

However, the Chinese Delegation would like to point out that although in Doc. 13 only 15 proposals are presented by China, they only represent some of the amendments which we wish to make at present on the Proposed Draft Convention contained in the Moscow Document. We base our proposals on Moscow Document which, we think, is a good compromise arrived at in Moscow. We also observe with interest that many good proposals put forward here are in line with Moscow Document recommendations:

We come here to hear and study the proposals and discussions of different delegations here present. And we are ready to accept better compromises on various subjects which will conform to interests of all countries.

9. The Delegate from Belgium made the following statement:

"After a careful study of the Moscow proposals and of the subsequent proposals, the Belgian Delegation considers that there are grounds for modifying certain parts.

of the structure of the I.T.U. in order to increase its vitality.

Our Delegation does not consider that it is necessary to discard the entire organization of the Union, which has proved itself magnificently in many fields, but rather that we should try to keep what is good and change what needs improvement.

Our Delegation cannot lose sight of the fact that the new organization should retain sufficient flexibility and vitality and that care must be taken to avoid creating an organization which is too cumbersome and which is unlikely to be adaptable to certain needs, especially those of a regional nature.

In this connection, we are not in favor of creating a special Consulting Committee on Broadcasting.

In the new organization, we think it is also of great importance that the structure which is agreed upon should not entail expenditures that are too high for the participating Administrations.

We think that it would be of interest for the Union in the future to include the greatest possible number of administrations. And on this point, Belgium does not agree at all to abandon the votes of the Colonies. The Colonies have special administrations, which have important special needs, and they should have an independent voice in the Union.

Certain Colonial telecommunications administrations are of far greater importance than the telecommunications administration of certain countries, whose right to be members of the Union we do not, needless to say, challenge.

The Belgian Delegation is of the opinion that continuity and great vitality should be given to International working organizations, that is to say the various Consulting Boards and the Frequency Registration Board.

We also are in favor of ensuring continuity in the administrative activity of the Union. But we make formal reserves regarding the creation of an executive body.

We will clarify our view in the course of the debates and we will not lose sight of either the practical side of the question, nor of the expenses entailed."

10. The Italian Delegation made the following statement:

"I would like to express my agreement with the declarations made by the Delegates from the Netherlands and Czechoslovakia concerning the Berne Bureau and the Swiss Government. For 40 years, I have followed the work of the Bureau, both in its normal activity and during international conferences, and I have found that this work was always excellent.

I should therefore like to express our gratitude to the Berne Bureau and to the Swiss Government, under whose supervision the Berne Bureau has operated.

I express the hope that this Bureau may be retained even under the new organization of the I.T.U.

As I have previously stated, this organization should be as simple and as economical as possible.

In regard to the Consulting Committees, the Italian Delegation is of the opinion that it might be useful to merge Telegraph and Telephone Committees to form a single committee."

11. The Delegate of Egypt thanked the countries which had accepted the heavy burden of submitting proposals. He stated that his country had not been in a position to undertake such a task, but that on the whole he supported the proposals which had been made. However, he would like to point out that, whatever the organization might be, it should above all be based on equity, fair play and economy; small countries should not be endangered politically or financially. Finally, the organization should be flexible, if its future development is to be assured.

12. The Delegate from New Zealand stated that his country recognizes the necessity of strengthening the I.T.U. and it is deeply interested in the results of the Moscow Conference and in the proposals submitted to the present Conference.

New Zealand has particularly appreciated the work done by the Berne Bureau, especially during the War, and this country thanked the Swiss Government which has done so much to facilitate the work of the Bureau. New Zealand would like to point out that the I.T.U. was nevertheless organized on a modest basis, and concluded

that prudence is necessary before supporting the new organization. However, should it be the wish of the majority of members, New Zealand would agree to work in constructing the new structure of the Union, and it would support all reasonable proposals, such as, for example, the United Kingdom proposal recommending that the Administrative Council should meet only once a year, instead of twice a year as mentioned in other proposals.

13. The Delegate from the Netherlands Indies made the following statement:

We are very grateful for the excellent work which has been done during the Five Power Conference at Moscow. The Netherlands East Indies' Government is convinced that a new structure of the International Telecommunication Union is desirable. We regret very much that we have not been in a position to make propositions in this respect owing to the fact that 25 per cent of our staff personnel died during the Japanese occupation, while another 30 per cent had to retire in consequence of hardships suffered during this occupation. So we had to start the reconstruction of our severely destroyed telecommunications' network with only 45 per cent of our pre-war staff.

We can appreciate the intention to lay a sound basis for admission to the Union, if justice be done to the rights of the present members of the Union.

In general the N.E.I. Delegation will support all proposals aiming at a not too expensive framework of our Union in so far as they will not impede a good functioning of the proposed new structure.

14. The Delegate from Belgian Congo made the following statement:

"Mr. Chairman,

The proposals of the United States, the U.S.S.R. and the United Kingdom which seem in the last analysis to have as their goal the exclusion of colonial telecommunications administrations which are members of the Union, lead me to make the following observations on this particular point:

The essential fact is that these provisions will have the effect of transforming a Union with an essentially technical and administrative character, such as ours, into

a political assembly.

"The present debates in the Subcommittee on voting are a proof of this.

"It is upon this reef that these proposals will be shattered.

"It is nonsensical to exclude from the right to vote independent administrations, in many cases members of the Union since its inception, who have always faithfully fulfilled their obligations in the strict application of the Regulations as well as in the financial participation, and to exclude them merely because of a question of wording.

"I say a question of wording, because there is nothing else.

"The necessity for separate representation for Administrations as different as the colonial or metropolitan administrations should not be questioned by anyone - except, perhaps, by certain theorists who study the texts in their offices without any trying to find out whether they correspond to practical necessities.

"Regions with different geographic, economic, and demographic character - and consequently with interests as different as the interest of a parent state and its colonies cannot be safely represented by a single delegation without causing certain major interests of the Colonies to be neglected, solely because what is important for one is of little interest for the other.

"It is for this reason that the Madrid Convention was signed separately by the delegates of the Metropolitan Telecommunication Administrations and by those representing the Colonies.

"It is surprising that these reasons are not understood at present by certain people who wish to see the label "Independent Government" attached to that of "Independent Administration."

"I hope that after a thorough study of the question they will change their minds.

"I repeat that it is only a question of wording - perhaps the result of the theoretical desire of certain people to approximate the formula adopted by the United Nations.

"They forget that we do not constitute a political Union, but a technical and administrative Union having as its aim the general good, and taking similar technical organizations as its models. I shall only name the one coming closest to us, namely the Universal Postal Union."

15. The Chairman pointed out that at 5:00 P.M. he had to go to the Meeting of Chairmen ~~where~~ the schedule for the meetings of the following week would be arranged. He asked the Committee to express its opinion on the two following alternatives:

- a) to permit the Chairmen present to leave and to continue the meeting with one of the Vice-Chairmen presiding
- b) to adjourn the meeting immediately.

The Delegates from France and Italy, stating that they want particularly to be present during all the debates of the Committee, were in favor of the second alternative.

Since no other delegate requested the floor, the Chairman therefore concluded that the Committee supported this opinion.

The meeting was adjourned at 4:55 P.M.

The rapporteurs:

J. Persin
F.A. Rankin
B. Yourevski

The Chairman:

A. Fortoushenko

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July 17, 1947.

Colonel Dr. Ing. Ota Tomskey (Czechoslovakia)

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No.111 TR-E

July 17, 1947.

Committee B.

R E P O R T
OF THE CREDENTIALS COMMITTEE
(COMMITTEE B)

4th Meeting
July 17th, 1947.

The meeting was called to order at 10:10 a.m. by the Chairman of the Committee, H.E. Dr. Liu Chieh, Chinese Ambassador at Ottawa.

The Committee approved the Minutes of the Second Meeting (Doc. No.62 TR-E) with the following modifications:-

(a) Reword Fifth Paragraph, page 1, to read:

"The Chairman reminded the Committee that certain delegates had been accredited to the Radio Conference by letter from their diplomatic missions. The same procedure would be adopted for the Telecommunications Conference but in addition it would be necessary to decide upon the form of the full powers necessary for signature of the convention and final documents adopted by the conference."

(b) Reword Third Paragraph, page 2, to read:

"The Chairman stated that he had received a letter from the General Secretariat submitting to him a certain number of documents purporting to be credentials. He suggested etc."

The Committee approved the Minutes of the Third Meeting (Doc. No.76 TR-E) subject to the following modifications:-

(a) page 2, paragraph III, reword to read:

"The Bureau either did not examine or has not received the documents"

(b) Page 3, paragraph IV, second sub-paragraph, reword to read:

"after the report by Mr. David had been approved the Chairman pointed out that the question of full powers for the signing of the convention would be examined at a later date."

The Committee then considered the suggested report to the conference submitted by the Bureau and approved it subject to several modifications. This document will be distributed as Doc. No. 107 TR-E.

- 2 -
(111 TR-E)

The Committee agreed that the Bureau set up to examine credentials should proceed after decision of the Conference on the form of full powers to examine these and should draw up a list of delegates empowered to sign the Convention and documents annexed thereto.

There being no further business, the Chairman adjourned the meeting, at 11:15 a.m.

Reporters:

Chairman:

Jean Leproux

A.G. David

Dr. Liu Chieh

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY

1947

Document No. 112 TR-E

July 17, 1947

Committee F

Committee F

Comparison between texts of document No. 5^{ter}
of the Moscow Conference and of the corresponding proposals

RULES OF PROCEDURE FOR THE CONFERENCES

Article 3

Admission to the Conference

1. As a rule, only Delegates, Representatives and Expert observers of the international organizations approved under the terms of Article 2, paragraphs 4 (a, b and c) and 5 shall participate in the discussions and in the proceedings of the Conference.

2. The Conference and the Committees themselves shall determine what meetings Expert observers of scientific and industrial telecommunication organizations approved by their respective governments may attend.

The corresponding text of the appendix to the Madrid Convention, Art. 3, is as follows:

Admission to the Conference

1. As a general rule, solely the Delegates, the representatives and the observer-experts of the enterprises and organizations contemplated in 4 of Article 2 take part in all the discussions and tasks of the Conference.

2. The first plenary assembly decides whether the observer-experts of the other international enterprises and organizations contemplated in 5 of Article 2 which are admitted to the Conference, may take part in the discussions of the plenary assemblies and committees and if so of what committees. Such observer-experts may enter the places of meeting only after the decision.

The corresponding text of the Provisional Internal Regulations of the International Telecommunication Conference of Atlantic City, art. 2 (doc. no. 42 TR-E), is as follows:

Admission to the Conference

§ 1. As a general rule, only members of delegations may take part in the work of the Conference.

§ 2. The United Nations, its subsidiary organizations and its specialized agencies, and any subsidiary organization of the International Telecommunications Union may be admitted to the conference and may participate in its work in a consultative capacity.

§ 3. Representatives of other international organizations and of private operating agencies may participate in sessions of the conference and of its committees as members of the public in accordance with Article 27 below.

CHILE 24 TR, art. 3 (doc. no. 6 TR-E).

Admission to the Conference

None but delegates take part in all the deliberations and work of the Conference.

Representatives and expert observers have not a right to take part in the discussions nor to vote in plenary assemblies, they can only express their opinions in these assemblies through the medium of the delegations of their countries. Nevertheless, in the commissions, representatives and expert observers may take part in the deliberations on a previously obtained authorization of their delegation.

ITALY 48 TR, art. 3, and 80 TR (doc. nos. 8 TR-E and 12 TR-E)

Admission to Administrative Conferences

§ 1. As a general rule, none but delegates, representatives and expert observers designated in § 4, (a), (b), (c), and in § 5 of article 2 take part in the deliberations and the work of the Conference.

§ 2. The plenary assembly, the commissions, and the sub-commissions decide to which sittings the expert observers designated in article 2, § 4 (d), shall be admitted.

UNITED KINGDOM. 49 TR, annex 6, section II, art. 2
(doc. no. 9 TR)

Admission to the Conference

§ 1. Only Delegates and Representatives contemplated in Article 1, § 4 (a) and (b), may take part in the discussions and in the proceedings of the Conference.

§ 2. The Conference and the Committees themselves shall decide what Sessions Expert Observers of International Organizations may attend.

Reason.

As Art. 2, § 1, of the Cairo Rules. The juxtaposition of the Article on Invitations (No. 1 of the present draft) which, in § 2, lays down procedure for admission of International Organizations, makes the repetition of Art. 2, § 2, of the Cairo rules unnecessary here.

FRANCE 121 TR, General Regulations, Art. 3
(doc. no. 14 TR)

§ 5. The following are admitted to Administrative Conferences.

- a) delegates of the Administrations of the members of the Union;
- b) representatives of private telecommunication enterprises recognized by the Government of a member of the Union;
- c) expert-observers of the national scientific and industrial telecommunication organizations invited by the Administrations in accordance with the provisions of § 2 of article 3;
- d) expert-observers of international organizations, if half at least of the Administrations consulted reply favourably within the fixed period;

- 4 -
(112 TR-E)

- e) the admission of other international organizations depends on a favourable decision of the Conference at its opening sitting.

INTERNATIONAL
TELECOMMUNICATIONS CONFERENCE
ATLANTIC CITY
1947

Document No. 113 TR-E

July 17, 1947

Committee F

Comparison between Texts

of

Document 5ter of the Moscow Conference

and

of Corresponding Proposals

- - - - -

Rules of Procedure for Conferences.

Article 4

Participation of Private Societies.

Societies, associations, or individuals may be authorized by the Plenary Assembly or by committees concerned to submit petitions, resolutions or remarks to the competent committee or sub-committees, or to attend certain sessions of the said committees, but their representatives shall participate in the discussions only to the extent to which the Chairman of the respective committee may deem desirable.

The corresponding text of the Appendix to the Madrid Convention, Article 4, is the following:

Participation of Private Societies.

Societies, associations or individuals may be authorized by the Plenary Assembly or by the committees concerned to present petitions, resolutions or observations to the competent committee or committees or to be present at certain sessions of these committees. But the persons appearing for them take part in the discussion only insofar as the Chairman of each committee considers it desirable.

20 Jul 1947

(No corresponding text in the provisional Internal Regulations of the International Telecommunications Conference of Atlantic City).

Italy 81 TR (Document 12 TR-E).

Art. 4, title, read: Participation of private groups in Administrative Conferences.

In the text replace representatives by envoys.

France 12 TR-E - General Regulations,
Art. 4 (Document 14 TR-E)

Participation in the work of
Administrative Conferences.

§ 1. As a rule, none but delegates, representatives and expert-observers indicated in § 5, (a), (b) and (d) of Article 3 take part in the debates and the work of the Conferences.

§ 2. The Conferences and their Commissions decide themselves in which sittings the expert observers of the National Scientific and Industrial Telecommunication Organizations invited by the Administrations shall be allowed to take part.

§ 3. Companies, associations or individuals may be authorized by the Conferences or their Commissions to present their requests, resolutions or observations to the competent Commissions or Sub-Commissions, or to attend certain sittings of these Commissions. Nevertheless, their envoys only take part in the discussions when and insofar as the Chairman of the Commission deems it advisable.

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INTERNATIONAL
TELECOMMUNICATIONS CONFERENCE
ATLANTIC CITY
1947

Document No. 114 TR-E

July 17, 1947

Committee F.

Comparison between Texts

of

Document ~~ster~~ of the Moscow Conference

and

of Corresponding Proposals

INTERNAL REGULATIONS OF CONFERENCES

Article 9

Appointment of Committees

The Plenary Assembly may refer to committees questions submitted to its consideration. These Committees may form sub-committees and sub-sub-committees.

The corresponding text of the appendix to the Madrid Convention, Article 9, is as follows:

Appointment of Committees

The Plenary Assembly may refer to committees questions submitted to its consideration. These committees may appoint sub-committees and minor committees.

The corresponding text of the Provisional Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 7, (Doc. No. 42 TR-E) is as follows:

Appointment of Committees

The Plenary Session may establish committees to carry on the work of the Conference and submit questions to them for study. These committees may appoint subcommittees or sub-subcommittees.

CHILE 24 TR, Annex II, Art. 10 (Doc. No. 6 TR)

Commissions

In order that the work of the Conference may be as efficacious as possible, commissions are formed to study the questions entered in the program and to simplify the work. The commissions submit the result of their work to Plenary Assemblies for approval. The Initiative, the Verification and the Drafting Commissions must be among the number.

The commissions may appoint sub-commissions or committees.

ITALY 48 TR (Doc. No. 8 TR-E)

Art. 9. Read in conclusion: These commissions may institute sub-commissions and sub-subcommissions.

Reason

In accordance with the proposal of the Conference of Moscow.

UNITED KINGDOM Doc. 49 TR, annex 6, section II,
Art. 7 (Doc. No. 9 TR-E)

Appointment of Committees

A Plenary Assembly may refer to committees questions submitted to its consideration. These committees may form sub-committees and sub-subcommittees.

Reason

As Article 8 of the Cairo Rules.

FRANCE 121 TR, General Regulations, Art. 9,
(Doc. No. 14 TR-E)

Appointment of Commissions

The Conference can refer to Commissions, for advice, the questions submitted to its consideration. These commissions may form sub-commissions which can be subdivided into working groups.

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170 TR

C A N A D A

Proposal concerning the International
Telecommunication Convention.

- Article 32

The monetary unit used in the composition of the tariffs of the International Telecommunications services and in the establishment of the international accounts is a gold franc of 100 centimes of a weight of 59/310th of a gramme and of a fineness of 0.900.

Reason

When the gold franc was recognized as the monetary unit for international tariffs and traffic accounting the currencies of practically all of the member countries of the International Telegraph Union were at par in their respective relation to gold. At that time gold francs 5.1825 equalled one Canadian dollar. The Canadian coast, ship and forwarding charges as published in the tariff books of the Canadian Telegraph Companies were converted into gold francs on this basis and published through the International Bureau at Berne. Similar action was taken by the other members of the Telegraph Union with the result that the rates of all countries published in gold francs and centimes through the Bureau at Berne closely approximated the rates published in the internal tariff books of the countries concerned in their respective currency.

The economy of many, if not all, of these countries was affected in varying degrees during, and following, World War I with the result that their currencies depreciated in their relation to gold and for many years prior to 1934 settlements of International traffic balances were made in U.S. dollars or its equivalent in the currency of the creditor country, based on gold francs 5.1825 equals \$ 1.00 U.S. currency.

In 1934 the United States of America depreciated their currency in its relation to gold by approximately 70 %. This resulted in an International Agreement to

settle radio traffic balances in the depreciated U.S. dollars or its equivalent in the currency of the creditor country on the basis of 3.061 francs gold equals \$ 1.00. . This procedure is still in effect.

It would appear, however, that no material change has been made in either the original gold franc rates published by the member countries of the Union through the International Bureau, or in the original rates published in the internal tariff books of these countries. Because the former rates, however, are based on gold and the latter rates are not, there has developed a minimum differential of 70 % in these rates which at the outset were approximately equal.

Canada being a creditor country, in so far as radio traffic accounting is concerned, has benefited considerably from this situation but since its general effect is a 70 % increase in rates which tends to discourage the use of the telecommunication services, something should be done to return the published gold franc rates to a reasonable approximation of the rates, for the same services, published in local currencies, in the internal tariff books of the respective countries. Furthermore, the fact that very few countries would appear to have increased their internal collection rates strongly suggests that it is not expedient for them to do so and that some action is essential if there is to be even a semblance of similarity in the cost of messages in both directions as required by the provisions of Article 26 § 2 of the International Telegraph Regulations (Cairo 1938).

The Canadian Delegation recognizes that fluctuations in International monetary exchanges are uncontrollable in so far as this conference is concerned. On the other hand the purpose of this conference is to endeavour to eliminate all controllable irregularities which have developed since the Convention of Madrid 1932 by making the necessary amendments to the Articles of the said Convention so that their provisions may be practical in operation, and followed by the majority of the member countries of the Union.

The minimum differential of 70 % is, in our opinion, a controllable irregularity which should be eliminated as otherwise the provisions of Article 26 will tend to be the exception rather than the rule.

The following example is given to explain, more fully, the effect of this differential in so far as Canada is concerned, and which we suggest is common to many other countries for the same reason.

The charge for a message of 10 words filed in Ottawa, Canada, destined to a vessel of French registry via St. John Radio (New Brunswick) is computed as follows:

Telegraph Charge	10 words @ 4¢	--	\$ 0.40
Coast station charge	10 words @ 6¢	--	" 0.60
Ship station charge	10 words @ 4¢	--	" 0.40
Total charge	10 words @ 14¢	--	<u>\$ 1.40</u>

The charges on a reply message are computed as follows: (for the purpose of a proper comparison we are assuming that the ship tax is 20 centimes a word.)

Ship station charge	10 words @ fcs. 0.20	- fcs. 2.00
Coast station charge	10 words @ "	0.31 - " 3.10
Telegraph charge	10 words @ "	0.21 - " 2.10
Total charge	10 words @ "	0.72 - " <u>7.20</u>

Francs 7.20 converted into dollars @ francs 3.061 = \$ 1.00 = \$ 2.35 which is \$ 0.95 or 70 % more than the cost of the same message from Canada. However, a reduction in the gold content of the monetary unit corresponding to the depreciation of the present U.S. dollar, which, by international agreement has been the basis of settlement of international traffic balances for the past 13 years, would result in the conversion from francs to dollars being made at the original rate of francs 5.1825 equals \$ 1.00, thus equalizing the charges in both directions, i.e. \$ 1.40. It would appear, therefore, that this would be the most practical method of bringing national and international tariffs to the highest controllable degree of normalcy and parity.

The Canadian Delegation are prepared to support the proposal made by the Greek Delegation No. 160 TR on page 7 of document 55 TR-E, since the adoption of the U.S. dollar as a monetary unit would also eliminate the 70 % differential in question, which is necessary to bring national and international tariffs to the highest con-

trollable degree of normalcy and parity. It would, however, involve the publishing, by all member countries of the Union, of new rates, in dollar currency, through the International Bureau at Berne. This would not be necessary if the Canadian proposal is adopted.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 116 TR-E

July 17, 1947

171 TR

CANADA

Proposal concerning the voting procedure
in plenary sessions

Article 21 of the Provisional Regulations of --
the present Conference should be amended to include Sec-
tion 3, as follows:

Section 3. If two or more delegations, present
and entitled to vote, request, when a vote is about
to be taken, that it shall be taken by secret ballot,
this shall be done.

Reasons:

The Canadian delegation has been impressed by
the large proportion of abstentions on certain votes.
This has indeed been the subject of study by Committee F
and the new voting procedure which this committee is
recommending to the plenary session is designed in part
to ensure that decisions are taken in such a way as to
reflect the views of the largest possible majority of --
those present. It is generally recognized that delega-
tions deciding to abstain from voting may do so for
various reasons. The minutes of the Special Committee --
on Voting Procedure show clearly that the danger of un-
representative decisions being taken in such circumstances
has impressed many delegations.

Note 1: It would be essential to safeguard the secrecy
of the ballot. This could be done without dif-
ficulty by calling a roll (in accordance with
the present practice) of delegations present or
represented and entitled to vote, and then re-
quiring each such delegation to put, on a sin- --
gle ballot paper, handed to it under the author-
ity of the Chairman, a cross in one or other
of three spaces marked respectively "For,"
"Against" and "Abstain."

18 Jul. 1947

Note 2: It will perhaps be of interest to the delegations to know that a similar proposal put forward by the Canadian delegation at the recent conference of the Universal Postal Union in Paris was adopted by a very large majority.

July 17, 1947
Committee F

COMMITTEE F

• Compared texts of Document 5 ter of the Moscow Conference and of corresponding proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 10

COMPOSITION OF COMMITTEES

1. The committees shall be constituted at the Plenary Assembly from Delegates of the Contracting Governments and Representatives.
2. Expert observers of other operating, scientific and industrial telecommunication organizations and international organizations, groups or private individuals, may participate without vote in the committees, subcommittees and sub-subcommittees in the conditions stipulated in paragraphs 4 and 5 of Article 2, in paragraph 2 of Article 3 and in Article 4 of these Regulations.

The corresponding text of the Appendix to the Madrid Convention, Article 10 is as follows:

COMPOSITION OF COMMITTEES

- § 1. The committees are composed of delegations of Contracting Governments and of representatives chosen in Plenary Assembly.
- § 2. International enterprises and organizations, and societies, associations or individuals may take part in committees subject to the conditions prescribed by Articles 3 and 4 respectively.

The corresponding text of the Provisional Internal Regulations of the International Telecommunications Conference of Atlantic City, Article 8, (Document 42 TR-E), is as follows:

MEMBERSHIP OF COMMITTEES

§ 1. The committees shall be composed of members of delegations of contracting governments appointed in Plenary Session.

The subcommittees are composed of members appointed at a committee meeting.

§ 2. Each government interested in a question considered by a committee or subcommittee shall have the right, if it so desires, to participate in the work of such committee or subcommittee. Any committee or subcommittee may create a small working group.

CHILE: 24 TR, Annex II (Document 6 TR-E).
Article 11.

MEMBERS OF THE COMMISSIONS.

The Initiative Commission is composed of the Heads of the delegations or their deputies; the deliberations are directed by the Chairman of the Conference.

The commission for the verifying of the powers of the delegates is composed of five members; it is formed on the proposal of the Chairman at the first Plenary Assembly.

The other commissions are composed of the delegates designated by the Heads of the different delegations, who inform the permanent Chairman of the fact. Representatives and expert observers may attend and take part in the sittings of the commissions insofar as they have been designated to that effect by the Heads of their respective delegations in accordance with article 3.

The commissions may invite other persons, whose advice or statements are considered important, to take part in their work.

Article 14.

WORK OF THE COMMISSIONS.

The Initiative Commission coordinates the work of the Conference and forms the commissions it judges necessary; it settles the internal work in connection with the Conference as well as matters dealt with by other commissions or by the Secretariat. It decides, on a majority of two-thirds of the votes given in the sittings, on the advisability, for the Conference, to deal with new subjects

presented by the delegations, and assists the Chairman in matters not mentioned in the present Regulations.

The Verification Commission checks the credentials presented by the members of the delegations; it satisfies itself that these credentials are in due form and immediately informs the Conference of the results.

The Drafting Commission is intrusted with the coordination of the agreements and resolutions of the Conference and gives them their definite form, avoiding all unnecessary repetition and without altering the sense.

If other commissions are instituted, their tasks are determined according to the extent of the work assigned to them by the Initiative Commission.

UNITED KINGDOM. 49 TR-E, Annex 6, Section 2, article 8
(document 9 TR-E).

COMPOSITION OF COMMITTEES.

§ 1. The Committees shall be constituted at a Plenary Assembly from Delegates and Representatives.

§ 2. Expert Observers of International Organizations may participate without vote in the committees, sub-committees and sub-subcommittees in the conditions prescribed in § 2 of Article 2 of these Regulations.

Reason.

Similar to Article 9 of the Cairo Internal Regulations.

ITALY. 85-87 TR-E, (document 12 TR-E).

After article 9 add the following new articles:

Article 9 bis

COMPOSITION OF THE COMMISSIONS OF PLENIPOTENTIARY CONFERENCES.

§ 1. The commissions are composed of delegations of members of the Union.

§ 2. Expert-observers of the other Governments, invited to the Conference may take part in the commissions.

§ 3. The private enterprises recognized by the members

of the Union may be authorized by the Plenary Assembly to take part in some sittings of the commissions, but their representatives only take part in the discussions when the Chairman of the respective commissions judges it advisable.

Article 10, title, Read:

COMPOSITION OF THE COMMISSIONS OF ADMINISTRATIVE
CONFERENCES.

Article 10, paragraph 2. Replace this paragraph by the following:

§ 2. The expert-observers mentioned in article 3 and the envoys mentioned in article 4 may, on the conditions given in these articles, and in a consultative capacity, take part in the work of the Commissions, Sub-Commissions and Sub-Sub-Commissions.

FRANCE. 121 TR-E, General Regulations, Article 10;
(document 14 TR-E).

COMPOSITIONS OF COMMISSIONS.

§ 1. The Commissions are composed of delegates or, in the case of Administrative Conferences of delegates and representatives designated by a plenary sitting of the Conference.

§ 2. Expert-observers indicated in § 5, (d), and persons representing organizations indicated in § 5, (e), of article 3 may take part, without the right of vote, in the work of the Commissions and Sub-Commissions of Administrative Conferences.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 118 TR-E
July 17, 1947
Committee F

COMMITTEE F.

Comparison between texts of document No.
5 ter of the Moscow Conference and of
corresponding proposals.

INTERNAL REGULATIONS OF THE CONFERENCES

Article 11

CHAIRMEN, VICE-CHAIRMEN AND REPORTERS OF THE COMMITTEES

SUBCOMMITTEES AND SUB-SUBCOMMITTEES.

The Chairman of the Conference shall submit for the approval of the Plenary Assembly the choice of Chairman, Vice-Chairmen and Reporter, or Reporters of each Committee.

The Chairman of each Committee shall adopt a similar procedure with regard to the election of Chairmen, Vice-Chairmen and Reporters of the subcommittees and sub-subcommittees.

The corresponding text of the appendix to the Madrid Convention, art. 11, is as follows:

CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES.

The Chairman proposes for the ratification of the plenary assembly the choice of the Chairmen and the Vice-Chairman or Vice-Chairmen of each committee.

The corresponding text of the Provisional Internal Regulations of the International Telecommunications Conference at Atlantic City, art. 9 (doc. 42 TR-E), is as follows:

CHAIRMEN, VICE-CHAIRMEN AND RAPPOORTEURS OF
COMMITTEES AND SUBCOMMITTEES

§ 1. The Chairman shall propose for ratification by the plenary session the selection of chairmen and vice-chairmen of committees.

§ 2. The Chairman of each committee shall propose to his committee the names of rapporteurs and subcommittee officers as may be required.

CHILE. 24 TR-E, annex II, art. 13 (doc. No. 6 TR-E).

ORGANIZATION OF THE COMMISSIONS

The Initiative Commission designates the Chairman of each commission, which elects a Vice-Chairman and one or more secretaries at the moment of its constitution.

Each commission studies and formulates the recommendations it considers advisable on the subjects which the Initiative Commission has assigned to it.

ITALY. 48 TR-E, art. 11 (doc. No. 8 TR-E).

(Proposal corresponds to the Moscow text).

UNITED KINGDOM. 49 TR-E, annex 6, section II, art. 9
(doc. No. 9 TR-E).

(Proposal corresponds to the Moscow text).

FRANCE. 121 TR-E, General Regulations, art. 11
(doc. No. 14 TR-E).

CHAIRMEN AND VICE-CHAIRMEN OF COMMISSIONS

§ 1. The Chairman submits the choice of the Chairman and Vice-Chairmen of each Commission, for the approval, to the Conference, met in a plenary sitting.

§ 2. The Chairman of each Commission proposes to his Commission, met in a plenary sitting, the approval of the choice of the Chairmen and Vice-Chairmen of the Sub-Commissions.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 119 TR-E
July 17, 1947
Committee F

COMMITTEE F

Comparison between texts of document No.
5 ter of the Moscow Conference and of the
corresponding proposals.

Internal Regulations of the Conferences

Article 12

Minutes of Plenary Assemblies

1. Minutes of the Plenary Assemblies shall be prepared by the staff of the General Secretariat and shall be issued in the language stipulated in Article 12 of the Convention.

2. (1) As a general rule, these minutes record only the recommendations or the proposals with the chief motives for them in concise terms.

(2) Nevertheless, each Delegate or Representative shall have the right to demand that any statement made by him be incorporated in the minutes, in brief or in full, but in such case he shall personally submit the text to the Secretariat not later than two hours after the Plenary Assembly. It is recommended to use this right with discretion.

The corresponding text of the Appendix to the Madrid Convention, art. 12, is as follows:

Minutes of Plenary Assemblies.

1. The minutes of the plenary assemblies are drawn up by officers of the general secretariat.

2. (1) As a general rule the minutes record only the recommendations or the proposals with the chief motives for them, in concise terms.

(2) Each delegate has, however, the right to require the insertion in the minutes, either summarized or in full, of any statement which he has made, but in such case he must himself supply the text to the secretariat, within two hours after the plenary assembly at the latest. It is recommended that this right should only be used with discretion.

UNITED KINGDOM. 49 TR, annex 6, section II
art. 10 (doc. no. 9 TR-E).

Minutes of Plenary Assemblies and
Committees.

§ 1. Minutes of the Plenary Assemblies and Committees shall be prepared by the General Secretariat.

§ 2. (1) As a general rule, these minutes shall record only the decisions, recommendations or proposals with the chief reasons for them in concise terms.

(2) Nevertheless, any Delegate or Representative shall have the right to demand that any statement made by him shall be incorporated in the minutes, in brief or in full, but in such case he shall supply the text to the Secretariat not later than two hours after the meeting. It is recommended that this right should be used with discretion.

Reason.

Combination of Articles 11 and 12 of the Cairo Rules. In practice there is little difference between the minutes (proces-verbaux) of Plenary Assemblies and the minutes (rapports) of sessions of committees. See the proposed Section VI as regards languages.

ITALY. 88 and 89 TR (doc. no. 12 TR).

Art. 12 § 1 After the words Secretariat General add designated by the Plenary Assembly.

Art. 12 § 2 (2) Read: (2) Nevertheless, each delegate, representative, expert-observer or envoy has the right....

FRANCE. 121 TR, General Regulations, art. 12
(Doc. No. 14 TR-E).

Minutes of the Plenary Sitzings of the
Conferences.

§ 1. The minutes of the Plenary Sitzings of the
Conferences are drafted by the members of the Secretariat-
General (identical with the Madrid text).

The corresponding text of the Provisional Internal
Regulations of the International Telecommunication
Conference of Atlantic City, art. 10 (Doc. No. 42 TR-E),
is as follows:

MINUTES OF PLENARY SESSIONS.

§ 1. The minutes of plenary sessions shall be drafted
by the General Secretariat.

§ 2. (1) As a general rule, the minutes shall include
only proposals and conclusions, with the principal
reasons relative thereto, in concise form.

(2) However, any member of a delegation shall have
the right to require the insertion in the minutes of any
statement he has made, either verbatim or in substance,
but in such case he must himself furnish the text to the
secretariat, no later than two hours subsequent to the
plenary session. It is recommended that this right be
used with discretion.

CHILE. 24 TR, annex II, art. 17 (Doc. No. 6 TR-E).

Minutes of the Plenary Assemblies.

The minutes of the plenary assemblies are drafted by
the functionaries of the Secretariat General. They shall
contain a summary of the views expressed and a statement
of the reasons, as well as an abstract of the deliber-
ations and the full text of the proposals and decisions.

Every delegate has, however, a right to ask to have
his declarations inserted in extenso in the minutes;
in which case he must provide the Secretariat General
with the necessary text immediately after the close of
the plenary assembly.

The delegates may submit to the Conference a written statement of their opinions about the questions discussed, and ask to have it inserted in the minutes of the sittings.

Delegates are advised to make a moderate use of the possibilities provided in §§ 2 and 3 of the present article.

The minutes of the plenary assemblies are signed by the Chairman and the Secretary General.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 120 TR-E
July 17, 1947
Committee F

COMMITTEE F

Comparison between texts of Document No. 5 ter
of the Moscow Conference and of corresponding
proposals.

INTERNAL REGULATIONS OF THE CONFERENCES.

Article 13.

Reports of the Committees

1. (1) The results of discussions at every meeting of the committees shall be summed up in reports with emphasis on the principal points of the debates, diverse opinions which it may be useful to bring to the attention of a Plenary Assembly, and, lastly, proposals and conclusions based on the aforesaid.

(2) Nevertheless, each Delegate or Representative shall have the right to demand that any statement made by him be incorporated in the report in brief or in full. In such case he shall personally submit the text to the reporter within two hours after the meeting. It is recommended to use this right with discretion.

2. Reports shall be subject to approval by the respective committees.

The corresponding text of the appendix to the Madrid Convention, art. 13. is as follows:

Reports of Committees.

§ 1. (1) (Identical with the Moscow text).

(2) Any delegate or representative has, nevertheless, the right to require the insertion in the report, either summarized or in full, of any statement which he has made. In such case he must himself supply to the reporter the text to be inserted, within two hours after the session. It is recommended that this right should only be used with discretion.

(120 TR-E)

§ 2. The reports must be approved by the respective committees.

§ 3. (1) The reporters are nominated by the Chairman of each committee:

(2) They are chosen from among the delegates or the representatives:

The corresponding text of the Provisional Internal Regulations of the International Telecommunications Conference at Atlantic City, art. 11 (Doc. No. 42 TR-E) is as follows:

Reports of Committees and Subcommittees.

§ 1. (1) The discussions of committees and subcommittees shall be summarized, session by session, in reports in which shall be brought out the essential points of the discussions, the different opinions expressed which it is necessary that the plenary assembly should know, and finally, the proposals and conclusions which stand out from the proceedings as a whole.

(2) Any member of a delegation shall have the right, however, to require the insertion in the report of any statement he has made, verbatim or in substance. In such case, he must himself furnish the text to the rapporteur within two hours subsequent to the committee session. It is recommended that this right be used with discretion.

§ 2. The reports must be approved by the committees and subcommittees concerned.

CHILE. 24 TR-E, annex II, art. 18 (Doc. No. 6 TR-E).

Minutes and Reports of the Commissions.

The minutes of the sittings of the commissions are drafted by the secretaries of the commissions. They contain only a summary of the deliberations.

(120 TR-E)

Nevertheless, each delegate may ask to have his declarations inserted in full in the minutes, in which case he must provide the secretary with the text of his declarations immediately after the close of the sitting. Delegates are advised to make a moderate use of this faculty.

The deliberations of the commissions are summarized in the reports, the essential points of the discussions, the most important avis and finally the proposals and conclusions adopted being given.

The minutes and reports are signed by the Chairman and the Secretary of the respective commission.

ITALY. 90 and 91 TR-E (Doc. No. 12 TR-E).

Complete the title with the words: Sub-Commissions and Sub-Subcommissions.

Add the following new paragraph:

§ 3. The provisions of the preceding paragraphs apply also to the reports of the Sub-Commissions and Sub-Sub-Commissions for all that it is advisable for the Commissions to know.

FRANCE. 121 TR-E, General Regulations, art. 13 (Doc. No. 14 TR-E).

Minutes and Reports of the Commissions.

§ 1. (1) The debates of the Commissions are summed up in the minutes, after each sitting, emphasis being laid on the essential points of the discussions, the various opinions expressed and which it is advisable to bring to the notice of the Conference, as well as the conclusions to be gathered therefrom.

(2) (Identical with the Madrid text).

§ 2. At the end or in the course of the work, the Commissions eventually prepare one or more reports, in which they briefly present to the Conference the exact conclusions and proposals resulting from the examinations entrusted to them.

§ 3. Each Commission selects from among the delegates or representatives of which it is composed, the reporter or reporters entrusted with the drafting of the minutes and eventually of the report or reports.

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July 17, 1947

Committee F

COMMITTEE F.

Comparison between texts of Document 5^{ter} of the
Moscow Conference and of the corresponding proposals.

Internal Regulations of the Conferences

Article 14

Approval of Minutes and Reports

1. (1) As a rule, the minutes, or the report of the preceding meeting shall be read at the opening of each succeeding Plenary Assembly.

(2) Nevertheless, the Chairman may, should he deem it sufficient or if no objection is raised, merely ask members of the Plenary Assembly whether they wish to make any remarks with regard to the contents of the minutes or report.
2. The minutes or report shall thereupon be accepted or supplemented by corrections approved by the Assembly.
3. The minutes of the concluding Plenary Assembly shall be subject to consideration and approval by the Chairman of that Assembly.

The corresponding text of the appendix to the Madrid Convention, Art. 14, is as follows:

Adoption of the Minutes and Reports

1. (1) As a general rule, at the beginning of each plenary assembly or committee meeting, the minutes or report of the preceding meeting are read.

(2) (identical to the Moscow text).
- §§ 2 and 3 (identical to the Moscow text).

The corresponding text of the Provisional Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 12 (Document No. 42 TR-E) is as follows:

ADOPTION OF MINUTES AND REPORTS

§ 1. (1) As a general rule, at the beginning of each plenary session, on committee or subcommittee meeting, the minutes or, as the case may be, the report of the preceding session shall be read.

(2) However, the Chairman may, when he deems such procedure satisfactory, and when no objections are made, confine himself to asking the members of the meeting whether they have any comments to make regarding the contents of the minutes or, as the case may be, of the report.

§ 2. Thereupon the minutes, or the report, shall be adopted or amended according to the comments which have been made, as approved by the session.

§ 3. The minutes of the closing plenary session shall be examined and approved by the Chairman of that session.

CHILE. 24 TR, annex II, Art. 19 (Doc. No. 6 TR-E)

APPROVAL OF THE MINUTES AND REPORTS.

The minutes and reports are distributed to the delegates before the opening of every plenary assembly or sitting of a commission.

As soon as a plenary assembly or the sitting of a commission is opened, the minutes of the previous sittings are submitted for approval except in the inaugural sitting. When no observations are made; the minutes are considered as approved.

When this is not the case, and when a delegate demands it, the minutes are read, and approved or modified according to the observations made, and then adopted.

The same procedure is applied for the adoption of the reports.

UNITED KINGDOM. 49 TR, annex 6, section II
Art. 11 (Doc. No. 9 TR-E)

APPROVAL OF MINUTES.

§ 1. (1) As a rule, the minutes of the preceding meeting shall be read at the opening of each succeeding Plenary Assembly or session.

(2) Nevertheless, the Chairman may, should he deem it sufficient and if no objection is raised, merely ask members whether they accept the minutes.

§ 2. The minutes shall then be adopted subject to any necessary amendment.

§ 3. (identical to the Moscow text).

Reason.

As Article 13 of the Cairo Rules.

ITALY. 92 and 93 TR (Doc. No. 12 TR-E)

§ 1. (1) and (2) After the words Plenary Assembly, add or Commission, Subcommission or Sub-subcommission.

§ 3. Add: The report of the last sitting of the Commissions, Subcommissions, and Sub-subcommissions is examined and approved by the respective Chairman.

FRANCE. 121 TR, Internal Regulations, Art. 14
(Doc. No. 14 TR-E)

APPROVAL OF MINUTES AND REPORTS.

§ 1. (1) As a rule, the minutes of the preceding sitting are read at the opening of each plenary sitting of a Conference or a Commission.

(2) Nevertheless, the Chairman may, if he thinks it sufficient and if no objection is raised, merely ask if the members of the Conference or of the Commission have any remarks to make with regard to the minutes.

§ 2. The minutes are then approved or amended according to the remarks to which they have

given rise and which have been approved by the Conference or the Commission.

- § 3. The minutes of the concluding plenary sitting are examined and approved by the Chairman of the Conference or of the Commission.
- § 4. The reports of a Commission before presentation to the Conference, must be approved in a plenary sitting of the Commission.
-

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 122 TR-E

July 17, 1947

COMMITTEE F

COMMITTEE F

Comparison of the texts of Document No. 5 of the Moscow Conference with corresponding proposals.

INTERNAL REGULATIONS OF THE CONFERENCE

Article 15

SUMMONS TO MEETINGS

Plenary Assemblies meetings of committees shall be convened on summons by letter or by notice posted in the premises of the Conference.

The corresponding text of the Appendix to the Madrid Convention, Article 15, is as follows:

SUMMONS TO SESSIONS

The plenary assemblies or meetings of committees take place on a summons by letter or by notice posted in the meeting place of the conference.

The corresponding text of the provisional Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 13 (Doc. No. 42 TR-E) is as follows:

INVITATION TO MEETINGS

Plenary sessions, or committee or subcommittee meetings, shall be held pursuant to announcement by the respective chairmen, either by letter or by notice posted at Conference headquarters.

CHILE. 24 TR, annex II, Art. 20 (Doc. No. 6 TR)

SUMMONS TO SITTINGS

The plenary assemblies or the sittings of the commissions are held by summons either by letter, or by notice posted up in the Conference building. The summons indicates the agenda.

UNITED KINGDOM. 49 TR, annex 6, section II,
art.12 (doc.No. 9 TR)

SUMMONS TO MEETINGS

Plenary Assemblies and Sessions shall be convened on summons by letter or by notice posted in the premises of the Conference.

Reason.

Similar to Article 14 of the Internal Regulations of Cairo.

ITALY. 94 TR, art.15 (Doc.No.12)

Read: The Plenary Assemblies and the Commissions, Sub-Commissions and Sub-Sub-Commissions are convened

FRANCE. 121 TR. General Regulations.
Art.15 (Doc.No.14 TR-E)

SUMMONS TO SITTINGS

Plenary sittings are convened by letter or by notices posted up in the premises of the Conference.

International Telecommunications
Conference

Atlantic City

1947

E
Document No. 123 TR-E

July 21, 1947

Committee C

R E P O R T

of the Subcommittee on Finances
and Personnel

of Committee C

First Meeting - July 17, 1947

The first meeting was called to order at 3:40 p.m. by the Chairman, Mr. Abaza, Head of the Egyptian Delegation. Mr. Abaza expressed his thanks to all the members of Committee C for the honor paid to Egypt and to himself by their choice of him as Chairman of this Subcommittee.

The Chairman reminded the meeting that the list of countries represented on the Subcommittee had been established as follows by Committee C: Argentina, Belgium, Canada, China, the United States of America, Ethiopia, France, Greece, India, Italy, the United Kingdom, Switzerland, the Ukraine, and the Soviet Union. In addition, the Delegates from Morocco, Tunisia and Portugal had asked to participate in the deliberations of the Subcommittee. The Chairman proposed that they be admitted. This proposal was adopted.

The Chairman asked for suggestions on the nomination of a vice-chairman. No proposal was made, and it was therefore decided to postpone this nomination until the next meeting.

The Chairman proposed the name of Mr. Lacroze, Delegate from Morocco as French-language rapporteur. Adopted.

At the suggestion of the Delegate from the United States, no English-language rapporteur was appointed and it was decided to ask the Bureau for an English translation of the report in French.

The Chairman then summarized the task confronting the subcommittee - a difficult and thankless task which was certain to give rise to severe and often unwarranted criticism. He thereupon reviewed the terms of reference of the Subcommittee (Document No. 52 TR-E), namely:

1. Study of the articles of the Convention and of the General Regulations relating to the finances and budget of the I.T.U. and to allied committees and groups;

2. Preparation of drafts of articles corresponding thereto;
3. Preparation of estimates of expenditures, stating in addition to the total annual amount, the amount of the principal items.

The Chairman then indicated the proposals which the Subcommittee is to study, and which are listed below:

<u>Document No.</u>	<u>Proposals</u>
1 TR-E (Hungary)-----	1 TR - 15 TR
2 TR-E (United States)-----	17 TR, Art. 9, 10 and 11
6 TR-E (Chile)-----	24 TR, Art. 8, 10, 11 and 12
9 TR-E (Great Britain)-----	49 TR, Art. 4S9, 10, 12 and 13; art. 5
11 TR-E (Italy)-----	55 TR, Art. 5S1 sub.par. 1; 56TR, Art. 5S4
13 TR-E (China)-----	106 TR - 108 TR
14 TR-E (France)-----	121 TR, Art. 1S2; Art. 4, 5, 9 and 10
27 TR-E (France)-----	135 TR
29 TR-E (France)-----	137 TR
Moscow 4 ter (Convention)	Art. 1S4 Art. 4S2, 4, 10, 12, 13 and 14; Art. 5S1, 2, 3 and 4 Art. 9S1; art. 10S3, 4 c and d, 10; Art. 24; Appendix 2, sub-par. 10.

Moscow 5 ter
(General Regulations) Art. 2 and 4; Art. 29S2; Art. 40 and 41.

Furthermore, at its last meeting, Committee C referred to the Subcommittee on Finances and Personnel Article 1, S4 of Document 45 TR-E which deals with the headquarters of the Union.

The deliberations of the Subcommittee shall follow the basic decisions made by the Conference with regard to the structure of the new organization. When this structure has been determined it will be possible to estimate the costs. But the task will be complex. Certain decisions will be influenced, often even dictated, by financial considerations.

Until the work of the various Committees has made sufficient progress, the Chairman suggested:

1. Examining in detail the financial structure and the personnel organization of various similar international agencies:

- a) in Europe (the present I.T.U., U.P.U.,
U.N.E.S.C.O.)
- b) in America (the I.C.A.O. and other or-
ganizations in the U.S.A.

2. Making a comparison of these organizations and study-
ing the findings of the Committee entrusted with the
examination of the finances of the present Conference.

The Delegate from the United States of America asked whether the documentation necessary for the study of the various international agencies could be obtained through the Bureau of the Union.

The Delegate from Portugal pointed out that a Sub-committee of Committee 10 of the Radio Conference had in its possession documents pertaining to the detailed expenses of the Bureau for the past ten years, and the expenses of the Cairo Conference and the C.C.I.R. at Bucharest. The expenses of the U.P.U. could be requested from Berne. Representatives of the United Nations could be consulted with regard to the accounts of U.N.E.S.C.O.

The Chairman stated that he had already sent a request to the Bureau for:

1. The budgets of the I.T.U., the I.C.A.O.,
U.N.E.S.C.O. and the U.P.U.
2. World-wide statistics on living standards
3. The expense statements of the Cairo Conference.

Furthermore, he said that the Director of the Bureau had kindly consented to put at the disposal of the Sub-committee the accountant of the Bureau.

After the working procedure proposed by the Chairman had been unanimously adopted, the Chairman suggested forming a working group delegated to study the documents and extract from them, everything of interest to the Sub-committee.

The working group will include the representatives from Canada, the United States of America, the United Kingdom, and Switzerland. Argentina and France, not present at the meeting, may also be members of the working group if they so desire.

The meeting adjourned at 4:30 p.m.

Rapporteur:

H. Lacroze.

Chairman

Sh. Abaza.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY

1947

Document No. 124 TR-E
July 20, 1947

ERRATUM

Document No. 57 TR-E Page 10

Mr. J. J. Hoogewoening (Netherlands)

Replace Netherlands by Netherlands Indies.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY



Document No. 125 TR-E
July 20, 1947

1947

This document refers only to
the French text.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 126 TR-E

July 20, 1947

MINUTES

OF THE SECOND PLENARY SESSION

July 18 and 19, 1947

The agenda was as follows:

1. Approval of Minutes of the first Plenary Session
(Document No. 57 TR-E)
2. Amendment of Article 19 of the Internal Regulations
to provide for a 2/3 majority and other voting
procedures. (Document No. 95 TR-E)
3. Admission of Esthonia, Latvia and Lithuania
(Document No. 104 TR-E)
4. Admission of the Outer Mongolian People's Republic
(Document No. 104 TR-E)
5. Admission of Spain (Document 104 TR-E)
6. Admission of the Principality of Monaco. (Document
104 TR-E)
7. Amendment of Article 18 of the Internal Regulations
to provide for voting by proxy.
8. Amendment of Article 26 of the Internal Regulations
to provide for signing by proxy. (Document No.
104 TR-E)
9. Questions concerning admission of other countries.
(Document 104 TR-E)
10. Report of the Credentials Committee.
11. Miscellaneous.

The meeting was called to order at 10:15 a.m. by Mr. Charles Denny, Chairman of the Conference.

The Chairman informed the meeting that according to the agenda which had been distributed, the present session, among others, would be devoted to the study of questions appearing in Documents 95 TR-E and 104 TR-E. He asked if the meeting was agreed upon this agenda.

The Delegate from Canada stated that he had made a proposal (Document 116 TR-E) on voting procedure in plenary sessions, and requested that this proposal be added to the agenda for study before point 1 was discussed.

No objection being raised to this addition, the agenda was thus amended.

The Delegate from Canada stated that his proposal was motivated by two ideas: to facilitate the work, and to obtain the most accurate expression of opinions on questions put to a vote.

He read his proposal advocating the introduction of a new paragraph in Article 21 of the Internal Regulations; this new paragraph read:

"§ 3. If two or more delegations, present and entitled to vote, request, when a vote is about to be taken, that it shall be taken by secret ballot, this shall be done."

He noted that the Congress of the Universal Postal Union had adopted this procedure by a large majority.

The Chairman asked the meeting to comment on this subject.

The Delegate from the Vatican would have preferred that the Canadian proposal be taken up after the study of Article 19 concerning a two-thirds majority vote. In other respects, he approved the Canadian proposal as to the secret ballot, and believed that such a decision might constitute an amendment to the proposal relating to the two-thirds majority vote which had been requested in the case of important questions. There is a theoretical difference between these two types of voting which should be noted. Whereas a majority vote might lead to certain subsequent

maneuvers and might encourage abstentions, the secret ballot decides any question conclusively." Article 19, which is to be studied, provides that a proposal receiving a two-thirds majority vote is to be referred to the next meeting, if 50% of the delegations represented at the Assembly abstain from voting for or against this proposal. This procedure entails the risk of resulting in very few conclusive decisions, and permits certain stratagems which would be impossible in a secret ballot.

The Head of the Delegation from the U.S.S.R. saw no need to inject any complication into the procedure by adding a secret ballot. He did not think that at this Conference, where representatives of governments are free to express themselves openly, any reason could exist for not doing so.

The Delegate from China supported the Canadian proposal. Such procedure is practised in many international conferences as well as at the U.N. Certain questions such as the admission or exclusion of members could be handled in this way.

The Delegate from the Dominican Republic said that he was absolutely opposed to the introduction of the procedure of voting by secret ballot. He considered that one need not make a secret of one's opinions.

The Delegate from Egypt pointed out that the present Conference is a technical organ and that the secret ballot is contrary to democratic procedure. Nevertheless, this voting procedure might be adopted for certain questions.

He then submitted the following amendment to the Canadian proposal: "If half of the delegations present and entitled to vote request that the votes be cast by secret ballot, their request shall be granted."

The Cuban Delegate supported the Canadian point of view as being the best means to ensure a majority opinion. The secret ballot would be authorized under certain circumstances at the request of a few delegations.

The Chairman then read the text of the amendment proposed by Egypt: "§ 3. If the secret ballot is requested at the time of voting by at least half of

the qualified members of the Plenary Assembly, it shall be so decided." He suggested putting this amendment to the vote.

The Delegate from the U.S.S.R. felt that before voting on the Egyptian amendment, it was advisable to decide whether the Plenary Assembly approved the principle of the secret ballot.

The Chairman pointed out that Parliamentary Law requires that a vote be taken first on the amendment and then on the principle, but he said that he was willing to proceed in accordance with the wishes of the Delegate from the U.S.S.R. "We shall, therefore," he said, "vote first on the principle of the secret ballot, then we shall specify the exact terms in order to determine the number of countries necessary to apply it."

By 55 votes in favor, 9 votes opposed, and 3 abstentions, (with 10 delegations absent), the Assembly expressed its approval of the principle of the secret ballot.

The Chairman then asked the Canadian Delegate for the exact wording of his proposal.

The Head of the Canadian Delegation then read from Document 116 TR-E, the proposal made by his country: "If two or more delegations, present and entitled to vote, request, when a vote is about to be taken, that it shall be taken by secret ballot, this shall be done."

The Delegate from Egypt then submitted his amendment, which consists of replacing "two or more" by "half of the delegations."

The French Delegate felt that the figure "two or more" mentioned in the Canadian proposal was inadequate, but that 50% was excessive. He suggested one-third.

The Belgian Delegate said that he was afraid that even the 33% recommended by France might in many cases prevent the application of the secret ballot. He suggested the figure of 5 to 10 delegations. Furthermore, he proposed that the following provision be added:

"The necessary steps shall be taken to guarantee effective secrecy."

The Delegate from Canada supported the Belgian proposal to setting the number of delegations at 5.

As for the Delegate from the U.S.S.R., he then supported the Egyptian proposal (50%).

The Egyptian Delegate emphasized his point of view by pointing out that the proposal of 50% was also specified in the recommendation of Committee F concerning Article 19.

The Delegate from China asked a minimum of two delegations for questions concerning membership and 1/3 for all other questions.

The Cuban Delegate supported the Belgian proposal with its figure of 5 delegations.

These various amendments were put to the vote one after the other. The Assembly decided by a show of hands that a secret ballot may be requested by a minimum of five delegations present and entitled to vote.

The Chairman then proceeded to point 1 on the agenda:

Approval of the minutes of the First Plenary Session.

The Head of the Belgian Delegation was recognized and made the following statement:

Text given in Annex 13
of these minutes

The Delegations from Cuba, Guatemala, El Salvador and the Belgian Congo pointed out that, although they attended the first Plenary Session, the names of their countries were not listed in the minutes among the members present. They requested that their names be added. This will be done.

The Delegate from France requested that a slight correction be made on Page 35. In lines 11 and 12, provided the Plenary Assembly approved, he would like to have the present text replaced by

"The documents of the Conference are drafted in French and translated into English, in accordance with the Cairo agreements."

The Chairman replied that the minutes indicated exactly what he had said with regard to the arrangements and working methods suggested for the Telecommunications Conference on a temporary basis. He again summarized the details of these arrangements, which moreover had been followed at the Radio Conference. In view of the fact that; in making his statement, he had intended merely to describe what was being done, he thought that it would be proper to leave the sentence as it appears in the minutes, that is: "The documents of the Conference are drafted in French and in English."

The Chairman reminded the meeting that it was clearly stated later on that French is the official language.

The Delegate from France: "The disadvantage of this text is, perhaps, that it is too long. I am not at all sure that its different parts do not conflict. What I have requested is a very small thing. I thought that we could agree today on the proposed new wording, which seemed to me to correspond exactly to the way I had put the question at our first Plenary Session, and which I believed had been definitely accepted.

"My point of view is quite clear: it is simply a question of applying Article 21 of the Madrid Convention and the Cairo agreements on languages. The passage to which I allude is not consistent with my point of view, since it establishes a parity between the two languages; at the moment, this parity does not exist. We shall see later on whether it should be established. You perceive clearly the similarity of the position of the two languages in the passage I have quoted; that is why I suggest that it be drafted as follows:

"The documents of the Conference are drafted in French and translated into English in accordance with the Cairo agreements."

The Chairman: "I understand your point of view very well, but in order to make this change it would be necessary to draft the minutes so that they would say something other than what I said. All documents are drafted and issued simultaneously in English and French. That is exactly what we are now doing, and it is also the rule which is followed at the Radio Conference. The minutes as you wish to change them would no longer represent what is happening, and what I said. It is clearly understood that the French text remains the official text, until such time as the Convention is modified so as to recognize the eventual admission of other official languages."

The Delegate from France: "I was under the impression that we could come to an agreement. I request the application of existing texts. I specified in my statement at the first Plenary Session that there should be an official text, and that this text should be used as a basis for the corresponding text. It is not our work to ratify what was done at the Radio Conference, a purely administrative conference. The latter made in advance a decision which really is the responsibility of our Conference; as a matter of fact, it had certain scruples in the matter, since it left it up to us to settle the question.

As for the content, we shall discuss this matter when the question of languages appears on the agenda of Committee C. Today, I ask, not for the ratification of a state of affairs created by the Radio Conference, but the application of a well-established rule, namely, that the English translation be made from the French text in accordance with the Cairo agreements."

The Delegate from Guatemala supported the Chairman's point of view. The text of the minutes should not be altered.

The Delegate from France then requested that his statement be inserted in the minutes. He reserved the right to bring up the matter again when Article 21 of the Madrid Convention was being considered.

The minutes of the first Plenary Session were then approved.

(126 TR-E)

POINT 2 of the Agenda (Amendment of Article 19 of the Internal Regulations to introduce the principle of a 2/3 majority and other voting procedures. (Doc. 95 TR-E).

The Chairman summarized the points of the recommendation made by Committee F and opened the discussion.

The Delegation of the United States of America objected to the application of a 2/3 majority to voting in our Conference, a procedure which he considered to be a step towards the veto. Ever since 1865, we have always used the principle of a simple majority with complete satisfaction. Even if a two-thirds majority vote had proven acceptable in an organization like the U.N., it had no reason for existence in our Union, which is concerned essentially with technical problems. Above all else, he feared that adoption of a two-thirds rule would entail long discussions on procedure, and would favor the formation of minority groups.

The Delegate from the Dominican Republic formally approved the viewpoint of the Delegate from the United States of America, and strongly recommended retaining the principle of voting by a simple majority.

The Delegate from the U.S.S.R. reminded the meeting that the question had already formed the subject of lengthy discussions in Committee F. The recommendation presented by that Committee to the Plenary Assembly was perfectly justified, and fully conformed to democratic principles applied to voting. He also recalled that the United Nations had adopted a similar procedure, and that the Delegations of the United States and the United Kingdom had offered proposals recommending a two thirds majority of members present and voting in the case of admission of new members to the organization. It was, he said highly desirable, even indispensable, that the two-thirds majority rule be applied in the case of very important questions and that it was advisable to adopt the recommendations of Committee F.

The Delegate from Belgium observed that, in committee, his Delegation had expressed themselves in favor of a two-thirds vote on important questions, because, only too often, a vote had been taken, as a matter of fact, with only a small number of affirmative and negative votes cast. It had never occurred to anyone, he believed, to apply the two-thirds rule for technical questions, such as those concerning frequencies, as the Delegate from the United States had already stated. Therefore, it was essential to deter-

mine very clearly at this point which questions were to be considered important. These might be, for example, questions relating to change of structure, change of headquarters, of budget, or questions relating to membership in the Union.

The Delegate from Greece strongly supported the viewpoints expressed by the Delegates from the United States and the Dominican Republic. He was particularly apprehensive lest in decisions on important matters, the minority might prevail over the majority.

The Delegate from Albania fully approved the recommendation of Committee F. We should imitate the United Nations, which decided to apply the principle of a two-thirds majority in important matters.

The Delegate from Chile stated that, after hearing arguments against the two-thirds majority rule, and in order to facilitate the work of the Conference, he was changing the position he had hitherto held, and now proposed the simple majority rule.

The Delegate from the U.S.S.R. proved by giving an example, that, whereas our Union had 100 members, a decision on an important question might be made, by following the principle of the simple majority, by a simple majority of two votes, for instance, 16 to 14.

In fact, if 50 members were absent, and if 40% of the members present abstained from voting - a situation which, it might be observed, had often occurred - only 30 members would take part in voting, and the result might well be 16 votes against 14. He felt that a voting procedure that could give the above result was neither democratic nor equitable, and he asked that a procedure be adopted which would protect the rights of the members of the Union.

The Delegate from Switzerland, as Chairman of Committee F, explained that the recommendation on the principle of the qualified two-thirds majority covered only very important questions. The Committee had no authority to establish the list, but it was understood to be, only a matter of questions dealing with the structure of the Union, its seat, its budget, etc....

He believed that the fears which had been expressed would disappear if the Assembly decided for which questions the majority designated would be necessary.

He stressed the point that the Committee had decided

to recommend the adoption of the designated majority by 29 votes against 15.

The Delegate from Colombia did not foresee any great danger in retaining the rule applied up to the present, since it had always been possible to reach an agreement. He supported the proposal of the United States for the maintenance of the principle of a simple majority.

The Delegate of the Belgian Congo was of the opinion that if an important proposal were supported only by a weak majority, it was because the formula for the contemplated compromise was bad, and hence it was necessary to find a better formula capable of support by two-thirds of the votes. For this reason he approved the recommendation by Committee F.

To reconcile the various views expressed, the Delegate from Egypt proposed the following amendment to § 3, b):

- b) If no result is obtained on the first vote, the question shall be referred to a later meeting, at which time a second vote shall be taken in accordance with the provisions of § 2.

The Delegate from the Dominican Republic gave a new example demonstrating the result of a vote in accordance with these two methods. Let us suppose, he said, that 80 of our members were present at the Conference, and that, at the time of voting on a proposal or an amendment, 20 Delegations abstained from voting, and that 60 voted one way or another.

According to the simple majority principles, the proposal or amendment would be approved if 31 Delegations against 29 voted affirmatively, whereas, according to the two-thirds majority rule, it would be rejected even if 39 Delegations against 21 voted for its adoption. In this latter case, the minority would certainly be imposing its will on the majority.

The Delegate from Argentina felt that democratic nature of decisions adopted by a simple majority vote could not be questioned. The main purpose of the two-thirds majority rule was to neutralize the dead weight of abstentions. But since we had just adopted the secret ballot, this danger was eliminated. For this reason, the Argentine Delegation preferred the principle of a simple majority, particularly as our dis-

cussions were usually of a technical nature. He, therefore, supported the Delegation from the United States.

The Chairman, conceding that there had been an adequate expression of opinions for and against the recommendation of Committee F, proposed to the following method of procedure:

- 1) to put to the vote the question of the principle of the two-thirds majority vote;
- 2) if the vote were affirmative, it would be necessary to study the exact text to be inserted in Article 19, and subsequently, in accordance with situation in question, to define which were important questions.

This suggestion was approved and voting by role call gave the following result:

33 affirmative votes, 29 contrary votes, 5 abstentions (ten Delegations being absent.)

The Chairman announced that the principle of a two-thirds majority vote was thus adopted.

The Delegates from the United States was of the opinion that it would be difficult for the Assembly to decide in advance what questions should be considered important. He submitted to the Assembly the following new wording which he proposed for Article 19:

Article 19 - As adopted July 18, 1947

Voting in Plenary Session

- § 1. For a valid vote to be taken at Plenary Sessions, at least one-half of the delegations accredited to the Conference and having the right to vote must be present or represented at the session during which the vote is cast.
- § 2. Except in the cases provided for in §3 below, measures shall be adopted when approved by the absolute majority of positive and negative votes cast. In case of a tie, the measures will be deemed rejected.
- § 3. a. Any delegation may move that a question under consideration should be decided by a 2/3 majority of the total number of the positive and negative

votes cast, rather than by a simple majority. If the motion is seconded, the Session shall determine by a simple majority, whether or not the question should be decided by a 2/3 majority.

- b. If at least 50% of the delegations present or represented at the Session and having the right to vote, abstain from voting pro or con with respect to a question which is to be decided by a 2/3 majority under § 3a above, the question shall be tabled until a later meeting, at which time a second vote shall be taken. At such second vote, the measure shall be deemed adopted if approved by a 2/3 majority of the total number of positive and negative votes cast, regardless of the number of abstentions.

§§ 1 and 2 of this proposal correspond to §§ 1 and 2 of the recommendation submitted by Committee F.

The Chairman then summarized the situation, pointing out that the meeting had before it the following matters:

1. The recommendation of Committee F;
2. The amendment proposed by Egypt;
3. The proposal of the Chairman of Committee F intended to define for the present meeting which questions were to be considered important;
4. The proposal of the United States.

The Delegate from Guatemala was of the opinion that instead of endeavoring to determine which questions should be considered important, it would be desirable to insert in the Internal Regulations a provision to the following effect:

"To decide that a question is important, a two-thirds majority of the total number of affirmative and negative votes shall be required."

The Delegate from the U.S.S.R. pointed out that the amendment proposed by the Delegate from Egypt would destroy the effect of a decision thus made, since, if an important question could not obtain a two-thirds majority, it should not be put to the vote a second time for adoption by a simple majority. In his opinion, a question which had not been accepted by a two-thirds majority should be rejected and a new proposal should be drafted for submission to a vote under the same ruling.

It was evidently difficult to establish in advance a list of all the important questions, but, in his opinion, it was desirable to settle upon certain ones like those already indicated, and, subsequently, to decide on each case as it arose, according to the proposal of the United States.

The Chairman thought that the viewpoint of the United States did not essentially differ from that of the U.S.S.R., and that if some important questions could be determined at that date, it would be a certain advance towards the necessary decision.

The Delegate from Belgium felt that if questions subject to a two-thirds majority vote were determined at each session, it would, by these manoeuvres, make a two-thirds vote impossible. He suggested as a compromise the following solution: 1) to establish a list of important questions such as the structure of the Union, headquarters, budget and membership; 2) for all other questions a simple majority vote should be taken in the Plenary Assembly, whether or not a given question should be treated by a simple majority or by a two-thirds majority.

The Chairman adjourned the meeting at 1.05 p.m. and announced that it would be resumed at 3 o'clock.

The meeting was continued at 3:10 p.m.

The Chairman summarized the questions to be examined and proposed that voting begin.

The Delegate from Belgium recalled the fact that he had submitted a compromise proposal of which the object was:

- 1) to determine in principle the questions to be decided by a two-thirds majority (structure of the Union, seat, budget, membership)
- 2) to accept the proposal of the United States without making any decision on a two-thirds majority for all the questions which are not included in paragraph 1.

The Chairman saw no appreciable difference between the proposal of Belgium and that of Committee F as modified by its Chairman.

The Delegate from France: I wish to support the viewpoint expressed by the Belgian Delegation even if, as you have pointed out, its proposal does not differ from that presented by Committee F.

I, for my part, insist that the Plenary Assembly should decide, not later than today, what questions shall be stated to be important: I do not think that it will be difficult or that it will entail long discussions to decide what the important questions are, since in general they are being discussed by everyone. I should like to make another remark: we are here for the purpose of revising the Madrid Convention; it is therefore on the basis of this Convention, and article by article, that we must study those questions which we will deem important. I have attempted, very rapidly, to do this work. It seems to me that the articles of the Madrid Convention constitute an adequate basis for the study of the matters pending before this Conference, including the structure and constitution of the Union, which certainly are by far the most important. For instance, if the constitution of the Union is to be considered, we may consult Article 1; if the structure or the finances of the Union are to be considered, we have only to refer to Article 17 which deals with the Bureau of the Union. For languages, we have Article 21, etc. Therefore, I think that in a very short time, and using the Madrid Convention as a basis, we could determine precisely the

Articles whose provisions would be considered important. There are, it is true, important questions which were not specified in the Madrid Convention and which could come up during the course of our work. I propose that these questions, which will doubtless not be numerous, should be declared important on the request of five delegations, since we just agreed that the secret ballot could be used on a proposal supported by five delegations.

The Delegate from Liban apologized for not having been able to attend the morning meeting because of an accident. He said that he took part in the Universal Postal Congress at Paris where important questions were systematically rejected because of the two-thirds vote. He asked this question: "When members abstain, are they considered to be voting or 'not voting'?" At the Postal Union it had been necessary to return to the absolute majority because, as a result of abstentions and negative votes, the proposals were nearly always rejected.

The important questions are the questions of principle related to the Convention and not those for which two, three or five delegations request that the two-thirds majority vote should be applied.

The Delegate from Cuba explained the reasons for which he supported unreservedly the proposal formulated by the Delegation of Guatemala.

The Chairman wished the Delegate from Liban a speedy return to health.

In order to limit the discussions, he proposed submitting the various amendments to the vote. The amendments of Egypt and Guatemala were rejected, the first by a show of hands, the second by roll call.

The Chairman proposed submitting the proposal of the United States to the vote, the last paragraph of which corresponds, he thought, to the view point expressed by the Delegate of Liban.

Mr. de Wolf, Chairman of the United States Delegation, read the English text, and Mr. Mulatier, Secretary-General, translated this text into French.

The Delegate from the U.S.S.R., after recalling the fact that he had this morning pointed out the necessity of having a limited list of the important questions to be submitted to the two-thirds majority, asked Mr. de Wolf

what the proposal of the United States was on this matter, since the Chairman was not opposed to the establishment of such a list.

Mr. de Wolf replied that he had stated this morning why the two-thirds majority vote did not seem to him desirable. Nevertheless, he thought it an error to allow a simple majority to be decisive, it being difficult beforehand to decide what the important questions would be. He stated that after having studied the whole question thoroughly his Delegation simply wished that its proposal should be applied, so that in the future the Assembly should decide, on the request of two Delegations, if a question is important or not.

The Delegate from the Belgian Congo pointed out that if the proposal formulated by the Delegate from the United States was accepted, the preceding votes which required a two-thirds majority for certain important questions would be nullified. In this case, a simple majority wishing to have its viewpoint accepted on an important question would only have to reject first the two-thirds vote in order to have it passed by a simple majority. In order that the preceding votes of our Assembly should remain valid, the two-thirds vote must be imposed on the request of less than a third of those voting. He declared that he would vote against the proposal of the United States.

The Delegate from Belgium insisted on his transactional proposal.

The Delegate from Guatemala said that he did not agree with the Delegate from the Belgian Congo when he said that with the American proposal the decisions reached would be nullified. In his opinion, it would not be necessary to establish a list of the important questions, and to ensure a greater degree of flexibility, he preferred that in the future each particular case should be examined. He supported the proposal of the United States.

The Delegate from Liban also supported the proposal of the United States except on one point. Experience had shown, he said, that when a small number of delegations were able to request a proposal to be submitted to a two-thirds majority, this gave rise to manoeuvres which obstructed the work of the Conference. It seemed to him that with the help of the jurists present here, we should be able to establish a list of the important questions.

The Delegate from Switzerland recalled the fact that the exchange of views in Committee F on the important question had dealt principally with the following points: structure of the Union, admission and exclusion of members, budget, question of the seat of the Union. As for other questions, the fact that five delegations could take a position, would remain as a safety valve. It seemed to him that on this basis it should be possible to come to an understanding.

The proposal of the United States was then voted on. It was adopted by roll call by 33 votes against 31 with 3 abstentions. (10 delegations were absent).

The following voted Yes: Argentina; Australia; Austria; Brazil; Canada; Chile; China; Colombia; Cuba; Dominican Republic; El Salvador; Ecuador; United States; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; Colonies; Protectorates; Overseas Territories and Territories under the Sovereignty or Mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; Iraq; Ireland; Italy; Liban; Mexico; Nicaragua; Panama; Peru; Philippines; Siam; Turkey; Uruguay; Venezuela.

Contrary votes: Union of South Africa and the mandated territory of Southwest Africa; Albania; Belgium; Belgian Congo and the mandated territories of Ruanda-Urundi; Bielorussia; Vatican City; Denmark; Egypt; Finland; France; Colonies, Protectorates and Overseas territories under its mandate; the French Protectorates of Morocco and Tunisia; Hungary; India; Iceland; Luxembourg; Monaco; Norway; New Zealand; Netherlands; Netherlands Indies; Poland; Portugal; Portuguese Colonies; Roumania; Sweden; Switzerland; Czechoslovakia; Ukraine; Union of Socialist Soviet Republics; Yugoslavia.

Abstentions: Afghanistan; Burma; Iran.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Southern Rhodesia; Liberia; Paraguay; Syria; Yemen.

The Delegate from Italy pointed out that in Article 22 of the Internal Regulations of our Conference no proposal had determined when a proposal submitted to the vote should be considered approved or rejected. He proposed to fill this hiatus by adding to this Article: "No proposal, no amendment shall be adopted if it does not obtain an absolute majority of the affirmative and negative votes. In the case of a tie, it shall be considered as rejected."

The Chairman: Are there any objections? - Adopted /-

The Internal Regulations will be completed to this effect..

Point 3 of the Agenda: (Admission of Estonia,
Latvia and Lithuania)
(Doc. No. 104 TR-E).

The Head of the Delegation from the U.S.S.R. made a statement which appears in Annex No.1 to these minutes.

The Delegate from Canada requested that a secret vote be taken on Points 3 and 4 of the Agenda.

This request was supported by the Delegations from Cuba, Colombia, China and Argentina.

The Chairman noted that the conditions required for the adoption of this method of voting had been fulfilled. He asked the Secretaries-General to distribute the necessary ballots.

He requested the Delegate from Belgium to oversee the operation.

The Delegate from the United Kingdom explained the reasons why his Delegation is of the opinion that Lithuania, Latvia and Estonia should not be added to the list of countries which appear in Article 18 of the Internal Regulations of our Conference. The Delegate from the U.S.S.R., he said, had based his theory on the fact that these three States had been members of the Union before 1940, that they had remained members and that they were still members today.

He pointed out that the Delegation from the United Kingdom had distributed to the Committee entrusted with the study of the question of voting, a document which had been published as a confidential document and delivered to all Heads of Delegations. As the Delegate from the U.S.S.R. had mentioned some of the arguments appearing in this document, he requested that they be inserted in the minutes of this meeting. This will permit help, also, to give a clear idea of the position of the United Kingdom.

(This document forms Annex 2 to these minutes).

After clarifying the various elements which constitute the basis of the arguments of the United Kingdom in this matter, arguments which are set forth in the document mentioned above, the Delegate from the United Kingdom concluded by saying that the three Baltic States were not members of our Union, that there could be no question of excluding them and that they should not be added to the list under consideration.

The Delegate from Bielorussia asked for the floor and expressed his opinion in the terms appearing in Annex No. 3 to these minutes.

The Chairman felt that the question on which it was necessary to make a decision, was that of ascertaining whether the names of the three Baltic States should be inserted in the list appearing in Article 18. This is the formula which the Special Committee on Voting had considered the most suitable.

The Delegate from the U.S.S.R.: The Delegate from Bielorussia put a direct question to the Chairman of the Special Committee. In my statement, I likewise mentioned the necessity of formulating a concrete proposal, supported by solid arguments. It is not sufficient to put the question of insertion or of non-insertion of the names of these countries in the list. In spite of the personal opinion of the Delegate from the United Kingdom, there is no reason not to consider these States as members of the Union. Even if the Special Committee is not of the opinion that these countries should be represented at the Conference - and by so doing, denies them membership in the Union - it is none the less true that an official document of the Bureau of the Union, such as its Administrative Report for 1946, proves the contrary. Therefore, I insist that the question to be put to the vote refer in a clear and precise manner to the exclusion of these three Baltic States from the Union.

In reply to questions put to him, Mr. Sterky, Chairman of the Special Committee on Voting, said that the conclusions reached by this Committee represented the best result they were able to obtain, in view of present circumstances. He thought that the text decided upon could also be analyzed at this meeting.

The Delegate from Yugoslavia, who had taken part in the deliberations of the Special Committee, felt that

sufficient reasons had not been given against the participation of the Baltic States in this Conference. He recalled the statements which had been made there by the Representative of the Bureau of the Union and thought that these statements should be repeated here.

The Chairman noted that the Representative of the Bureau of the Union was doubtless ready to furnish any information which could be asked of him, but that it was the duty of the Assembly to make the final decision.

The Delegate from Albania regretted that he had not been able to take part in the work of the Special Committee, but said the opinions expressed here seemed to prove that, legally, the three Baltic States are actually members of the Union. The communication from the Administration of the P.T.T. of the U.S.S.R., made in 1940, had later been cancelled, and those three States had informed the Bureau of the Union that they were again ready to fulfill all their obligations towards the Union. They were still ready to do so today. The fact that they did not maintain diplomatic relations was not a valid reason to question their membership. It should be distinctly understood that refusal to accept them as members constituted a violation of the terms of the Convention which served as a working basis of this Conference. Consequently, if any question should be put to the vote, it is that of their exclusion.

The Chairman reminded the Assembly that it was called upon to vote on one proposal only, namely, on the eventual insertion of the names of the three States in Article 18, in compliance with the recommendation of the Special Committee. Hence, those who asked that the three Baltic Republics be not included in the list would vote "Yes" and those who opposed the recommendation of the Special Committee, which deemed that these three Republics should not be admitted, would vote "No".

The Delegate from the U.S.S.R.: I regret, Mr. Chairman, that you are unwilling to consider my request. If we now vote in the manner which you have proposed and the result of the vote is not favorable to the insertion of these countries in the list, they will, nevertheless, legally, continue to be members of the Union. It is, therefore, necessary to put the question in a more concrete and positive manner. If the Plenary Assembly is of the opinion that the arguments of the Delegate from the United Kingdom, which include the assertion that these three Baltic States have ceased to be

members of the Union, - and I wish to point out that this is a matter of an entirely personal attitude - must be taken under consideration, it is necessary, I say, that a decision be made to this effect, that is to say, that their exclusion must be put to the vote. I insist on this point.

The Chairman: I understood your first statement, but I do not grasp the meaning of your proposal very clearly. Your last suggestion is that we vote whether or not the Baltic States should be excluded from the Union. I presume that you are not in favor of this exclusion; it is for this reason that I do not understand your proposal. I shall ask a new explanation from you, and, if possible, a draft of a clear and detailed amendment which can be presented to the Assembly.

The Delegate from the U.S.S.R.: The text adopted by the Special Committee on Voting recommends not including the Baltic States in the list which appears in Article 18. This recommendation, as a matter of fact, implies that these States must be excluded from the Union. If the question were put for a country which is not a member of the Union it would be very clear. But the moment that it is a question of countries which are members of the Union, and that there is no legal reason for not considering them as such, any proposal tending to their non-admission to the Conference means their exclusion from the Union. It is a matter of translating the recommendation of the Special Committee into clear language. Hence, it is desirable to make a decision which leaves no room for ambiguity, to ascertain whether we must exclude the Baltic States from membership in the Union; in that case, the question of their participation in the Conference would be automatically answered.

I believe, Mr. Chairman, that you will understand my reasons for putting the question in this form.

The Chairman: I understand very well the reasons for which you do not approve the decisions of the Special Committee. The question may evidently be presented to the Assembly under several forms; we are confronted by a dilemma of procedure.

The Delegate from the Vatican recommended putting aside political considerations and considering only the legal aspect of the problem. If this principle were established, it would be necessary to apply it to all countries. If a country is a member of the Union, the Madrid Convention does not authorize us to deprive it of

the right to vote; nor, if it is not a member, does this Convention authorize us to confer this right upon it. The question of its insertion in the list, therefore, depends upon its membership.

To shorten these debates, the Chairman proposed to proceed to a vote. He indicated that the method of voting would be as follows: "Yes" would mean acceptance of inscription in the list appearing in Article 18 of the Internal Regulations; "No" would mean that such insertion was not desired.

The Chairman of the Special Committee on Voting, on being consulted as to this method, declared himself in agreement.

The secret ballot gave the following result:

Voting: 67; Yes: 16; No: 41 (10 abstentions).

Therefore, the Chairman stated that the names of the three Baltic countries would not be included in the list.

The Delegate from the U.S.S.R., addressing the Chair, asked for a statement of the exact terms of the decision just made.

The Chairman replied that the Assembly had just voted on the insertion or non-insertion of the three Baltic Republics in the list of countries enumerated in Article 18 of the Internal Regulations of this Conference. Given the result of this vote, those States would not have the right of voting at this Conference.

The Delegate from the U.S.S.R. then stated: "In this case, in the name of my Delegation, I raise the strongest protest against this violation of the Madrid Convention, a violation which means that the signatory members of this Convention, or those who have adhered to it, are not admitted to participation in this Conference. I demand that this protest appear in the minutes of the meeting."

The Chairman assured him that this would be done.

Point 4 of the Agenda: (Admission of the Outer
Mongolian People's
Republic)(Doc. No. 104 TR-E)

The Chairman reminded the meeting of the recommendation made by the Committee on Voting and informed it that the vote would be by secret ballot: "Yes" would mean that the recommendation was accepted: "No" would mean that it was rejected.

The Delegate from the United Kingdom had no objection to this method, but wished to know whether voting would take place under the two-thirds majority rule or under the simple majority rule.

The Chairman replied that voting would take place under the simple majority rule unless, upon request of at least two delegations, the Assembly decided by a simple majority vote, to apply the two-thirds rule.

The Delegate from the United Kingdom, supported by the Delegation from the Dominican Republic and Cuba, then proposed application of the two-thirds rule.

This proposal was submitted to the Assembly; and carried by a roll-call vote of 34 against 19 with 13 abstentions (11 Delegations being absent).

The Representative of the Outer Mongolian People's Republic asked permission of the Assembly to take the floor. After obtaining it, he read, in his own language, a statement, the translation of which appears in Annex 4 to these minutes.

The Chairman then put to the vote the recommendation of the Special Committee to insert the name of the Outer Mongolian People's Republic in the list of countries mentioned in Article 18 of the Internal Regulations.

The result of the vote by secret ballot was as follows:

Voting: 67; Yes: 32; No: 26; abstentions: 9.

The Chairman stated that the condition required by the two-thirds majority rule had not been fulfilled, and that the recommendation was rejected.

The Delegate from the U.S.S.R.: I cannot refrain from expressing my very profound regret on the subject of this vote, which has gone in opposition to the recommendation of the Special Committee on Voting. This Committee recognized that the Outer Mongolian People's Republic had fulfilled all the conditions requisite for adherence to the Madrid Convention. It had, therefore, the right to take part in our Conference.

I conclude from this vote that many members of the Union here present admit that it is not necessary to conform to the provisions of the Convention, which we all signed and which is a law to us. I here renew the expression of my great astonishment and of my keenest regret. I request the insertion of this statement in the minutes of this meeting.

The Chairman said that this would be taken into account, and then proceeded to Point 5 of the Agenda.

(Admission of Spain) (Doc. No. 104 TR-E).

The Delegate from Ireland made a statement which appears in Annex No.5 to these minutes.

The Delegate from Argentina expressed himself in the terms appearing in Annex 6 to these minutes.

The Delegate from the U.S.S.R. announced that he had a few brief comments to make in connection with the speech which had just been made by the honorable Delegate from Argentina, inasmuch as the name of his own country had been several times mentioned in this speech. However, he suggested adjourning the meeting and continuing it on the following day.

Having ascertained that the Assembly was of the same opinion, the Chairman adjourned the meeting at 7:30 p.m., after making several communications of an administrative nature.

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The meeting, which had been adjourned at 6 p.m., was resumed at 10:20 a.m. on July 19th.

After making a statement concerning the Radio Conference, Mr. Denny, the Chairman, recognized the Delegate from Lebanon, who made the following remarks:

"I am requesting...I have not yet had an opportunity to do so in writing...that the question of the 2/3 vote be reconsidered carefully. As a matter of fact, as I stated yesterday, the 2/3 vote will practically amount to the right of veto in our Telecommunications Union. Yesterday, as a result of the 2/3 vote, the question of Mongolia which, in the committee had been passed by a simple majority, met with total defeat. I ask the Chairman to give me a few moments in which to set forth my request in writing. Its object will be to effect a return to an absolute majority vote on important questions and those questions of principle, with the understanding that at least half of the accredited delegations entitled to vote be present or represented."

The Chairman understood that a written proposal would be submitted on this subject, and asked for a definition of the expression "absolute majority."

The Delegation from Lebanon confirmed the fact that this proposal would be submitted shortly, and added that a trial of the 2/3 majority at the Postal Union had been unsuccessful; and, moreover, that by "absolute majority" must be understood 50% plus one of the delegations, with an abstention being considered as a default, not to be taken into consideration.

While waiting for the Delegate from Lebanon to submit his proposal in writing, the case of Spain was resumed.

The Delegation from the Dominican Republic made the statement appearing in Annex No. 7 of the present minutes.

The Delegation from the Vatican observed first of all that Spain is at present a member of the Union, and the Convention in effect today does not authorize the exclusion of a member; consequently, by excluding Spain from the present Conference, contractual obligations have been violated.

In the second place, this Delegation observed that the new Convention would establish relationship between the I.T.U. and the U.N.O. which should serve, however, to safeguard the technical, non-political and universal character of the I.T.U.

The Delegate from the U.S.S.R.

"Mr. Chairman: Gentlemen, yesterday, the honorable Delegate from Argentina, in his detailed exposition in defense of the Franco Government of Spain repeatedly referred to my statements and also to statements made by Soviet Delegates about a score of years ago. Of course I am thankful to the Delegate from Argentina for the high evaluation which he has placed on the justice of the position of Soviet Delegates in various cases; at the same time, I cannot agree with the reproaches which the Argentine Delegate addressed to us on the grounds of the so called non-consistency of the position of the Soviet Delegation. The Soviet Union always fights for the carrying out of international obligations. The majority of the countries represented here are members of the organization of the United Nations. Art. 103 of the charter of the United Nations says, 'In the event of a conflict between the obligations of the members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail.' The position of the Soviet Delegation fully derived from this particular clause. All are aware of the decision of the general assembly of the United Nations dated Dec. 12, 1946 with regard to the question of Franco-Spain. I consider it rather useful to recall this resolution verbatim, and I shall read it in the English text which I have before me. I shall now read in English.

'The peoples of the United Nations, at San Francisco, Potsdam and London condemned the Franco regime in Spain and decided that as long as that regime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9 February 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that in May and June 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Subcommittee of the Security

Council charged with the investigation found unanimously:

- "(a) In origin, nature, structure and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid received from Hitler's Nazi Germany and Mussolini's Fascist Italy.
- "(b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa.
- "(c) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco's full belligerency should be postponed until a time to be mutually agreed upon."

The General Assembly, convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

Recommends that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.'

I believe it is impossible to say more clear on Franco Spain. Now I shall speak in Russian again.

Can it be considered that this recommendation is not compulsory for the members of the I.T.U., as is suggested by the Honorable Delegate of Argentina, and supported by the Delegate of the Dominican Republic? Most of the majority of the members of the International Telecommunications Union are members of the organization of the United Nations, such interpretation made by the Delegate of Argentina is strongly phrased and it may create a very dangerous precedent: Our Telecommunications Union, in accordance with Article 57 of the Charter of the United Nations; shall be brought into relationship with the United Nations. Committee D of our Conference is now working on the text of the draft agreement between I.T.U. and the U.N. Therefore, the recommendations of the General Assembly, the recommendation that the Franco Government of Spain be deprived of membership, or debarred from international organizations and from participation in international conferences, fully pertains to the I.T.U., because if the contrary were true this might put an obstacle in the path of the reaching of an agreement between us and the United Nations. We must remember that a series of international organizations already have implemented this recommendation of the General Assembly of the United Nations. For instance, the International Civil Aviation Organization has already done so and the Universal Postal Union has done the same. Since all of these organizations have the same membership of governments as the International Telecommunication Union, it is evident that the position of the representatives of those governments who are members first of all of the United Nations, will be similar in all cases and it ought to be clear for everybody that it is difficult here to influence that position despite the efforts of the best lawyers. Therefore, there is no necessity to squander time on a lengthy discussion in regard to this clear question. The Delegation of the U.S.S.R., representing a country which is a member of the organization of the United Nations, considers the proposal of the Committee correct, the proposal which was made with regard to the question of Franco-Spain. At the same time, in conclusion I should like to stress that we have the greatest respect for the people of Spain, for the language of Spain, for the culture of Spain and we would cooperate gladly with representatives of the Spanish people as soon as the conditions established by the organization of the United Nations with regard to the replacement of the Franco government are satisfied."

The Delegate from Portugal declared that:

1. The doctrine of the Madrid Convention, which must serve as the only law and guide for the I.T.U., is most concrete on the following point: no instance of exclusion is provided for nor accepted by the Convention now in force, for any member in good standing;
2. The purpose of the I.T.U. is to facilitate relations among nations. The exclusion of Spain would result in her isolation, which would prove to be more harmful to other nations than to Spain herself;
3. The I.T.U. is a purely technical organization. Political reasons cannot and must not be the motives for justifying such exclusion.

The Delegation from Chile wished to state, that when the question of inviting Spain to the present Plenipotentiary Conference came up for decision, since the reasons given were the same in the present instance as those which had determined the attitude of Chile towards the question of Spain's participation in the I.C.A.O. and in the Universal Postal Union,--namely: the enforcement of resolution No. 39 approved by the General Assembly of the United Nations--Chile would be obliged to vote for the exclusion of Franco Spain from this Conference.

"I shall not complete my remarks" - said the Delegate from Chile - "without stating that I understand, respect and fully appreciate the position taken by the Argentine Republic and the Dominican Republic on the question of Spain, a country to which we are bound by sentimental and historical ties."

The Delegate from Venezuela was of the opinion that if it is decided to invite Spain, the invitation must be extended to the government of the Republic, Spain's only representative government. The complete statement on this subject appears in Annex No. 10.

The statement of the Delegation from Guatemala was then heard, which appears in Annex No. 8 of the present minutes; and thereafter, the statement of the Delegation from the Argentine Republic, recorded in Annex No. 9.

The Chairman considered that the question could now be put to a vote, and proposed that it be worded as follows:

Shall Spain be admitted? Delegations in favor of

this admission will vote YES; those not in favor, will answer NO.

The Delegation from the United Kingdom, noting that the Assembly was faced with an important question, and basing his suggestion on the procedure which had been accepted yesterday, requested that the proposal should be considered as rejected if it did not obtain a two-thirds majority.

The Delegation from the U.S.S.R. supported this request.

A discussion began between the Delegation from Argentina and the Chairman concerning the procedure to be followed.

The Chairman remarked as follows:

"There are now three questions to be dealt with: I should like first to deal with the motion on procedure made by Argentina, which covers three points.

"First, the form to be given to the question on which we shall vote.

"Second, the question of whether the vote will be secret.

"Third, the question as to whether a two-thirds majority is necessary.

"I shall deal with these questions in the order mentioned.

"For the first point, that is to say the form in which we shall draft the question which will be put to you, I propose to follow the same procedure as yesterday, and put the question in as simple a manner as possible, so that there may be no mistake. That is to say that those in favor of the admission of Spain will vote Yes and those against will vote No. In proceeding thus, the members of the Assembly will recall the recommendation of the Special Committee on Voting, according to which Spain should not be added to the list.

For the second point, (secret ballot), no one has submitted a proposal. This being the case, the vote will not be secret.

For the third point, (two-thirds majority), this question must now be decided by the Assembly, and I was going to ask you to vote on the proposal of the

United Kingdom, which has asked for a two-thirds majority, supported by the Delegate from the U.S.S.R. We are therefore now going to discuss whether we wish a two-thirds majority vote.

The Delegate from Argentina: I beg your pardon for insisting on this point. Our Delegation proposed that we should proceed in exactly the same way as yesterday for the Republic of Mongolia, and that we should vote on the recommendation of the Special Committee on Voting. In this case, I think that this question must be considered important and that the two-thirds ruling should be applied. If this recommendation is not voted upon, then the Delegation of Argentina believes that the motion it ~~makes~~-- that is that those who are in favor of inviting Spain shall vote in the affirmative and those against in the negative--should obtain a simple majority to be adopted.

We are now faced with difficulties of procedure and I shall make an attempt to solve them.

The question which we must decide is whether the name of Spain is to be included in the list. The recommendation of the Special Committee on Voting is that Spain should not be added to the list. If you put a negative question to the Assembly, with the two-thirds majority vote you will obtain the opposite result.

The Chairman stated that the question placed before the Assembly actually concerned the admission of Spain, and if, he said, I put it this way: "Vote Yes or No" it is because it is the simplest way, and because it will prevent us from being led astray in questions of procedure. A simple majority can, of course, decide the contrary of what I have proposed.

The Delegate from Lebanon: I have submitted the Lebanese proposal on the subject of the 2/3 majority vote. It is now in the hands of the Chairman. Therefore, to avoid returning to the question of Mongolia and that of Spain, I move that the suggestions I have already submitted be brought up for discussion.

The Chairman: The Delegate from Lebanon submitted to us a proposal involving an amendment to Article 19 of the Internal Regulations. I am of the opinion that it will be advisable to study this article in due time.

But the question which must be decided now is whether I am to postpone the decision with regard to the admission of Spain, in order to consider this matter at this time.

I feel that we should not interrupt the study of the question of Spain, but rather continue this discussion and settle the matter.

I am well aware that, as a result of the decision made on the Lebanese proposal it may be necessary for us to review the questions of Spain and Mongolia. Nevertheless, in order to simplify matters, it would, I believe, be wiser to retrace our steps, if the Delegate from Lebanon succeeds in obtaining the adoption of the amendment he proposes to Article 19. For this reason I rule that we shall now continue the question of Spain and reach a decision, and that thereafter we shall examine the Lebanese proposal.

The Vatican Delegation remarked that the proposed procedure was not legally correct, because Spain is at the present time a member of the Union, entitled to vote. The proposal which must be approved and passed by 2/3 of the votes is the proposal which would deprive Spain of her rights.

The Delegate from the Ukraine supported the principle of the 2/3 majority vote on the Spanish question.

The Delegation from the Dominican Republic considered the opinion of the Committee logical; furthermore they had proceeded in this way with regard to Mongolia. In his opinion, the text of the final report of the committee should be put to the vote.

The Chairman said: "I should like to continue by saying that the meeting may proceed in any manner which the majority considers best. But in order to decide which is the most rapid manner, the Assembly will have to take a stand. If you agree, we shall continue in this way; otherwise you will continue as you see fit. The questions which confront us are complex, and I believe that I express the wishes of the majority of the Assembly. We are facing a difficult situation, because of the possible effect of the 2/3 majority. And that is why it is important for us to know in exactly what way the question will be put. If a negative question is put to the Assembly, the result of the vote will be the contrary of that obtained if the question is put affirmatively. What I propose is that we try to decide whether or not Spain shall appear in the list. The recommendation of the Special Committee on Voting is before us, and this recommendation states that Spain shall not be admitted. If I put this question negatively I believe

that the 2/3 majority rule will become a procedure which will distort the will of the majority. I am therefore of the opinion that the question should be put in affirmative form. Shall Spain be admitted? A definite decision must be taken. It has been moved that the 2/3 majority vote apply. We shall now vote on the question as to whether or not the 2/3 majority ruling shall be applied, unless a secret ballot is requested. We shall therefore proceed to a roll-call vote on the 2/3 majority ruling.

The Argentine Delegation proposed that a vote be taken on the question of the invitation to Spain and that this vote be by secret ballot.

If the necessary second to the motion is made, the vote will be taken by secret ballot, said the Chairman.

The Delegate from Bielorussia seconded the motion.

The Chairman continued as follows: As I have already said, in order that we may proceed in orderly fashion, I believe that the chair must make a definite position and make a decision. However, I do not wish to impose my opinion on the majority of the members of the Assembly. I repeat that the Chairman's decision with regard to the manner of procedure is subject to appeal. In that case, your proposals with regard to the mode of procedure would be put to the vote. In order that you may all understand clearly that I am not imposing my personal point of view with regard to the mode of procedure, I am taking a definite position so that we may continue our deliberations. If there is no appeal, the question will be put as follows: Those who are in favor of the admission of Spain will vote Yes, those opposed, No. There is no appeal? Then the decision stands.

The Delegate from the Vatican recalled the remark he had already made that this way of putting the question is not legally correct. He asked that the Vatican Delegation's statement that the form of the proposal is not legally correct be inserted verbatim in the minutes and he requested that even if the majority of the votes are against him that the declaration be inserted. This request was granted.

In answering the question from the Chairman, he replied however, that he did not wish to lodge an appeal, because he is a realist.

The Argentine Delegate held to his point: It is a question of principle, he said, an exceedingly important point. Yesterday it concerned Mongolia, that is, a country which is not a member of the I.T.U. It was a question of including it in Article 18. This is an important question and I think that a 2/3 majority was necessary for the ad-

mission of a new member. In the case submitted to us by the Special Committee on Voting, there are two questions:

1. To decide whether a recommendation from the United Nations shall take precedence over the Madrid Convention,
2. To decide whether a country shall be included in the list.

It is therefore an important question from two points of view. We must vote on the recommendation of the Committee and on the question of the two-thirds majority. But if we vote Yes or No, as the Chairman proposes, this would be of no value for the principle of membership qualification. Our Delegation is in a rather embarrassing position. The question concerns the exclusion of a member, Spain.

The Chairman said that as he wished to introduce some order into the discussion, he would ask again if anyone would appeal.

The Delegation from the Dominican Republic decided to appeal and declared: Yesterday, when we discussed the admission of the Baltic countries, the Delegate from the United Kingdom, with the logic and brilliance which characterises Anglo-Saxons, stated that there was no question of inclusion, because one could not include something already included.

In the case we are dealing with, we are voting for the admission of Spain which is a member of the I.T.U. It is the recommendation of the Special Committee on Voting, stating that Spain should not be included in the list which is being put to the vote. We are not voting on the exclusion. That is in contradiction to the position taken yesterday by the United Kingdom.

The Chairman thanked the Dominican Delegation for having appealed. He said he had accomplished his purpose, which was that the Assembly itself should decide on this important question.

The secret ballot was voted on. It was adopted.

As to whether the two-thirds majority should be necessary, as the United Kingdom, supported by the U.S.S.R., had requested, the Assembly replied by roll-

call in the affirmative, by 35 votes to 13 and 16 abstentions (13 absentees).

In favor: the Union of South Africa and the mandated territory of Southwest Africa; Albania; Australia; Belgium; Bielorussia; Brazil; Canada; China; Denmark; United States of America; Territories of the United States; Finland; France; Colonies; Protectorates and Overseas Territories under French Mandate; the French Protectorates of Morocco and Tunisia; the United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under the sovereignty or mandate of Great Britain; Hungary; Iraq; Luxembourg; Mexico; Norway; New Zealand; Netherlands; Netherlands Indies; Poland; Portuguese Colonies; Siam; Czechoslovakia; Turkey; Ukraine; the Union of Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia.

Against: Argentina; Chile; Vatican City State; Colombia; Cuba; Dominican Republic; Ecuador; India; Ireland; Nicaragua; Panama; Portugal; Sweden.

Abstained: Afghanistan, Austria, Belgian Congo and territories under the mandate of Ruanda-Urundi, Burma, Egypt, El Salvador, Greece, Guatemala, Haiti, Honduras, Iceland, Italy, Lebanon, Peru, Philippines, Switzerland.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Southern Rhodesia; Iran; Liberia; Monaco; Paraguay; Roumania; Syria; Yemen.

As the Chairman noted, the principle of the two-thirds majority was adopted for this question.

The vote by secret ballot gave the following result:

For the inclusion of Spain in the list entered in Article 18: 21 votes.

Against: 35 votes.

Abstentions: 9 votes.

Total: 65 votes.

The Chairman stated that under these conditions the name of Spain would not appear in the said list.

The Argentine Delegation, upon recognition from the Chair, made the following statement:

"Mr. Chairman, in view of the result of the vote which has just been taken, the Delegation from Argentina, which has vigorously insisted on the universal character which the International Telecommunications Union should have, and which has been opposed for the highest reasons of principle to the unjustified exclusion of any country whatsoever, declines any responsibility for the decision just made by this Plenary Assembly, and requests that this statement be incorporated in the Minutes of the said Assembly."

The Chairman declared that this would be done, and he adjourned the meeting at 1 p.m. after announcing that it would be continued at 3 p.m.

The meeting re-convened at 3:10 p.m.

The Chairman made the following statement:

I intended to recognize the Delegate from Lebanon, but he tells me that he has an appointment with his physician and that he will not be with us till later. I shall therefore suggest that we take up the discussion on item 6 of the agenda (Admission of the Principality of Monaco).

Meanwhile, at the suggestion of the Delegate from Italy, I have requested the Secretariat to prepare in French, English and Spanish, the text of Article 19 in the form in which it was adopted yesterday, as well as the exact text of the Lebanese proposal which was submitted to the Chair this morning.

Item 6 deals with the admission of the Principality of Monaco. It would appear, said the Chairman, judging by the report of the Special Committee on Voting, that no question was raised within this committee. The Committee unanimously recommended the following text to the Plenary Assembly:

"The Committee, noting that Monaco has fulfilled the requirements provided in Article 3 of the Madrid Convention to the extent compatible with present circumstances, expresses the view that this country should be maintained in the list of countries enumerated in Article 18 of the Internal Regulations."

Are there any objections to the adoption of this recommendation?

The Delegate from the U.S.S.R.: I have no intention of speaking against the proposal submitted by the Special Committee on Voting, since this recommendation is very accurately worded and it is perfectly justifiable. But I simply wish to state that considering that the question of Monaco was brought up before the Special Committee on Voting only because I mentioned the name of this country during the meeting of the Heads of Delegations, I should like to explain to the Delegates why this question arose. During the meeting of the Heads of Delegations, in the course of the discussion on the question of Mongolia, when the Mongolian People's Republic was under discussion, I stated as an example that Monaco and the Mongolian People's Republic had exactly the same rights to be included in the number of countries participating in this Conference. And this because the two countries had fulfilled in exactly the same way the requirements for adhering to the Madrid Convention. That is why, since Monaco was already included in the list in question, - and this was done in an unquestionably just manner - I express no doubts thereon for it is self-evident that by adhering to the Convention, Monaco has thereby acquired all the rights which belong to her according to the terms of the Madrid Convention, - these same rights belong to the Mongolian People's Republic. That is why I mentioned Mongolia and why the question arose. As you see, Gentlemen, in the report of the Special Committee on Voting with regard to Mongolia, as well as Monaco you will observe an analagous recommendation, for the Committee had studied the juridical reasons, and had recognized that the two countries had fulfilled all the conditions of the Madrid Convention. In that way, their names should figure in the list of Article 18 of the Internal Regulations. I should simply like to point out that, in reality, no one has raised the question as to the right of Monaco to take part in this Conference. And, consequently, we now have every reason to approve unanimously keeping the name of this country in the list in Article 18 of the Internal Regulations.

The Chairman: The statement of the Soviet Delegation will be included in the Minutes and, if there is no objection, the name of Monaco will continue to figure in the list in Article 18. (Agreement).

We now take up item 7 of the agenda: Question of proxy voting. You will remember, gentlemen, that, according to the proposal of Guatemala, Article 18 of the Internal Regulations was amended by including in § 2 a provision for proxy voting. We agreed to accept this text only provisionally until the Special Committee on Voting had the opportunity to study this question and to submit it to the Plenary Assembly for decision. The Special Committee on the right to vote made a recommendation favoring proxy voting. It pointed out, however, that the text of its recommendation is somewhat different from the wording given (provisionally) in the Internal Regulations. The recommended text is the following:

"Any government may give a permanent or temporary mandate to the delegation of another country to vote in its place either for the duration of the Conference if such country cannot send a representative, or for one or more meetings when such country cannot be represented. In no case may one delegation dispose, under such conditions, of the votes of more than two delegations. However, the delegations of the United Kingdom and of the United States may vote for their colonies, protectorates and territories as a group."

In addition, it was recommended that this provision be interpreted in such a way as to permit of entrusting such powers to a duly appointed individual as well as to a delegation. I believe I understood that voting by proxy would also be extended to the case of the United Kingdom and the United States, insofar as their territories and their possessions were concerned. Have you any objections, Gentlemen, to the adoption of this proposal recommended by the Special Committee on Voting?

The Delegation from the United States of America reminded the meeting that, in the past, the United States had raised objections to the principle of voting by proxy. This practice was unsuitable, and hardly democratic. It should not be impossible for countries interested in our Conferences to send at least one delegate. Voting by proxy could lead to a situation where a delegate would vote differently according to the country he represented; this would be an embarrassing practice. Nevertheless, as voting by proxy had been tolerated at Cairo, some countries might well expect that the same practice would be followed here. It is for this reason that this Delegation will not oppose the proposed measure. We shall have an opportunity in Committee F of giving our opinion as to the future..

The Delegate from the Dominican Republic brought out the difficulties which would confront small countries which were unable to send a sufficient number of representatives. He suggested that representation be authorized at certain sessions for important reasons, and that the proxy might be provided with instructions on the manner in which he should vote for the foreign delegation he represented.

The Chairman felt that this suggestion, if adopted, would meet the situation. The article which the Special Committee on Voting had proposed related to § 2 of Article
9187

18, that is to say, voting in plenary sessions. Article 22 provided that, in committees and subcommittees opinions should be given by the delegation members of the committee or a subcommittee concerned, and that this is the most important part. Such delegations should have the right to vote in accordance with Article 18. Thus, by making a slight change in the text of the Special Committee, it would apparently be possible for a delegation to vote by proxy in a plenary meeting, or in a committee meeting.

It would be sufficient, for example, to say: "Any government or any delegation duly accredited by any other delegation may either permanently or temporarily....." What does the Assembly and especially the Delegation of the Dominican Republic think of this suggestion?

The Delegation from China wished to draw attention to certain opinions voiced in the Special Committee on Voting in reference to this question, especially, on this last point which was here added to the draft submitted by the Committee. During the discussions of this Committee, I had the opportunity myself to observe that the expression "vote by proxy" although a very useful term, could not exactly describe the situation. This is the real situation: A delegate with powers of attorney issued by its own government would have in its hands other powers of attorney issued by another government. Credentials examined by the Credentials Committee prove that this is the case. In other words, a government asks the delegation of another government to vote on its behalf. This government, quite simply, gives credentials to a person who, perhaps, already has credentials from another government, so that this person would have a right to two powers of attorney. In still other words, for example, if the Delegate from Guatemala votes for Guatemala he votes as a representative of Guatemala, because he has in his hands credentials from his own government. When voting for another government, he votes not as the delegate from Guatemala but from the other country, because he has in his hands credentials from this other country. In discussions in several Committees, I suggested that, if we permit certain delegations in some manner to delegate this right of voting in a conference, without credentials, the situation would become confused and might lead to consequences which we can readily foresee. I believe that what the United States has just said on the subject of voting by proxy in general, applies with even greater force to the special case where one delegation requests another to vote in its name and in its behalf.

It is for this reason that I wish to take this opportunity to draw your attention to this fact, before we proceed to vote. I should like also to call your attention to the text of the resolution submitted by the Committee on Voting. What I propose is only a matter of wording, but I believe that it is very important. Instead of saying in this resolution: "If such countries cannot send representatives," it should read: "If these governments cannot send representatives."

The Chairman suggested the adoption of this slight amendment by China, which could only improve the text.

The Argentine Delegation reminded the meeting that the question raised by the Dominican Delegation had been considered at Madrid. In the Internal Regulations of this Conference, Article 21, § 4, sub-paragraph 2, read: "A delegation.....". This meant that, with such a clear proposal, the only matter remaining open to doubt was whether the same delegation should represent different countries. As a matter of fact, it was a question of indirect representation. But in any case, this Delegation said, I should like also to remark, that the provision of the Madrid Regulation provides for almost this exact case -- I allude to the grave situation which could arise at any given moment -- If no basic objection is brought forward, I believe that we can retain this Madrid provision in force, and, under these conditions, our Delegation supports both the measure and the amendment proposed by the Dominican Republic.

The amendment of the Dominican Republic satisfied Argentina. It was approved without objection.

The recommendation as amended by the Committee was also approved.

Proceeding to Item 8 of the Agenda (Signature by Proxy).

The Chairman said: The Delegate from China is entirely right in saying that this is not a question of voting by proxy, but I wish to retain the words "by proxy," because it is a very useful term. Moreover, the Special Committee on Voting had the task of considering the question of signature by proxy. The question

9109

presented is this: Is it necessary to amend Article 26 of the Internal Regulations which deals with the question of signature, in order that this Article may definitely authorize signature by proxy? The Committee deems that if the delegation of a country is provided with the necessary powers from another country, one of its delegates may sign the Convention in the name of the mandatory country, in accordance with the terms of Article 26, and that there is no reason for changing the present text of this Article.

The opinion of the Committee was adopted without objection.

9. Questions relating to the admission of other countries.

The Delegation from Bielorussia gave its opinion as follows: The Special Committee on Voting examined the question of Monaco and of Mongolia; it made exactly similar recommendations in both cases. In my opinion, the principle of correct procedure and elementary justice is of the highest importance for this Conference. I consider that, as far as Mongolia is concerned, these principles have been violated. The recommendation for Monaco met with no objection and was not put to the vote. We simply included the name of this country in the list under Article 18. No one here made any direct expression of opinion against Mongolia, but the same procedure was not followed. I believe that it is indispensable to correct this, to reopen this question, and to follow the same procedure as for Monaco. I request this, Mr. Chairman, and I insist, that this question be restudied. In my opinion, the Delegates here present are perfectly aware that a small country, a young country, which would like to enter our Union, and which has every reason to be admitted, should not be refused.

The Chairman: The question before the Assembly, just presented by the Delegate from Bielorussia, will comprise a new examination, a new study, in some fashion, of decisions already made. If this is the wish of the Assembly, this question shall be reopened. Consequently, I conclude that, before going further, and before beginning other discussions on the merits of this new proposal, the Assembly must decide whether it wishes to reexamine a question which has already been settled. I, therefore, suggest that discussion be limited at this moment to a reexamination of the decision previously made.

The Head of the Delegation of the U.S.S.R. expressed the following opinion: I consider that there is a reason for reopening this question of admitting the Mongolian People's Republic: it is the decision made here by this Assembly in reference to Monaco. In the first place, we examined, only the question of the Mongolian People's Republic. We put it to the vote, and the result of this vote gave a majority for the Mongolian People's Republic. But, because of the two-thirds majority clause, the inclusion of the Mongolian People's Republic did not take place. If we did not have before us the case of Monaco, quite analogous, and if this precedent did not exist, I should have no occasion to reopen the question. Nevertheless, considering this precedent, I am obliged -- and I believe everyone here is obliged -- to believe that a misunderstanding arose when the admission of the Mongolian People's Republic was examined. I can not understand otherwise the difference in these two cases, which are analogous. That is why I strongly support the proposal made by the Bielorussian Delegation to review this question, and I hope that the majority of delegates here will recognize that, in order to be truly fair, we must review the decision which has been made. Mr. Chairman, I address you and all this Assembly, and I request you all to support this proposal. We must make a just decision and review the decision already made.

The Chairman: We shall take the following action: Item 9 on the Agenda refers to the question relating to the right to vote of countries other than those we mentioned at our first Plenary Session (Estonia, Latvia, Lithuania, Monaco, Mongolia, Spain). This subject was submitted to the Special Committee on Voting for future study; but, due to lack of time, this Committee was able to draw up recommendations as to certain clearly specified countries other than those which we have already taken into consideration. The recommendation of the Committee is as follows: "The Committee recommends to the Plenary Session that the case of countries which have been invited to the Atlantic City Conferences and are not members of the Union, be studied by the Special Committee on Voting, and be the subject of recommendations for submission at a future Plenary Session." I take this recommendation to mean that this Committee will continue in existence and will take under consideration the various countries here represented which are not members of the Union, that is to say, those countries which have not filed instruments of adherence to the Convention and, to at least one of the Regulations with
9191

the Spanish Government. I should like to draw the attention of the meeting to the consequences which might arise from this procedure. As you know, with two Conferences sitting simultaneously, many difficulties arise when meetings are being organized, in attempting to prevent overlapping which might interfere with a good attendance of delegations at one or more meetings. Up to the present, we have been able to make schedules which fulfilled these conditions. We have had great difficulties in this matter. Many heads of delegations would like to participate in the work of this Special Committee on Voting. And these same Heads of Delegations are the principal spokesmen for their delegations in the meetings of other committees of the Plenipotentiary Conference. The result has been that during the last two weeks, we have been unable to hold a Plenary Assembly at the same time that the Committee on Voting was in session. This slowed down our work. If this Committee is re-constituted, it will be impossible for us to expedite our work while it is functioning, perhaps for two more weeks. Moreover, a Plenary meeting must have time to prepare its new report, and then we shall incur the risk of having to begin all over; as we did today and yesterday, work which it has already completed.

It is for this reason that I propose that we study these cases here and now.

The Delegate from Guatemala: I agree that the status of all countries which have been invited to our Conference by the Government of the United States should be decided here and now. Our Delegation is fully aware of the vast importance which this matter assumes for this Conference. When the question raised by Belgium was studied by the Committee, it was thoroughly studied, but it was then referred to the Plenary Session, to be returned later to the Committee for final study. If we proceeded in this manner, it was because this Committee was aware of the difficulty of the task. Among the countries participating in this Conference there are some which ratified the Madrid Convention, but which failed to approve at least one of the annexed Regulations, as required by the Convention. There are also countries which, though they have contributed greatly to the proper functioning of the Union Conferences and have offered numerous proposals, have not adhered to the Convention or to the Regulations. Among such countries, there are many which have paid their dues and fulfilled all of their obligations. There are still other countries which have approved the Regulations, paid their dues and fulfilled their obligations, but which have

9192

not yet ratified the Convention. There are also other countries which, for various reasons, which I do not wish to set forth in detail, have ratified neither the Convention nor the annexed Regulations; but which, by their very presence at this Conference, have proven their interest in the adjustment of all telecommunication problems on a world-wide scale.

Our Delegation is fully cognizant of the arduous task which the study of this question would impose upon a special committee, and we should like to know on what basis all committees could function while this special committee was engaged in studying the particular status of each country, and while it was drafting recommendations which the Plenary Session would then be called upon to accept or reject. The Radio Conference has already been working for over two months without interruption. Suppose that all its work were nullified because the present Assembly formally rejected all its decisions by specifying that only a small majority had the right of vote. Everything that had been accomplished would have to be done all over again. Confronted with this delicate aspect of the problem, and of others which may arise in the future, our delegation feels that it would be advisable to suggest, as the Chairman has just done, that the **status** of all contracting and participating countries **present** at this Conference be decided here and now. Furthermore, our Delegation is convinced that the Government of the United States used keen judgment in inviting many non-members of the Union so that they might profit by inspecting the structure of our Union and help to build it up into an organization of world-wide scope which should establish the Telecommunications Regulations on an international foundation, and not upon a partial and selfish basis. And the Delegation from Guatemala takes the liberty of suggesting that in this very meeting it be decided to grant equal **rights** to all invited countries present here, so **that** they may continue to work at our Conferences. With this in mind, our Delegation proposes: that this question should not be referred to any special committee, but that in view of its urgent nature, it be decided upon during the present Plenary Session; and that, moreover, this be done in a conclusive manner, **granting equal rights** to all countries invited to the present Conference for the work of drafting the new International Telecommunication Convention.

The Delegation from the U.S.S.R.: I am convinced that all these problems must be solved here and now.

I am perfectly in accord with the Chair in this matter, since the experience of the Special Committee on Voting has very clearly demonstrated that in a way its work is of a sort which must be repeated in Plenary Session. The time expended for this might better be employed in solving essential problems, such as the technical questions which engross us, and questions concerning the Convention, all of which are fundamental. I therefore support the Chair's proposal; however, I believe that, to begin with, we should be given a clear and concrete list of the countries whose status might be in doubt. This question came before the Special Committee on Voting, and the Director of the Bureau of the Union promised to give us, within 24 hours, a list of the countries with respect to which such doubts exist. I now suggest that, to begin with, the Director of the Bureau of the Union be asked to read this list, after which we can give our attention to establishing a procedure to be followed.

The Chairman believed that the list recorded in Article 18 might be considered as final, unless objections were made, country by country. Should someone request deletion of the name of a country, he should be obliged to set forth motives supporting such request.

The Delegation from the U.S.S.R. was in agreement.

The Delegate from Peru: The Delegate from Guatemala has plainly set forth what I wished to express myself. This is a most delicate question. We have already noted the time which was wasted in this Conference when we took up questions which lie beyond the technical competence of the Conference, or which fall outside of our terms of reference. The question which we are considering is serious, because countries which have taken part in the works of the Conference are involved. I should not care to start afresh discussions which would lead to the study of badly worded Articles. We could examine one country after another, and I should like to know by what criterion we are to determine whether they are members. During our first Plenary Session, one delegation raised the same question. One of the Secretaries-General remarked that there might be three different criteria by which to decide if a country were a member of the Union. I observed a group led by the countries of Latin America which made a special study of this question, and I am in a position to repeat to you, Gentlemen, that from a legal point of view, about 33 countries might be subject to criticism in this respect. This would take up a great deal of time. We are in complete agreement with the Chair's proposal, and we also support

the proposal put forward by the Delegate from Guatemala in the form in which he has presented the same.

The Delegate from China went even further: You have suggested, he said that the list recorded in Article 18 be read, and that, thereafter, we should make a study of this list to determine whether certain countries are to be struck off the roll. You will recall that there is another question, that of determining whether or not they are members of the Union. The question of determining whether a delegation is a member of the Union or not can only be of value when it relates to the right to vote. I note that during this meeting which has lasted two days, important decisions have been made without our knowing who had the right to vote; and should we now consider this question, it would become necessary to cover the whole ground again. I do not believe that anyone would consider this a very practical procedure. Why did this question arise? During the first Plenary Session, I reminded you that at the Meeting of the Heads of Delegations, it was agreed that all delegations invited to this Conference should be entitled to the same and equal participation in all discussions. I do not recall that any exceptions were made at that time. And I consider that full and equal participation implies the right to vote. This was in force for 3 weeks. That is why I believe that this question could be settled without difficulty. The Delegate from Guatemala stated the matter explicitly when he said that we ought to accept all delegations present here. I agree. I should also prefer that the question as to who is a member should not be raised at this point, in connection with the right to vote. As I see it, the status of most of us is that of member of the Union, and we all naturally respect the Convention. All countries have an equal right to participate. But we are here not only to revise the Convention, but also to draw up provisions which will be conducive to setting up a universal organization of the I.T.U. That is why I suggest that we settle this question once and for all, in accordance with the procedure which we have followed up until the present time. Moreover, since this question of membership has been raised, may I remind you that the Credentials Committee has a report which is awaiting adoption? I should even have brought up this question yesterday, had I not hesitated to interrupt the proceedings of the Conference. If we anticipate further questions on procedure, I believe it to be advisable at this point to take the report of the Credentials Committee into consideration.

The Delegate from Belgium: The procedure proposed by our Chairman, in my opinion, is marred by a great fallacy. He proposed a reading of the list appearing in Article 18, the voicing of criticisms concerning the admission of certain countries and the expression of favorable opinions with regard to some others; and no one has mentioned a word about the criteria which must serve as standards for our decisions. I therefore fail to see how we shall be in a position to offer any such criticisms. The Belgian Delegation has, both at the meeting of Heads of Delegations and at the first Plenary Session, stressed the case of countries, other than the six clearly specified countries, which are not members of the Union. The first Plenary Session referred the study of these "other countries" to the Special Committee on Voting, as a result of the terms of reference mentioned on page 28 of document 57 TR-E, in which terms of reference it was specified that the case of the 6 countries and the vote by proxy should receive first consideration, and that a report should be prepared for use at the second Plenary Session to take place on July 16. It was therefore realized at the time that the work could not be finished for July 16, and in the very wording of the terms of reference may be found the record of what had been planned: namely, that the Special Committee on Voting was to have continued its work thereafter. If at this point we are told, that by doing what was proposed at the last meeting we shall be impeding the work of the entire Conference, then, Gentlemen, I beg to tell you that this is not a fact.

According to what we have heard in the Special Committee on Voting, membership in the Union has always been required in order to have the right to vote at our Conference. The Honorable Mr. de Wolf has stated clearly that our Conference is being held under the jurisdiction of the Madrid Convention. Membership in the Union is clearly defined in the first articles of the Madrid Convention. The Chairman has made a proposal which confronts us with a fait accompli, resulting from the invitations extended by the United States Government to countries which are not members of the Union. If you disregard the Madrid Convention -- you are obviously free to vote for it, or to have it voted for -- if you disregard the Madrid Convention, no matter what you may decide to do, the decisions we have made here will be illegal; and from now on, the Belgian Delegation will maintain complete reservation in the matter.

The Chairman thought that Guatemala and China were more or less in agreement, and believed that their proposal

9196

might be drawn up in such a way as to oblige the Plenary Session to take into account the list of 77 countries to be found in Article 18, and that it should vote on whether all countries were to be considered as admitted and having the right to vote at the Plenipotentiary Conference. If this right to vote be accepted, the question will be settled. If the vote is not conclusive, we shall be obliged to consider the countries one by one.

The Head of the Delegation from the U.S.S.R.: This is not correct procedure. Since doubts have been expressed as to the right of certain countries to participate in this Conference; and as to the inalienable right of such countries to vote thereat, it is my opinion that we should first of all be informed as to which countries are under consideration. Then only can the right to vote be confirmed in doubtful cases. This question cannot be decided except by representatives whose right to vote is beyond doubt. If not, we shall find ourselves involved in another legal error. The result would be that doubtful countries will, in a certain sense, be voting on the question of their own status. That is why, Mr. Chairman, I believe it would be far more correct at this point, since this question has been raised and justly raised, to decide upon this question by means of unassailable legal procedure. My intention is not to have every country judged minutely, and with great severity; but we should proceed in a proper manner. This procedure might be the following: All delegates here present would be informed which countries enjoy the indubitable right to vote. Then only can the question be put to a vote, and only the representatives of countries which are definitely members of the Union would participate in the vote. It would be only fair that these last, - those countries whose right is indisputable, - should vote, and decide whether they agree or do not agree that other countries should enjoy the same right to vote as they. I consider this, Mr. Chairman, the only proper procedure to follow.

The Chairman: Article 18 contains the list of the 77 accepted countries, those which have, provisionally, the right to vote. In accordance with the Internal Regulations, each of these countries has the right to vote at this Conference unless a decision made here should exclude them from such right. We can proceed by country or in groups. Which do you prefer?

The Delegate from the U.S.S.R. said that he had not quite understood. He felt that we should examine the question of all countries at the same time, but only of those countries whose rights were clear. He agreed to study the question of all countries as a whole, but would like to know what countries were to be considered, as he did not believe that we could discuss the rights of 77 countries to participate. If the question were put in this form, there would be no reason for its existence.

The Delegate from Belgium: I believe that it is necessary to establish a basis. In the minutes of the first Plenary Session, I found in Document No. 57 TR-E, a statement by the Head of the Swiss Delegation, in which the countries that had been consulted were classified, and I noted, in the middle of page 19, a list of 8 countries all, as if by accident, in America, about which this statement was made: "The following States gave their opinions, but their proposals cannot be considered, since they are not members of the International Telecommunication Union." It is not for me to judge a priori whether these countries are or are not in order from the point of view of their membership in the Union. It is possible that, since this list was drawn up, some memberships have been put in order. I do not know, and I think that only the Bureau of the Union is in a position to tell us. Furthermore, I believe that this list is not absolutely complete, or rather that it is subject to change. I find in this list: Argentina, Chile, Costa Rica, Ecuador, Honduras, Nicaragua, Peru and Salvador. And, according to what I hear, there are two other countries which have been invited here although they have never had anything to do with the Union: Saudi Arabia and the Philippines. I repeat, it is not for me to judge whether these countries are members of the Union or not. Only the Bureau of the Union can make this decision.

Now, Gentlemen, I should like to state the reasons for which we desire -- and it is not Belgium alone, but all European countries in general which are of this mind -- we believe that we are here to revise the Madrid Convention. The telegram from the United States that invited us to meet in Atlantic City, or in any case in the United States, definitely referred to the revision of the Madrid Convention, and not to setting up a new Convention. Moreover, Mr. de Wolf, the honorable Delegate and Vice chairman of the American Delegation, has agreed that this Conference was governed by the Madrid Convention. Well then, it seems, to us at least, that if the statutes of an organization are revised, it is the members of this organization who must revise them, and not those who may, perhaps, at some date, we do not know when, become members of this organization. There is one

extremely important point to be settled, that of fixing the headquarters of the Union, and it is with this point in mind that I made the remark that the 8 countries under discussion were all countries of the American Continent.

The Chairman: You have just mentioned eight countries. If we begin to discuss this matter, we shall never finish. I think I see a possibility for agreement: I shall read the list, and, if there are any objections, they must be defined, discussed, and then put to the vote.

The Delegate from the United States of America expressed the following opinion:

You may rest assured that I have no desire to prolong this extremely interesting discussion. The Convention prescribes that this Act must be ratified and that all the governments, which are parties thereto, must approve at least one of the annexed Regulations. After studying the list issued by the Berne Bureau in 1946, I found that 33 countries had not observed the provisions of the Convention. It is useless to call special attention to the fact that there was no ratification. There are, however, numerous countries in Europe which have neglected to sign the Regulations or to approve them: 33 countries, Gentlemen. The provision of the Convention in accordance with which the signatory countries must approve the Regulations has the same force as the demand for the deposit of an instrument of ratification. For this reason, Gentlemen, if we agree with the arguments of Belgium, there are 33 countries here which have no legal status in this Conference. I maintain that it would be a very strange spectacle to see 33 delegations here present, after two months of the Radio Conference, and 3 weeks of the Plenipotentiary Conference, pack their bags and go home! I cannot for one instant imagine that any delegation would remain here without the right to vote. In addition, I should like to call your attention to the fact that there is nothing in the Madrid Convention which deals with the right to vote. On the contrary, Article 20 of this agreement has the following provision: "Before any other deliberation, each conference shall establish Internal Regulations containing the rules according to which the debates and the work shall be organized and conducted." Do you desire, yes or no, to approve Article 18 of the Interior Regulations, as it is, in full accord with Article 20 of the Convention? I do not wish to give this list of 33 countries in detail. I merely wanted

to call your attention to it. If we are to analyze this problem from the juridical point of view, it will be noted that we have invited all the countries enumerated in the list of the Bureau of the Union, plus two: the Philippines and Saudi Arabia. The Philippines are a new country, Saudi Arabia is a new Arab country which is rapidly developing its means of communication. If it were the wish of this Conference to prevent the delegations of these countries from participating in our work, it would be a most unfortunate decision.

The Delegate from Peru: When this discussion began, you alluded to the possible consequences which this question might involve if left in the form now under consideration. I feel that the logical solution which you, Mr. Chairman, proposed, is the most correct and acceptable solution. We have been very patient, and we have not, until now, wished to explain our juridical point of view. But, now that the question has been opened and that we have noted in reading the minutes of the first meeting that Peru is not a member of the Union, we must here take the floor formally to refute this contention. Peru participated in the Madrid Conference, signed and ratified the Madrid Convention. I reserve the right to present formal proof of my statement here to you.

The Delegate from the U.S.S.R.: Nevertheless it seems to me that my proposal and my point of view have not been understood. Because, if my proposal had been followed, we should have saved the time which we have allowed to elapse since I presented it, and by following the procedure indicated, we might well have been able to finish with this question.

That is why I take the liberty of repeating my proposal. The Delegate from Belgium gave the names of 8 countries, and then added 2 more. That is exactly what I wanted. I wanted to know the names of the countries in question. It is entirely right and just, from a juridical point of view, that, after having purely and simply learned the names of the countries whose membership is in question, the real members, and only the real members, shall state their opinions in regard to the rights of the former. For this reason I proposed a very simple method: to go back to the beginning of the question. There is no necessity for consulting a committee or for examining the countries one after the other, since we have no doubt about our need of their presence here. We have only to say that this or that country, for reasons sometimes beyond its control, has not fulfilled the necessary formalities, and, then, the other countries present here, whose right of participation

as members of the Union is unquestioned, could vote and introduce a resolution. If a conference of members of the Union declared that it did not oppose considering as accepted all the countries which had not had time to fulfill all the necessary formalities, but who had been invited, the question would then be liquidated. That is my proposal.

The Chairman: I understood the proposal. According to my interpretation of the provisional Internal Regulations, the method proposed by the Soviet Union is not legal. We have provisionally granted the right of vote at this Conference to the 77 countries enumerated in Article 18. Let us suppose for a moment that we follow the method proposed by the Soviet Union. Let us suppose also that objections were raised in regard to the juridical status of 23 countries, or, as Mr. de Wolf said of 33 countries. In that case, 33 countries, according to the terms of the proposal made by the Soviet Delegate, would find themselves, temporarily, and simply because of objections raised by a single member, deprived of the right to vote on this important question. I do not believe that the Internal Regulations now in force would authorize me to follow this method. In fact, at present the Internal Regulations grant the right of vote to 77 countries, and for this reason any decision made at this time must be a decision in which these 77 countries can take part. And, I do not think, for example, that the Delegation from the U.S.S.R. could imagine being refused the right of vote on this question of the admission of countries simply because another delegate questioned the juridical status of the Soviet Delegate as a member of the I.T.U."

The Delegate from the U.S.S.R.: That is not just what I intended to say, Mr. Chairman. I did not propose that each of the members here present might call in question other participants in this Conference. The question has another side. I propose that the Bureau of the Union, in its capacity as an official body, the only one that can possess the necessary documentation on the various formalities required, read the list of countries which have not fulfilled these formalities. Thus, in my opinion, no one could again raise the question. If you feel that this procedure is not acceptable, and if, in your opinion, all the members here present already have the right to participate and to vote, then, the moment everyone has the right to vote, the question is automatically solved.

The Chairman: "The question was provisionally settled, but I believe it was understood that during this session, we should settle it definitely. But it is still true that it was previously decided that the 77 countries in question should provisionally have the right to vote."

The Delegation from Chile next made the statement inserted in Annex No. 11 of these minutes.

The Head of the Swiss Delegation expressed the following opinion: In view of the reference made to my observations in the first Plenary Session, I should like to explain our method in noting that certain countries were not members of the Union:

First of all, I wish to stress the fact that the Swiss Government does not feel that it has the right to decide who is or who is not a member of the Union. I think that it lies with you to decide.

Secondly, I believe that we are here to revise the Telecommunication Convention signed at Madrid in 1932, and that this Convention very clearly prescribes, in several of its paragraphs, the method of ascertaining from a legal standpoint, whether a country is a member of the Union. The preamble to the Convention clearly reads: "International Telecommunication Convention Concluded Among the Governments of the Countries Listed Hereinafter:" This is followed by a list of a certain number of countries.

Article 6; § 1 indicates very precisely what obligations must be carried out to obtain full membership. It says:

"§ 1. The present Convention must be ratified by the signatory governments and the ratifications thereof must be deposited, as soon as possible, through diplomatic channels, in the archives of the government of the country which received the conference of plenipotentiaries that has drawn up the present Convention; this same government shall, through diplomatic channels, notify the other signatory and adhering governments of the ratifications, as soon as they are received."

Article 3, in § a, reads:

"§ 2. The act of adherence of a government shall

be deposited in the archives of the government which received the conference of plenipotentiaries that has drawn up the present Convention. The government with which the act of adherence has been deposited shall communicate it to all the other contracting governments through diplomatic channels."

Finally, Article 4 is thus worded:

"The government of a country signatory or adherent to the present Convention may at any time adhere to one or more of the sets of Regulations which it has not undertaken to observe, taking into account the provisions of article 2, § 2. Such adherence shall be notified to the Bureau of the Union which shall inform the other governments concerned thereof."

Gentlemen, the governments you here represent must have received from the Government of Spain notifications of the ratification of the Convention of 1932 by the countries represented at the Madrid Conference, as well as their later adherence. They must also have received from the Bureau of the Union the necessary notifications in regard to the Regulations. I therefore believe that the question is simple.

The countries in the list mentioned in my statement at the first Plenary Session did not send either to the Spanish Government or to the Bureau of the Union notices that they had adhered to the Convention or that they had ratified this Act. It is for this reason that I think that the question is fairly simple.

We have assumed that the 8 countries in question did not become members in good standing.

But I must make a reservation: that is, that our investigation was made in the summer of 1946. Hence, it is possible that, since then, some country had sent either to the Spanish Government or to the Bureau of the Union, a notice of adherence to the Madrid Convention, or of ratification, and that it must therefore be considered a member in good standing.

I stress the fact that we are not judges, but I wish to explain simply the method used in drawing

up our list and why the names of these eight countries appear separately, as not being contacting parties to the Madrid Convention.

It is also possible that there may have been an error somewhere of which we are ignorant. It is also possible that the government in charge of Registration omitted sending the necessary notification to another Government; but in regard to these eight countries, I can only tell you that we have no proof in the archives of the Swiss Government at Berne that they ratified the Madrid Convention or adhered to it.

For this reason we have the right to conclude that these eight countries were not members at the time of our investigation.

You have all been invited to participate in this Conference, and I believe that it should be as universal as possible. And the Swiss Delegation is ready to welcome any contribution from any country which would be to the advantage of the Union; but, as the Honorable Delegate of Belgium said, I think that above all else our conferences have as their goal the revision of a Convention signed at Madrid, and ratified by various countries; and I believe that the countries which must be considered the contracting parties are those countries, which first of all, have the right to revise their constitution.

After all, why have we been debating at such length today? For what purpose have we met here? To study and establish a fundamental principle for our guidance. We have not done this for our own pleasure. We did so after very thorough and extensive studies in which some seventy-five nations participated. And I believe that the principles we then established should guide our conferences.

(126 TR-E)

But I also think that, since we are here, it is incumbent upon us to decide whether we wish the right to vote to be accorded to other countries which, according to the Convention and the Regulations, are not members of the Union.

I stress the fact, and I believe that we are in complete agreement that we are here in accordance with the Madrid Convention, to revise that Convention, and not as mandatory agents instructed to draw up new Acts, in defiance of the aforesaid convention, which is the very foundation of our discussions."

The Chairman then requested the speaker's permission to ask him a few questions.

Question: Would the Swiss Delegate be good enough to indicate clearly the position of the Swiss Government on the right to vote?

Answer: You have asked me a very specific question. Some countries have no diplomatic relations, or have partly broken off diplomatic relations with the Spanish Government and, as we decided yesterday that the Bureau of the Union should be considered as replacing the Government of Madrid for presentation of instruments of ratification, I am of the opinion that this Bureau should enlighten us on this subject and also on the question as to whether the eight countries under discussion have meanwhile become members in good standing.

Question: Do you think that membership in the Union is a prerequisite for the right to vote?

Answer: Yes, that is my opinion. Provisionally, the 77 invited countries have the right to vote, but I wish to emphasize the fact, which the Chairman himself stated, that this is only a temporary measure; I think that we should draw up a specific regulation to determine whether in addition to the countries which according to the

Madrid Convention, are full members and should therefore be entitled to vote, all the other invited countries, which for some reason or other, have not become members, should have the same right. I think that it is incumbent on our Assembly to decide this point."

Question: Do you share the opinion that, provisionally, the 77 countries should vote on determining who may ultimately have the right to vote? How would you suggest that we proceed hereafter?

Answer Inasmuch as the Swiss Government has received no notification that the eight countries under discussion have ratified the Convention, or have adhered thereto, perhaps the Bureau of the Union could tell us whether these countries have meantime ratified the Convention or have become members in good standing. The question of the payment of dues has been raised several times, and as the Swiss Government, according to the Convention, must advance the necessary amounts, I take the liberty of expressing my opinion on this subject: I do not believe that non-payment of dues can be a sufficient reason to justify taking away the right to vote. Moreover, I do not know on what basis the Delegation from the United States drew up the list of 33 members whom it mentioned. To the knowledge of the Swiss Government there are 67 members, and only eight countries for which we have received no notification."

Question: "We are almost in agreement. Let us suppose that a given country is not a member of the Union. Let us further suppose that a majority of the 77 countries which are provisionally entitled to vote in this Conference decides to include this country in the list of countries definitively entitled to vote. Shall this country then be admitted?"

Answer "I believe that the present Conference constitutes the supreme authority in this matter."

Question: Hence, if we vote on the list as a whole, and if the majority wishes that the entire list be definitively accepted, the question will be settled?

Answer: I believe that this would be the outcome, but I do not think that it is the proper way to obtain this result.

Question: What would you propose?

Answer: It is obvious that the problem would be solved if a majority of 39 votes decided to accept these 77 countries as entitled to vote. But, personally, I do not think that the question should be put to a vote in this manner. I believe that we should first ask the advice of the Bureau of the Union, and ascertain whether or not the eight countries have fulfilled their obligations and whether meantime the governments have been officially informed thereof. I emphasize the fact that as far as the Madrid Convention is concerned, the governments of the Member States must be notified of ratifications of the Convention. If we were not so notified, how could we know whether these countries were members? It is possible that they consider themselves members. There is no affront involved in not recognizing them, if we have not been notified in due form. I do not believe - I repeat - that it is proper to put the question to a vote for the 77 countries as a whole. On the contrary I feel that we must respect the Madrid Convention and take it as a basic principle - as our constitution."

Question: We might make an effort to limit the question. If I understood you correctly, you feel that membership in the Union is not essential for participation, if a majority of the Conference decides that non-members may be admitted and may be entitled to vote.

Answer: I believe that, first and foremost, we should respect the Convention.

Question: Does the Convention provide that only Members of the Union are entitled to vote?

Answer: In my opinion, in any organization, in any society whatsoever, the right to vote belongs, generally, only to members.

Question: Does the Convention limit participation in Plenipotentiary Conferences only to members?

Answer: If our Conference were to adopt a new regulation, I do not believe that such a decision by our conference could be considered as absolutely right and proper under the Madrid Convention. I believe that, for the countries named in the list, the Bureau of the Union should definitively decide whether they are contracting parties to the Convention, and whether they are entitled to vote. They may participate in the deliberations, but I do not believe that they are incontestably entitled to vote.

The Chairman thanked the Head of the Swiss Delegation. In opposition to the Swiss position, the Delegation from Lebanon deemed -- and insisted on this point -- that the Conference was the sole authority in this matter. In order not to render obsolete the work already performed, this Delegation asked that the solution advocated by the Chair be adopted, with the exception of the eight members which do not seem to be in order. However, if the Assembly decided to grant the 77 countries the right to vote, it would raise no objection. Furthermore, the Lebanese Delegation would ask that the eight members in question and all other delinquents here solemnly undertake to regulate matters no later than the end of 1947.

The Delegation from the Argentine Republic made the statement summarized in Annex 12 of these minutes.

The Delegate from Guatemala, speaking on behalf of the Government of El Salvador pointed out that the Swiss Delegation had supplied information as to certain countries which the latter did not consider members of the Union.

This information, he said, had given rise to disputes. However this might be, El Salvador ratified the Madrid Convention in 1937 and paid its dues. I do not, he said, share the opinion of the Swiss Delegation when it claims that the Bureau of the Union is empowered to say who is a member and who is not. The Convention prescribes that ratifications must be communicated through diplomatic channels to the Spanish Government, which in turn communicates then through the same channels to all the other contracting governments. The intervention of the Bureau of the Union in this domain is not prescribed.

However, because of conditions in Spain since 1936, the possibility of interruption in transmitting money cannot be excluded.

The Delegate from Cuba then spoke as follows:

Some of the topics wished to take up when I asked to be recognized have already been very brilliantly discussed by the other Delegations, and I do not wish to take them up again. Heretofore Cuba was not included in the list read here. Its status in the Union has not been questioned, but I wish to clarify the situation somewhat because our Delegation has noticed that the doubts expressed affect countries which are our neighbors, with which we have direct communication and excellent relations which we wish to maintain. I have studied Document No. 57. This document contains the words of the Delegate from Switzerland and I note that it has been taken as the basis for discussion in determining the procedure for admission and in ascertaining whether or not the right to vote at this Conference should be accorded.

I wish to state that we are speaking of two totally different questions. The Swiss Government communicated the results of the inquiry it had undertaken to determine where and when this Plenipotentiary Conference should be held. When the Swiss Government cited the names of eight countries, - and I observe that these eight countries are all on the American Continent, - I believe that it had not as yet received the necessary notifications.

I think that a mere glance at the document would have sufficed to prove that the eight countries in question had signed the Madrid Convention. Moreover, if we study the various articles of this Convention carefully, we shall not discover any provision relating to loss of membership because of non-ratification.

The countries which signed this Convention and which are contracting parties have all rights because the text concerning ratification does not prescribe a date limit for depositing the ratification.

The text merely states that this ratification must be sent as soon as possible. As a date limit has not been fixed, we have full scope in the matter.

There is another point I should like to clarify. I wonder why the Swiss Government decided not to consider the eight votes of the American countries in deciding on the location of this Conference. The Conference we are holding here -- the Plenipotentiary Conference -- has power to modify the Madrid Convention. Each government is aware of these conditions. These governments were asked to give credentials to the Delegates they wished to send here. This Plenipotentiary Conference is the highest Court of Appeal and the supreme authority. I see no superior body and it is the duty of the present Conference to decide upon our procedure. The B.U. is in the service of this Conference, but does not constitute a supreme Court of Appeal for decisions of last resort. The report containing the results of the inquiry undertaken by the Swiss Government cannot have any effect upon the question of the right to vote.

All the countries, of which the right of vote has been in question up to the present are signatories, contracting countries and can with full right participate in this Conference and express their opinions.

The Delegate from Peru spoke as follows: At the beginning of this meeting I expressed my opinion on the gravity of the problem submitted to the examination of this Plenary Meeting. Yourself, Mr. Chairman, you have also pointed this out. In spite of this, the discussion was reopened and now opinions are being expressed which question the legality of the status of Peru as a member of the Union.

As a representative of Peru, a sovereign country and a member of the Union, I wish to reiterate what I stated previously and to say that I refuse to have Peru's right of vote in the present Conference questioned.

In conclusion, I would like to make a solemn statement as President of the Delegation from Peru, to this effect:

"Unless the motion presented by the Delegation of Guatemala is accepted, I shall be obliged to leave this room."

The Delegate from Egypt: I think that the discussion has lasted long enough and that the good will of all the countries whose membership qualification we are discussing at this time has been put to the test. All those whose position has been questioned have energetically protested and declared that they are members of our Union. With a view to reaching a solution, may I present to the Chair the following proposal which can put to the vote if the Chair is in agreement:

"The members listed below, having declared in the course of the present meeting that they have ratified the Madrid Convention or that they will ratify it before the end of our Conference, the Assembly accepts unanimously that their name shall be entered in the list of article 18."

The Delegate from the United States: For two months I have participated in the Radio Conference where a spirit of complete collaboration has reigned. We have learned that eight countries are not members of the Union, because they have not respected certain provisions of the Convention. After study it becomes evident in fact that thirty-three countries have not respected all the details of the Convention. In the Convention it is specified that each Conference may establish its own Internal Regulations and it is these regulations which fix the right to vote.

I propose the following resolution which will put an end to all discussion: "It is decided that the present Plenipotentiary Conference is the supreme authority and can admit countries to participate in this Conference, without examining their membership qualifications in the past."

We could thus put an end to this discussion and continue our constructive work. (Applause)

The Chairman put this resolution to the vote. By roll-call, the vote gave the following results:

61 in the affirmative, 4 abstentions (12 absent)

The resolution was adopted.

In favor: Afghanistan, Union of South Africa and the mandated territory of Southwest Africa; Albania; Argentina; Australia; Austria; Belgium; Belgian Congo and Territory under the mandate of Ruanda-Urundi; Bielorussia; Burma; Brazil; Canada; China; Vatican City State; Colombia; Cuba; Denmark; Dominican Republic; Egypt; El Salvador; United States; Territories of the United States; Finland; France; colonies, protectorates and overseas Territories under French mandate; French protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas Territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Hungary; India; Iraq; Ireland; Iceland; Italy; Lebanon; Luxembourg; Mexico; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Philippines; Poland; Portugal; Portuguese Colonies; Roumania; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Ukraine; Union of Soviet Socialist Republics; Uruguay; Venezuela Yugoslavia.

Against: --

Abstentions: Chile, Ecuador, Honduras, Peru.

Absent: Saudi Arabia, Bolivia, Bulgaria, Costa Rica, Ethiopia, Southern Rhodesia, Iran, Liberia, Monaco, Paraguay, Syria, Yemen.

The Delegate from Belgium in voting stated that he was giving an affirmative vote in a desire to promote good-will.

The Delegate from the United States: "I think we can all be proud of the result of the last vote and that we shall never have occasion to regret it. We must now continue our work. However, in order to conclude our examination of this question, I should like to propose that we should adopt the list of countries who must be mentioned in article 18 of our Internal Regulations. This would be prejudicial to no one."

The Chairman: Shall we decide that the 77 countries entered in the list will have the right to vote? We should add that our decision of today will in no way be prejudicial in the future. There are no objections? The list of 77 countries is accepted as a whole.

I agree with Mr. Colt de Wolf. Let us not regret the time we have spent in discussion. If we had referred the question to a Committee and reviewed the whole question again, we should have lost a great deal of time. I am glad we have followed this method, which will enable us to conclude the work of this Conference more rapidly.

Because of the late hour, there are three possibilities: To continue our work, to adjourn the meeting and come back after dinner, to adjourn the meeting and resume it on Tuesday.

The Delegate from China proposed continuing the discussion and adopting the report of the Credentials Committee. He thought that several delegations would wish to rectify their credentials.

The Chairman: "The Delegate from China proposes that we should consider item 10 of the agenda: Report of the Credentials Committee. Document No. 107 TR-E contains some recommendations of this Committee. It examined the notifications concerning the composition of delegations formed in the name of the countries listed in article 18 of the Internal Regulations as well as in the name of the United Nations, of the I.C.A.O. and the UNESCO. The countries and organizations which according to the Credentials Committee have been regularly accredited, are listed in annexes 1 and 2 of the report of the Committee.

The Committee asked our assembly to accept the criterion it had established and to recognize the credentials of these countries. The Committee then asked us to examine the status of countries whose representatives have not presented credentials. The name of these countries is entered in annex 3 of the said report.

I propose that we make no decisions concerning the status of these countries. Taking as a basis the list of document No. 107 TR-E, the representatives of the 77 countries mentioned will be considered accredited when they have presented their credentials in good time.

No objections? Adopted.

We have adopted the report of the Credentials Committee. From now on, when a vote is given in a Plenary Meeting, if the vote of one country is not valid,

we shall ask who is voting in the name of this country, and we will then say that this person must present his credentials if it has not already been done. We shall see if the name of this country is listed in article 18 and if the Committee must examine the question with its representative. As for Mongolia, it is not necessary to examine its credentials. If later she were admitted they would have to be examined.

As regards the appropriate form of full powers for the signature of the Convention and the annex regulations -- and I think the head of the Chinese Delegation was alluding to this -- the Credentials Committee recommends that these powers should be in the form of a written authorization given to persons designated to sign such documents on behalf of the accrediting government and that this authorization should proceed either from the Head of the State or the government or the Minister of Foreign Affairs. Such authorizations must be deposited not later than August 7, 1947.

This said, we have finished with item 10 of the agenda. As far as I am concerned, I have no questions to ask as regards item 2: Miscellaneous. But several delegates have requested the floor."

The Delegation from Guatemala would like some explanation to be given of the provisions of article 8 of the Internal Regulations, which states that Committees are composed of Members of the delegations of contracting governments designated in the Plenary meeting. As some uncertainty and difficulties have arisen, especially as regards participation in Committee F, and as the manner in which these provisions are interpreted is not uniform, some explanation should be given.

The Solution proposed by the Chairman evoked no objections and will be applied: Every delegation will participate in the work of every Committee with equality of rights except if the Plenary Assembly limits the participation to certain Committees such as, for instance, the Committee on Voting.

The Chairman, before proceeding to the proposal of the Delegation from Lebanon that the question of the two-thirds majority should again be examined, asked the Assembly if it wished to continue in session,

because the French Delegation had just suggested interrupting the discussion.

After a short discussion in which the delegations of Italy, the Dominican Republic, France and the Chairman took part, it was decided to adjourn the meeting and to meet again on Tuesday, July 22, at 10 a.m.

Adjourned at 6:40 p.m.

The Secretaries-General: Les Secretaries: The Chairman:

L. Mulatier	E. Rusillon	Charles R. Denny
Gerald C. Gross	A. Auberson	
	P. Oulevey	
	H. Voutaz	

A D D I T I O N S
to the present minutes.

Page 4. After paragraph 4, add:

Voted for: Afghanistan; Union of South Africa and mandated territory of Southwest Africa; Argentina; Australia; Austria; Belgium; Belgian Congo; and territory under the mandate of Ruanda-Urundi; Burma; Brazil; Canada; Chile; China; Vatican City State; Colombia; Cuba; Denmark; El Salvador; Ecuador; Ethiopia; Finland; France; colonies, protectorates and overseas territories under French mandate; French protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; Colonies, protectorates, overseas territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; India; Iraq; Iran; Ireland; Iceland; Italy; Luxembourg; Mexico; Monaco; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Peru; Philippines; Portugal; Portuguese colonies; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Uruguay; Venezuela.

Voted against: Albania; Bielorussia; Bulgaria; Dominican Republic; Hungary; Poland; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Abstained: Egypt; United States; Territories of the United States.

Absent: Saudi Arabia; Bolivia; Costa Rica; Southern Rhodesia; Lebanon; Liberia; Paraguay; Roumania; Syria; Yemen.

Page 11: Add after paragraph 3:

Voted for: Union of South Africa and mandated territory of Southwest Africa; Albania; Belgium; Belgian Congo and Territories under the mandate of Ruanda-Urundi; Bielorussia; Burma; Bulgaria; Vatican City State; Denmark; Egypt; Ethiopia; Finland; France; colonies, protectorates and overseas territories under French mandate; French protectorates of Morocco and Tunisia; Hungary; Luxembourg; Monaco; Norway; Netherlands; Netherland Indies; Poland; Portugal; Portuguese Colonies; Siam; Sweden; Switzerland; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia.

Voted Against: Argentina; Australia; Brazil; Canada; Chile; Colombia; Cuba; Dominican Republic; El Salvador; Ecuador; United States; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; India; Ireland; Iceland; Italy; Mexico; Nicaragua; New Zealand; Panama; Peru; Philippines; Turkey.

Abstained: Afghanistan; Austria; China; Iraq; Iran.

Absent: Saudi Arabia; Bolivia; Costa Rica; Southern Rhodesia; Lebanon; Liberia; Paraguay; Roumania; Syria; Yemen.

Page 15: Add at the end of paragraph 6 after the words "roll-call":

Voted for: Argentina; Brazil; Chile; China; Colombia; Cuba; Dominican Republic; El Salvador; Mexico; United States; Territories of the United States;

United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas Territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; Iraq; Ireland; Italy; Mexico; Nicaragua; Panama; Peru; Philippines; Turkey; Uruguay; Venezuela. (total-28)

Voted against: Union of South Africa and mandated territory of Southwest Africa; Albania; Belgium; Belgian Congo; and Territories under the mandate of Ruanda-Urundi; Bielorussia; Canada; Vatican City State; Denmark; Egypt; Finland; France; colonies, protectorates and overseas territories under the French mandate; the French protectorates of Morocco and Tunisia; Hungary; India; Iceland; Lebanon; Luxembourg; Monaco; Norway; New Zealand; Netherlands; Netherland Indies; Poland; Portugal; Portuguese Colonies; Sweden; Switzerland; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia. (total-32)

Abstained: Afghanistan; Australia; Austria; Burma; Iran; Roumania; Siam. (total-7)

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Southern Rhodesia; Liberia; Paraguay; Syria; Yemen. (total-10)

Page 23: Add after paragraph 5:

Voted for: Afghanistan; Union of South Africa; and mandated territory of Southwest Africa; Argentina; Australia; Austria; Belgium; Burma; Brazil; Canada; Chile; China; Colombia; Cuba; Denmark; Dominican Republic; El Salvador; Ecuador; French Protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas Territories; and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Honduras; Ireland; Mexico; Nicaragua; Norway; New Zealand; Panama; Peru; Portugal; Switzerland; Uruguay; Venezuela.

Voted against: Albania; Belgian Congo; Territories under the mandate of Ruanda-Urundi; Bielorussia; Egypt; France; colonies, protectorates, and overseas territories under French mandate; Hungary; Monaco; Netherlands; Netherland Indies; Philippines; Poland; Roumania; Siam; Sweden; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Abstained: Vatican City State; United States; Territories of the United States; Haiti; India; Iraq; Iran; Iceland; Italy; Lebanon; Luxembourg; Portuguese Colonies; Turkey.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Finland; Southern Rhodesia; Liberia; Paraguay; Syria; Yemen.

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Annex I

Statement of the Delegation of the U.S.S.R.

Mr. Chairman, Gentlemen,

The Delegation of the U.S.S.R. is of the opinion that the committee appointed to consider the question of Esthonia, Latvia and Lithuania has not performed its task. That is, instead of making a well-documented recommendation on this important question, the committee simply made the statement that a vote had been taken on the inclusion or non-inclusion of countries in the list.

At the meeting of the committee, I called attention to the necessity for a definitive formula for the findings of the committee, based on the investigation into the legal situation. I was told that this was not within the jurisdiction of the committee.

Furthermore, if we refer to the recommendations made in respect to other countries appearing in Document No. 104 TR-E we find that the question is more aptly presented and that the proposals deriving from the recommendations are well-documented and concrete.

Consequently, it must be admitted that the question of Esthonia, Latvia and Lithuania was handled in a biased manner and that the findings were based, not on legality, but on patently political interpretations.

I ask you, therefore, Gentlemen, to give this question your objective attention and your most serious consideration during the present Session.

What is the root of this question? As we all know, our Conference is the Conference of members of the Telecommunications Union. Consequently, all members of the Union have equal rights to participate in this Conference, irrespective of the fact that the inviting Government, has or does not have diplomatic relations with any member of the Union. It is on this basis only that an international organization can exist.

The distinguished Delegate of the United States of America, stated in the course of the Committee meeting, that all Countries which from the point of view of the United States are members of the Union have been invited. But for us only one law exists defining the members of the Union. This is the Madrid convention law.

Everybody knows full well that Latvia and Lithuania adhered to the Convention in 1932, and Esthonia adhered to it in 1935. None of these Countries have notified their wish of leaving the Union, therefore all these Countries are, in a judicial sense, members of the Union. This is especially confirmed by the presence of the names of Esthonia, Latvia, and Lithuania, in the official Management report of the Bureau of the Union for the year 1946. Consequently, the names of these Republics should figure in the list of Countries enumerated in Article 18 of the Internal Regulations. The fact that they do not appear in it, constitutes an obvious error.

What reason is there for the Baltic Republics not being entered on the list of article 18? Without the least doubt this results from an incorrect interpretation of the question of membership admission, based on reasons of a distinctly political nature. These interpretations are expressed in the clearest possible manner in the document of July 10th submitted by Great Britain. I consider it my duty to raise some objections here to the main assertions of the document in question.

In the first place, it is obvious that the admission of the Baltic Republics to membership in the Soviet Union meant the suspension of the independent relationships of these Republics with the Telecommunications Convention. However, no inference of this nature can in any way be drawn from the Madrid Convention.. In addition, according to the Madrid Convention, which still remains in force, non-sovereign countries, having no protectorate, nor even colonies, can be members of the Union.

However, in accordance with the constitution of the U.S.S.R., all Soviet Republics composing the Soviet Union, are sovereign Republics. Thus, article 15 says.... "Each Republic of the Union exercises in its own right the rights of the Soviet Republics."

Article 16 specifies that each Soviet Republic, taking into consideration particular nature of the Republic, has its own constitution." Article 17 specifies that "Each Republic retains the right of freely leaving the U.S.S.R." Article 18: "Each Soviet Republic has the right to enter into direct relationship with Foreign States, to conclude agreements with them, and to exchange diplomatic and consular representatives with them."

It is obvious that the majority of Delegates present here are not conversant with the U.S.S.R. Constitution, but thanks to the above-mentioned articles, you can now see that each Republic of the Soviet Union has its own full national independence. Each Republic has its own government, elected by the people on the basis of universal suffrage, direct and secret. Each Republic has its own national language.

How is it then possible, to question, on the sole basis of the incorporation of these Republics in the Soviet Union, their adhesion to the Telecommunications Union; especially if account is taken of the presence of a great number of non-sovereign countries, as well as colonies, which are considered to be members of the Telecommunications Union. Where is your logic, gentlemen of the United Kingdom Delegation?

It is regrettable that subsequent statements of the British memorandum relating to the formal side of the question should also be illogical. Firstly, an inaccurate statement is made, if it is said that the Soviet Union had addressed a notification to the Berne Bureau in 1940 concerning the Baltic Republics. As a matter of fact, a telegram was sent in 1940 to the Berne Bureau. However, this telegram was not sent by the U.S.S.R. Government, but by the Postal Administration, and this telegram, according to the Madrid Convention, certainly does not have the slightest legal value. All the more since the same Administration had subsequently informed the Berne Bureau, that this telegram, sent in 1940, would remain ineffective.

In paragraph 6 of the British document, it is expressly pointed out that such notifications are of value only when they are submitted by Governments through diplomatic channels. And this is absolutely correct.

I should like all the Union Members to understand that it is not with a view to obtaining 3 extra votes, as several delegates have told me, that the U.S.S.R. Delegation, is trying to obtain the recognition of the rights of Esthonia, Latvia and Lithuania. I must affirm that, for us, the supplementary votes are of no importance.

But a much more serious question arises, a true question of principle, for all members of the Union; that is, do the provisions of the Convention remain in force or not.

For example, we are not posing the question of the separate adhesion to the Convention of such Soviet Republics as Georgia, Armenia, etc., although they have the right to adhere to it.

We consider the refusal of membership in the Union to Esthonia, Latvia and Lithuania, as an obvious derogation of the Madrid Convention, which latter was to remain in force until the ratification of the new Convention.

We are making efforts to coordinate the actions of all the Soviet Republics, but each of them independently examines all international conventions, when giving its agreement. I am very much afraid that if the rights of Esthonia, Latvia and Lithuania, as members of the Telecommunications Union are ignored here, these Republics can refuse to apply the Convention and the Regulations on their territories. Taking into consideration, the importance of the position of the Baltic States, such a decision could cause serious difficulties in regard to the utilization of frequencies in the Baltic Sea Region.

In conclusion, I should like to make a brief remark. No one was able to prove that Esthonia, Latvia, and Lithuania are not, at this moment, members of the Telecommunications Union. That is the reason why the Plenipotentiary should arrive at the only equitable decision possible, in accordance with the Madrid Telecommunications Convention, that is, to include their names on the list of article 18 of the Internal Regulations.

Should this not be the wish of the majority of Members of the Union, the refusal to admit Esthonia, Latvia and Lithuania, on the list of participants at the Conference, can only be effected legally by their exclusion from the Union.

Mr. Chairman, taking into consideration, that in point of fact the recommendation of the Committee is, in a concealed form, a proposal to exclude Esthonia, Latvia and Lithuania, from membership in the Union, I insist that when the time comes for the Conference to vote, the question of exclusion from the Union should be submitted in an open manner, with a clear explanation of the motives underlying such an exclusion.

(126 TR-E)

(This replaces pages
56,57 of Doc.126 TR-E)

ANNEX NO. 2

UNITED KINGDOM

MEMBERSHIP OF THE BALTIC SOVIET REPUBLICS IN THE
INTERNATIONAL TELECOMMUNICATION UNION.

1. The Baltic States of Estonia, Latvia and Lithuania were incorporated de facto in the Soviet Union in 1940 and ceased de facto to be independent States. This incorporation had the consequence that the execution of the Madrid Convention became the responsibility of the Soviet Union, and these countries therefore ceased to have any independent status in relation to that Convention.

2. Furthermore, Article 14 of the then existing Constitution of the U.S.S.R. laid down that: "The jurisdiction of the Union of Soviet Socialist Republics as represented by its highest organs of State authority and organs of Government, covers:

- (a) Representation of the Union in international relations; conclusion and ratification of treaties with other States;
.....
- (m) Administration of transport and communications."

This article remained in force until 1st February 1944. Until that date the Baltic Soviet Republics were therefore specifically prevented by the constitution of the U.S.S.R. from being separate members of the I.T.U.

3. This position was confirmed by the Government of the Soviet Union in their notification to the Berne Bureau of the I.T.U. (circulated as Berne Notification n° 372 of 5th December 1940). The relevant passage from this notification is as follows:

"Given that the allied republics forming the U.S.S.R. are not separate members of the Telecommunication Union, the following republics cease to be members of the International Telecommunication Union from the date of their entry into the U.S.S.R., that is: Lithuania, 3rd August 1940; Latvia, 5th August 1940; Estonia, 6th August 1940."

4. Since the Baltic States ceased to be members of the I.T.U. upon their incorporation in the Soviet Union in 1940, the new Baltic Soviet Republics cannot claim to be their successors in the I.T.U. The Soviet Government's notification of 5th December, 1940 was not required by the Madrid Convention, and need only be regarded as a formal confirmation by the Soviet Government of an established fact. The subsequent statement of the Soviet Government (circulated as Berne Circular telegram No. 9 of 28th January 1947 and repeated in Berne notification No. 520 of 1st February 1947) that the Notification of 5th December 1940 was "no longer valid" has no bearing on the position.

5. The Postal and Telegraph Administrations of the Estonian, Latvian and Lithuanian Soviet Republics have notified the Berne Bureau (circulated as Berne circular telegrams Nos. 67, 68 and 69 of 7th May 1947 and repeated in Berne Notification No. 527 of 16th May) that they have resumed membership of the I.T.U. as from 1st January 1947, and have acceded to the Madrid Convention and Cairo Regulations. As there is no provision in the Madrid Convention for the resumption of membership in any form, these notifications have no standing under the Convention.

6. Nor can these Notifications be regarded as fresh accessions to the Convention, since Notification by a Postal and Telegraph Administration to the Berne Bureau in no way fulfills Article 3, which requires notifications by Governments through the diplomatic channel.

7. The contractual obligations of the Constituent Soviet Republics under the Madrid Convention are covered by the signature of the Government of the Soviet Union. Of these Republics, only Byelo-Russia and the Ukraine, in their capacity as Members of the United Nations, are generally recognised as being fully responsible for their own international relations, and so capable of separately adhering to the Convention of the International Telecommunication Union.

ANNEX 3

Statement of the Delegation of
Bielorussia

Mr. Chairman, Gentlemen:

I take the liberty of putting a question to the Chairman of the Special Committee of Voting. The delegation of the Bielorussian Republic cannot understand how three sovereign states such as Lithuania, Latvia, and Estonia, have been excluded from the list of countries in § 18 of the Internal Regulations, and why we are discussing at all the question of their inclusion or non-inclusion in the list. Being fully competent members of the Telecommunications Union, they have an indisputable right to be on that list, unless we have already ceased to respect the provisions of the Convention which was signed by an absolute majority of the countries represented here.

It is an indisputable fact that no international organization has excluded the Baltic countries from membership in the Union. The correspondence exchanged on this subject during the period between 1940-1947, to which the delegate of the United Kingdom referred, cannot be considered as a juridical basis upon which the membership of these countries can be placed in doubt. This correspondence was carried by the Postal Administration and not in the name of the Government of the U.S.S.R., not going through diplomatic channels. Therefore, according to the provisions of the Madrid Convention this correspondence could not serve as a basis for the exclusion of these countries from membership in the Telecommunications Union.

It seems to me that no nation, or even group of nations, can predetermine the question of membership in our Union. Such predeterminations, even if they are taken by the countries organizing the conference, can only serve to undermine the basis of the Union and to cause irreparable damage to international cooperation. It seems to me that this very case presents a dangerous precedent, threatening the rights of small nations.

I do not deny the right of the present conference to decide the question of membership of a given country. I am ready to listen to any arguments for the exclusion of Latvia, Estonia, and Lithuania from membership of the Telecommunications Union, if such arguments can be found. But up to now no one has presented any legal grounds to justify the absence of these countries from the conference in Atlantic City.

My country, bordering the Baltic countries, can not remain indifferent to the possible consequences of the incorrect decisions taken at this conference. In fact, intolerable conditions may result in the operation of our radio-services if these republics, following their illegal exclusion from membership in the Telecommunications Union, will cease to recognize our decisions. This concerns not only Bielorussia, but the whole Baltic region. I hope that everyone will understand the import of such consequences since these republics are sovereign states, whose Governments are at liberty to adopt any decision.

Therefore I demand, before this question is voted upon, that the Chairman of the Special Committee on Voting answer clearly and definitely what motives are being advanced for the exclusion of Latvia, Estonia, and Lithuania from membership in the Telecommunications Union, and who is presenting such motives. Then we can proceed to discuss this very question, and not the question of inclusion or non-inclusion of these countries in the list appearing in paragraph 18 of the Internal Regulations.

Only this procedure is correct and acceptable in this case.

ANNEX No. 4

Speech made by Mr. Aiurzan, Minister
of Communications of the Mongolian
People's Republic.

Mister Chairman, Gentlemen:

First of all, permit me to express in the name of the government of the Mongolian People's Republic as well as in the name of the whole Mongolian people, my most sincere gratitude to those freedom-loving nations which have the highest esteem for the rights of small countries and which assist the ever growing number of nations who have obtained their independence, in joining the family of nations.

It is thanks to those freedom-loving nations which have supported the right of the Mongolian people to participate in the radio conference that I have the opportunity to speak before this illustrious assembly today. I would like to extend my thanks to the Committee under the chairmanship of the Swedish delegate, Mr. Sterky which has recommended to all of you the recognition of the right of the Mongolian People's Republic to take part in the Plenipotentiary Conference of Telecommunications.

Permit me to say a few words about the Mongolian People's Republic. The territory of our republic covers an area of one and one-half million square kilometers, and has a population of approximately one million people. The Mongolian people had already achieved its independence in 1921. In 1946, the Chinese Republic ratified its recognition of this independence by a formal act. Thus, at the present time, the Mongolian People's Republic maintains diplomatic relations with its neighbors China and the U.S.S.R. The Mongolian People's Republic took an active part in the final phase of the war of the United Nations against Japan.

The culture and science of the freedom-loving Mongolian people are developing rapidly. The number of schools, engineering schools, theaters and various other cultural institutions as well as the number of students in the universities is increasing from year to year.

Annex No. 4 (cont'd)

The communications network, especially that of radiocommunications, is growing rapidly.

The adherence to the International Telecommunications Convention and all its regulations therefore became vitally important to the Mongolian People's Republic and it was implemented this year through the medium of the Swiss Government.

Once again I wish to thank all the Delegations which assisted our young Republic in joining the International Telecommunications Union.

ANNEX No. 5

Statement of the Delegation of Ireland

The question of Spain has been discussed by a number of International organizations recently and decisions adverse to that country's participation in the work of those organizations have been taken, mainly to effect conformity with the United Nations resolution of 12th December, 1946. We, in this I.T.U. series of conference, find ourselves confronted with the same question, and the same arguments are adduced to justify the non-issue of an invitation to Spain to be present with us here at the shaping of an enlarged I.T.U.

Every delegate here recognizes, I believe, the universal role of the I.T.U. and its essentially technical character. It is an organization which to be fully effective must embrace the whole world, and must concentrate on its technical and scientific tasks to the exclusion of political issues. The Union recognizes, by the inclusion in its deliberations of representatives of the Allied Control Commissions for Germany, Japan and Korea the necessity for making the organization world-embracing. If conquered territories are represented, albeit on a non-voting basis, it seems illogical to exclude Spain, for political reasons. Political issues, if they are permitted to dominate the affairs of a Union such as ours, may well disrupt it and certainly make it a less potent instrument, than it otherwise would be. To exclude a country from membership simply because its internal political structure is disliked is, therefore, in the opinion of the Irish delegation, a step which can only be regarded with the utmost misgiving. It is an injury to the nation concerned but a more serious injury to the Union itself whose individual members may be compelled outside the framework of the Convention and its regulations to effect some sort of working arrangement with the excluded country. In this connection it should not be overlooked that UNO itself in its desire to signify disapproval of the Spanish regime requested merely that members should withdraw their Ambassadors and Ministers from Spain. They were not asked to remove their diplomatic missions entirely and the withdrawal of the Heads of Missions

did not entail the cessation of ordinary day to day business. This might well be taken as an example by us. We have practical difficulties to face daily in this telecommunications world and we are only going to add to these difficulties by depriving Spain of membership of the Union.

The exclusion of Spain likewise constitutes a dangerous precedent; for those who are unobjectionable politically today may find themselves tomorrow out of step with whatever type of government should then generally be in popular favour.

We, of the Irish Delegation, of course appreciate that for members of the United Nations it has been a delicate question to reconcile their obligations, actual and prospective, under the United Nations Charter, and the United Nations resolution of 12th December, 1946, with their knowledge of the fact that the ITU to be fully effective and efficient must be completely representative of all nations and peoples regardless of their political complexions. We recognize particularly a natural unwillingness to bring a Spanish delegation here with the risk of having to face the embarrassment of calling on that delegation subsequently to withdraw, as has happened elsewhere.

All these considerations pro and con being borne in mind and due weight assigned to each of them the Irish delegation has come to the firm conclusion that our acceptance of the ideal of an International Telecommunications Union independent in its own domain and as widely representative as possible involves that Spain should remain an integral part of the Union and a participant in these conferences.

ANNEX No. 6

"Mr. Chairman,

If some day, the value of principles were to be judged according to the result of certain votes, the world, gentlemen, would remain in eternal darkness; it would exist in what would be virtually a perpetual night filled with pain and affliction. Such, gentlemen, are our sorrowful sentiments when confronted with the recommendation presented by the Special Committee on Voting at the Plenary Assembly on the subject of Spain.

It is enough that one read the text of this recommendation, cold and laconic, as it appears on page 2 of Document 104 TR-E, and in conjunction therewith, the debates as summarized in the respective minutes: namely, in the confidential documents J-TR-E and L-TR-E, to bring the realization, with infinite sorrow and deep anguish that because of today's approval of the recommendation presented by the Committee we shall by that fact, and on this very day, have signed the inevitable death sentence of the International Telecommunications Union... that International Telecommunications Union which, dating from its far-distant inception at the Conference held in Paris in 1865, and through all of its successive transformations up until the Conference held in Madrid in 1932, has brought us together on a technical plane under its fraternal and peaceful auspices without ever developing irritating and disturbing distinctions under whatever name they might be revealed: political resentments, racial persecutions, religious hatreds, economic blocks etc. Because, gentlemen, there can be no possible doubt that the recommendation which has been approved by the Special Committee on Voting, constitutes the first concentrated attack on this peaceful haven, this spirit of technical concord, this symbol of fraternal harmony which until today has formed a bright pathway, an inspiring example in the midst of the tortured years we have just endured.

But there is more to it than that, gentlemen. When it shall be proved, as we shall prove beyond the shadow of a doubt, that no international

obligation forces us to take this serious step, a step which will shake the very foundations of the International Telecommunications Union; when it shall be proved that the proposed recommendation involves the violation of honored doctrines and principles; when it shall be proved that the proposed recommendation amounts to a flagrant transgression of the inalienable legal rights which man has acquired throughout the centuries by overcoming hardships and vicissitudes which threatened his status as a social being, and his quality as a political one (to quote Maritain); when it shall be proved, finally, that this recommendation is not inspired by even an elementary criterion of justice and equity since it fails to involve even the slightest advantage or consideration of a practical nature; in brief, when these grave scruples trouble our consciences and distress our hearts, we are fully convinced that if the ITU does not, while there is yet time, succeed in preserving its technical and established autonomy which is its very reason for being, it will only harbor the destructive germ of political dissension which is certain to undermine its civilizing mission, and which will end by destroying its perfect existence.

At this moment, gentlemen, we are the trustees of a well-nigh century-old heritage, the guardians of the highest traditions, traditions similar to those which, on an even loftier plane of consecration and human solidarity, are pursued by the International Red Cross, worthy as it is of every honor, following a pathway of splendid nobility, the essential purposes of which coincide with our own as much because of their universal nature as by reason of their intrinsic vision. That is why, gentlemen, we are raising our young voice in this hall to defend a time-honored heritage, and to support a principle of justice which, like all principles of justice, overrides any merely temporary interest or purely accidental consideration.

It is clear, therefore, that we are defending no nation in particular, but our own institution in general, without being impelled by reasons other than the permanent reasons upon which depends our very existence as an Institution.

Nevertheless, we have declared before the Committee that the case of Spain is a matter close to

our hearts since she is our mother-country, and because the very mention of her name stirs the deepest fibres of our being; but we repeat, we should have acted in the same manner in the case of another country experiencing the same legal and prescribed conditions.

What are these legal and prescribed conditions, when carefully studied?

Before setting forth these conditions, we shall take advantage of an iralienable right...that of avoiding being misunderstood, so that from now on we may be protected from suffering possible political consequences which might be exploited and give rise to incidents such as those which have already presented themselves in the Committee.

We agreed in a friendly spirit to permit discussion of Spain's case in one of the Committees of this Conference; we expounded the principal elements of a certain doctrine before this Committee; we pursued a crystal clear course of action; and we are by no means unaware of certain clever and subtle tactics, repetition of which should not be accepted in silence at this Assembly; we have the right to prevent perversion of problems, torn from their natural settings. That is why, gentlemen, and in order to prevent the repetition of a negative situation we shall begin by carefully stating our true position with respect to the invitation which should automatically be extended to Spain as a member of the International Telecommunications Union.

Someone, perhaps recalling the celebrated Ciceronian adage, declared before the Committee that the members of the Union should never allow themselves to forget the lessons of history. We believe that this delegate made a just and opportune suggestion, and we are inclined to follow his counsel by briefly recapitulating the history of Spain's exclusion from the present Conference.

Real history is always recorded in documents; and fortunately, in the present instance, such documents exist. Among the documents we may consult there is one, for example, which is singularly illuminating; it exists in the first volume relating to the Telecommunications Conference which met at

Moscow (official edition of the Berne Bureau, French text, page 34). Herein it is expressly stated that Spain had not been invited to the Atlantic City Conferences because the Soviet delegation so insisted, thus giving to a recommendation previously adopted by the United Nations in their Assembly of February 9, 1946, de facto status as a resolution before it had been put into practice.

Up until this time - it should be specified, gentlemen, - it had been believed that the present Conference might be convened under the auspices of the Economic and Social Council of the United Nations; which would surely have been a fatal mistake. But the delegation of Great Britain succeeded in winning acceptance of legal common sense, the only practical, just and logical method, and the present Conference was placed under the jurisdiction of the Union. The opposite procedure, besides infringing upon the universal aspect of telecommunications, would have so violated the fundamental principles of the Madrid Convention as to have been tantamount to a denunciation of the said Convention. This would have postponed the present Conference for a year because of the legal period for notification, provided precisely for the purpose of giving a legal form to denunciation of the Convention.

Under these conditions, gentlemen, and bearing in mind the recommendation of the United Nations, we have the choice of two solutions:

- 1) to invite Spain and to discuss the situation in her presence, which would prove a painful proceeding; or
- 2) to refer the Spanish case to the present Assembly for study.

The latter solution was adopted.

The fact that Spain was not invited, indicated on the part of the inviting nation, both common sense and an innate delicacy which we are the first to recognize and accept; but we do not wish this to constitute a precedent in the case of future discretionary invitations, neither do we desire that it should affect in the slightest degree, nor in any way invalidate, the right to receive an invitation which belongs to Spain as a signatory country

of the Madrid Convention.

In a word, gentlemen, we will accept that the question of extending an invitation to Spain is involved with that of the responsibility of the inviting country, as was done at the Congress of the Universal Postal Union in Paris, where the simple fact of voting FOR an invitation to Spain amounted to actually voting against the French government. Here, two things must be kept absolutely distinct: the attitude of the inviting country, which to date no country has disputed; and our own attitude as members of the Union; as the only ones directly responsible for the presence or absence of Spain.

With this highly important point clarified, and in order to avoid the consequences of building upon unsound foundations, we shall now study other antecedents which clearly and distinctly illustrate the problem.

The Soviet Union has repeatedly maintained - and certainly based on very good reasons, - that in matters of telecommunications, political considerations should not delay the technical solution of technical problems. Thus, for instance, during the second plenary session of the Radio Conference, the distinguished Delegate of the Soviet Union, after reviewing the various legal aspects relating to the Mongolian People's Republic, added these very sensible remarks:

'I should like to recall the fact that the Mongolian People's Republic is in possession of large territories, over which England, France, Italy, and Germany could easily be spread, simultaneously. This being the case, radiocommunications are of special importance. The Mongolian People's Republic has a large number of radio stations, and it would be highly desirable that these stations conform to general international regulations.'

This means, in other words, that one should not introduce, during the technical study of telecommunications problems, political considerations which do not belong to this field. Undoubtedly, this fact cannot be questioned.

However, it is evident that what is true for Mongolia is no less true - and even for better reasons in our opinion - for Spain, and this not only by virtue of its glorious past and of its contribution to the general heritage of humanity, but also because its very geographic position makes its participation indispensable in any regulation of telecommunications on an international scale.

A precedent of major importance exists for this attitude of the distinguished Delegate of the Soviet Union, and I shall mention it for the sake of greater objectivity in the debate. In 1929, during the London Conference on the Safety of Life at Sea, Mr. Arens, Delegate of the Soviet Union, advocated certain principles which seem to have been written expressly for the case of Spain. Let us recall the incident: The Soviet Union which had not been invited to the International Radiotelegraph Conference held in Washington in 1927, reacted, two years later, in these precise terms which, in spite of a lapse of 18 years, have not lost their applicability. That is why the Delegation of Argentina takes the liberty of applying them point by point to the Spanish case. The Representative of the Soviet Union spoke as follows:

'.....Since international radiotelegraph problems are of primary importance in this Conference, I believe it necessary, in the name of the Soviet Delegation, to emphasize the very abnormal situation arising from the fact that the U.S.S.R., a contracting country of the International Radiotelegraph Convention, which possesses an extensive radio system, was not invited to participate in the work of the International Radiotelegraph Conference of Washington in 1927, a Conference of the utmost importance for all the countries.

The interests of international communications - added Mr. Arens with good reason - should not be subordinated to purely political considerations; any violation of this principle would have the inevitable consequence of hampering the activity of international cultural associations, and of making the indispensable coordination of our interests impossible.

We feel already - concluded the Delegate of the U.S.S.R. - the deplorable results of this situation. Some important international radio problems have not yet been solved, particularly those problems concerning as basic and delicate a question as the allocation of frequencies...

And our attitude, gentlemen, is it any different here in Atlantic City? Moreover, the circumstances are identical. The U.S.S.R. had changed its political system, and, as a result of the intervention of political problems in the consideration of technical questions, the permanent interests of the Soviet Union injured or rather, the telecommunication system of the Soviet Union was injured. The same is true for Spain. The Government has changed, but it is Spain, and not its present Government, which suffers as a result of exclusion from the Conference.

In this connection, I wish to mention a precedent that took place in Argentina, in which we take pride, and which we take the liberty to point out here to show that Argentina practices what it preaches. In 1939, the next to the last Congress of the Universal Postal Union convened in Buenos Aires. At that time, the Government of Argentina had no diplomatic relations with the Soviet Union. Nevertheless, it deemed that its individual status should not affect an international conference to the detriment of other countries which did have diplomatic relations with the Soviet Union. Consequently, it requested the French Government to act as an intermediary, and thus the Soviet Union could be present at the Conference.. We are confronted by the same situation today that we were then, and we take pleasure in reiterating that we still practice what we preach, by applying our principles to concrete facts which do not lead to any misunderstanding.

Consequently, if it was indispensable to take such action at a postal conference because of the advantages which this action would have for the entire world, it is even more imperative to forget all political bitterness in a Conference such as ours, namely within an organization which has never become involved with the changing fortunes of militant politics.

History, gentlemen, provides us with interesting references and precedents which enlighten our judgment and subdue our feelings. And since we are speaking of history, we might mention a very curious fact which has a definite bearing on the history of the present Conference. Benedetto Croce has always been suspicious of history written by contemporary historians, but we shall attempt to prove that it is possible to write contemporary history with a few documents at one's disposal, if both spirit and language have sound aims.

When discussion took place in the Committee on Voting regarding the Baltic States and of Mongolian Republic the Honorable Delegate of the Soviet Union did not make the slightest reference to the United Nations Organization; which is the same as stating that, at no time, did he allude to the fact that the four countries concerned were not members of the UNO.

As regards the Argentine delegation such an allusion is, of course, of no importance since it does not cover the de facto sovereignty of these four nations. But it appears to us that this indeed is of very great importance to the Honorable Delegate of the Soviet Union. However, when the discussion dealt with the three Baltic States and of the Mongolian People's Republic, the Honorable Delegate of the Soviet Union vigorously upheld the sanctity of the Madrid Convention in energetic and categorical terms, to which the Argentine Delegation subscribes wholeheartedly and which it applies, as regards Spain, period by period, comma by comma. And since you, gentlemen, have not his exact words before you, we believe that we should spend a few minutes now in reading a brief excerpt of the speech given by the Soviet Delegate in the Special Committee on Voting.

The Honorable Delegate of the Soviet Union, referring to certain statements which questioned the sovereignty of the Baltic States, stated as follows:

'...I believe, gentlemen, that this question is a complex one only in one aspect, namely, that in solving it some delegates here, gentlemen, are not motivated by technical or juridical considerations, but rather by certain political impressions

or tendencies.'

Then, applying these 'political impressions or tendencies' to the prescribed statutes of the Baltic States, he added bluntly:

'It is, to my way of thinking, indisputable and incontestable that the International Telecommunications Convention is the basic law for regulating questions of this nature...'

And after having cited the text of Articles 1 and of the Madrid Convention, the Honorable Delegate of the Soviet Union made the following juridical corollary, whose orthodoxy cannot be questioned:

'We have no other guide nor rule to regulate our actions but the Madrid Convention, when it is a question of determining which nations may participate in this Conference and, consequently, which nations are members of the ITU.'

Nevertheless, during the sixth meeting of the Special Committee on Voting (Confidential Document no. 3 J-TR, Page 2), the Delegate of the Soviet Union - while recognizing that Spain from a juridical point of view was a member of the International Telecommunications Union, forgot the exclusive Madrid regulation in order to hide behind the so-called mandatory value of a 'recommendation' emanating from the competent organization of the United Nations.

The time has now come to examine the value of the said 'recommendation' in relationship with the rights and obligations of the International Telecommunications Union itself and, of course, in relationship with the members concerned of the United Nations and of the ITU.

We are going to adopt the proposal submitted by the French Delegation during the sixth meeting of the Special Committee on Voting (Page 5 of Doc. J TR), namely:

- ' 1) for the member nations of the ITU, who are not members of the UNO, there is no other law than that of the Madrid Convention. These nations can only vote in

favor of the invitation of Spain.

- 2) for those nations who are both members of the UNO and of the ITU, it is indispensable to know if there is opposition between the 'recommendation' of the United Nations and the Madrid Convention.'

We are going to point out, in no uncertain terms, that such opposition does not exist, but that an attempt is being made to create it artificially for reasons which have no bearing on the question before us.

Let us begin with one simple fact and upon which we are all in agreement: the autonomy of the International Telecommunications Union, as a Specialized Agency, has been recognized and consecrated by Article 57 of the Charter of the United Nations.

This means, therefore, that the ITU will be linked to the UNO by means of an agreement contemplated in Article 63 of the United Nations Charter - that is to say according to an agreement which should certainly safeguard the technical autonomy of the ITU, as was the case for the UPU, and as also was the case in our conference, by a vote of 23 delegations which had to decide, in the appropriate committee, the nature of the relationship to be established between the ITU and the UNO.

Upon this point, gentlemen, all the delegations are conscious of the fact that no one wishes to subordinate one organization to another, but on the contrary, to establish coordination between these two organizations.

There is the problem. To coordinate without subordinating, that is the intention of almost all the delegations. The United Nations Charter and the Madrid Convention, gentlemen, are not opposed to one another but complement one another. They are two international instruments which complement without opposing one another in any way.

Such is the interpretation which we must give to the formula of solving this arduous problem which the establishment of a bond constitutes - which is

to unite the two institutions in a satisfactory way, both for the UNO and for the ITU. The dominant spirit of the United Nations Charter is no different. With this in mind, the ITU should not arrogate the technical autonomy which has been conferred upon it by the other inter-governmental instrument, the Charter of the United Nations, which precedes it and which is of a more general nature, without it being superior to the other, however. In other words: the ITU has always been an organization of peace and it must continue to be; it is also an organization for work and agreement and as such it contains the necessary autonomy to be able to develop its fruitful and peaceful activities, without being subordinated to political requirements of any sort whatsoever, except those which would be the result of perilous situations, and in the presence of a flagrant menace to peace. At that time, the UNO and the ITU should, in fact, temporarily go hand in hand, spurred on by a common desire towards the same direct goal - that of safeguarding the welfare of mankind. If the UNO should adopt one of the measures provided for in Articles 39, 41 and 42 of the United Nations Charter, the ITU should, without doubt, make its collaboration effective and oriented towards the same goal, almost all the signatory powers of the Madrid Convention having also signed the United Nations Charter, which amounts to saying that almost all the members of the ITU are likewise members of the UNO and it is inconceivable that they should act one way within the framework of the ITU and another way within the UNO. That is why, and justifiably so, that Article 103 of the United Nations Charter, with the purpose of avoiding such conflicts, formally specifies that when two texts or two intergovernmental conventions conflict with each other, the obligations imposed by the Charter of the United Nations will always prevail.

Well, gentlemen, at this specific point of the discussion, it is evident that with respect to the obligations of the ITU and its members, on the one hand, and the obligations of the nations which make up the UNO, on the other hand, there can be no conflict between the Convention and the Charter when the specific steps to be taken are involved - the latter are mandatory - but it is an entirely different matter when you consider

'recommendations' which do not carry the same mandatory value. A recommendation, by definition, carries no strength as an enforcement instrument. It is advice whose application depends on various circumstances. It may or may not be followed; it may be adopted, or it may not be adopted. This means, therefore, that the ITU, the member nations of I T U, acting as members of the ITU, possess all the necessary autonomy in order to decide their acts with complete freedom.

And it could not be otherwise, gentlemen, as it would be contrary to common sense that a political organization such as the UNO make recommendations which would disturb the tranquillity of such a technical organization as the ITU, as was stated in 1929 with such exemplary clarity by the Delegate of the Soviet Union at the Conference for the Safety of Life at Sea. It is not possible, gentlemen, that use should be made of technical organizations in order to apply political pressure. This path would lead us straight to chaos and disorder. There should be, at all times, agreement between the two organizations, mutual respect in conformity with their respective spheres of activity. Only when there appears a danger to peace - and it be so stated by the Security Council of the UNO - should the ITU be obliged to adopt coercive steps to insure peace and world-wide agreement. In other words, the procedure we should follow is to abide by the extreme measures that the UNO imposes for safeguarding the peace, but we should not act in an arbitrary manner and without discrimination, on recommendations which are not always capable of being put into practice or effectively carried out. Such is, gentlemen, the carefully considered course which the Argentine Delegation, by rigorously applying the provisions of the United Nations Charter, feels obliged to follow in this Plenary Assembly so as to prevent the ITU from plunging into chaos and disorder.

On the other hand, a recommendation of the United Nations - even as a simple recommendation - does not necessarily lead to a conflict according to the terms of Article 103 of the Charter. The case of Spain constitutes the most striking proof of what we have just affirmed. Moreover, the recommendation is inapplicable as much from a juridical point of view as a technical point of view.

The Argentine Delegation has shown, in the Special Committee on Voting, how impossible it is to apply it juridically, and the delegations from Portugal, the Dominican Republic and of South Africa have demonstrated how impossible it would be to apply it in practice without causing serious obstacles to international services in which Spain participates daily.

Under these circumstances, gentlemen, the recommendation of the UNO, if one wished to apply it to the ITU, would remain an entirely inoperative one which would provoke very serious damages of a practical nature and the results of which would not be difficult to anticipate.

The recommendation of the UNO mentions 'the government of Franco Spain,' and the Madrid Convention, in its First Article, mentions only Spain and nothing else but Spain. In the eyes of the UNO there exists in Spain a specific government which is dealt with by a recommendation - that too a specific one; as regards the ITU Spain is, above all, a nation equipped with a radio system and telegraphic and telephonic networks whose function and operation is of extreme interest to it from the point of view of their coordination as an integral part of the international system of telecommunications; therefore, and until the UNO shall have adopted a concrete coercive and mandatory measure, the ITU will always observe its freedom of action which is indispensable to it in order to apply or not to apply the recommendations according to circumstances.

The problem, as we have just outlined it, is not only in knowing what the juridical terms permit, but also what common sense permits. We have before us a publication of the United Nations, the Weekly Bulletin, Volume 1, no. 21, which we shall read directly in English in order to confirm, with supporting unquestioned evidence, the absolute lack of mandatory value that the recommendation presents.

Mr. Jouhaux of France, was very formal in his juridical appreciation of the value of this recommendation, and no one will attempt to contradict him on any serious basis. However, aside from its lack of any mandatory nature, the recommendation is contrary to the principle of non-intervention

and of the right of self-determination of peoples, as was pointed out very strongly by a large number of countries, for the most part countries of America, which we wish to invoke here for the support of the doctrine submitted by us.

We are going to read the statements on this subject by other nations present here:

'Furthermore, the resolution was not compulsory, but solely a recommendation to each of the member governments.'

'....The resolution was adopted by 23 votes to 4, with 20 abstentions. It was evident that the delegates had not found a satisfactory solution. The United Nations was going to impose upon a non-member State political rules of conduct which were not fully applied in several member States.'

The Cuban Delegation, however, did not believe that it should vote in favor of this proposal because a collective action of that sort would, in his opinion, constitute an intervention in the domestic affairs of a given country.

'...The Delegate from Nicaragua expressed his country's traditional fidelity to the principle of non-intervention.

....Dr. José Arce of the Argentine Republic stated that the 'Spanish question' did not exist in such form as to give the United Nations the right to intervene in the internal affairs of the country. No one was able to prove that the present Spanish government constituted a potential menace to international peace and security. Dangers to world-peace appeared to be coming from other directions. The Argentine Delegation was prepared to vote against any measure which signified intervention in the internal affairs of Spain.....Costa Rica could not accede to any intervention, open or concealed, in any government whatever its nature.

....The representative of El Salvador maintained that, although the proposed resolution appeared to be directed solely against the Spanish government, it was in fact directed against the Spanish people and that, by placing them in a position of isolation

it was capable of producing the most violent reactions. El Salvador would never contribute by its vote to inciting a new civil war.

...Opposing the resolution in question, the representative from Peru stated that the principle of non-intervention was the safeguard of small nations and should be zealously maintained.

...The Delegate from the United States questioned seriously whether the Charter authorized the Security Council to take measures in the circumstances recommended in the resolution.

...The Delegate from Ecuador was of the opinion that according to the declaration of the Security Council, Franco did not at present constitute a menace to the peace of Europe. Any steps that might be taken with regard to the Franco regime would jeopardize the principles of non-intervention and the right of self-determination of peoples. These fundamental principles should not be altered.

....the Delegate from the United Kingdom said he thought that the Security Council alone had the right to decide whether to take action in the light of its own consideration of the question. The paragraph, as it stood, was contrary to the Charter, which limited action by the Council to cases in which it had determined that there was a danger to the maintenance of international peace and security. The United Kingdom Government was strongly opposed to the imposition of sanctions in the present circumstances."

We have unquestionably dwelt overlong on this subject and we apologize to this assembly therefor. But it was necessary to do so in order to show this recommendation in its proper, accurate and true perspective as a simple recommendation, devoid of any obligatory far-reaching effect.

It follows that all the legal consequences which we stressed in confidential documents J-TR-E, Annex I; and L-TR-E, Annex II, and to the terms of

which we refer as a whole in order not to prolong this statement beyond all measure, remain perfectly valid. However, for greater precision, let us cite the final conclusions of these documents which are as follows:

1) In spite of her temporary absence, Spain, which has never ceased to be a member of the ITU, is entitled to the customary invitation.

2) The recommendation of the United Nations has no binding effect, and leaves the ITU as well as the nations which constitute the UN and the ITU, free to act as they see fit to decide what attitude they will adopt toward Spain, as circumstances dictate.

3) The fact of refusing to invite Spain, likewise introduces into the ITU a subject foreign to its non-political functions and must be considered as an unwonted intervention of the ITU in the internal political affairs of Spain, that is, of one of its members, and this a direct infringement of the Madrid Convention and a flagrant violation of the right of peoples to self-determination, confirmed by the Charter of the United Nations in Article 1, Paragraph 2, and Article 2, Paragraph 7.

4) The ITU would fail automatically in its duties and obligations to Spain if the proposal submitted by the Special Committee on Voting were adopted.

In conclusion, Mr. Chairman, the Argentine Delegation was anxious to place before the Assembly elements which would enable it to form an opinion on the recommendation of the Special Committee on Voting which will be submitted in a few moments for your consideration.

(126 TR-E)

ANNEX NO. 7

Statement of the Delegation from the
Dominican Republic

Mr. Chairman and Fellow Delegates:

I shall be as brief as possible. I always remember that a famous Spanish lawyer, Mr. Antonio Monteros Rios, used to advise young lawyers to be brief. He told them: "If you are brief, the case will be decided in your favor, even if you are wrong and, sometimes, even if you are right."

But this is not the reason why I am going to be brief. After all I am not before the forum. It is because I consider that the argument of the Argentine Delegation, in support of our point of view, constitutes the last word on this matter. I do not believe that any one can surpass it either in quality or in quantity.

Fellow Delegates: I want to remind you that in a few moments this Assembly will be called upon to make one of its most solemn decisions. Because we are going to render judgment on Spain, cradle of the I.T.U. and guardian of the Madrid Convention which, according to the defenders of the Convention, is our only law.

The Delegation from the Dominican Republic, in maintaining its opinion in regard to the case of Spain, with a complete understanding of its historical responsibilities, entirely confirms the terms of the declaration made before the Special Subcommittee on Voting the text of which has been distributed in French and in English to the Heads of Delegations.

However, we wish to add the concrete interpretation we give to the scope and to the meaning of the recommendation approved by the United Nations in December 1946, in regard to Spain.

We firmly support the principle of the absolute independence of the I.T.U. and we believe that we must preserve, above all else, the non-political and universal character, manifest in our long life, full of vicissitude. That character, and nothing else, has permitted our survival.

However, we understand that the recommendation of the United Nations should be limited to its reasonable sphere of application, that is:

1. It is a recommendation and not a compulsory order, and as such, the governments remain free in regard to it, to retain their sovereignty, in decisions as to the basic question related to this recommendation; this is eloquently demonstrated by the fact that many countries have not entirely complied with it, or have not complied with it at all.
2. The recommendation refers only to organizations created by or connected to the United Nations, that is, subordinate to it, and the I.T.U. does not belong to either of these categories.
3. The recommendation, in any case, speaks of not admitting Spain, which implies, contrario sensu, that it refers to international organizations created after the recommendation and not to those already in existence, since it does not speak of excluding Spain from organizations already in operation, of which Spain is a member.

We understand that the recommendation of the United Nations has no retroactive effect and entails only a fortiori results; we understand that we cannot, without injury to logical and practical sense, give it a retroactive interpretation, which was surely not in the mind of the countries which agreed to that recommendation. Negative proposals can only bear restrictive interpretations: what is denied is denied, and only what is denied.

We understand also that there is no conflict whatsoever between our obligations as members of the I.T.U. and our obligations as members of the U.N.O.

There is no conflict of obligations, because the objectives and characteristics of the two organizations are different, despite any relationship which might develop later between the two.

The U.N.O. has the impossible task of adjusting the political entanglements of the world.

The I.T.U. has the possible task of coordinating the telecommunications of the world.

If we exclude Spain from participation in these conferences, we should not only violate the Madrid Convention - to the great chagrin of some delegations - but we should commit an offense against common sense.

By thus acting, we should be lacking in objectivity. Because as in the case of a blockade, the U.N. recommendation would have to be effective, that is, practiced and practicable, in order to be obligatory.

I want to ask my fellow Delegates, particularly those who bitterly oppose the participation of Spain in these conferences: Can we isolate Spain and sever all telecommunication relations with it? Obviously we cannot. In spite of what, justly or unjustly, we might here decide in regard to Spain, we shall continue to maintain telecommunication relations with Spain, because it is imposed on us by the nature of things themselves. We cannot have everything we desire.

Spain will cease to be a member of the telecommunications' family only for those nations with which Spain - to her honor - does not want relations.

If, by a casuistical interpretation of the recommendation of the U.N.O., we sacrifice Spain for the sake of illegitimate interests, it will not be Spain, as a country, which we offer as a propitiatory tribute on the altar of the insatiable gods, but a sacred principle of justice.

Mr. Chairman: we wish our statement to appear in extenso in the text of the minutes of this session.

Because it is not as a mere matter of curiosity that History take inventory tomorrow of the different attitudes adopted here. The Dominican Republic, a small country, but one which knows how to assume great responsibilities, wishes history to find a complete record of our attitude.

Because it will not be long, - and we are no prophets - before we regret, it may be for political reasons, the isolation in which we now seek to leave Spain.

Therefore, faithful to the purely technical nature of these Conferences, the Dominican Republic confirms its opinion that Spain must appear in the list of countries mentioned in Article 18 of the Interior Regulations.

(126 TR-E)

Annex 8

STATEMENT OF THE DELEGATION FROM GUATEMALA

Mr. Chairman,

Since many Delegations which are not members of the Special Committee on Voting were unable to hear my statement on the subject under discussion, I think it advisable to take this opportunity to reread it. The said declaration was made before the Special Committee on Voting and reads as follows:

"The Delegation from Guatemala has listened to everything that was said in this Committee on the so called "Spanish problem," particularly the very brilliant statement made by the Argentine Delegation, and desires to make it clear that Guatemala, like all Spanish-speaking countries, has a deep admiration for Spain, for Spain which gloriously wrote so many pages of world history and which laid the foundations for a new civilization on almost a whole continent.

Guatemala can never cease to appreciate how much she owes Spain. The single fact that Spain founded in Guatemala the second university on the American continent is sufficient proof of the interest the Mother Country had in my country. And there are many other evidences of this interest. Under these circumstances, Guatemala could never oppose the participation of Spain in international conferences. But what Guatemala cannot recognize is that a government like that of Franco can assume the representation of Spain, and consequently, accredit representatives to this Conference. Guatemala does not recognize the Franco Government as the true government of the Spanish people, but only as the government which through accidental circumstances has been successful in ruling Spanish territory in a certain form and up to a certain point.

The recommendation voted by the United Nations Assembly December 12, 1946, to exclude the Franco Government from specialized international agencies and from international conferences should be respected and put into effect. Specialized international organizations cannot deny their support to the United Nations Organization unless they wish to bring about its ruin and thereby sac-

rifice many of the highest ideals which the human race has been striving to achieve through a world-wide political organization ever since the creative genius of a great United States president, Woodrow Wilson, tried to bring about this most noble objective when he conceived the idea of the League of Nations. It has been said that the International Telecommunications Union is not yet associated with the United Nations. And this is true: This Conference has been making great efforts to arrive at an association between our Union and the U.N., but to date no agreement has been reached. Nevertheless, we think that we must not on that account fail to recognize that almost all the countries belonging to the International Telecommunications Union are also members of the United Nations and under these circumstances it is inconceivable that there should be a policy making it possible for countries which helped to adopt one resolution at the U.N. to help to adopt a contrary resolution in the I.T.U.

For all the members of the I.T.U. who are also members of the U.N., the resolution that is passed here can only be a direct result of the resolution passed by the United Nations Assembly. One of the greatest problems of Legal Philosophy is the problem of whether groups are different from the individuals comprising them. And indeed; in spite of the many theories that have been formulated, it has never been possible to contest that it is the individuals, the members of any group, who contribute by their individual decisions to the formation of the decisions of their groups. The Guatemalan Delegation was one of the delegations which tried hardest at the United Nations to achieve a resolution along the lines of the one which was adopted, and consequently, under present circumstances my country must follow the same line of conduct: that is, not recognizing the right of the Franco Government to speak on behalf of Spain at this Conference.

The Delegation from Guatemala does not think that this action constitutes a violation of the Madrid Convention, since it is not Spain which is excluded from this Conference but the Franco regime which we do not recognize as the legitimate, authentic representative of the

(126 TR-E)

heroic Spanish people. Guatemala will vote against the admission of representatives of the Franco government to this Conference, but with the constant reminder that there is no desire to exclude the immortal Spain, the Spain of great accomplishments, the Spain which is destined for great achievements but rather the Franco Government whose right to speak on behalf of Spain is not recognized as I have already stated.

As a consequence of these considerations, the Delegation from Guatemala proposes the following draft resolution:

In view of the resolution adopted by the General Assembly of the United Nations Organization, on December 13, 1946, the Special Committee on Voting recommends that the Franco government should not be invited to represent Spain at this Conference."

This is the end of the statement made before the Committee. As in the said Committee three motions were submitted proposing the exclusion of Franco Spain, a joint proposal was drafted which, as a proposal from the United States, the U.S.S.R. and Guatemala, was adopted by the Committee and recommended to this Plenary Assembly as it appears in Document No. 104 TR-E.

A difficult situation would arise if this Assembly were to vote to send an invitation to Spain, because several countries have recognized the Spanish Government in Exile and, logically, these countries would like to have Spain represented at this Conference by representatives of the government in exile, while the countries which still maintain relations with the Franco government would, on the other hand, wish to have representatives of this government present at the Conference.

In conclusion, and in order not to prolong the discussion any further, the Delegation from Guatemala sustains the point of view expressed herein and consequently supports the recommendation of the Special Committee on Voting.

A N N E X N° 9

STATEMENT OF THE DELEGATION FROM ARGENTINA

Mr. Chairman,
Gentlemen:

After our first speech in this debate, which was certainly quite long but was undoubtedly necessary, I suppose that everyone's eyes are now scrutinizing me in an effort to guess the number of pages I have in my hand and so to know what to expect. May I assure you, gentlemen, and Mr. Chairman, that I shall be briefer than yesterday.

First of all, it would be well to clarify the fact that the Argentine Delegation has not undertaken an attack of any kind against any specific delegation. We did not come to Atlantic City to attack anybody. We are here to work and for no other purpose. But since it seemed to us that we are not working as well as we might, we wish to trace a little history briefly, with the greatest possible objectivity, in order to draw the attention of the Delegates to the necessity of fulfilling our duties and obligations from the purely technical point of view which our work imposes on us. We have also indicated the supreme necessity for us to stay away from militant politics, in order to avoid passing a death sentence on the International Telecommunications Union, whose past has been exemplary and whose present and future -- and we make this statement wholeheartedly -- we should defend and protect in tribute to its past.

We have explained why Spain is not present at this Conference and we have also clearly indicated that there is no legal reason which in any way binds us to confirm an unjustifiable technical exclusion.

We are not playing political chess here, gentlemen; we are working on questions of frequency, we are revising an international telecommunications convention, and we still have before us the difficult task of considering high frequency broadcasting. That is our mission and that is why we are here. Therefore, we

believe that, regardless of any political consideration of the moment concerning its government, Spain cannot be excluded from a conference that requires the technical contribution of all nations, without distinction as to size, industrial capacity, internal political situation, etc.

On the other hand, speaking from a juridical point of view, we have proved that Spain is a member of the International Telecommunications Union, and that we cannot deny her legal right to an automatic invitation, without setting a very dangerous precedent of interference in the internal affairs of a country, a precedent which is without parallel in the history of the International Telecommunications Union. Today it is Spain, but tomorrow the exclusion of any other country might be demanded, and such a situation is inadmissible. And now that we have had a little more time to go over documents, we have verified the fact that our line of thought coincides with the procedure followed by the Swiss government in the case of Spain, for in the questionnaire which the Swiss government sent to all members of the I.T.U. to decide the site of the present Conference, Spain took part as a member of the I.T.U. and expressed a preference for Geneva or Switzerland. This fact is recorded in the minutes of the first Plenary Session (Doc. 57 TR-E; p B).

We have also shown here that the non-invitation of Spain on the part of the inviting country, shows an attitude of prudence, and moreover a sense of delicacy, which we are the first to recognize and applaud, as we believe that this does not in any way set a precedent of discretionary invitation nor does it invalidate the vested rights that Spain does have to such an invitation, as a country signatory to the Madrid Convention. If we invite Spain, therefore, we shall not in any way whatsoever be criticizing the United States, as we all know, Gentlemen, from what quarter the invitation for this exclusion arose.

This is all in connection with the normal obligations of the International Telecommunications Union considered as the tangible product of the Madrid Convention.

But the fact of the matter is that an attempt has been made to subordinate our commitment to a recommendation made by the United Nations, indiscriminately without distinguishing previously just to what point our duties and obligations toward the UN actually extend.

-(126 TR-E)

The International Telecommunications Union exists as a separate entity. This is a conference of that Union, no one would argue that point nor attempt to argue it. This point has certainly been cleared up and there is no reason to go over it again. But what character kind of existence does it have? What kind of existence will it assume in the future? And we answer: the existence that we wished it to have in the past -- and the one we wish to endow it with in the present and in the future.

How then, shall we proceed? Very simply, Gentlemen. The countries that attended the Madrid conference did not have before them any international commitment that limited their contractual liberty. At Atlantic City, on the contrary, the situation is not the same. A definite number of countries, which constitute a majority, have signed the charter of the United Nations, the very Magna Charta or Constitution of the United Nations, which establishes a specific and limited series of obligations and commitments.

If we go back for just a moment to San Francisco, and I beg your pardon for such extensive travel from Madrid to San Francisco and from San Francisco to Atlantic City -- we can see that when the charter of the United Nations was signed, all the signatories had earlier international commitments of another type, such as the International Telecommunications Union, the Universal Postal Union, etc.

What then did they do about these prior commitments? Did they decide to renounce them? Did they decide to withdraw from the respective organizations? Absolutely not. They did not have the authority to order the dissolution of these organizations since all the signatories of these previous multilateral conventions were not members of U.N. What did they do then? They decided to link these organizations and associate them with the U.N. And this could be done, because, being at the same time members of the U.N. and of these organizations, they could impose the necessary ties by means of a simple majority. And hence article 57, which provides for this associations

But to associate is not to subordinate, and in order to safeguard the indispensable technical autonomy of these organizations, which, moreover, also included other countries which were not members of the U.N., the Charter of the United Nations granted all its members

liberty to make the association on the basis of contractual agreements between the U.N. and the organizations involved, which received the name of specialized agencies. And this is the spirit of article 63.

I believe that up to this point we will all be in agreement on these principles, for they are merely the juridical history of a legal fact.

To admit the necessity of these ties, and to have provided the means, that is to say the agreements as formal guarantees of technical independence, was, nevertheless, to foresee the case of a conflict between the U.N. Charter, or rather between the obligations involved in the U.N. Charter and the obligations evolving from previous international agreements, by virtue of which specialized agencies such as the ITU, the UPU, etc. continued to exist. And how could such a conflict be resolved? As the Charter cannot ignore the existence, and therefore, the autonomy of the prior organizations, the Charter, in its article 103, establishes the precedence of the Charter, that is to say, of the obligations of the Charter for the members of the U.N.. Briefly: The ITU remains free to determine its acts, but if from its decisions there results a conflict between obligations as a member of the ITU and obligations as a member of U.N., members of the U.N. must first fulfill their obligations as members of U.N.

Now then; once this point had been reached, it was logical that since the possibility of conflict was foreseen, the necessities of avoiding it should be thought of. The agreement is the means, for if we are able to agree here on a definite basis, the countries that are not members of the U.N. can support the work of the U.N. also through their present obligations to the ITC, that is, to the specialized agencies whose independence is safeguarded by the U.N. Charter.

Unfortunately this agreement has not yet been reached so that it would be impossible to base our conduct on a written commitment. However, as we said yesterday this agreement can be reached only on three basic conditions:

1. Technical independence.
2. General coordination.
3. Coercive political coordination-- under circumstances as foreseen by Articles 39, 41 and 42 of the U.N. Charter, when in a definite and categorical manner the Security Council decides that there exists a menace

to world security and issues orders for action not mere recommendations -- to insure the peace.

That is, Gentlemen, what was agreed at San Francisco. But at San Francisco, Gentlemen, it was also agreed to respect and safeguard once again, the sacred principles of non-interference in the internal affairs of any nation, that is, the principle of self-determination of peoples. In other words, as long as a government, whatever its tendency does not constitute a menace to the peace and security of the world, the U.N. may adopt, in respect to it, any recommendations leading to desired ends, but it is no less evident that it cannot adopt a belligerent attitude that violates the principle of the self-determination of peoples, and even less can it use the technical organizations as weapons for its political "recommendations", as, if this were so, it would mean confusion and chaos and death for these specialized agencies.

As a consequence, if even the Charter of the U.N. which binds all its signatories equally, respects the national frontiers of each country, recognizing the individuality of its external sovereignty, and of its internal structure, it is evident, in greater degree, that the ITU and its plenipotentiary or administrative conferences, whose commitments are essentially technical and restricted to technical matters, cannot exceed its technical commitments by taking on political functions completely alien to the Madrid Convention, which moreover do not respect the principle of self-determination of peoples consecrated by the U.N. Charter. If the U.N. wishes to adopt any concrete measure to safeguard the peace, nothing prevents it from so doing in a legal manner, and this specialized agency shall be under obligation to support such a measure in its corresponding form, that is to say, in a form similar to that foreseen in article six of the draft agreement between the U.N. and the Universal Postal Union, signed in Paris, on July 4, of this year, whose terms are as follows:

"En ce qui concerne les membres des Nations Unies, l'Union reconnaît que, conformément aux dispositions de l'article 103 de la Charte, aucune disposition de la Convention postale universelle ou de ses arrangements connexes ne peut être invoquée comme faisant obstacle ou apportant une limitation quelconque à l'observation par un Etat de ses obligations envers les Nations Unies".

After this, Gentlemen, and to be brief, we believe all comment would be superfluous. The agreement -- and it could not be otherwise -- guards the liberty of

(126 TR-E)

those countries in the UPU which are not members of the U.N. and this is not only clear but definitive.

We repeat: the ITU within its technical independence, within its area of general coordination with the U.N., cannot adopt any coercive measure as long as the U.N. does not state categorically:

1. That it is a measure imposed by the necessity of safeguarding universal peace
2. That by virtue of the same all communications by telegraph, telephone, radio, etc. shall be discontinued.

If we decree the isolation of Spain, Gentlemen, we shall have converted into a coercive measure something which was merely intended as a recommendation. We do not believe that we can over-reach the U.N. itself.

I ask the Delegates, in the name of my country, to reread the recommendation in document JTR-E page 3, and to meditate carefully on it before voting and deciding on the death of the ITU, for this would be the most fatal precedent that could be set, it would be the cornerstone of a political organization that would permanently stifle discussion of any of our problems on a purely technical basis.

The destiny of the ITU is in our hands, Gentlemen. The Argentine Republic wishes to safeguard its responsibility as a member, it wishes to save the principle of non-interference and wishes to say once again that it does not feel itself obligated by any measure that violates free self-determination of peoples in their conditions of life and internal affairs, so long as it is not fully recognized, in responsible places, that these nations constitute a menace to international peace and security.

Nothing further, and thank you very much, Mr. Chairman.

STATEMENT OF THE DELEGATION OF VENEZUELA

The Delegation from Venezuela wishes to confirm the statement made in the Committee concerned in reference to Spain when this question was considered, and adds that it is necessary to differentiate between Spain, Spanish Government and the Government of Franco. To our mind there is only one Spain, the great Spain which does not know any racial discrimination and is always prepared to give whatever it has to mankind; however, this Spain is split in two; there is the portion which had to stay on Spanish soil and the portion which scattered throughout the world, particularly in America, looking forward to the time when the usurper of power in Spain will at last be brought to justice.

When referring to Spain we must of necessity recognize that the only legitimate Government of Spain is that which the Spanish people chose of its own free will and which is now represented by the Government of the Spanish Republic in exile, whose seat is at present in France.

The United Nations' recommendation mentions that the present Spanish Government (the Franco government) cannot be accepted until such time as there is in Spain a government complying with the requirements of the Charter.

I feel that on making proposals here we should distinguish carefully between the terms used, and the Delegation from Venezuela considers that if an invitation to this Conference is to be extended to Spain this invitation should be sent to the Government of the Spanish Republic as the only legal and lawful Government of the Spanish Nation.

I wish to make it quite clear that my country is a true friend of the Spanish People, and that the foregoing as well as previous statements made by us in this connection solely refer to the Franco Government. Since Franco seized power in Spain the Spanish people has lost all self-determination, and Franco's Government managed to continue in office only due to the fact that over 3 million Spaniards are in exile, 300,000 political prisoners in jail and the number of daily shootings remains constant.

ANNEX No. 11

STATEMENT OF THE DELEGATION FROM CHILE

Mr. Chairman:

The Delegate from Belgium has pointed out on several occasions that countries which have not settled their accounts or countries which are not members of the Union, although they attend the Conference, should not have the right to vote. As Head of the Chilean Delegation, I strongly protest against the discriminatory policy advocated by the Belgian Delegation, because it is a negative rather than a constructive policy for the work of the Atlantic City Conference.

Our country was officially invited to this series of Telecommunications Conferences by the Government of the United States, and the Berne Bureau sent Chile several telegrams in this connection and, I am going to read some of them now:

"Telegram to Cairo No. 169/19, September 19, 1946:

"Burinterna received today letter dated September 18, 1946, from the Legation of United States of America, Berne, and worded as follows: I was instructed by the Department of State to transmit to you the following invitation:

"The Government of the United States has the honor of inviting the Government Members of the International Telecommunication Union to participate in a Plenipotentiary Conference convened to revise the International Telecommunication Convention of Madrid, 1932 The Government of the United States has the honor to announce that the Conference will take place in Washington, or in its vicinity, and that it will open on April 15, 1947."

Here is another telegram:

"Urgent Service

Burinterna, referring to its circular telegram 169/19 of September 19, 1946, appearing in notice No.512 of October 1st, informs you that it received today a letter from the Legation of the United States of America in Berne, referring to the decision made by the Telecommunication Conference of Moscow, according to which an International Radio Conference will take place beginning May 15, 1947, also an International Plenipotentiary Conference to revise the International Telecommunication

(126 TR-E)

Convention will meet beginning July 1, 1947, and, finally, a High Frequency Broadcasting Conference will follow immediately after the International Radio Conference, these three Conferences being held at the same place.

The Government of the United States of America has the honor to inform you that, in accordance with the decisions of the Moscow Conference, the United States have changed the date originally fixed, and that its invitation now includes not only the Plenipotentiary Conference for the revision of the International Telecommunication Convention, but also the two other above-mentioned Conferences. In other words, the United States of America convene the following Conferences:

1. An International Radio Conference beginning May 15, 1947;
2. An International Plenipotentiary Conference for the revision of the International Telecommunication Convention beginning July 1, 1947;
3. An International High Frequency Broadcasting Conference, to follow immediately after the Radio Conference.

The Government of the United States will have the honor shortly to announce the city in the United States where these three Conferences will meet, but, in the meanwhile, it requests you to inform Burinterna as soon as possible of the approximate number of persons (members, attaches, secretaries, etc.) of your Delegation and of those of private operating agencies and of the organizations which will participate at each of the three Conferences, in order to facilitate the preparatory work of the Inviting Government."

I shall not inflict upon you the lecture of other telegrams.

Therefore, I cannot understand how the Head of the Swiss Delegation could name Chile in his statement during the first Plenary Assembly.

Chile has complied with each and every one of the provisions of the Madrid Convention and also with the Telephone, Telegraph and Radio Regulations.

Moreover, Chile is one of the Charter members of the United Nations and has the right to participate in any International Conference on an equal basis with the other Members of the United Nations.

On the basis of the foregoing, Chile accepted the invitation to participate in the Atlantic City Conferences and the Minister of the Interior gave instructions to the Directorate-General of Electric Services, which is in charge of these services in my country, to study the matters to be dealt with at this Conference and the proposals pertaining thereto. Therefore, I take satisfaction in pointing out that all of Chile's proposals, were considered and submitted without knowledge of the agreements of the Moscow Conference. They are therefore authentic proposals of my country.

Consequently, we arrived at these Conferences in a spirit of complete cooperation, and we are greatly surprised at the attitude of Belgium which, we believe, is far from being the general opinion of the delegations present.

It is strange that one delegation should question the right to vote of countries which were invited to and are participating in these Conferences.

We believe that after submission of our credentials authorizing us to represent our country at these Conferences, and after acceptance of these credentials, any other consideration is inappropriate.

As Head of the Chilean Delegation, I cannot tolerate any doubt concerning my country, nor can I accept the agreement adopted by the Special Committee on Voting calling for study of the position of countries that are present at this Conference and that Switzerland found at the last moment, were not members of the Union. However, Switzerland considered only a few countries because if the same criterion were applied, the total number would be 33, almost half of the countries participating in this Conference.

Finally, Chile would like to propose that this Plenary Assembly make no changes in Article 18 of the Internal Regulations, as approved by the Assembly on July 18.

A N N E X N O 12

S U M M A R Y

OF THE STATEMENT MADE BY THE DELEGATION OF THE
REPUBLIC OF ARGENTINA

QUALITY OF MEMBER OF THE I.T.U.

1. Conforming to the first article of the Madrid Convention, the Union is formed by "The countries, parties to the present Convention," or in other words, by the countries that have signed the Convention. Article 3, § 1, which deals with membership, establishes that "the government of a country, in the name of which the present Convention has not been signed, may adhere... etc." Several other clauses corroborate this interpretation.
2. The words "subject to ratification" which appear in the preamble of the Convention have no other object than to guard the signatory plenipotentiaries against the danger of a retroactive cancellation of their mandate.
3. Article 6, which deals with ratification, does not specify what conditions must be fulfilled in order that ratification of the Convention by the Governments may be deemed valid. They consequently give the latter full latitude of necessary consideration, and in this regard, it is the exercise of rights and the accomplishment of duties established by the Convention and the Regulations which, from a juridical point of view, determines in a peremptory manner whether or not the pact has been ratified by a given signatory government.

Furthermore, Article 6 does not present ratification as being a condition "sine qua non" of placing the Convention into effect, which is corroborated by the terms of Article 40 which, without taking into account the number of ratifications, stipulates that "the present Convention shall become effective on the first day of January, nineteen hundred and thirty-four."

4. The thesis according to which the Union is formed by the signatories has been invariably applied since the Madrid Convention became effective. At Cairo, the participation of countries who had not, strictly speaking, ratified the Convention, was accepted without reservations, and they were given the right to vote.

But there is more: the recommendations of the second and third plenary assemblies on "voting procedure in the Telecommunications Conferences" (page 237 of the General Regulations) establishes:

- 1) that for future plenipotentiary and administrative conferences the voting rules in effect for the Telecommunications Conferences of Madrid and Cairo shall be applied;
- 2) that, consequently, the countries enumerated in Article 21 of the Internal Regulations of the Cairo Conference shall have de jure the right to vote in future Telecommunications Conferences;
- 3) that, at the first Plenary Assembly of future Plenipotentiary and Administrative Conferences, the countries whose names do not at present appear in Article 21 of the said Internal Regulations may ask that their names be included among those countries having the right to vote;
- 4) that, in the case of countries whose independence and sovereignty are clearly recognized, such requests shall be granted as a right by the first Plenary Assembly;
- 5) that similar requests made by other countries shall be submitted for study to a special committee on the right to vote, so that it may make recommendations on this matter to the Plenary Assembly.

According to the preceding decisions the countries included in the list of Article 21 of the Internal Regulations of Cairo should therefore be admitted with full rights to vote during the course of the present Conference, even in case no decision has been taken in this regard by the Plenary Assembly. Countries not included in this list may ask to be inscribed.

This decision was invoked during the second Plenary Session of the Radio Conference by the Soviet Union (Doc. No. 299 R., p. 9), to justify the inscription in this list of the Mongolian People's Republic. It was also mentioned that the said recommendation had as its effect the inscription in the list of the 16 countries that do not appear in Article 21 of the Internal Regulations of Cairo.

5. It therefore follows from the foregoing that the situation of the countries that had previously appeared in the list of Article 21 of the Internal Regulations of Madrid and in those of Cairo cannot be clearer: except in case of cancellation on their part, or the loss of the quality of Member, either of which had taken place prior to the entry into effect of these two instruments. These countries, having the quality of Members, as such are permitted to vote without any reservation, even in case such reservations had been formulated, by invoking either non-ratification, or the non-payment of dues, etc. etc.
6. It is without doubt this interpretation that was adopted by the country that is our host, when it invited to this Conference not only the countries that are presumed to have ratified the basic instruments of the Union, but also all of the signatories of the latter, as well as all those who had adhered in general. All have, in fact, participated in all of the work of the Conference, without any distinction having been made between them. The adoption of the various resolutions in the first Plenary Session has been obtained thanks to the uncontested vote of all delegations present, without the least doubt having ever been expressed regarding the legality of such resolutions.

ANNEX NO. 13

Statement of the Delegation from Belgium

Mr. Chairman, Gentlemen,

I deem it essential to point out, in the minutes of the first meeting, some contradictions on very important questions - namely the regularity, the legality of our debates.

The distinguished Delegate of Egypt (page 13) asked the Chairman this question: Is the Conference based upon the Madrid Convention? Or is the Conference the outcome of a wish or a recommendation of the United Nations? - It was the Vice-Chairman, Mr. Colt de Wolf, who answered, and I quote two sentences word for word from the minutes:

See page 16 -

"I have no doubt that the Atlantic City Conference is the legal and juridical successor of the Madrid Conference."

and further, on page 16 -

"This Conference is very definitely a conference of the International Telecommunications Union."

These declarations are very clear and very precise, and come from the Vice-Chairman of the Conference.

Somewhat later, the Delegation from Belgium raised the question of the non-admission to the Conference, with a right to vote, of certain countries because they were not members of the Union. And I read on page 34:

"The Chairman: I believe that we were in agreement yesterday, in considering that this Conference is a conference of sovereign countries and that participation will not be limited only to members of the International Telecommunication Union."

There is, therefore, a complete contradiction between the statement of the Vice-Chairman, Mr. Colt de Wolf, and the statement of the Chairman.

It is for this reason that I believe that there is a small mistake in the wording, and that the statement of the Chairman should be understood as an interrogation, and as an expression of doubt - ? "I believed that we were in agreement yesterday, etc. with a question mark at the end." For we were not in agreement, Mr. Chairman, and, if the Delegation from Belgium had at once understood your reply as it is now worded in the minutes, it would not have failed to tell you that it could not be in agreement. But the debates were carried on too rapidly, and with the delay and defects of simultaneous translation such incidents can easily occur.

I ought to repeat very clearly and very energetically here that the Belgian Delegation will maintain its stand upon the ground of law, and that we deny to countries which are not members of the Telecommunications Union the right to vote in our deliberations. The Special Committee on Voting has discussed this question at length and clearly, it has been stated by several delegations which took part in the discussions that the criterion for admission to our Conference was: to be a member of our Union, to have fulfilled certain conditions set by the Madrid Convention. - And several delegations have here affirmed and confirmed what we have just said. Our only law is that which is now in force and which will remain valid until the new Convention at Atlantic City in its turn comes into force, that is, perhaps in the course of the year. It is the Madrid Convention which we established and signed of our own free will and which we understood to observe and to respect.

If I have so strongly insisted that Madrid be respected, you well know that it is not through a feeling of hostility towards any country whatever. Pray believe that I have but one purpose: the interest of the Union and of us all; but one anxiety: that the Convention which may emerge from our work be unstained by any irregularity, that our deliberations and our discussions may not hereafter be questioned by anyone. Do you believe that a new Convention would have great value in the eyes of the world and of the Administrations, a new Convention of which it might be said that it had been imposed on a number of countries by a majority which had only been obtained thanks to the presence of several

countries admitted to vote contrary to legal practices? - Such a possibility is not desirable for anyone, no, not for any country and, perhaps, especially not for the inviting country.

Membership in the International Telecommunications Union, is very clearly, the outcome of the first articles of the Madrid Convention. And if this point has given rise to some confusion, as it appears from the minutes of the first Plenary Session, page 33, it is perhaps because the question was not well put by the Secretary General and because he, taken by surprise, could not offer a precise and exact solution; but this solution is not in doubt when the texts are examined.

Does this mean that, under the difficult situation caused by war and delicate international complications, it is necessary to hold strictly to the stipulations which provided for a diplomatic notice to the Spanish Government? - As I stated in the Special Committee on Voting, exceptional circumstances demand exceptional measures under penalty of obstructing the operation of the Berne Bureau. And in our opinion, a notice to Berne can replace a notice to the Spanish Government, which certain countries may have deemed undesirable for themselves.

Some governments may already have been real and active participants in the Telecommunications Union, may have adhered to certain parts, may have paid their dues, etc...and may have done so for years, but these governments have perhaps not been able, because of the diplomatic situation and of the war, to fulfill all the conditions set by the Madrid Convention.

All these are instances of a kind which can be judged in an equitable fashion.

If certain countries, after examination of their case, are not considered as entitled to vote, to our minds it does not in the least follow that they cannot take part in our debates, but only that they must abstain from taking part in voting.

Mr. Chairman, I request that this statement be entered in extenso in the minutes of the second Plenary Session. Thank you, Mr. President and Gentlemen.

July 20, 1947

BELGIAN CONGO

172 TR

Proposal Concerning Article 19
of the Internal Regulations.

Article 19

Voting in Plenary Sessions

§ 1. To enable the Plenary Session to cast a valid vote, half of the delegations accredited to the Conference and entitled to vote shall be present or represented at such Plenary Session.

§ 2. With the exception of the important questions covered in § 3; no proposal nor amendment shall be adopted unless it is carried by an absolute majority of the affirmative and negative votes cast. In case of a tie, the motion is considered lost.

§ 3. In the case of important questions:

- a) a two-thirds majority of the total number of affirmative and negative votes shall be required;
- b) if at least half of the delegations present and entitled to vote abstain from voting affirmatively or negatively, the question shall be carried over to a future meeting, at which a second vote shall be taken according to the procedure indicated in sub-paragraph a) and at this time no account shall be taken of the abstentions.

§ 4. Shall be considered as important questions those dealing with:

- a) a modification in the structure, the membership status or the seat of the Union;
- b) the budget of the Union.

Reasons

I. The wording of § 3 as adopted in the Plenary Session annuls, to all intents and purposes, the 2/3 majority vote ruling because it enables a simple majority vote to decide 1) that a motion shall be adopted by a simple majority and 2) to adopt the said motion.

This paragraph is therefore illogical and it would be advisable to return to the form proposed by Committee F.

II. Past experience has proved that it is indispensable to specify without ambiguity the articles to which the 2/3 majority vote is applicable. That is the purpose of § 4.

III. a) of § 4 specifies clearly that it concerns only modifications of existing regulations - that is, of the status quo - which must be carried by a 2/3 majority vote to be adopted.

The formula adopted by the Assembly had the defect, indeed, of sanctioning any maneuver by authorizing a simple majority to decide on the affirmative or negative form to which the 2/3 majority would apply.

IV. a) of § 4 speaks of "membership status" and not of "qualification for membership" - which could be voted on by a simple majority.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 128 TR-E

July 21, 1947

List of Documents
of the
International Telecommunications Conference
(Documents 1 TR-E to 100 TR-E)

1	TR-E	Hungary	Proposals 1 TR - 16 TR
2	TR-E	U.S.A.	Proposal 17 TR
3	TR-E	Canada	Proposals 18 TR - 21 TR
4	TR-E	U.S.S.R.	Proposal 22 TR
5	TR-E	U.S.S.R.	Proposal 23 TR
6	TR-E	Chile	Proposal 24 TR
7	TR-E	Italy	Proposal 25 TR - 47 TR
8	TR-E	Italy	Proposal 48 TR
9	TR-E	United Kingdom	Proposal 49 TR
10	TR-E	Czechoslovakia	Proposal 50 TR - 52 TR
11	TR-E	Italy	Proposals 53 TR - 76 TR
12	TR-E	Italy	Proposals 77 TR - 104 TR
13	TR-E	China	Proposals 105 TR - 120 TR
14	TR-E	France	Proposal 121 TR
15	TR-E	Notice concerning distribution of docu- ments 1 TR - 14 TR	
16	TR-E	Colombia	Proposal 122 TR - 127 TR

17	TR-E	Uruguay	Proposal 128 TR
18	TR-E	U.S.A.	Amendment to doc. no. 2, TR-E
19	TR-E	Ireland	Proposal 129 TR
20	TR-E	U.S.A.	Proposal 130 TR
21	TR-E	Argentina	Proposal 131 TR
22	TR-E	U.S.A.	Proposal 132 TR
23	TR-E	U.S.A.	Proposal 133 TR
24	TR-E	Meeting of heads of delegations, July 1	
25	TR-E	U.S.A.	Proposal 134 TR
26	TR-E	Amendment to doc. no. 23 TR-E	
27	TR-E	France	Proposal 135 TR
28	TR-E	France	Proposal 136 TR
29	TR-E	France	Proposal 137 TR
30	TR-E	Correction, doc. no. 24 TR-E	
31	TR-E	Switzerland	Proposal 138 TR
32	TR-E	U.S.A.	Suggested distribution of proposals among committees
33	TR-E	Dominican Republic	Proposal 139 TR
34	TR-E	Recommendations for working methods at committee meetings	
35	TR-E	Suggestions for Committee Chairmanships and Vice Chairmanships	
36	TR-E	Agenda of 1st plenary session	

37	TR-E	Correction, doc. no. 32 TR-E	
38	TR-E	Proposal for committee structure	
39	TR-E	Correction, doc. no. 25 TR-E	
40	TR-E	Schedule of committee meetings	
41	TR-E	Notice concerning special committee on voting	
42	TR-E	Provisional internal regulations	
43	TR-E	Norway	Proposal 140 TR
44	TR-E	Netherlands	Proposal 141 TR
45	TR-E	U.S.S.R.	Proposal 142 TR
46	TR-E	Program, July 7-12	
47	TR-E	Form for voting	
48	TR-E	Greece	Proposal 143 TR
49	TR-E	Committee F	Report of 1st meeting
50	TR-E	Czechoslovakia	Proposal 144 TR
51	TR-E	Czechoslovakia	Proposal 145 TR
52	TR-E	Committee C	Report of 1st meeting
53	TR-E	United Kingdom	Proposal 146 TR
54	TR-E	Committee B	Report of 1st meeting
55	TR-E	Greece	Proposals 147 TR- 160 TR
56	TR-E	Committee E	Report of 1st meeting

- 57 TR-E Minutes of 1st
plenary session
- 58 TR-E Distribution of re-
visory work on the
Madrid Convention made
by the Chairmen of Com-
mittee C, E, and F
- 59 TR-E Committee E Agenda for 2nd
meeting
- 60 TR-E Committee E List of documents
to be studied by
Committee E
- 61 TR-E Correction, doc. no.
54 TR
- 62 TR-E Committee B Report of 2nd
meeting
- 63 TR-E Committee G Report of 1st
meeting
- 64 TR-E Belgium Proposal 161 TR
- 65 TR-E Uruguay Proposal 162 TR
- 66 TR-E Egypt Proposal 163 TR
- 67 TR-E United Kingdom Proposal 164 TR
- 68 TR-E Committee F Report of 2nd
meeting
- 69 TR-E Draft prepared on
the basis of the
I.C.A.O. Agreement
with the United Nations
- 70 TR-E Minutes of meeting of
heads of delegations,
July 1
- 71 TR-E Correction, doc. no.
66 TR-E
- 72 TR-E Committee D Report of 1st
meeting

- 5 -
(128 TR-E)

73	TR-E	Committee F	List of documents to be examined by Committee F
74	TR-E	Committee C	List of documents to be studied by Committee C
75	TR-E	Committee D	Draft agreement between United Nations and Universal Postal Union
76	TR-E	Committee B	Report of 3rd meeting
77	TR-E	U.S.A.	Proposal 165 TR
78	TR-E	Committee C	Report of 2nd meeting
79	TR-E	U.S.S.R.	Proposal 166 TR
80	TR-E	Committee E	Revision of doc. no. 60 TR-E
81	TR-E	Committee E	Report of 2nd meeting
82	TR-E	Committee F	Report of 3rd meeting
83	TR-E	Committee F	Report of 4th meeting
84	TR-E	Committee F	Report of 5th meeting
85	TR-E	Corrections to documents 58 TR-E, 66 TR-E, and 74 TR-E.	
86	TR-E	Committee F	Agenda for meeting of July 14
87	TR-E	Correction, doc. no. 78 TR	
88	TR-E	Committee D	Report of 2nd meeting

89	TR-E	Committee E	Agenda for 3rd meeting
90	TR-E	Committee E	Comparison of texts of Madrid Convention with corresponding proposals
91	TR-E	Committee E	Comparison of texts of Madrid Convention with corresponding proposals
92	TR-E	Committee E	Addenda to doc. no. 89 TR-E
93	TR-E	U.S.A.	Proposal 167 TR
94	TR-E	Committee F	Comparison of texts of doc. no. 5ter of Moscow Conference with corresponding proposals. Internal Regulations for Conferences, Art. 1
95	TR-E	Committee F	Report of 6th meeting
96	TR-E	U.S.A.	Proposal 163 TR
97	TR-E	Committee F	Comparison of texts of doc. no. 5ter of Moscow Conference with corresponding proposals. Internal Regulations of the Conference, Art. 5
98	TR-E	Committee F	Comparison of texts of doc. no. 5ter of Moscow Conference with corresponding proposals. Internal Regulations of the Conference, Art. 6
99	TR-E	Committee F	Comparison of texts of doc. no. 5ter of Moscow Conference with corresponding proposals. Internal Regulations of the Conferences, Art. 7

- 7 -
(128 TR-E)

100 TR-E

Committee F

Comparison of texts
of doc. no. 5^{ter} of
Moscow Conference
with corresponding
proposals. Internal
Regulations of the
Conferences, Art. 8

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173 TR

Egypt

Proposal concerning the Voting Procedure
in Plenary Session.

Modification of Art. 19 as adopted July 18, 1947.

Voting in Plenary Session

§1. Text adopted stands.

§2. Text adopted stands.

§3. a) A majority of 2/3 of the total number of the positive and negative votes cast shall be required on questions concerning the Seat of the Union, the admission and expulsion of members, the Budget of the Union and the Monetary Unit.

b) In addition, when other important questions are considered, any delegation may move that a question under consideration should be decided by a 2/3 majority of the total number of the positive and negative votes cast, rather than by a simple majority. If the motion is seconded, the Session shall determine by a simple majority, whether or not the question should be decided by a 2/3 majority.

c) If no results are obtained by the 2/3 majority voting rule, the question will be referred to the following session during which the question will be decided by a simple majority of positive and negative votes cast. In case of a tie, the question will be deemed rejected.

Motive: 1) The general tendency of the majority shows clearly that a voting procedure should give maximum guaranty to obtain substantial majority of votes in specific and other important measures, (object of modifications of §3 a & b).

2) Meanwhile this guarantee should not obstruct the issue whether it is positive or negative, (object of modification §3, c).

3) Committee F has spent tedious effort to produce a modification to Art. 19 in a document written and distributed to members who had then the time to read it and make up their minds.

The proposal, lengthy as it is, adopted by the Session on the 18th July has been read aloud only. The validity of its adoption is not contested, but in reading it later a further modification seems necessary to reflect the real view of the Session and to make the application of its ruling clearer.

For example the Egyptian delegations believes that the interpretation of the rule is that if the positive result of voting does not attain $2/3$, a negative vote should be demanded. If the negative vote does not attain the $2/3$ votes required the measure can neither be accepted nor rejected. The necessity for a further vote (the ruling of which should be governed by the proposed §3 c) seems therefore inavoidable.

While the Egyptian delegation does not contest the past issues of the session, it believes advisable to adopt for the future a clear well defined procedure of voting which rallies the majority of this Conference, when all delegations have had time to consider fully the text adopted on the 18th July. With view of attaining this object, the Egyptian delegation submits this proposal for the appreciation of the Assembly.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 130 TR-E

July 21, 1947

E G Y P T

174 TR

Proposed resolutions for the basis of
the Work of the Conference.

"The assembly while recognising that the Madrid Convention is the basis of the work of this conference, it adopts and recommends to its commissions to take as basis of discussion together with the Madrid Convention, the documents of the Conference of Moscow and the realities of the present international conditions."

Motives

There has been no homogeneity in the basis of the work of the commissions. While a committee decides to take the Madrid Conventions as basis for their work, another committee decides to consider the Moscow document as the basis. The same thing happens with proposals appearing in the documents submitted to the Conference.

It was clear during this session that a great deal of misunderstanding and lengthy discussions were due to this double conception. It was also clear that both sides sometimes agree on the subject and differ on the procedure.

To establish a common ground of debate and to expedite the work of the Conference, it is necessary to agree a generally admitted principle. With the view of attaining this object, the Egyptian delegation submits this proposal for adoption by the assembly. It is based on:

1. The uncontested basis of Madrid Convention.
2. The Moscow Documents.
3. The realities of the time.

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July 21, 1947

Committee E

R E P O R T
of the Convention Committee.
(Committee E)

3rd Meeting
July 17th 1947

1. The Chairman called the meeting to order at 4.20 P.M., and stated that Mexico will participate, at her request, in the work of the Committee.

2. The report of the 2nd meeting (Document No. 81 TR-E) was then adopted. (1st item on the agenda)

3. Document No. 80 TR-E which lists the convention articles to be studied by the Committee and the corresponding proposals was approved subject to the following addition:

- proposal No. 110 TR of Document No. 13 TR-E of China relating to article 13,

- and proposal No. 169 TR of Document No. 103 TR-E of Switzerland regarding the annex (2nd item on the agenda).

4. The Chairman then proposed, in accordance with the 3rd item of the agenda, to form a Subcommittee whose terms of reference would consist of studying Article 13 relating to the arbitration procedure, taking into account the proposals mentioned in Document No. 80 TR-E, which was adopted. At their request the following five countries will participate in the work of the Subcommittee:

United States, China, Chile, France, Italy.

A certain number of these Countries will be represented at this Subcommittee by Delegates having special legal knowledge.

5. The Chairman then requested that the Committee should commence the detailed study of the articles mentioned in the 4th item of the agenda. The study of Document No.

90 TR-E relating to Article 13 was postponed. The Committee then started the study of article 30: Priority of Transmission for Government Telegrams and Radiotelegrams.

The proposals referring to this article are assembled in Document Nos. 91 TR-E and 103 TR-E. The latter contains a Swiss proposal. The Delegate from Switzerland explained that, as already had been provided in the case of the L. of N., its purpose was to give the U.N. and a certain number of international organizations the right to the same transmission priorities as a government.

The Chairman read the Committee the contents of the Swiss proposal. It was then decided that the Committee should study them in detail and the Annex to the Convention at the same time.

6. The Chairman then proposed that the Committee divide the study of the different proposals contained in Document No. 91 TR-E into two parts: the question of priority and the question of rates.

He asked the Delegates to indicate, first of all, whether they were:

- in favor of the procedure laid down by the Madrid Convention: categorical priority for all government telegrams unless waiver of the priority is requested.

- or in favor of the contrary procedure: priority should not be granted unless requested by the sender.

7. A long exchange of views ensued during which the Delegate from New Zealand, in particular, explained that the question had already been discussed by the Radio Conference, while awaiting the decision of the Plenipotentiary Conference, had meantime drafted a text. This text provided that in order to avoid congestion of traffic due to government telegrams, priority should be granted only upon express request by the sender.

The Delegate from the United Kingdom explained that granting automatic priority to all government telegrams, unless the sender waived this privilege, had caused traffic congestion; for this reason, in his country, priority was granted only to official telegrams for which it had been requested by a duly

accredited official; this arrangement had contributed most effectively to limiting the number of priority telegrams. It was in this spirit that the proposal of the United Kingdom had been drafted.

The Delegate from Italy supported this proposal to which he wished to add the last sentence of the French proposal: "the degree of priority is clearly defined by the Regulations annexed to this Convention."

The Delegate from Czechoslovakia also supported the proposal of the United Kingdom, specifying that, in order to enjoy priority, a message should satisfy three conditions:

- 1 - be filed by accredited persons;
- 2 - be expressly designated as a priority message;
- 3 - have reference to government matters.

Finally, the Committee agreed that priority should only be granted to government telegrams and radiotelegrams if requested by the sender.

8. The Chairman next proposed study of the French proposal, which also provided for priority for government telephone conversations.

The Delegate from France brought out the point that one purpose of this proposal, among others, is that government telephone conversations which enjoy priority should not pay surcharges.

The Delegate from Sweden suggested that Article 30 mention all types of communication and the Delegate from Lebanon proposed adding the word "telecommunications."

The Delegate from the United States felt that, because of provisions peculiar to the telecommunication network of his country, which has not adhered to the Telephone Regulations, he could not accept the French proposal.

The Delegate from South Africa thereupon proposed adding the words "as far as possible." After a long discussion in which the Delegates of Lebanon, the U.S.S.R., Denmark and the Belgian Congo took part, the Chairman proposed that the Committee accept the following compromise

text:

"Government telegrams, radiotelegrams, and, as far as possible, telephone conversations, shall enjoy the priorities of transmission provided for in the Regulations, when priority is requested for them by the sender."

This text had the approval of a great many Delegates, with the exception of the Delegates from the Belgian Congo and Italy who wished to delete "as far as possible."

However, the Delegate from the United States specified that he agreed, only provisionally, and that he would like to know whether a country which had not adhered to the Telephone Regulations was bound by that part of the text referring thereto. The Chairman thought that the Convention was obligatory for all members of the Union who ratified the Convention, but that this question of a reservation did not lie within the terms of reference of the Committee.

Finally, the principles set forth in the text proposed by the Chairman were adopted by 29 votes to 1 (Belgian Congo).

The wording of the text will be perfected later.

10. Other questions. Madrid Convention, Article 32-Monetary Unit. Doc. No. 102 TR-E.

The Delegate from Canada brought out the point that the question of the monetary unit had been raised on several occasions during the Radio Conference, and that this Conference was awaiting the decisions of the Plenipotentiary Conference. It would be well for the Committee to take up this question at the earliest possible moment.

The Chairman proposed that, at a forthcoming session, the Committee study Article 32 - Monetary Unit. The proposals referring to this article are contained in Document No. 102 TR-E. He suggested that this study be taken up in two stages:

First stage: the delegations which have already made proposals as well as others who wished to do so, would explain their standpoints; however, in this first stage, delegates would express only their own ideas,

without discussing the proposals of other delegations.

The rapporteurs would then condense these statements into a basic document which would be circulated, thus permitting the delegates to study this question thoroughly before the second stage.

Second stage: the delegates would discuss the various viewpoints and compare them with their own ideas.

The Chairman felt that it was not yet possible to state the exact time when the subcommittee in charge of studying this Article would be appointed; it must have very definite terms of reference and would be put in charge, if necessary, of drafting several texts which would take into account the diverse opinions expressed.

The Chairman announced that, if possible, there would be two meetings the following week, and that the question of Article 32 would probably be taken up at the second meeting.

The Delegates of Cuba and of S.C.A.P. asked to take part in the work of the Committee. This request was approved.

The Chairman adjourned the meeting at 6.25 p.m.

The Rapporteurs:

A. DAVID
H. LEROGNON

The Chairman:

H. TOWNSHEND

Note: The following countries have also asked to take part in the work of the Committee and should be added to the Annex to Document No. 56 TR-E.

Chile
Cuba

Lebanon
Mexico

S.C.A.P.

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TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 132 TR-E

July 21, 1947

Committee E

175 TR

CZECHOSLOVAKIA

Annex "Definitions" to the Convention.

> The Czechoslovakian Delegation proposed to replace the text of the annex to the Convention concerning service telegrams and radiotelegrams by the following definition:

"Service telegrams and radiotelegrams: Those emanating from organs of the International Telecommunications Union, from Telecommunication Administrations..... (the remainder without change)."

Reason.

In order that the I.T.U. organs (particularly the Bureau, the future C.I.E.F., and the C.C.I.) should be clearly included in the category of organs authorized to send service telegrams.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 133 TR-E

July 21, 1947
Committee C

Czechoslovakia

176 TR

Bureau of the International Telecommunication
Union.

Since the creation of the International Telegraph Union, the central bureau, designated as "The International Bureau of the Telegraph Union" and since the Madrid Conference as "The Bureau of the International Telecommunications Union," has been entrusted with the functions of the actual secretariat of the Union, whose task had been determined by Article 17 of the Madrid Convention and by the Regulations annexed thereto.

The services rendered by the Bureau to the Union as a whole, and to the members of the Union in particular, are well known, and it would be useless to describe them in detail. The accuracy of its work and of its documentation during the past few decades is known to everyone, and this not only during the conferences, but continuously between conferences. Every member of the International Telecommunications Union is in a position to judge and appreciate the excellent work of this bureau which does not advertise itself, but works modestly and unceasingly. Under the high supervision of the Government of the Swiss Confederation, whose comprehension of the interests of the International Telecommunications Union and of the Bureau will never be forgotten, the Bureau of the International Telecommunications Union gave proof of its absolute neutrality during the last two wars.

Should the present Conference believe it necessary to modify the structure of the International Telecommunications Union and to strengthen the authority of the central bureau, the Delegation from Czechoslovakia believes that there is no reason to change its name "Bureau of the International Telecommunications Union" which has become historical. This name to which all the members of the Union have become accustomed has always been associated with the idea of faultless work.

- 2 -
(138 TR-E)

The Delegation from Czechoslovakia is therefore of the opinion that it is not advisable to give this bureau a new name, and it suggests that the designation "Bureau of the International Telecommunications Union" be retained.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 134 TR-E

July 21, 1947

Committee E

Fourth Meeting to be held on Thursday 24 July
at 10:00 A.M. in the Trellis Room, Ritz Hotel

AGENDA

1. To approve minutes of Third Meeting (Doc. 131 TR-E)
2. Appointment of Chairman of Subcommittee E 1
(see figure 4)
3. Detailed (second stage) consideration of the
following Articles (so far as time permits):
 - (a) Article 30. Madrid Convention - "Priority
of Transmission of Government Telegrams
and Radiotelegrams" (Doc. 91 TR) [Note: com-
pilation of examination begins at Third
Meeting]
 - (b) Article 13. Madrid Convention - "Special
Arrangements" (Doc. 90 TR)
 - (c) Article 24. Madrid Convention - "Secrecy
of Telecommunication" (See individual pro-
posals referred to in Doc. 80 TR)
 - (d) Articles 26 and 27. Madrid Convention -
"Stoppage of telecommunication" and
"Suspension of service" (See individual
proposals referred to in Doc. 80 TR)
 - (e) Article 28. Madrid Convention - "Investi-
gation of Infringements" (See individual
proposals referred to in Doc. 80 TR)
4. To note for future study Docs. 102 and 115 TR
regarding Article 32. Madrid Convention - "Monetary
Unit"

Article 15. Madrid Convention - "Arbitration" has
been remitted to Subcommittee E/1 from which a re-
port will be received at a later stage.

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TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 135 TR-E

July 22, 1947.

ARTICLE 19

VOTING IN PLENARY SESSIONS

(Based on proposals of Colombia and China as adopted by the Plenary Session which adjourned at 1:40 p.m., Tuesday, July 22, 1947.)

- § 1. For a valid vote to be taken at Plenary Sessions, at least one-half of the delegations accredited to the Conference and having the right to vote must be present or represented at the session during which the vote is cast.
- § 2. In Plenary Sessions, no proposal or amendments shall be adopted unless it is supported by a majority of the delegations present and voting. In determining the number of votes required for a majority, abstentions shall not be taken into account. In case of a tie the measure shall be considered rejected.
- § 3. Exceptions to the above rule shall be made with respect to proposals to admit, suspend, or exclude a country in connection with the list of countries in Article 16 entitled to participate and vote in the Conference. In such a case a 2/3 majority of the positive and negative votes cast shall be required.
- § 4. If the number of abstentions exceeds 50 % of the delegations present and voting, the measure shall be reconsidered at a subsequent meeting.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 136 TR-E

INTERNATIONAL TELECOMMUNICATIONS CONFERENCES

Atlantic City, New Jersey

Communication from the Director of the Bureau
of the Union - July 22, 1947

During the discussion on Saturday, July 18, on the question of the States whose names should be included in Article 18 of the Internal Regulations, that is on the question of the membership of certain States, several delegations asked that the Bureau of the Union be questioned in this connection.

Because of the sudden termination of the discussion by the unanimous adoption of the resolution proposed by the Delegate from the United States, the Director of the Bureau was not able to make any statement.

Nevertheless, I should like to indicate the position of the Bureau of the Union in this matter and I am using this communication to point out the following facts:

1. The Bureau of the Union has no authority to give its opinion on the conditions which determine membership of the Union.
2. A fortiori, the question of determining whether the execution or the non-execution of certain acts (ratification of the Convention, approval of Regulations, etc.) can have an influence on the right to vote, and is completely beyond the scope of the Bureau of the Union.
3. As a matter of fact, the management reports drawn up by the Bureau and completed by the report of the Director at the first Plenary Session on July 2 contained a complete list of the States which up to the present time, have been working in cooperation within the Union. Not one of these States is missing.
4. Each year, the Bureau includes in its management report two tables which indicate:
 - a). the dates of filing of ratification or adherence or statements concerning the Convention.

b) the dates of filing of Acts for the four Regulations.

These two lists are of different types. The first dealing with the Convention is based on information given to the Bureau of the Union by the Government which was host to the last Plenipotentiary Conference. This list may be incomplete. As a matter of fact, the Convention requires this government to notify the other contracting governments of ratifications of the Convention and adherences to this act; the Convention does not require any official notification to the Bureau of the Union.

The second list dealing with the Regulations is on the contrary authoritative because all notifications concerning these Acts must be addressed to the Bureau.

These tables are published regularly in the management reports which are sent to all the Administrations and which can be checked by these Administrations.

5. All inferences and conclusions to be drawn from these purely objective data published by the Bureau as part of its function are within the competence of States belonging to the Union and their Conferences. These inferences and conclusions are not within the competence of the Bureau of the Union.

These observations which I recommend for consideration by the delegates are of a nature to clarify unequivocally the position of the Bureau in this delicate matter.

Dr. F. von Ernst
Director of the Bureau of the Union

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 137 TR-E

July 23, 1947

Committee C

R E P O R T

of the Committee for the
Organization of the Union.

(Committee C)

Fourth Meeting
July 16, 1947

1. The meeting was called to order at 10 a.m. under the chairmanship of Mr. Alexander D. FORTOUSHENKO (Soviet Union).

The Chairman submitted to the Committee the report of the second meeting (Doc. No. 78 TR-E).

The Delegates from Switzerland and Italy, respectively, pointed out details in their statement.

The Chairman stated that the proper modifications would be made by a rectification in the report.

The Delegate from Portugal pointed out that the object of Document No. 87 TR was to replace p. 8 and not p. 7 (in the French text only) of Document No. 78 TR.

Subject to these reservations, the Committee approved the report of the second meeting.

2. The Chairman proposed continuing the general discussion on the general organization of the Union, which had been carried on in preceding meetings.

3. The Delegate from Norway wished to add some remarks on international consultative committees.

Norway proposed retaining all the good points of the organization. In the past the C.C.I.'s had played a

very important role. They are very useful, especially in the development of the telecommunications of small nations, and no expression of gratitude would be too great for the success of their efforts up to the present time. The C.C.I.'s should have the best possible structure and working methods, but great care must be taken in the creation of new organs, because it was not certain that their respective powers could be clearly defined. It was for this reason that Norway had proposed setting up a list of technical questions, exactly defined as belonging to the organs under consideration.

The Delegate from Greece, supplementing the statement he had made at the second meeting, wished to express the admiration and gratitude felt by his Administration and Government for the Government of the Swiss Confederation and the Bern Bureau for the splendid and impartial way in which they had acquitted their duty to the Union.

In reference to Article 2 of the Convention, which he had not discussed in his first statement, he said that his country agreed:

- a) to incorporate the Additional Regulations in the General Radio Regulations,
- b) to add to the series of regulations, Broadcasting Regulations which could be prepared by the High Frequency Broadcasting Conference.
- c) to oblige all countries which were members of the Union, automatically to sign all the Regulations.

In short, Greece hoped that the I.T.U. would be strengthened and would become universal. For this purpose, it must be given the appropriate organs, and all members must be required scrupulously to carry out all its regulations.

5. The Delegate from Hungary referred to proposal NO. 2 TR-E of his country, which completes and modifies the text of Article 2, paragraph 1 of the Madrid Convention as follows:

"The provisions of the present Convention shall be supplemented by the following Regulations: the General Regulations, the Telegraph Regulations, the Telephone Regulations, the Radio Regulations. These Regulations shall be binding for all the countries, parties to the present Convention."

To this effect, he supported the proposal of the Soviet Union (c.f. Document No. 45 TR-E, Article 7 para. 1 of the Draft Convention drawn up by the Moscow Conference). He believed that the Regulations were an integral part of the Convention and that, consequently, their application is obligatory for all signatory countries.

6. As no other Delegate wished to take the floor, the Chairman concluded that, the highly interesting statements just made indicated a general desire to proceed to the reorganization of the I.T.U. Moreover, it should be noted that there were no very great differences of principle between the numerous proposals submitted. It was, therefore, possible to proceed to a detailed study of the different articles. For this purpose, an agreement should first be reached to adopt a basic document for all the discussions. This agreement would not in any way lessen the importance of the other proposals, but it was necessary to choose a specific document.

The Chairman proposed that this document should be the Draft Convention drawn up at the Moscow Conference, for two reasons:

- a) the Draft Convention and the General Regulations drawn up in Moscow were the outcome of the proposals of the five countries represented at the Conference, and the proposals subsequently made by some of these countries are derived from the Moscow proposals; it could, therefore, be said that the basis was the same.
- b) the Documents of the Moscow Conference - and, in particular, vol. 1 which contains the Draft Convention - have been distributed to all the members of the Union since November, 1946; each country had therefore had a six-months' period to study them in detail, hence it might be said that these were the documents with which everyone is most familiar.

He called for expressions of opinion from the Delegations on this point.

The Delegate from the United States stated that in order to bring the work of the Committee to a successful conclusion it would be very useful to take a complete proposal as the basis for discussion. It was very difficult to use the Madrid Convention for this purpose, because many proposals introduced new provisions. Hence, the United States proposed taking as a basis their own proposals which contain in particular complete references to the articles and paragraphs of the Madrid Convention. However, they would oppose taking the Draft Convention drawn up by the Moscow Conference as the basic document.

The Delegate from Italy supported the proposal of the Chairman.

The Delegate from France also supported this proposal, on the understanding that if, in the course of the discussions some drafts were more felicitously worded than those of Moscow, the former would necessarily be taken as a basis; the sole purpose of this remark, he said, was to advance the work of the Committee.

The Chairman announced that this proposal was adopted.

7. The question of working procedure was the next item for consideration.

The Chairman proposed that each article of the Draft Convention drawn up by the Moscow Conference should be brought before the Committee for a general discussion which would enable the Committee to determine the principles and the ideas which the majority, - and if possible all of the delegations wished to have included in the text. Small working groups would then be organized to prepare an exact draft in conformity with the general principles laid down by the Committee. It would, in fact, be very difficult to make a detailed draft in Committee.

8. The Committee then proceeded to the study of Article 1 of the Draft Convention given in Document No. 45 TR-E, which deals with the "Constitution of the Union."

The Delegate of France said he had nothing to say concerning paragraph 1, the principle of which has been adopted in the French draft. It would on the other hand be useful to discuss paragraph 2 which states:

"The countries, parties to the present Convention, constitute the International Telecommunication Union."

He pointed out in fact that the drafts of the United States and of the United Kingdom tend to cause a certain schism in the Union. In these drafts "one notes the demise of the Union and then one proceeds to resurrect it." The countries would then be divided into three categories:

- a) those members of the I.T.U. because they are members of the United Nations;
- b) those who would have the right to vote in the I.T.U. because they will be at an earlier or later date, members of the United Nations;
- c) those who will be admitted to the I.T.U. if two-thirds or less of the members accept them.

The draft of the United Kingdom differs from the draft of the United States in that it provides for two categories of members in the future:

- a) complete members who have all obligations as well as all rights;
- b) incomplete members who will have all obligations but not all rights; they will participate in the expenses of the Union and will undertake to respect the Convention and the Regulations, but they cannot be members of the Administrative Board and they will not have the right to vote in the plenipotentiary conferences or in the administrative conferences.

The Delegate from France repeated that in the two drafts the schism of the Union could be noted, and he asked the question "Are we legally justified in drawing up this death certificate?"

He pointed out that paragraph 2 of the Moscow draft does not cause this schism. He understands from this text that the countries parties to the present (that is to say the new) Convention and which constitute the I.T.U. are those which are regularly represented here and which will sign the said Convention. Therefore, the countries of the Union are those represented at the present Conference and only Germany, Spain and Japan are at present excluded from it.

9. The Delegate from the United Kingdom asked if the discussion was being carried on, paragraph by paragraph, or if the whole 1st article was being considered. He thought that, to avoid complications, it would be preferable to discuss each paragraph separately.

The Chairman stated that the 1st article includes two important matters which must be separated in order to examine them successively:

- designation of the members of the Union.
- headquarters of the Union.

He proposed for today, the sole discussion of the first of these questions, which consists of establishing a Formula to designate the countries that can be members of the Union.

Adopted.

10. The delegate from the United Kingdom criticized the 1st article of the Moscow draft, as follows:

- § 1 - This provision is not necessary and the Union would not be weakened by its deletion.
- § 2 - In order to avoid errors of interpretation it should be emphasized that the word "present" refers to the new convention and not to the Madrid Convention.
- § 3 - It was stated that the United States, France and the United Kingdom did not agree with this proposal which was supported by China.

He then set forth the essential principles on which is based the text of the 1st article proposed by his country in document 9 TR-E. He explained that in the future, it would be wise to classify the governments in two categories: members and associate members. The distinction can be found in §§ 3 and 4. The reason for this is, that, in the past, it has always been necessary to allow "certain countries which are not in the same situation as certain other countries" to participate in the general and technical discussions. In the future, there shall be no doubt as to whether any particular country participating in the work does or does not have the right to vote.

The matter of eligibility to the Administrative Board or to the C.I.E.F. is important, but there is no reason to discuss it now because it is linked with the right to vote.

The criterion to determine if a country is a member or an associated member can be found in §§ 1 and 2.

The basic idea of the United Kingdom is not aimed at creating a completely new Union, but at establishing a list of countries members of the Union, on the condition that they ratify the new convention. From this rather conservative starting point, the possibility of giving the right to vote to other countries could be studied taking the following ideas as a basis:

- a) Any country member of the United Nations and which adheres to the Convention is, by right, a member of the I.T.U.

(137 TR-E)

- b) Any country, not a member of the United Nations which adheres to the Convention and is approved by two thirds of the members of the I.T.U.

This solution is practical and conservative, but it is also flexible and takes the U.N. into consideration.

The provision in § 5 stating that, "No country or territory may become or remain a Member or Associated Member of the Union contrary to a resolution of the General Assembly of the United Nations" is a non-eligibility condition which the United Kingdom considers of great importance.

In regard to associated members, they shall take part in the work of the consulting committees and in the debates of administrative and plenipotentiary conferences.

11. The delegate from the United States stated that the Delegate from the United Kingdom had handled very well the matter of qualifying the members of the Union and that the American and British proposals are almost identical on this subject. He pointed out that the United States have submitted in Document No. 93 TR-E, a proposal regarding associated members.

He read the following proposal:

"Any territory or any group of territories which is not responsible for the conduct of its international relations but which has a separate telecommunications administration may become an Associate Member of the Union when this Convention shall have been adhered to on its behalf by the Member State having responsibility for the conduct of its international relations. Associate Members may participate without vote in the Conferences of the Union and shall have such other rights and obligations as may be determined by the Plenipotentiary Conference."

On the matter of colonial representation in the International Telecommunication Union, the Delegate of the United States pointed out that he would be prepared to discuss this matter at length at the appropriate time.

In defense of the above proposal, the Delegate pointed out that, if the basis of membership in the Union were the operation of a distinct telecommunications system, each of the colonies of the United Kingdom, for example, should have a vote.

As the metropolitan governments conduct the foreign affairs of the colonies, the metropolitan governments should vote for the colonial possessions in the International Telecommunication Union.

The Delegate of the United States pointed out that under the proposal of the United States all colonial administrations would be permitted to present their views before the International Telecommunications Conferences.

Regarding § 5 of Article 1 of the proposal of the United Kingdom, the Delegate of the United States expressed the opinion that this provision should more properly be the concern of Committee D, as it deals with the relationship of the International Telecommunication Union to the United Nations.

12. The Delegate from Chile explained in a few words, the meaning of the proposal introduced by his country in Document No. 6 TR-E. He states that the words might be different but that the objective is the same as that in the American and British proposals. In regard to colonies reference should be made to article 62 which refers to the "putting into effect" of the Convention and Regulations in non-autonomous territories. The Delegation from Chile felt that the solution proposed by the United States and the United Kingdom in regard to associated members, was acceptable, since it permitted colonies and territories to contribute to the efficient operation of the Union.

13. The Delegate from France declared that after further study of the matter he was willing to delete § 1 of the 1st article of the Moscow draft, since the provisions of article 41 of the Charter of the United Nations which binds the governments by stating that "upon the request of the Security Council, countries members of the U.N. must sever postal, telegraphic and telephonic communications with certain countries" must be taken into special consideration.

In regard to § 2 - and in reply to the delegate of the United Kingdom - he declares that he is perfectly aware that this discussion is about the new convention and not about the one actually in force. But he states

that the Parties to the new convention shall be those present here, since it is difficult to consider that, after having been invited and taken part in the work, certain delegations might find out that they are being denied the right to sign. Therefore he requests a clear statement from the United States and the United Kingdom as to whether or not their countries have decided to dissolve the present Union. If this were true, the decision would lead the elimination of certain countries which are Charter members of the Union. Particularly Switzerland, if it remains neutral and does not adhere to the United Nations, shall it be forbidden to be a member of the Union?

The Delegate from France concluded by saying that § 2 of the 1st article of the Moscow draft should be understood to mean what he stated before: There shall be no schism within the Union and all present members shall continue to participate in it. The fact that § 3 refers to admission of members, makes this interpretation still more sound. Thus; according to him there is only one point left to decide: "Do we want or don't we want to dissolve the Union and exclude certain countries and all colonies?"

14. The Delegate from Italy declared that his Delegation felt that § 1 of the 1st article was superfluous, since for almost one century all nations have exerted their sovereign right to establish domestic legislation on telecommunications, according to their needs; and to insert at present in the Convention the provisions of § 1 could lead to believe that there are doubts about that right.

In regard to § 2, the Italian Delegation wanted the following modification according to its proposal No. 53 TR: The Parties to this Conference constitute the World Telecommunications Union instead of the International Telecommunications Union."

The Italian Delegation believed that, according to § 2, those countries present at this conference and which shall ratify the new convention, are members of the Union by right. § 3 should apply to other countries that might later request to adhere to the Union, and therefore, the first part should be changed as follows: "The admission of new members....etc." The Delegation, for the time being, does not wish to commit itself in regard to the second part of § 3.

15. The Delegate from Egypt recalled that the Italian delegation believed that § 1 of the 1st article was superfluous, that the United States and the United Kingdom proposed the deletion of this paragraph and that the French delegation now supported this proposal. He asked this question: "What would be the results of suppressing this paragraph?" The Delegate from France mentioned article 41 of the Charter of the United Nations. But the Egyptian Delegation could not very well see how those provisions limited the principle of sovereignty in the field of telecommunications. There is no conflict between article 41 of the United Nations Charter and § 1 of the 1st article now under study. Therefore, this paragraph must be kept.

16. The Delegate from Belgium supported the statement of the Delegate from Egypt. He stated that § 1 has been inserted in the Madrid Convention to ensure the sovereignty of every country in regard to telecommunications. But this text becomes very narrow when applied to small countries. He pointed out that even here, at Atlantic City, at the radio Conference, a proposal was submitted to the effect that telecommunications between countries of the same continent should be carried out by wire and that those employing radio, being considered as undesirable, would be in a disadvantageous position when discussing the allocation of frequencies. This proposal met with strong opposition and was finally withdrawn. The Belgian Delegation felt that this question was of paramount importance because it involved the independence of the telecommunications of certain countries. The obligation of employing communication by wire that might cross certain countries liable to become enemy countries, cannot be admitted. It is therefore desirable to include in the Convention the principle of the sovereignty of telecommunications, not only within countries, but between countries as well. For this purpose, the Belgian Delegation proposed adding to the first sentence of § 1, the following: "...and to conclude with all countries, all agreements concerning their mutual telecommunications. Nevertheless..."

In regard to the designation of members of the Union (1st Art., § 3, 1st sub-paragraph), the Belgian Delegation felt that as long as there was no agreement between the I.T.U. and the U.N. the criterion for the admission of members to the I.T.U. could not be determined. It would be prejudging the decision of Committee D to say here that countries members of the U.N. are by right members of the I.T.U. Therefore, this Committee should set this question aside for the present in order

to reconsider it in the light of fuller information, once the Committee had given its point of view on the ties that should exist between the I.T.U. and the U.N.

17. The Delegate from the United States declared that contrary to what had been stated by one of the delegates, his country has not proposed modification of s 1.

18. The Delegate from South Africa wished to explain the remark previously made by the Delegate from Belgium. He is the one that proposed that radio not be used when the communication planned could be carried on by wire. But he had also specified that the administrations interested were at liberty to decide whether or not the wires were adequate.

He agrees to keep s 1 of the 1st article of the Convention.

19. The Delegate from Greece gave his opinion on the first three paragraphs of the first article:

- the 1st s should be kept.
- the 2nd s should be kept preferably in the form suggested by the Delegation from Italy.
- the 3rd s is not acceptable as regards sub-paragraph 2 because this formula opens the door for the inclusion in the I.T.U. of a multitude of territories which might have elementary autonomy only.

The Greek point of view is in harmony with the American and British points of view. It rests on two principles: the universality of the I.T.U. and the sovereignty of its members.

20. The Delegate from the Netherlands Indies made the following statement:

"I fully agree to what has been said by the honourable Delegate of France. As I have already stated during our previous meeting the Netherlands East Indies Delegation can appreciate the intention to lay a sound basis for admission to the Union, if justice be done to the rights of the present members of the Union.

Permit me, Mr. Chairman, to dwell a little further on this subject.

General Lenahan who addressed the Delegates of the Radio Conference at the exhibition and demonstration of the United States Army Signal Corps equipment on June 21st made a very good and true point by stating that the international co-operation in our Union has always been and still is the best in comparison with any other international organization. Now we are wondering why this co-operation has to be disturbed by excluding from full membership several totally independent telecommunication administrations, which cover vast areas of the world. This exclusion cannot be in agreement with the purpose and aims of the Union such as the maintenance and the extension of international co-operation for the improvement and rational use of telecommunications of all kinds. This purpose cannot be realized by depriving several full members of their right to vote.

Proposals of the same kind were considered at the Postal Conference in Paris. Fortunately this Conference was convinced that the purpose and the aims of the Universal Postal Union would be better served by respecting the existing rights of the present members and consequently the proposals were rejected by 40 votes to 28 votes and 5 abstentions.

Therefore I may appeal to your sense of justice and equity by continuing the present membership of the Union as full members in the proposed new structure of the Union, at the same time doing justice to the decision taken by 38 votes to 3 of the second joint Plenary Assembly of the Telegraph and Telephone Conference and of the Radio Conference at Cairo that for future plenary and administrative conferences the same rules apply with regard to voting as were applied at the Madrid and Cairo Conferences and that consequently the countries listed in article 21 of the Internal Regulations of the Cairo Conferences will, as a matter of right, be entitled to vote at future telecommunications conferences.

21. The Chairman took the floor in the name of the Delegation from the Soviet Union. He declared that he had already stated his country's points of view in regard to the composition of the I.T.U. and that during the last meeting he had pointed out that the 1st article, concerning the conditions to be fulfilled by a country to become a member of the Union had been

taken from the Interamerican Convention at Rio de Janeiro (1945). He would like to hear the opinion of the representatives from the American Continent on this matter.

22. The Delegate from Peru declared that he had followed the discussions very closely. In his opinion, the Convention had established an inadequate criterion which does not permit the making of precise conclusions. He recalled that during the first Plenary Session of this Conference, the Secretary General was unable to state if such and such country was a member of the Union; he had replied that signing the Convention, paying its dues and even a simple ratification of the Convention, were enough to become a member.

The Delegation from Peru felt that the Madrid error should not be continued and that in the future, it should be possible to state exactly which countries are members of the I.T.U.

23. The Delegate from China supported the declaration of the Delegate from Peru. He recalled the long discussions that had just taken place at the Special Committee on voting and he concluded by saying that it was necessary to establish a criterion for membership in the Union.

The Chinese Delegation felt that the notion of "associated member" as proposed by the United States and by the United Kingdom was the proper answer to the problem of the voting of colonies. Therefore, it supported these two proposals.

24. The Delegate from France declared that he had never thought that the debates on such an important matter would be so short. Since there had been no answer to his question, he considered that the text of § 2 is susceptible to the interpretation which he had given.

He recalled that there was an attempt to discriminate between member countries of the United Nations and those which are not. He could not understand why a member country of the United Nations which does not fulfill its obligations to the I.T.U. should have more rights than a country non-member of the U.N. which might satisfy all its obligations to the I.T.U.

He recalled also that it had been admitted that countries non-members of the U.N. may be able to participate in specialized organizations allied to the U.N. Under these conditions, he could not understand why the I.T.U.,

an autonomous organization, should be more adamant than specialized organizations allied to the U.N.

In regard to the problem of the voting of colonies, he declared that relations between mother countries and their overseas territories are in full development and that, tomorrow perhaps, certain overseas territories might come here with complete autonomy. He concluded by saying that we should have the wisdom to maintain the present Union. France is ready to examine new modalities in order to avoid the raising of this kind of discussion in the future. It is possible to find a juridical formula to define the qualifications of a full capacity member - and even the capacity of associated members - if this notion is stated in the new convention.

25. The Delegate from the United Kingdom wished to clarify a serious misunderstanding. He requested the delegates to examine Annex 1 page 18, of the British proposal. It can be seen there that the list of countries is in accord with the provisions of the Article 1, § 1. It is an error to believe that the United Kingdom wants to exclude certain countries, particularly Switzerland, from the Union.

26. The Delegate from the Belgian Congo made the following declaration: "After listening to the statements of the Honorable Delegates from the United States and the United Kingdom, I felt that if these delegates were in a political assembly they would probably be right. But that is not the case. We constitute a technical and administrative union.

Gentlemen, I am still waiting to hear the first technical or administrative argument against allowing present members of the Union and colonies in particular, to keep their right to vote.

Gentlemen, these American and British proposals do not take into consideration our own administrative organizations - often decentralized - and they constitute a dangerous political interference for each of us."

27. The Delegate from Morocco then stated:

"I would like to be clearly informed of the reasons for which questions of sovereignty and political autonomy are suddenly linked to the question of the organization of the I.T.U., and I emphasize the inconsistency of considering as a "minor" an administration serving a country of several million inhabitants and which has always scrupulously fulfilled its obligations to the Madrid Convention, while other Administrations serving Countries having populations from tens of thousands to several hundred thousand inhabitants, and which have not always fulfilled their obligations towards the Convention, should continue to enjoy the benefit of all their rights within the I.T.U.

I am of the opinion that in order to form a Telecommunication Union which corresponds to our desires, we must especially draw our inspiration from the technical and universal character of our Union. That is why I propose that any country can be qualified as a member of the Union, if it can support its claims:

a) by the existence of an autonomous Administration (separate personnel, financial autonomy)

b) by the ability to accept freely any appropriate measure resulting from the International Telecommunication Convention and to be able to carry it out.

28. The Delegate from the Portuguese Colonies made the following statement:

"Allow me, Gentlemen, to make in the name of the Portuguese Colonies Delegation a few remarks of a general nature on a subject which we are interested in: the vote of the Colonial Administrations.

As you all know, the vote of the Colonies constitutes an old problem, a problem which is already getting grey hairs. Arguments for and against have been brought forward many a time, and there really remains very little to be said, unless endless repetition is desired. Needless to say, I do not pretend to bring forward new arguments of a nature to influence your decision. Everything I wish to say concerns past facts which, through having been repeated so many times, are beginning to lose their logical force.

Already, in this Conference, we have heard the opinion expressed that the I.T.U. in order to create a better basis of understanding amongst peoples, should get rid once and for all of the disconcerting problem of the Colonial voting. And in my mind, always eager for knowledge, the following question comes to my mind, do these troubles really arise from the very existence of these Colonial votes, or are they not the logical consequence of the attempt which is being made to get them ousted from within our Union.

I do not see, and do not understand what advantages would result for the future life of our Union by suppressing the voices of Administrations which have always contributed in the past to its efficient development. The solid basis of a really universal I.T.U. resides precisely in the cooperation of everyone and not in the ousting of some members.

We are gathered together here to perfect a system, to find out the best solutions to problems of international telecommunications, telecommunications which are rightly at the basis of the establishment of good relationship between the people of the world. It is necessary to strengthen our Union, to make it still more useful than it has been in the past, but let us take care in the way we go about it.

Against the voting of colonies, we well know, voices are always raised which assert that these votes only go to strengthen that of the Mother Country, which due to this fact becomes an Administration with two votes. My opinion is that this argument is of no value. You have all been able to verify that the vote of the Colonies only joins that of the Mother Country in special cases, where their common interests coincide, which is not always the case.

The Postal, Telegraph, and Telephone Administration of the Portuguese Colonies is absolutely separate and independent of that of the Mother Country, as independent as it is of any other international administration. The Laws governing them are absolutely different and they are answerable to different Ministries.

The same applies to autonomy. The Postal, Telegraph and Telephone Administrations (P.T.T.) of our Colonies have enjoyed for a very long time, the largest and most extended autonomy. They are managed in each Colony by an Administrative Council having great powers. This Council recruits its own Personnel, decides on any increase in its lines of Communications, and administers with complete freedom, its own Budget. This is where we are in regards to Colonial Telecommunications matters. We must also state that these Telecommunications serve immense countries covering millions of square kilometres and populated by millions of inhabitants.

It would be in our opinion completely illogical to oust from our Union such Administrations which, for more than three quarters of a century, have contributed to its development while Administrations serving much smaller and much less populated territories continue to enjoy all their rights in the same Union.

Let us therefore do everything possible to improve the structure of the International Telecommunication Union, but let us avoid taking a big step forward, without being certain that this step is being taken in the right direction."

29. The Netherlands Delegate supported the declaration made previously by the Netherlands East Indies Delegate. He noted that the Union was a purely technical organization of a non-political nature and that the criterion imposed on its members cannot be the same as that of a political organization. He declared that the cooperation and the universality of the Union would be compromised if one eliminated from its membership the Netherlands East Indies which for the last 70 years has been a full fledged member.

The proposals of the United States of America and the United Kingdom are based on the hypothesis that the mother country could take the responsibility of speaking for the overseas territories. This is not the case in matters concerning the Netherlands and the Netherlands East Indies. The Administration of the Netherlands East Indies is completely independent and the mother country can have no influence on its decisions. That is the reason why the full powers accrediting the Netherlands Delegation to the present Conference are only valid for the mother country and not for overseas territories.

30. The Swiss Delegate thanked all the Delegations for their complimentary remarks to the Swiss Government concerning the part played by Switzerland in the administration and operating of the I.T.U.

He stated that he agreed with the views expressed by the French Delegation. The Madrid Convention is the real foundation of our work. We must revise it, and not start a new Union on new foundations. The I.T.U. must remain autonomous, technical and non-political.

The Swiss Delegation keeps an open mind for all ideas, but in regard to the notion of "associate members" that the United States of America and the United Kingdom and certain other Countries want to introduce in the Convention, Switzerland was of opinion that the admission of old members should not be discussed: it would be a loss for the I.T.U. to relegate certain members to the background by taking away their voting rights. Colonies have the same rights as other countries and they should remain members of the Union.

In regard to the explanation given by the United Kingdom Delegate, the Swiss Delegate noted with satisfaction that there will be no difference between member countries of the U.N. and non-member countries. He was of opinion that possibly the United Kingdom proposal had been misunderstood.

As a matter of fact, § 5 of art. 1 supports the inference that the policy of the I.T.U. is subject to the decisions of the U.N. But Switzerland is not a member of the U.N.; this paragraph is therefore the basis of the misunderstanding.

The Swiss Delegation was of the opinion that the I.T.U. must be in rather close relationship with the U.N., but in agreement with the Belgian Delegation, it was of the opinion that this question should be studied by Committee D and that the conclusions of this Committee should be awaited before coming to a decision.

In conclusion, the Swiss Delegate insisted that the Union should remain autonomous, and that the Conference was only convened to revise the Madrid Convention and not to revolutionize the regulations of the past. A Delegate mentioned that the World was today in full evolution. One should build on a history of 70 years, and one should be careful not to modify any points which by experience can be considered as being the best.

31. The Argentine Delegate supported the opinion expressed by the Peruvian Delegate; a precise reglementation is required of the qualification of members of the Union. The U.N. are perfectly right in excluding certain countries.

He also stated that consideration had been given to the exclusion from the Union of certain countries which had not been able to ratify the Madrid Convention. Most of these countries are South American. They have nevertheless usefully taken part in the work of the Union. The Argentine Delegation supported the draft of the United States of America while reserving the right to verify the list of countries considered as Colonies. It was of opinion that § 3 of the Moscow draft which takes up again a proposal of the Rio draft is no longer satisfactory, as it would lead to endless discussions and to an exchange of views without any bearing on our narrow objective, as they would be based on political and not technical considerations, and we would be wasting our time.

32. The Portuguese Delegate declared that in the course of the second meeting in connection with the question of the members of the I.T.U., he had supported the point of view expressed by France. Today, he supported still more strongly what had been stated many times by the Delegate of that Country.

He particularly pointed out that the methods provided for in the proposals of the United States of America and the United Kingdom were tantamount to dissolution of the I.T.U. and to the establishing of a new union on a different basis. Tradition, acquired experience and the best results ever obtained in an International Organization are thus flouted.

The new principles shatter the universality of the Union. There is no possible doubt that the exclusion or the placing in the background of old members would bring about a diminution of their collaboration; now it was precisely recognized that their collaboration was advantageous.

Certain Delegations think it is desirable to definitely fix the question of voting and to define accurately the qualification of members of the Union. In order to solve the question, there are other methods than those recommended by the United States of America and the United Kingdom. Therefore the French proposal gives the immediate solution to the question. It is only necessary to refer to document No. 14 TR-E, art. 1. §1, 2nd sub-paragraph, which stipulates "to this effect, the Countries having ratified the present Convention, or having adhered to it, form the International Telecommunication Union."

The Portuguese Delegate wished to confirm the statement made by the Delegate of the Portuguese Colonies: the independence of the Administration of these Colonies was so absolute that the mother country has the same kind of relationship with it as with the Administrations of foreign countries. In particular, the Colonies can conclude regional arrangements without consulting the mother country.

33. The Chairman proposed that the continuation of the discussion should be adjourned to the next meeting, at which time a general discussion could begin also on article 3 of the Moscow draft, article 2 being intentionally omitted, as it also is of interest to Committee D.

Adopted.

The Meeting adjourned at 1 P.M.

The Rapporteurs.

The Chairman.

J. PERSIN, F. A. RANKIN, B. YUROVSKY

A. FORTOUSHENKO.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 138 TR-E

July 23, 1947

Article 17.

1. The General Assembly shall consider and approve the budget of the organization.

2. The expenses of the organization shall be borne by the members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Article 57.

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as "specialized agencies."

Article 63.

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to

such agencies and through recommendations to the General Assembly and to the members of the United Nations.

.....

Article 71.

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with national organizations after consultation with the member of the United Nations concerned.

.....

Article 103.

In the event of a conflict between the obligations of the members of the United Nations under the present Charter and any other international obligations to which they are subject, their obligations under the present Charter shall prevail.

.....

Article 108.

Amendments to the present Charter shall come into force for all members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the members of the United Nations including all the permanent members of the Security Council.

.....

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 139 TR-E

July 23, 1947

Committee C

178 TR

H U N G A R Y

Proposal for the revision of the
International Telecommunication Union

Article 1

Constitution of the Union

§ 1. The countries, parties to the present Convention which have ratified it or have adhered to it, form the International Telecommunication Union.

§ 2. The seat of the Union is established at

§ 3. The terms used in this Convention are defined in Appendix 1, annexed to this document.

Article 2

Aim of the Union

In order to facilitate the carrying out of the ideas expressed in the Charter of the United Nations, the aim of the International Telecommunication Union is the establishment, the development and the administration of a world telecommunications network according to coordinated plans.

Article 3

Objectives of the Union.

To attain its objectives, the Union:

(1) promotes the perfecting of the most efficacious technical means and operating methods;

(2) carries out the allocation of frequency bands, the registration and the control of frequencies utilized in order to avoid harmful interference between radio stations belonging to the parties of the present Convention;

(139-TR-E)

(3) promotes the establishment of telecommunication rates on as low a level as is economically possible;

(4) promotes the adoption of measures envisaging the safety of life and property through the use of telecommunications;

(5) studies and prepares recommendations, collects and publishes information concerning telecommunications;

(6) establishes relations with the United Nations Organization;

(7) collaborates with all other international organizations having related interests and activities.

Reason

The Hungarian Delegation considers it necessary to fix and define clearly the constitution, the aim and the objectives of the International Telecommunication Union in separate articles of the Convention. This is very desirable, because the aim and the objectives are quite different ideas, and this method should assure the logical drafting of the text of the Convention.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 140 TR-E

July 24, 1947

Committee C

179 TR

UNITED KINGDOM

Suggested terms of reference for Subcommittee C-2

To prepare draft provisions on the basis of

(a) A list of the initial:

- (1) Voting Membership
- (2) Non-Voting Membership of the ITU (i.e. at the outset of the coming into force of the new convention).

These will consist respectively of the present list of voting members as in paragraph 18 of Rules of Procedure at the Atlantic City Plenipotentiary Conference with or without modifications and of the present list of countries participating without vote in that present conference, with or without modification.

(b) The conditions to be laid down in the new convention for the future admission of countries and territories or groups of territories to separate representation in the ITU:

- (1) With voting rights or
- (2) Without voting rights

NOTE:

- (1) The Subcommittee should assume that, in the future as in the past, countries and territories participating in the work of the Union by means of separate representation will be divided into two classes, viz. Those with and those without voting rights.
- (2) The Subcommittee may prepare alternative provisions corresponding to alternative views on the main issues.

25 Jul. 1947

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

DOCUMENT NO. 141 TR-E

July 24, 1947

Committee C

180 TR.

U.S.S.R. proposal
terms of reference of the working
group of Committee C organization.

The working group should prepare for the approval by the full Committee a precise formulation of Article 1 of the draft convention on membership in International Telecommunications Union on the basis of the following provisions:

- a) The present International Telecommunications Union is to be retained and no question is put forward about the establishment of an entirely new organization. Therefore on the basis of the Madrid Convention the present membership in the Union is to be maintained.
- b) Conditions should be set up which would apply for the acceptance of new members and determined in general by the sovereignty of one country in its relations with other countries.
- c) Those countries which do not satisfy the conditions for full membership may be admitted to the Union as Associate Members if in the future these countries will receive the status of independence and the conditions for full membership will be satisfied they should be admitted as full members of the Union.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
1947

Document No. 142 TR-E
July 24, 1947
Committee C

181 TR.

CUBA

1. The working group shall study the different proposals pertaining to Article 1 of the MADRID Convention, and also the points of view expressed in this Committee on the subject.
2. Said group shall submit to the full Committee, a draft on all paragraphs on which a general agreement can be arrived at.
3. On all other paragraphs on which no general agreement can be obtained, the working group shall endeavor to reduce its recommendations, to two alternate proposals, in order to facilitate the adoption of either one, by submitting them to a vote.

Nicolás Mendoza

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

E
Document No. 143 TR-E

July 24, 1947

Committee C

GUATEMALA

182 TR

Terms of Reference of the Working Group:

1. What degree of sovereignty, and what other conditions are necessary for membership in the Union?
2. What classifications should be set up for members of the Union?
3. What action should be taken in regard to present members who do not fulfill these requirements?
4. What conditions are to be required of future members?
5. To prepare a draft text and draw up a list of members who satisfy the required conditions.

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INTERNATIONAL
HIGH FREQUENCY BROADCASTING
CONFERENCE
ATLANTIC CITY
1947

Document No. 144 TR-E

July 25, 1947

Committee F

A G E N D A

Committee F

Meeting of Friday, July 25, at 10:00 a.m.

- 1) Reports of the 3rd, 4th, 5th and 6th meetings.
- 2) Examination of the proposal of the Subcommittee relating to Article 2 of the General Regulations.
- 3) Examination of Articles 3 to 6 of the General Regulations.

The Chairman of Committee F.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 145 TR-E

July 25, 1947

MINUTES

of the Third Plenary Session

July 22, 1947

The Chairman called the meeting to order at 10:15 a.m., and read several administrative communications. He then recognized the Delegate from Lebanon whose proposal on article 19 of the Internal Regulations is as follows:

Article 19

Voting in Plenary Sessions

- §1. For a valid vote to be taken at Plenary Sessions, at least one-half of the delegations accredited to the Conference and having the right to vote must be present or represented at the Session during which the vote is cast.
- §2. In Plenary Sessions, no proposal or amendment shall be adopted unless it is supported by an absolute majority of the delegations present and voting. In determining the number of votes required for an absolute majority, abstentions shall not be taken into account.
- §3. In case of a tie, or if the number of abstentions exceed 50% of the delegations present and voting, the measure shall be considered rejected.

The Delegate from Lebanon then spoke in these words: The sole purpose of the proposal I have just submitted, Gentlemen, is to correct a de facto situation created by the adoption by this Assembly of the measure establishing a two-thirds majority voting procedure.

Prior to this Conference, Fellow Delegates, at the Congress of the Universal Postal Union, we tried this procedure and we were obliged to modify it because this

procedure threatened to jeopardize both the structure of the Union and its universal scope.

There is an Arab proverb which says: 'Trust the man of experience even though he be unbalanced.' I quote this proverb, and I beg you to support this proposal, based on experience, common sense and sound judgment.

If you will examine my proposal carefully, you will realize that in many instances it is exceedingly difficult to reach an absolute majority. Suppose that out of 60 voting delegations there were 15 abstentions, the two-thirds majority rule which you have adopted, would therefore require 30 votes, whereas the absolute majority would still require 31 - that is, one vote more.

You may wonder what motive prompted Lebanon to formulate this proposal. That motive, Gentlemen, is the following: first, the interest small countries have in the continuance of our Union, and secondly my support of the proposal of the Delegation from the United States. I make no secret of the fact that this proposal, while it presents certain advantages would be apt more to complicate procedure than to simplify it.

I therefore, Gentlemen, appeal to you again in all earnestness to support this proposal, based as I have just said, on experience and common sense."

Although the amendment submitted by him at the last meeting had been adopted, the Delegate from the United States was of the opinion that the Lebanese proposal would lessen the difficulty attendant upon establishing a voting majority. He said he did not consider it necessary for our Union to follow the procedure of other organizations in the matter of voting. That question, he said, had already been the subject of discussion for two days. He approved the Lebanese proposal.

The Chairman noted that the Lebanese proposal involves reconsideration of a decision already made. It is self-evident that the Assembly is sovereign in deciding whether a question already settled should be reconsidered. However, it is advisable to act with discretion in this matter.

If the Assembly decides to reconsider Article 19, there will inevitably be two questions to discuss: one of principle, and one of procedure. To save time, he requested the Delegates who take the floor to express their opinions upon both principle and procedure.

He asked the Delegates from Lebanon and from the United States if they desired to make a statement with regard to procedure. The Delegate from Lebanon said that there was a slight error in his proposal. He requested permission to change in § 2 "abstentions shall not be taken into account" ... to "abstentions shall be taken into account"....since, he said, they should be taken into consideration. For all other proposals carried by an absolute majority vote, the total number of those voting must be taken as the basis, that is the affirmative and negative votes, and the abstentions must be counted.

The Chairman: Do you count abstentions as negative votes?

The Delegate from Lebanon: Abstentions are counted only for the purpose of establishing an absolute majority, otherwise it would be a simple majority.

In reply to the Chairman's question with regard to procedure, the Delegate from Lebanon asked that the findings on the subject of the two-thirds majority vote, as well as the two questions settled according to this majority, be reconsidered.

The Delegate from the United States said he could no longer support the Lebanese proposal in its modified form.

The Delegate from Colombia made the following statement: "On Friday, July 18, during the first part of the Plenary Session now in progress, the Colombian Delegation had an opportunity to express its views on the proposal relating to the 2/3 majority vote.

We called attention to the number of times that we had already had occasion to make statements during the discussions which followed this meeting's approval, by a simple majority of only a few votes, of the system of voting by a 2/3 majority.

The Colombian Delegation predicted that this decision would lead to something closely akin to the veto within the Conference, and that nothing

constructive could possibly be gained thereby.

The double vote necessary in all cases is unmistakably a method of increasing the amount of work, its duration, and consequently the cost of the Conferences, without attaining any practical result.

The uselessness of this procedure has been fully demonstrated whenever it has been followed during this session. The voting has proved conclusively that the same result could have been achieved without arousing doubts as to the system adopted.

The Colombian Delegation fully realizes that reconsideration of questions which have already been settled sets an unfortunate precedent but, in view of the fact that our Delegation opposed this measure because we considered it a source of errors; and in view of the fact that its application has led to diametrically opposite results in cases with identical legal aspects, as has been pointed out by the Honorable Soviet Delegate, our Delegation can do no less than to request a reconsideration of the question before a further application of the procedure brings about consequences that are fatal to the stability of the International Telecommunication Union.

The Delegation from Colombia wishes to state that it makes complete and categorical reservations with regard to all cases in which the two-thirds majority procedure is applied, because it feels that this procedure has no legal basis since the result depends entirely on the positive or negative wording of the question to be voted on.

The Colombian Delegation, in line with the arguments it submitted when it opposed the voting procedure adopted by this Plenipotentiary Assembly, wishes to state that if this question is not brought up for immediate reconsideration, the presence of those delegations which aim to place the International Telecommunication Union, as a technical agency, on the plane which technical progress requires and indicates, will be absolutely useless.

Therefore, the Delegation from the Colombian Republic proposes that Article 19: "Voting in plenary sessions" be reconsidered; and it supports the proposal originally made by the Honorable Delegate from Lebanon

and requests that this statement be inserted in extenso in the minutes of the present session."

The Delegate from Colombia then placed upon the Chairman's desk a proposal which modified the proposal of the Delegate from Lebanon in the following manner:

- In § 2: 1. delete the word "absolute" in two instances;
2. add in fine: "in the case of a tie, the motion shall be considered as rejected."

In § 3, replace the present text by the following:

- "§ 3. If the number of abstentions exceeds 50% of the delegations present and voting, the proposal shall be reconsidered at a subsequent meeting."

The Delegate from China brought out the fact that a very important question was involved: that of challenging solemn decisions very recently established. But the delegates have been assailed by certain doubts as to whether the 2/3 majority ruling had been properly drafted. Since no objections to the Lebanon proposal had been forthcoming, he presumed that the meeting wished this question to be reconsidered. He presented to the meeting, for comparison, a hypothetical record of voting according to: a simple majority, an absolute majority and a 2/3 majority, citing the following example:

If 70 delegations were to vote, and there were 15 abstentions:

2/3 majority	=	37
absolute majority	=	36
simple majority	=	28

In this case, the absolute majority and the 2/3 majority would be about the same.

With 20 abstentions:

2/3 majority	=	34
absolute majority	=	36
simple majority	=	26

If a third (23) of the members abstain:

2/3 majority	=	31
absolute majority	=	36

Hence, 15 votes more than the 2/3.

If 50% of the members abstain:

2/3 majority	=	24
absolute majority	=	36

Hence, many more than the 2/3.

To establish rules as simple and expeditious as possible, the Chinese Delegation believed the simple majority to be preferable. However it did not consider the 2/3 rule useless in cases where admission or exclusion of members, the suspension of rights or of membership, were concerned. The Chinese Delegation agreed with the proposal to reconsider this question, and proposed the simple majority for all decisions except in the case of admission or exclusion of members, in which case the 2/3 majority would be preferable.

The Delegate from Lebanon, replying to the remarks made by the Delegate from China, called attention to § 3 of his proposal. He added that his proposal summarized and anticipated every contingency, but that, considering the objections raised by some of the delegations, he felt it advisable to specify that this proposal had but one purpose: that of avoiding 2/3 majority voting. He therefore would support the rule of a simple majority if the meeting wished the absolute majority vote to be waived.

Replying to a question of the Chairman, the Delegate from Lebanon said that it was § 2 of his own proposal which he himself had corrected, and that he wished to have it put to a vote.

(145 TR-E)

The Chairman, noting that no objections were raised to reviewing the decision previously taken, submitted this decision for further discussion. He pointed out that there were three proposals to come up for discussion:

1. The proposal of the Lebanese Delegation, modified in §2 to the effect that abstentions shall be taken into account;

2. The proposal of the Colombian Delegation;

3. The proposal of the Chinese Delegation for a simple majority on all questions with the exception of those concerning the admission or the exclusion of members.

Thereupon the Delegate from Ireland spoke as follows:

" It seems to be the sense of the meeting that this question of a simple or a qualified majority should be reconsidered. When the question came before Committee F originally my delegation spoke and voted in favor of a simple majority. We voted to the same effect in the Plenary Session. We did so primarily because no evidence was produced to show that the simple majority system, which has, so far as we know always been used in these I.T.U. Conferences, has worked unsatisfactorily. On the contrary, there were those who knew from their own experience that that system had worked well.

Our second reason for supporting the retention of the simple majority was that we knew it to be a system extremely simple to apply, easy to understand, and one that encourages voters to take definite sides one way or another on important issues. We also knew that in our own and in the neighboring island all sorts of institutions and organizations, political and technical and so on from the Parliament down to the most insignificant body used the simple majority system and, by and large it works extremely well.

We have a proverb in Ireland which counsels us not to throw out the dirty water before the clear water is brought in, in other words not to get rid of something that does the job well until you are sure that what is going to replace it

(145 TR-E)

will do it better. What we have done on the recommendation of Committee F, I suggest, is to go one better than the proverb for we appear to have thrown out the clean water which was doing its work successfully and to have introduced something of a murkier variety that in two days has given us reason to question its efficacy. Certainly the experience of Friday and Saturday last and the searching that went on in Committee F and in its working group for a means of applying the qualified majority, has convinced the Irish Delegation that that system has nothing whatever to recommend it, as against the simple majority rule. The vote here taken on the two-thirds system has demonstrated some of the defects of the system. There are probably some more lurking in the background. They have shown that what is important is not the two-thirds majority but the one-third minority. In other words, it introduces minority rule and the maneuvering that goes with it. It enables a form of veto to be exercised as the Chinese Delegate pointed out. Moreover, it makes unfair demands on the Chair. It calls for a large measure of genius in the Chairman and a willingness to have his rulings challenged, that we cannot always expect to be available as it is so magnificently, if I may say so, Sir, in the present occupant of that office. Much depends, as you saw the other day, on how a question is formulated and put from the Chair, and I think delegates can see that it would undermine the authority of the Chair and its power to guide our deliberations usefully and expeditiously if the procedure suggested by him were frequently disputed and voted on. To put it mildly, this searching for something better than the simple majority system leads to confusion and disorder.

My Delegation has no use for the preparation of a list, long or short, of important issues to be settled by a two-thirds majority vote. We believe that it would be much simpler to regard every question that comes before us as important, though, actually not of equal importance, and to decide them straightforwardly by a simple majority to which we would all bow. If a minority feels aggrieved by a decision of that sort, it can start out to convert some of the majority to their way of thinking by the time the other text comes up for review. And there are very few questions that cannot be reviewed.

Some delegations feel that the matter can be met by drawing up a list of important questions

to which the two-thirds rule would apply. But we doubt very much if precise statement of what is important is possible. Take the questions of budget and structure of the Union to which reference has been made. So many matters have a bearing on the budget and on the structure of the Union, that either the two-thirds method will have to be applied widely, so that it will be the rule and not the exception, and a lot of time will be spent in every Conference in finding words to limit its application.

We should not hesitate to disregard what the U. N. O. or other bodies do. Experience, I suggest, may guide those bodies also to adopt or to revert to a simple majority.

We are therefore in favor of the Lebanon proposal as it originally came before us.

The Delegate from Chili stated: " When the question of voting procedure was dealt with in the Plenary Assembly, I said, in spite of the fact that the proposals of my country favoured the two-thirds majority for important questions, that in view of the difficulties and loss of time that this proposal would cause, Chili was ready to reconsider its decision and to support the simple majority procedure.

Experience has justified our opinion, because our work has been paralyzed as a result of the adoption, by a slight majority, of the two-thirds majority system.

I think it would be wise to re-examine this question, since the provisions of Art. 24 of the Internal Regulations authorize such a course."

The Delegate from the Belgian Congo was of the opinion that the provisions proposed by Committee F, which had carefully studied the question and had considered that a two-thirds majority was necessary for important questions, should be reconsidered. This majority system must be maintained for important questions, but must not form the subject of discussions, and must refer to specific points. These specific points are enumerated in Document No. 127 TR-E, which is a proposal of the Belgian Congo. § 4 of this document states:

" § 4. Shall be considered as important questions those dealing with:

- a) a modification in the structure, the membership status or the seat of the Union;
- b) the budget of the Union."

A sub-paragraph could be added "c) the finances of the Union", because this question is also important; it relates,

for instance, to the monetary unit. Every modification in membership status should be voted by a two-thirds majority, whereas membership qualification should be voted by a simple majority.

The Delegate from France spoke as follows: " I wish to begin with two preliminary matters before considering the main question. I refer to the amendment submitted by the Delegation from the United States relating to the application to be made of the two-thirds majority vote ruling. In the course of this meeting I have thought that the fine points of this amendment had perhaps escaped the notice of many of the delegates, and perhaps in elucidating them I should myself have had recourse to the subtlety which characterizes the American proposal but I thought this should not be inflicted upon over-tired delegates.

The other day we decided and the Delegation from France gave a favourable vote to the effect that this Conference should admit the eight states referred to by the Hon. Delegate from Belgium, to take part in its work and to vote.

I do not wish the text to be inserted which was improvised and which was read to us: "The Plenipotentiary Conference has decided to be the supreme authority."

We do not have to decide upon an established fact. The Plenipotentiary Conference has always been the supreme authority.

Another remark with more serious implications consists in saying that, in spite of the irregularities attributed to these countries, we shall admit them to participate in the Conference without examining their past as regards their membership qualification in the Union. We cannot openly admit this fact; it must be covered up discreetly. If our documents were referred to, it could be thought strange that delegates conscious of their mission should have dared to write such a text. I propose the new wording as follows:

"This Conference being the supreme authority can admit certain countries to participate and vote in this Conference."

This means exactly what it says and no more. This would eliminate the points I mentioned.

Since the arrival of the Delegate from Lebanon, I have thought that a certain confusion has existed in our

minds. I should like to clarify the situation. We have lost sight of our objectives. Committee F had accomplished a difficult task and had established a text which was a masterpiece of clear exposition. The Plenary Assembly had approved it by a vote. I state that I am in favour of the text submitted to the Plenary Assembly by Committee F. We must substitute for the ludicrous method of application of the qualified or two-thirds majority ruling, made last Saturday, a frank and honest method. In Committee F we discussed the principle, and we are not responsible for its application. Why, for instance, did the French Delegation systematically request in Committee F the application of the two-thirds ruling? I wish to define its position. Sufficient authority must be obtained without paralyzing the work of the Conference. We have been repeatedly asked: Why do you wish to obtain sufficient authority? Have we not always had sufficient authority? We agree as regards the past, but in the past the texts of the Convention were in principle voted unanimously and by a very large majority. Mr. Gnome, I think, will not contradict me on this point. When a Convention is a result of a very large majority vote, its authority is of course unquestionable. Something has changed. We have the impression that political questions are everywhere coming to the fore in this Assembly. We can do nothing about it. But one thing is more serious: it is that probably we shall modify the structure of the Union. Perhaps we shall create certain organizations which will have the power of decision, and then, if that should happen, I ask you this simple question: will these organizations, which will have the power of decision, possess the necessary authority if their creation is a result of an insignificant majority? The Honorable Representative from Ireland had said: we decide the fate of countries, we vote important laws by a simple majority. I cite as an example, many governments, among others, that of my own country.

It is true that serious decisions can be made by a small majority in Parliaments. But in this case, the situation is quite different. The parliamentary majority acts in the name of a mandate conferred upon it for the duration of a legislature.

On the other hand, what exactly is a qualified majority? are you going to make those who have abstained vote in order to determine a qualified

majority? Those who come forward as conscientious objectors must be put aside. Those who cannot decide, and who abstain, must play no role in the determination of the majority. In the two-thirds majority we consider only the affirmative and negative votes cast, that is, the votes expressing an opinion on the question. The Delegate from Lebanon says: "I come from Paris." I came from Paris too. I arrived before he did, but when I arrived in Atlantic City I knew what had happened in the ballots of the Universal Postal Union. The number who abstained was considerable. I deduced from this that the qualified majority should take a stand and rule out those who abstain. Only affirmative or negative votes must be counted for a qualified majority. If you eliminate those abstaining, you have a qualified majority. With one-third abstentions you would succeed in having a provision voted by a third plus one vote, which is inadmissible. We are not looking for complications. The Honorable Delegate from the Belgian Congo said a short time ago concerning the qualified majority that we desired it only for an important purpose and that the procedure was of least importance to us. And indeed it is the question itself, the two-thirds vote, which concerns us most. In order to shorten the procedure, I told Committee F that a list should be drawn up of questions considered important. All questions do not deserve a qualified vote. And it appertains to the Plenary Assembly to limit the number of important questions. The choice is not difficult to make because every time this matter came up here or in the Committee, the same terms and the same proposals were usually under discussion: structure of the Union, finances, composition of the Union, languages and one or two more questions, but not more. Consequently, it is indispensable that it should be the Plenary Assembly which determines the question on which the vote in accordance with the two-thirds ruling shall be cast. On the other hand, the question must not be considered from contradictory aspects. I am thinking of the Honorable Representative from the Vatican who said to us, if I understood him correctly: a question may be interpreted in two different ways according to the particular way it is submitted to the Plenary Assembly. Votes have been made where the decision would have been different if the question had been presented in a different light. We cannot permit such hazardous experiments: we are here to revise the Madrid Convention. We can only proceed to this revision in submitting amendments which may be either modifications or new texts. We have to make a decision on new questions. It is necessary that two-thirds of the votes, account being taken of the

stipulated provisions, should be favorably cast concerning the question of new texts, for this vote to be valid.

I do not wish to bring up the American text in an attempt to analyze the Machiavellian element it contains, of which we have spoken. If it had to be put to the vote, it would then be time to give the Assembly this explanation.

The French Delegation proposes, taking into account the explanations I have just given you, to go back to the text of Committee F or to the text proposed by the Belgian Congo. If the text is not approved by the Plenary Assembly, we will make a counter proposal.

The Delegate from the USSR stated that the proposal of Lebanon in both its forms was unacceptable. In his opinion, no necessity existed for revising the principle of the two-thirds majority, which has already been accepted and adopted in this meeting. But we have not sufficiently examined and studied the matter of applying this principle. With regard to this, he agreed completely with the Delegate of China in maintaining in principle the two-thirds formula, but considered that a more simple method of application must be found. He was of the opinion that this formula was necessary for the study of important questions. It would be enough, he thought, to limit the number of these questions by indicating only those which touched directly on the interests of all the members of the Union. The Delegations from Egypt and the Belgian Congo have given as an example the budget of the Union. It is evident that if this budget were to include expenses ten or twenty times greater than those of to-day, this fact would be of particular interest to every member of the Union, and such a modification would have to be ratified by a two-thirds majority. The question of membership qualification mentioned by the Delegation from the Belgian Congo also constitutes a definition which must be adopted by a sufficient majority. Other important questions could be enumerated. Committee F which was entrusted with this study by the Conference, has rightly stressed that a very limited list of such questions should be drawn up. It is obvious that if any question is dealt with, or if any proposal which is not in contradiction with the conventional provisions is voted upon, it would be meaningless to apply the two-thirds ruling. Consequently, he proposed:

- 1) to maintain the principle of the two-thirds majority already admitted,
- 2) to restrict the application of this principle to those questions only which are actually of supreme importance to all the members of the Union.

Among such questions he mentioned membership qualification, the budget, questions in contradiction with the provisions of the Convention in force, and eventually the exclusion of members from the Union. He was not in complete agreement with the Delegate from China who proposed the application of the two-thirds ruling only to the admission and exclusion of members. Indeed, of what importance is the question of the admission of a member to all the other members? On the contrary, the matter of exclusion is already a question of principle. Admission should be adopted by a simple majority, whereas exclusion, which implies a measure of extreme importance, should be voted by a two-thirds majority. He concluded by suggesting that the complementary study of the problem should be entrusted to Committee F, which would submit a new report to the Plenary Assembly. This report would contain the list of important questions.

The Delegate from Switzerland, as Chairman of Committee F, explained that his Committee had studied the question very thoroughly, and that it had discussed all the cases which could come up. Its conclusions had been voted upon in the Committee by 29 votes against 15. The Plenary Assembly had ratified them by a regular vote and with no hesitation by 33 votes against 24. This is not an approximate vote but a most satisfactory majority. We have seen that at the time of the vote on the invitation of Spain, it was decided by 34 votes against 12 to vote by a qualified majority. The situation therefore seems clear. Why should this question be taken up again? Following the explanations given by the Delegate from Belgian Congo, he proposed continuing the discussion on the basis of the proposal of the Belgian Congo. (Doc. No. 127 TR-E).

The Delegate from Greece stated that he had always been opposed to the principle of the two-thirds majority, because he considered it dangerous for our Union, and as a sort of veto. Although he considered that it would constitute an unfortunate precedent to discuss this question again, he stated that he would agree to this discussion and that he would support every proposal tending to reinstate the principle of the simple majority. He stated that he was opposed to the modified proposal of Lebanon but would accept the proposal in its initial form. He would, however, give his preference to the simple ruling of the Provisional Internal Regulations, which had been put to the test during the last few decades.

The Delegate from Cuba was of the opinion that before studying thoroughly the proposal of Lebanon, the meaning of abstention should be defined, because abstention is a procedure more likely to accelerate the work of a Conference than to paralyze it. He was of the opinion that it was an abusive interpretation to define abstention as being a procedure of a negative nature.

The lack of unanimity in the opinions expressed is a result of the fact that we are working under the menace of a two-thirds majority vote. The Cuban Delegation has always supported the proposal of Guatemala, submitted at a previous date. The Delegate from Cuba would, however, support the original proposal of the Delegation from Lebanon but would delete the word "absolute" twice in paragraph 2.

The Delegate from the Vatican pointed out that if the principle of the two-thirds majority meets with so many objections, it is because a rule of procedure was added to it which paralyzes its effects. He supported the proposal which in his opinion is the most concrete, that of the U.S.S.R., because it advises establishing a list of important questions. In other words, if this list can be drawn up, the principle of a two-thirds majority must be applied to the questions it contains; if it cannot be drawn up, we must abandon this principle. He believed it would be wise and prudent to undertake the preparation of a clear and brief list of the most important questions.

The Delegate from Egypt stated that it is a very bad principle to nullify what has already been accomplished in a plenary assembly, unless it has been clearly established that an error of procedure has been committed. He accepted the principle of the two-thirds majority, (but on the basis of a proposal submitted without previous notice, which, after more careful study, he considered incomplete. He drew attention to his proposal, (Doc. No. 129 TR-E) which contains in § 3, c) a complementary provision providing for the case in which a two-thirds majority vote has produced no result and the question is referred to a later session during which the rule of a simple majority of affirmative and negative votes is to be applied in voting. To clarify this situation, he said he wished to have his proposal submitted to the Assembly.

The Delegate from the United Kingdom explained the various reasons which prevented his Delegation from accepting the proposals of Lebanon, Colombia, France and the U.S.S.R. The proposal of China, which differed very little from that of the United States, seemed to him the

most satisfactory proposal because it was rational, and provided for the simple majority rule, except in a single case, that of the admission or exclusion of a member.

The Chairman: Up to now we have heard 14 statements. I believe that the proposal of Colombia is the same as that of the United States of America, except that it deletes the word "absolute" - as does the proposal of Cuba.

The Delegate from Chile merely said that he had reached the conclusion that the simple majority rule must be applied without taking abstentions into account.

The Delegate from France reminded the meeting that, as had been said a few minutes ago, a Committee had accomplished a detailed, laborious task, full of difficulties. When it became time to vote, in deference to the Committee, priority should be given to the texts studied in Committee, as, otherwise, the morale of Committees would be impaired.

The Delegate from Lebanon made another allusion to the apprehensions which led him to make this proposal. By abolishing abstentions, Committee F had destroyed the principle of the two-thirds majority. He insisted that his modified proposal be put to the vote.

The Delegate from Canada proposed adding, in the amendment submitted by China, the question of the seat of the Union to those requiring a two-thirds majority.

The Chairman noted that he had then before him eight proposals. He reviewed them and proposed putting them successively to the vote.

During the continuation of the discussion the Delegations from France, Lebanon, Egypt, China, Colombia, the Belgian Congo and the United Kingdom as well as the Chairman suggested various possible methods of submitting a text on voting.

Finally, on the proposal of the Chairman, the Assembly adopted by a roll call vote of 41 against 24 and 1 abstention (11 Delegations being absent), the proposal of Lebanon amended by Colombia.

Voting in favor: Afghanistan; Argentina; Australia; Austria; Belgium; Burma; Brazil; Chile; Colombia; Cuba; Denmark; Dominican Republic; El Salvador; Ecuador; United States of America; Territories of the United States; Finland; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under the suzerainty or mandate of Great Britain; Greece; Guatemala; Honduras; India; Iraq; Iran; Ireland; Iceland; Italy; Lebanon; Luxembourg; Mexico; Nicaragua; New Zealand; Panama; Netherlands; Peru; Philippines; Sweden; Turkey; Uruguay; Venezuela.

Voting against: Union of South Africa and the mandated territory of Southwest Africa; Albania; Belgian Congo and the mandated territories of Ruanda-Urundi; Bielorussia; Canada; China; Egypt; Ethiopia; France; Colonies, Protectorates and Overseas Territories under French Mandate; the French Protectorate of Morocco and Tunisia; Hungary; Monaco; Norway; Netherlands Indies; Poland; Portugal; Portuguese Colonies; Siam; Switzerland; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Abstained: Vatican City State.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Southern Rhodesia; Haiti; Liberia; Paraguay; Roumania; Syria; Yemen.

The Chairman, in view of the result of this vote, requested the Delegate from China to submit his amendment.

The Delegate from China said that this amendment consisted in inserting a new paragraph between § 2 and 3 which had just been adopted.

This new paragraph read as follows:

"Exceptions to the above regulations shall be made concerning proposals which tend to admit, suspend or exclude a country; this refers to the list of countries enumerated in Article 18, who have the right to participate and vote in the Conference. In such a case, a two-thirds majority of the total number of votes, affirmative or negative, shall be required."

The Delegate from the U.S.S.R.: Inasmuch as the amendment of China constitutes an addition to the text which has just been voted, and since it deals with several questions requiring a two-thirds majority, I propose an

amendment to that of China, to the following effect:

"In the case where any proposal in flagrant contradiction to the provisions in force is submitted to the vote, a two-thirds majority shall be required for its adoption."

The Chairman: We shall be confronted with many difficulties of procedure. I shall recognize anyone who requests leave to make suggestions tending to amend Article 19 which we have just adopted. It is clear that any additional proposal may be submitted. The Delegate from the U.S.S.R. has just submitted a proposal which is completely independent of the Chinese proposal.

The Delegate from the U.S.S.R. stated that he could not agree with the idea that his amendment did not constitute an amendment to that of China, since he was merely completing its form. He would prefer that a separate vote be taken on the questions of the admission and exclusion of a country, for which the amendment of China demanded a two-thirds majority.

After a final exchange of views between the Delegate from the U.S.S.R. and the Chairman, the latter put the amendment of China to the vote.

It was adopted by 33 votes against 24, with 9 abstentions (11 absent).

Voting in favor: Union of South Africa and the mandated territory of Southwest Africa; Argentina; Australia; Austria; Canada; Chile; China; Cuba; Denmark; Dominican Republic; El Salvador; Ecuador; United States of America; Territories of the United States; Finland; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under suzerainty or mandate of Great Britain; Greece; Honduras; Iran; Italy; Nicaragua; Norway; Panama; Netherlands; Netherlands Indies; Peru; Philippines; Portugal; Sweden; Switzerland; Turkey; Uruguay.

Voting against: Belgium; Belgian Congo and the mandated territories of Ruanda-Urundi; Bielorussia; Brazil; Colombia; Egypt; France; Colonies, Protectorates and Overseas Territories under French mandate; French Protectorates of Morocco and Tunisia; Hungary; India; Ireland; Iceland; Luxembourg; Mexico; Monaco; New Zealand;

Poland; Portuguese Colonies; Siam; Czechoslovakia; Ukraine;
Union of Soviet Socialist Republics; Yugoslavia.

Abstaining: Afghanistan; Albania; Burma; Vatican
City; Ethiopia; Guatemala; Iraq; Lebanon; Venezuela.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica;
Southern Rhodesia; Haiti; Liberia; Paraguay; Roumania;
Syria; Yemen.

The Chairman informed the Assembly that the text
derived from combining the proposals of Lebanon, Colombia,
and China would be prepared in French, English and Spanish,
and distributed for the resumption of the meeting at 3:30
p.m.

He adjourned the meeting at 1.40 p.m.

The meeting was continued at 3:35 P.M. The text
which had just been distributed was as follows:

ARTICLE 19
VOTING IN PLENARY SESSIONS

(Based on proposals of Lebanon, Colombia and China as
adopted by the Plenary Session which adjourned at 1:40
p.m., Tuesday, July 22, 1947.)

- § 1. For a valid vote to be taken at Plenary Sessions, at
least one-half of the delegations accredited to the
Conference and having the right to vote must be
present or represented at the session during which
the vote is cast.
- § 2. In Plenary Sessions, no proposal or amendments shall
be adopted unless it is supported by a majority of
the delegations present and voting. In determining
the number of votes required for a majority, absten-
tions shall not be taken into account. In case of a
tie the measure shall be considered rejected.
- § 3. Exceptions to the above rule shall be made with
respect to proposals to admit, suspend, or exclude
a country in connection with the list of countries
in Article 18 entitled to participate and vote in the
Conference. In such a case a 2/3 majority of the
positive and negative votes cast shall be required.
- § 4. If the number of abstentions exceeds 50% of the
delegations present and voting, the measure shall be

reconsidered at a subsequent meeting.

The Chairman recognized the Delegate from Canada.

The Delegate from Canada reviewed the exact text of his proposal, which would constitute the following amendment to the text under consideration:

"§ 3.....Conference, such as proposals relating to the transfer of the seat of the Union. In such cases"

The Chairman said that he understood that this amendment was to be submitted to the Assembly. He had a vote taken by roll call with the following results:

39 votes for 20 votes against 4 abstentions
(14 absent)

The following voted for: Union of South Africa and Territory under the mandate of Southwest Africa; Albania; Austria; Belgium; Belgian Congo and mandated territories of Ruanda-Urundi; Bielorussia; Burma; Canada; Vatican City; Denmark; Egypt; Finland; France; Colonies, Protectorates and Overseas Territories under French mandate; French Protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under the Sovereignty or Mandate of Great Britain; India; Iran; Iceland; Italy; Lebanon; Luxembourg; Monaco; Norway; New Zealand; Netherlands; Netherlands Indies; Portugal; Portuguese Colonies; Roumania; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Voted against: Argentina; Australia; Brazil; Chile; China; Colombia; Cuba; Dominican Republic; El Salvador; Ecuador; United States; Territories of the United States; Guatemala; Honduras; Ireland; Mexico; Panama; Peru; Uruguay; Venezuela.

Abstained: Afghanistan; Ethiopia; Greece; Iraq.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Southern Rhodesia; Haiti; Hungary; Liberia; Nicaragua; Paraguay; Philippines; Poland; Syria; Yemen.

The Chairman stated that the proposal was approved and he recognized the Delegate from the U.S.S.R.

The Delegate from the U.S.S.R. said that considering the point of view which the Assembly now had, and in order not to delay the discussion, he would withdraw the proposal he had made in the morning. He however wished to submit another question which, in his opinion, also requires a two-thirds majority: the question of the approval of the budget of the Union.

The Chairman: Are there any objections to the proposal of Mr. Fortoushenko?

The Delegate from France: "After what has just happened, it would seem that the Assembly is on an inclined plane. As soon as it has made a decision, it immediately experiences instinctively the need to follow the opposite course. This morning we wanted neither the principle of the qualified majority nor the drawing up of a list of important questions, and at present we are again taking up in detail the question of this list. I agree to the questions already included in the list but that is not enough. It seems that we are going to introduce the question of the budget of the Union; I pointed out this morning that there was a more important question than this, - the new structure of the Union. I should be most astonished if the new organizations you will be called upon to create and on which you will confer the power of decision, were not entered on this list. I should ask that the question of the finances of the Union and the structure of the Union be added to this list. The text should be sufficiently precise to avoid any possibility of confusion about it in our minds. I would also add the question of language. This is a question which is important for a great number of the delegations represented here."

The Chairman: "When I recognized the Delegate from France, I did not realize that he was going to bring up another question. Before considering his proposal, I shall go back to the proposal of the U.S.S.R."

The Delegate from Cuba requested that the question brought up by the Delegate from the U.S.S.R. be explained. What will happen if the Conference does not obtain a two-thirds majority vote for the approval of the Budget of the Union? How could the Union function if the Budget were not approved?

The Delegate from the U.S.S.R. gave the required

explanations. It is, of course, impossible to conceive of a case in which the Union would not have an approved Budget. In his opinion, this would be the situation: If we had before us a proposal to increase the budget to a million dollars, for instance, each one of us could, by means of an approximate calculation and by considering the units to be of contribution contributed, figure out the sum of money his country would have to pay annually and we each would then vote for or against the proposal. If this proposal were accepted by a two-thirds majority, the budget would be approved. In the opposite case, it would not mean that the Union would be without a budget. It would only mean that the total sum would have to be made more acceptable to the majority of the countries represented and that a compromise would have to be reached, in other words, a new proposal likely to gain a two-thirds majority vote.

The Delegate from Cuba said that he feared, in spite of the seemingly clear explanations just given, that the plans of our Conference to set up new organizations and to reorganize the Union might be confronted by a possible veto by a minority of one-third which would doubtless be prejudicial to the satisfactory functioning of the Union. He was of the opinion that the measures for the reorganization of the Union and its budget should be voted for on the basis of a simple majority. He felt that he must vote against this proposal and make reservations as to its consequences, were it to be adopted.

The Delegate from Colombia stated that he had made an explicit reservation concerning all cases in which the decision would be made on the basis of a two-thirds majority. He based this reservation on the fact that, in his opinion, the result of the vote depends solely on the way the question is worded. If for instance, in the concrete case of the seat of the Union, the question were asked: "Does the Assembly ratify the present seat of the Union?" he did not think that a two-thirds majority could be obtained. If the question were asked in the negative: Does the Assembly wish to change the seat of the Union?, he still did not think that a positive result would be obtained.

The Delegate from Belorussia in stressing the importance of the budget, did not think that the reasons given by the Delegate from Cuba were pertinent. He agreed completely with the proposal of the U.S.S.R.

to have the Budget of the Union adopted only on the basis of a two-thirds majority vote.

The Delegate from the United States was of the opinion that if we accept the approval of the budget by a two-thirds majority, there is no reason not to accept other types of questions such as the organization of the Union; but by this procedure we should run the risk of preventing any future reorganization of the Union. We can continue as in the past, to vote according to the principle of the simple majority with reservations being made by some countries, as has already been the case. Let us not forget that at Madrid we reorganized the Union without the two-thirds majority vote clause. The simple majority as a rule takes into account the wishes of the minority. This rule was followed in the present Radio Conference, at which we have nearly always succeeded in obtaining the unanimous vote of the delegations present.

He was opposed to the application of the two-thirds majority ruling to other questions.

The Delegate from France: "I shall ask the Delegate from the U.S.S.R. to replace the expression 'approval of the budget' by the term 'finances' in his proposal. In the coming days we are going to decide upon reforms to be made, in particular as to whether it will be possible to obtain a qualified majority on the question of expenses. This is important; and what will happen? To speak of the right to veto is deceiving. We have legal status resulting from the Madrid Convention. Any proposal which does not obtain a qualified two-thirds majority would result in the status quo, that is to say, the Madrid Convention. We do have instruments; at our disposal, we can carry on for a long time with those we possess."

The Delegate from the U.S.S.R. gave his assent to replacing the term "budget" by "finances".

The Chairman: We shall therefore replace "budget" by "finances".

The Delegate from Lebanon, being of the opinion that every budget is comprised of two distinct parts: the obligatory expenses and extraordinary expenses, considered that the obligatory expenses should be submitted to the simple majority, whereas the exceptional expenses could be voted upon on the basis of a two-thirds majority. He asked the Delegate from the U.S.S.R. if he would accept the expression: "the extraordinary budget of the Union."

The delegate from the U.S.S.R. could not accept this amendment.

The Delegate from the Vatican was of the opinion that the principle of the two-thirds majority could only be considered if it were perfected by its natural complement, the Madrid Convention, which is an established basis, and which means that we have something to build on. But this principle should only apply in cases of important changes made in this established basis. It is difficult to define the essential parts of the structure, and as this definition is lacking, he considered that it would be preferable not to apply the principle of the two-thirds majority to it.

The Delegate from the Ukraine stressed the necessity of considering finances as a very important question, because it affects all the States and all those who represent them. This question should be voted on by a two-thirds majority.

The Delegate from Egypt in turn stressed the fact that the question of finances is, in his opinion, much more important than the admission or exclusion of a member.

The Delegate from Cuba pointed out that there is a group of delegations that speak as if the supreme law of our conference were the status-quo, although this conference was called to reform what is now in use. In considering the possibilities of changing the seat of the Union, of accepting other official working languages, etc. which would result in additional expenses, the status-quo would continue because the two-thirds majority would be required. On several occasions we have disregarded the terms of the Madrid Convention. In order to create a strong and durable Union, we must begin over again without being bound by the past. World history proves that when a small majority is hampered by something which cannot be done away with, revolutionary methods must be used. It is difficult to conceive of a revolution within our Union. A time may come when a majority of nations will not want some specific point; the only way of doing away with this, in view of the two-thirds rule, would be to cease being a member of the Union and to set up a new Union where the basis of a simple majority would be accepted. That is why the will of the majority of the members of our Union must be the determining rule to be followed at this Conference, without the two-thirds majority rule forcing

us to keep what already exists.

The discussion continued on this point. The Delegations from Argentina and Guatemala took part in it and stated that they were opposed to having the question of finances considered as an important question requiring a two-thirds majority vote. The Delegations from Bielorussia and Yugoslavia on the contrary, asked that the question of the finances of the Union be designated by the Assembly as important.

The Delegate from Denmark stated that he agreed with the two exceptions made to the principle of the simple majority vote, but he thought it would be dangerous to add other questions. Aware of the difficulties facing the Assembly in its attempt to reach a decision, he submitted to the Chairman a resolution likely to end the discussion. This resolution is as follows:

"The Plenary Assembly considers that the question of voting has been discussed very thoroughly, and that the procedure outlined in document no. 135 TR-E, amended by Canada and adopted by the Conference, will constitute the rule to be followed by this Conference."

The Chairman after taking note of this draft resolution, asked the Assembly this question: "shall we vote on terminating the discussion?"

The Delegate from the United Kingdom supported the draft resolution.

The Delegate from the U.S.S.R. protested against this procedure. He was of the opinion that his proposal, which was still in abeyance, should be voted upon first. This proposal had been presented under the same conditions as those which had been discussed previously. He would submit to the majority if it should reject his proposal, but he insisted upon its being put to the vote.

On the request of the Chairman, the Delegate from Denmark stated that his intention was not to prevent a vote on the Soviet proposal. He fully agreed to have his resolution submitted to the Assembly after this vote.

On ascertaining that the Assembly was also of this opinion, the Chairman had a vote taken by roll-call on the proposal of the U.S.S.R. concerning the addition of the question of the finances of the Union to the number of questions requiring the two-thirds majority,

The vote gave the following results:

25 votes for, 37 votes against, 5 abstentions
(10 absent)

Voted for: Albania; Belgium; Belgium Congo and Territories under the mandate of Ruanda-Urundi; Bielorussia; Burma; Egypt; Ethiopia; Finland; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Hungary; Iraq; Lebanon; Luxembourg; Monaco; Poland; Portugal; Portuguese Colonies; Roumania; Switzerland; Czechoslovakia; Ukraine, Union of Soviet Socialist Republics; Yugoslavia.

Voted against: Union of South Africa and mandated territories of Southwest Africa; Argentina; Australia; Austria; Brazil; Canada; Chile; China; Colombia; Cuba; Denmark; Dominican Republic; El Salvador; Ecuador; United States; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates and Overseas Territories and Territories under the sovereignty or mandate of Great Britain; Greece; Guatemala, Honduras; India; Ireland; Iceland; Italy; Mexico; Nicaragua; Norway; New Zealand, Panama; Netherlands; Netherlands Indies; Peru; Philippines; Sweden; Uruguay; Venezuela.

Abstained: Afghanistan; Vatican City; Iran; Siam; Turkey.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Southern Rhodesia; Haiti; Liberia; Paraguay; Syria; Yemen.

The Chairman noting that the proposal was rejected put the resolution submitted by Denmark to the vote.

This resolution was voted on by a show of hands and approved, 40 votes against 7.

The Delegate from China said that in view of the importance he attaches to the question of voting, and to save hours of debate later on, he wished to ask the Chairman the following question: Is it quite clear that the simple majority means the majority of the votes of delegations present and voting, abstentions not being counted.

The Chairman: "In my opinion, the rule we have adopted leaves out abstentions altogether in all cases."

The Delegate from China: "I now understand perfectly that abstentions are not taken into account. I shall now raise a question which has been discussed at many international conferences, and which sometimes took days to decide. I should like to know whether an invalid vote is counted or not in the total number of votes. This is sometimes most important in determining the number of votes."

The Chairman: "Invalid for what reason? Because there were not proper credentials?"

The Delegate from China: "Yes, for this reason, and also, when, for instance, you ask delegates to elect five members and six are elected."

The Chairman: "I should say that a ballot which is ruled out as invalid, should be considered as never having been cast, but if it is known what delegation cast the ballot, then this delegation should if possible be given the right to cast a valid ballot. If it is a secret ballot, then it is obviously impossible to know whose ballot it is, but if it is not a secret ballot and you know who gave the ballot which is questioned and rejected as invalid, I think this delegation should be given the opportunity to cast a valid vote. But if the ballot remains invalid, it should be considered as never having been cast."

The Delegate from China: "As regard the secret ballot, which was discussed at length at the United Nations both in London and in Lake Success, it was decided to count it in the total number of votes. A ruling from the Chairman on this question would save much discussion later on."

The Chairman: "Is the decision satisfactory?"

The Delegate from China: "The decision is quite satisfactory as far as the ordinary ballot is concerned, but how does it apply to the secret ballot?"

The Chairman: "I think that as regards a secret ballot, we should also count the valid ballots cast and, if one of the ballots is unintelligible and we do not know whose it is, it should be ruled out, as though it had never been cast. I propose adopting this rule; at present we do not need it, we only desire a rule which will enable us in the future to decide questions of this nature."

The Delegate from China: "May I request this interpretation to be entered in the minutes."

The Chairman: "The ruling will be entered in the minutes in order to avoid all confusion in the future. I wish, if you will permit me, to make another remark concerning the procedure we have just been discussing. We have spent an entire day reconsidering a decision which we had reached, two days ago, after an entire day of discussion. I think we were justified in devoting the additional time to this particular case. The question of voting is of such importance for everything we have to do here, that we can have no regrets in devoting all the necessary time to a decision which, day in and day out, will affect all other decisions. I therefore do not regret the time spent in finding a solution which the majority of the Assembly considers to be the best. However I would urge the Assembly, and this is the purpose of my remark, not to take as a precedent in the work of committees or in the future Plenary Sessions of this Conference, the fact that we have reconsidered and taken up again this particular case, which we had already dealt with before. I consider that it is most important to reach the right solutions, but it is also very important that we should not spend hours reconsidering a question which has already been put to a vote. Many similar cases will come up and we shall eventually have to put them aside and consider them as having been already settled. As to the really fundamental question of voting, I believe it should be examined once again; but the only point upon which I insist - and I do this because I am the Chairman and in the general interest of the Conference - is that this should not be considered as a precedent and that we should not return again to the question in the course of the work of the Committees, which would destroy our efforts to complete our agenda. As regards the interpretations I have just given of the invalid vote, may I ask if there is any objection to stating in the minutes that my interpretation is supported by the Assembly and that consequently it constitutes a precedent for the work of Committees?"

Is there any objection? The Assembly then agrees to this. This will constitute a precedent."

The Delegate from the Vatican: "I should like to say one thing which I think is already in the minds of everyone. It is not a general question, but rather, I think, the expression of a unanimous opinion, or more precisely, a question of drafting.

Paragraph 4 has been written, I should rather say half written - because I think that everyone will agree that if the question is reconsidered at the next session, we should not again have to take into account abstentions, because by doing so we would only be going over the same ground. Consequently, and in spite of the great care we have given to the study of the question, this particular defect in paragraph 4 has escaped our notice."

The Chairman: "As regards paragraph 4 of article 19 as just adopted, the Delegate from the Vatican suggests that the Assembly should state that if a program is adopted after study during a session, even if 50 % or more of the Delegates abstained, their abstentions should not be counted at the following meeting. If there is no objection I shall give this meaning to the texts drafted by the Committee. Is there any objection? The article shall be interpreted in this way."

The Delegate from Egypt: "Referring to the application of the two-thirds rule - and I think that the Honorable Delegate from the United Kingdom has already alluded to this - I think that when a motion subject to the two-thirds majority is submitted to the Assembly, the text of this motion must be submitted at the same time, and the vote must be taken on this text. Is this correct?"

The Chairman: "I hope that the question will not be raised for the simple reason that according to the new wording, there are only three matters which require a two-thirds majority vote; first, the addition of the name of a new country to article 18. This question could be put as follows: 'Must this new country be added to the list?' Secondly, the exclusion of a country which is at present enumerated in the list. This question could be: 'Must this country be excluded.' Third, the question of determining whether the headquarters of the Union should be transferred. The headquarters of the Union is at present situated in Berne (Switzerland).

A proposal recommending such transfer should be presented, not in negative, but in affirmative form, such as: 'It is proposed that the headquarters of the Union should be transferred to.....' Should this be done, a 2/3 majority would be required to qualify this proposal for adoption. These are the only questions which may be decided by the 2/3 majority ruling as it now exists, and I anticipate no difficulties in the matter of its future application. I consider it most helpful to have had the Delegate from Egypt draw our attention to this matter, and I believe it to be expedient to insert the same in the minutes. I further recommend that note be made in the minutes of the present interpretation, and if you agree, that it obtain the unanimous approval of the Assembly."

The Assembly approved.

The Delegate from Egypt pointed out that his Delegation had offered proposal 17th TR (Document 130 TR-E), which included a draft resolution intended to serve as a basis for the work of the Conference. This draft proposed that the meeting adopt and recommend that its committees make use of the documents of the Moscow Conference as the basis for discussion. It was actuated by the difficulties which arose as a result of the fact that some committees took the Madrid Convention as a working basis, whereas others based their efforts on the documents of the Moscow Conference. The same divergence is again to be found in proposals submitted to the Conference.

The Chairman recognized that excellent grounds existed for taking this initiative; but he considered that in the interests of good management, the selection of texts to serve as working bases should be left to the Chairmen of committees. He asked whether the Delegate from Egypt concurred in this.

The Delegate from Egypt expressed his agreement therewith.

The Delegate from Belorussia called the Chair's attention to the fact that when the question of reconsideration of the 2/3 majority ruling arose, his Delegation had requested that the meeting again take up the case of Mongolia, that is, the possibility of entering the name of that country on the list appearing in Article 18 of the Internal Regulations. He

wished to know how matters stood with regard to that proposal.

The Chairman replied that in this case it was up to the Assembly to decide whether to re-open a question already settled.

The Delegate from Bielorussia said that he believed that the Plenary Assembly should at least adopt the following resolution:

"The Plenary Assembly of the International Telecommunications Conference considers that, in the cause of justice, it is fitting that the Union agree that the name of the Mongolian People's Republic should be incorporated in the list of countries appearing in Article 18 of the Internal Regulations in accordance with the procedure adopted in the case of the Principality of Monaco."

Indeed, added the Delegate from Bielorussia, the case of Monaco, the status of which is exactly the same, serves as a precedent. Not a single country raised objections in that instance, and the admission of that country was allowed without debate. He asked the Chairman to submit his resolution.

The Delegate from the U.S.S.R.: "I should like to address a few words to the meeting, speaking to you all as fellow workers. I want you to understand fully the motives which are prompting my remarks. I am neither a diplomat nor a jurist. I am an engineer who has come to this Conference as a representative of the U.S.S.R., moved by a profound desire to collaborate with all of you in the work of reorganizing our Union. I came filled with high hopes. I was certain that here, at our Conference, we should encounter no controversial problems, and the experience of working together these last two months has proved to me that we are able to really understand each other in many ways, far more easily than has been the case during these three days of the Plenary Session. I must admit, Gentlemen, that I was moved, and painfully so, by the decision made in the case of the Mongolian Republic. What motives, Gentlemen, led you to refuse to permit the Mongolian People's Republic to take part in our Conference, upon the same footing, as for instance, Monaco? Everyone is well aware that there are no legal grounds

for excluding this country.

Therefore, Gentlemen, when 21 countries voted against the admission of Mongolia, it is obvious that I cannot know which countries because of the secret ballot, although I have an approximate idea - I have reason to believe that it was not the status of the Mongolian Republic which was at stake, but rather that certain sympathies or antipathies with regard to myself, who defended this cause, came into play.

It is this circumstance which pains me deeply, since we must still work together for a long time on very important matters, and I observe that we are encountering difficulties in deciding even such simple questions as this.

You can see that I am no diplomat, because diplomats do not speak as I do at this moment.

That is why, Gentlemen, I beseech you to reconsider this question, because you surely realize that there are no serious reasons which forbid a decision in favor of admitting the Mongolian People's Republic.

This is a question of conscience. I ask those who have voted negatively to change their attitude. We might then build up an atmosphere of friendship, and in this way the question might be settled on a basis of real justice, and not upon one colored by political considerations."

The Delegate from the United Kingdom did not believe that reconsideration of a question which he regarded as closed was called for, especially since it had just been decided that resumption of discussions on the question of the 2/3 majority vote should not be allowed to establish a precedent for future discussions.

The Delegate from Albania: "I support the proposal of Bielorussia to reconsider the question of the Mongolian Republic. I am eager to protect the prestige of this Conference. We have had two similar cases: the question of Monaco and that of the Mongolian People's Republic. For these two cases we have adopted two different procedures. We have rejected the admission of Mongolia, in spite of the fact that the same conditions prevail. We may be criticized. We have shown partiality in adopting two procedures

in two parallel cases. I propose that the case of Mongolia be reconsidered.

We can be criticized above all because we have rejected this application for admission without giving a reason. No justification for such action exists in the minutes of this Conference. I beg you, Gentlemen, to reconsider this question, for the prestige of this Conference, and to render justice to the Mongolian Republic."

The Delegate from Cuba had no objections to offer against reconsideration of the question, seeing that discussions had been re-opened upon a question already decided.

The Chairman then put this question to the meeting: Do you wish to reconsider the question of Mongolia?

A roll call vote gave the following result:

31 votes for, 9 against, 26 abstentions.

Voted for: Albania; Argentine; Belgium; Belgian Congo and Mandated Territories of Ruanda-Urundi; Bielorussia; Burma; Cuba; Denmark; Ecuador; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Hungary; India; Luxembourg; Mexico; Monaco; Norway; New Zealand; Panama; Netherlands; Netherland Indies; Philippines; Poland; Portuguese Colonies; Roumania; Sweden; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Voted against: Australia; Brazil; Canada; Chile; China; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under the sovereignty or Mandate of Great Britain; Greece; Ireland.

Abstained: Afghanistan; Union of South Africa and the Mandated Territory of Southwest Africa; Austria; Vatican City; Colombia; Dominican Republic; Egypt; El Salvador; United States of America; United States Territories; Ethiopia; Finland; Guatemala; Honduras; Iraq; Iran; Iceland; Italy; Lebanon; Peru; Portugal; Siam; Switzerland; Turkey; Uruguay; Venezuela.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Southern Rhodesia; Haiti; Liberia; Nicaragua; Paraguay; Syria; Yemen.

The Chairman stated that the Assembly was willing to reconsider the question.

The Delegate from the United Kingdom asked whether the vote just given was valid, in view of the number of abstentions. He referred to paragraph 4 of Article 19 which states: "If the number of abstentions exceeds 50 % of the Delegations present and voting, the measure shall be reconsidered at a subsequent meeting."

The Chairman replied that paragraph 4 must be understood as meaning that affirmative votes, negative votes and abstentions must be added up to constitute the total on which the 50% may be calculated. He pointed out that in his opinion the provision of paragraph 4 applies to the case dealt with in paragraph 2 as well as to the case dealt with in paragraph 3.

This interpretation called forth an exchange of views between the Delegates from China, France, Italy, Cuba and the Chairman, the Delegate from France being of the opinion in particular, that the provision of paragraph 4 applies only to paragraph 3, that is to say in the case of the two-thirds majority vote, but not in the case of a simple majority vote. When put to the vote, the interpretation of the Chairman was accepted.

The Chairman referred again to the question of the admission of Mongolia and asked the Assembly to vote, it being understood that this vote would be cast according to the two-thirds majority ruling.

The Delegation from the United Kingdom proposed that the vote should be cast by secret ballot. This proposal was supported by the Delegations from Australia, Mexico, Sweden, Canada, South Africa and China.

The Delegate from Roumania submitted a recommendation which stated that Delegations, which in a committee have taken a stand on a question relating to the admission or the exclusion of a country, should express their vote verbally in a Plenary Assembly; in the case where they would change their opinion, they should give the reasons for this change.

This recommendation was not approved by the Assembly and the Chairman put the question of the admission of Mongolia to the vote by secret ballot. The vote gave the following result: 32 votes for, 25 votes against, 9 abstentions (11 Delegations being absent).

The Chairman: the two-thirds majority having not been obtained the proposal was rejected.

He adjourned the meeting at 6:15 P.M. after announcing that the Plenary Session of the Radio Conference would begin in a few minutes.

The Secretaries-General

L. Mulatier

Gerald C. Gross

The Secretaries

E. Rusillon

A. Auberson

F. Oulevey

H. Voutaz

The Chairman

Charles R. Denny

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 146 TR-E
July 25, 1947

Committee F

COMMITTEE F

AGENDA

Meeting of Saturday, July 26th at 10:00 a.m.

Examination of article 11 and the following articles
of the General Regulations. As the Subcommittee was
unable to finish its work on Friday July 25th, it
will resume its work at the end of the meeting of
Committee F.

The Chairman of Committee F.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 147 TR-E
July 25, 1947

Committee C

183 TR

TUNISIA

Art. 17, § 3 of the Madrid Convention

The purpose of the present proposal is to divide the members of the Union into classes for the apportioning of expenses. The text proposed is as follows:

"For the apportioning of expenses, the members of the Union shall be divided into eight classes, each corresponding to the following number of units:

1st class:	30 units
2nd class:	20 units
3rd class:	15 units
4th class:	10 units
5th class:	5 units
6th class:	3 units
7th class:	2 units
8th class:	1 unit"

REASON

This division corresponds to a more regular progression, therefore permitting a better adjustment, for small countries in particular, between their expenses in the Union, and their resources.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 148 TR-E

July 26, 1947

Committee D

REPORT OF THE COMMITTEE ON
RELATIONSHIP BETWEEN THE INTERNATIONAL TELECOMMUNICATIONS
UNION AND UNITED NATIONS

3rd Meeting
July 16, 1947

The meeting was opened at 3:30 p.m. by Colonel Rafael J. Milans, Chairman.

The agenda called first for the examination of the minutes of the two first meetings of the Committee (Documents 72 TR and 88 TR).

The Delegate from Ethiopia made the following statement:

"At the last meeting of this Committee, I had asked a question with regard to the provisions of Article 41, in the charter of the United Nations; but as it was left unanswered, I request you, Mr. Chairman, and Gentlemen, to permit me to bring the same question to your attention. However, this time I will not put it in a form of question, but in a form of statement.

The main purpose of the organization of the United Nations is to ensure peace and security in the world, and to maintain and promote friendly relations between the Nations, that is: to make the life of the society or rather of the family of Nations peaceful and happy.

Now, Gentlemen, if we believe in this beautiful idea, we must make that organization as strong as possible, we have to give that organization, every means of strength in our disposition. I wish to remind you, Gentlemen, that World War II could have been averted had the League of Nations been strong enough, had it under its disposition sufficient means to stop the aggressors, but unfortunately, it was not strong, it had not means to check those who challenged its authority, so the result was that unprecedented tragedy which is fresh in the memory of every one of us.

We must Gentlemen, be careful that the same error should not be repeated.

In the opinion of the Ethiopian Delegation, it is necessary that the I.T.U. should come in relationship with the U.N.O. in accordance with the provisions laid down in the charter of the United Nations.

Article 41, by its provisions safeguards the positions of all the peace loving nations in general, and of the smaller nations in particular, while it compels any possible aggressor to respect its international obligations. Therefore, in the opinion of the Ethiopian Delegation, this means of coercing offenders should be at the disposition of the U.N.O.

Let us assume for example that the I.T.U. be independent, governed by its own rules and regulations regardless to the regulations and provisions of the United Nations; and as the great majority of the members of the I.T.U. are at the same time members of the U.N.O., in the event of violation of the charter, by a member, we will be asked by the United Nations to apply Article 41. What will be our position then? Certainly, either we have to carry out our obligations under the charter, which will be incompatible with our obligations under the I.T.U. or to refuse to fulfill our obligations under the charter of the U.N.O. which means our alignment with the transgressors and thereby weakening the efficiency of the U.N.O.

Again, Article 103 of the charter of the United Nations provides that "in the event of a conflict between the obligations of the members under the charter and their obligations under any other international agreement, that under the charter should prevail." Here too the same contradiction arises.

To avoid such contradiction, therefore, the Ethiopian Delegation deems it necessary that, the basis on which the relationship of the I.T.U. and the U.N.O. may be established, should be the provision laid down in Article 57 of the United Nations charter."

The meeting then proceeded to the consideration of requests for correction of the minutes.

At the request of the Delegate from China, in the statement of this Delegate reported in page 2 of document 88 TR-E, the word "asked" was replaced by the word "proposed."

At the request of the Delegate from India, the statement of this Delegate reported on page 3 of Document 88 TR-E was completed in the following manner: After "Lake Success"

add "at the Conference of postal experts held in December 1946." And likewise after the words "Paris Congress" and which may well serve as a model for an agreement between the I.T.U. and the U.N. Likewise in the last sentence of the same statement, instead of "It seems _____" read "He proposes that the delegations which"

The Delegate of Egypt asked that his statement on page 1 of the minutes be corrected as follows:

The Delegate of Egypt agreed to the proposal and indicated that the question can be considered from two viewpoints. The first is the principle of establishing relationship with the U.N. and it seemed to him that this principle is generally admitted. The second point is the nature of such relationship. With regard to the nature of the relationship it would be convenient to study certain drafts that have already been formulated. For the guidance of the committee, he was prepared to make available the draft agreement between the U.P.U. and the U.N.

The corrections asked for above having been approved, the Ghairman reminded the meeting of the statement of the Committee which had been approved at the end of the last meeting.

In this respect, the Delegate from Uruguay made the following statement:

Mr. Chairman:

"The resolution that has just been adopted, as our Delegation sees it, has only a very general value, that of expressing substantially the unanimous will of the Committee to establish a relationship with the UN. Therefore, it only remains for us to determine what shall be our basic judgment in considering those relations.

The Delegation from Uruguay believes that in order to proceed methodically in this task and fulfill the mandate entrusted to us, it is necessary to give in advance precise information that will enable us to work out a concrete formula for the text of the convention, which shall define in a general sense, the modalities, the form and the degree of this relationship.

The question put before us can be stated in the following terms: In the relations to be established between the I.T.U. and the U.N., is the I.T.U. to become a specialized agency subordinate to the U.N. or is the I.T.U. to continue

to be an independent organization, maintaining relations with the U.N. without losing its present autonomy?

The conclusions to be reached in this matter will be the determining factor in the modalities of the specific agreement to be reached between the two organizations.

Uruguay will make its position clear in this delicate matter. We believe that the I.T.U. must be a specialized agency of the U.N.; that is, that it must be linked to the U.N. in conformity with the Charter of that organization and submit to its provisions.

We support our position by two reasons of a different nature: one juridical, the other historical and traditional; Juridically, because this position is the only one consistent with the spirit of the United Nations, of which Uruguay is a member and, with the nature and scope of the specific obligations it has assumed, through Articles 41 and 103 of the Statute of that organization. These two provisions prove, in our opinion, that the obligations or rights emanating from any other Convention cannot be invoked against the provisions of the Charter regarding telecommunication and that the structure of the U.N. has an obvious precedence over that of any other international instrument, whatever its provisions may be. As our country has recognized the principles contained in the United Nations Charter, it considers that it cannot, without double dealing or ambiguity, contrary to the international unity of its personality, fail to admit their logical consequences, by establishing limitations on other conventions or by adopting commitments incompatible with those paramount duties.

If Uruguay, as a member of the United Nations has admitted the principle limiting its sovereignty, which is the larger concession, by recognizing the right of that organization to adopt the provisions of Art. 41, such as breaking diplomatic relations with another government, etc., it cannot logically, or legally, as a member of the I.T.U. refuse to admit the smaller concession, such as its subordination in the order of relations of the lesser hierarchy.

On the historical and traditional side, Uruguay has traced a very clear and well-defined path for itself, not only in the exercise of its sovereignty, within its frontiers, but also, in the exercise of its sovereign rights in the international order. For this reason, no one should be surprised by our decided, frank and categoric participation in the U.N. And in spite of the reservations we might have in regard to some of its powers and resolutions, we do not

fear on occasion to renounce our principles and even our sovereignty, because it implies the good of humanity without which the peaceful relations of countries and peoples would not be possible.

We are not tormented by any doubts or anxieties as to the integrity of the purpose which determined the creation of the United Nations Organization.

If we have put our trust in it, it is because we are convinced that we can serve it without restrictions or limitations as long as it strives to eliminate the scourge of armed conflicts from the world.

That is why Uruguay feels no uneasiness in linking without reservations, the I.T.U. and the U.N., because it further believes that the structure of international organizations created to ensure the peaceful life of the Peoples must be strengthened.

Futhermore, it feels that technical means in themselves, do not constitute an objective, but a method of attaining the objectives of humanity, and that everything linked to those objectives, is of a political nature and hence above all technical considerations.

In particular, when we are trying, as in the present case, to work out standards for telecommunications, we believe that we must not only study technical questions but also economical, geographical and operational factors because they are more closely related to politics than to technical means. Therefore, we do not believe that our formula is incompatible with the nature of the Convention of the I.T.U. now being drafted.

For these reasons, Uruguay proposes that the following article be inserted in the new text of the Convention:

THE ITU SHALL ESTABLISH A RELATIONSHIP WITH THE UN IN CONFORMITY WITH THE CHARTER OF THAT ORGANIZATION AND SUBMIT TO THE PROVISIONS OF THE SAME.

We request, Mr. Chairman, that all the words I have just spoken be incorporated in the minutes, and I thank our colleagues in this Committee for the attention they have accorded me."

The Delegate from Chile pointed out that the Swiss Government is at present in charge of the International

Telecommunications Union. It has carried out its heavy task perfectly; and it is quite possible for the United Nations to take its place. The Delegate from India called the Committee's attention to the fact that, as the question of principle had already been solved, they might, no doubt, proceed to the examination of the various drafts on hand. The weekly bulletin of the United Nations, dated July 15, had an article on the relationship between the U.P.U. and the U.N. from which it might be concluded that the agreement arranged would have the approval of the Economic and Social Council and eventually that of the General Assembly. It would be expeditious and reasonable for the Committee to take as a working basis the agreement with the U.P.U. and to study it article by article.

The Delegate from Italy pointed out, in reply to the statement of the Delegate from Chile, that the surveillance of the Federal Government over the Bureau of the Union was reduced to the precise and very limited objectives defined by the Convention.

The Delegate from France commented on the inferences to be drawn from Articles 41 and 103 of the Charter. Before proceeding with the study of a text, it was necessary to know the possibilities offered us by Article 57 of the Charter. Was the transformation of the I.T.U. into a specialized agency inevitable? We know that the U.P.U. accepted its transformation into a specialized agency only as a result of certain concessions made by the U.N. The French Delegation was of the opinion that other methods of establishing relationship between the I.T.U. and the U.N. could be sought. It would be sufficient to correct the text of Article 71 of the Charter so that it could apply to governmental organizations.

The Chairman put the question before the meeting, whether the I.T.U. would enter into relationship with the U.N. on the basis of the present provisions of the Charter, or according to terms to be defined hereafter.

After an exchange of views in which the Delegates from Egypt, Uruguay, the United States, the United Kingdom and Switzerland took part and the question of the principle was settled, a trend developed in favor of studying the agreement between the U.P.U. and the U.N.

The Delegate from Australia interrupted to remark that the U.P.U. was a relatively small organization; the I.T.U. would be larger and more important. It would be preferable to take as a starting point the agreement between the International Civil Aviation Organization (I.C.A.O.) and the U.N. since the former had a closer resemblance to the I.T.U. than the U.P.U. bore to it. Following the proposal made by the Delegation from Uruguay, a discussion arose on the question of determining whether the Committee should propose a text defining the relationship between the I.T.U. and the U.N. with a view to inserting it into the text of the I.T.U. Convention itself, which was now being drafted, or whether it was to confine itself solely to the study of documents which constitute the drafts of the agreement.

The Delegations from Canada, Argentina, Belgium, the Netherlands and Portugal supported the proposals previously drawn up in favor of immediate study of the draft agreement between the U.P.U. and the U.N.

The Chairman noted that there was a majority in favor of this proposal. The Committee proceeded to take up the study of this document.

The Delegations from India and Switzerland stated that the Preamble had been the subject of lengthy discussions at Paris, and requested continuation of the discussions.

The Delegation from France, seconded by Uruguay, requested that the reference to Article 57 be deleted. (

The Delegate from the United Kingdom explained the conditions under which the Preamble had been drawn up at the Postal Congress.

The Delegation from the United States suggested that the future Telecommunications Convention be mentioned in the Preamble.

The Delegate from Argentina then enlarged upon the opinion expressed earlier by Switzerland, which based its argument for advocating a Convention between the I.T.U. and the U.N. identical with that between the U.P.U. and the U.N. on the community of interests of the postal and telegraph administrations of the various countries.

The Delegate from Egypt proposed that the preamble of the agreement make reference to the Telecommunications Convention as well as to the United Nations Charter as follows:

In consideration of the provisions of Article----- of the Convention of the International Telecommunications Union of Atlantic City 1947, and in consideration of the obligations incumbent on the United Nations in accordance with its Charter, the U.N. on the one hand and the I.T.U. on the other hand agree as follows:

The Chairman then submitted the question of adopting this text to the decision of the Assembly.

As no objection had been raised, the proposal was adopted and the Committee proceeded to the discussion of Article 1.

The Delegate from France called attention to the fact that the I.T.U. was being transformed into a specialized agency. He proposed the following text:

"In accepting the status of a specialized agency, the I.T.U. stipulates that it maintains the principle of the supreme authority of its Plenipotentiary Conferences, and that, in no case, shall its obligations exceed the limits of those undertaken in other agreements concluded with the United Nations Organization."

The Delegations from Belgium, Argentina, and Portugal were of the opinion that France went too far in neglecting to call in question the basic principle of transformation into a specialized agency.

After the French Delegate had clarified his position, the Chairman put to vote the Belgian proposal requesting that the question of transforming the I.T.U. into a specialized agency remain in abeyance till the Assembly has considered in its entirety the agreement between the U.P.U. and the U.N.; and has come to a decision on the eventual transformation of the I.T.U. into a specialized agency of the U.N.

The proposal, put to a vote, was adopted by 23 votes to 3. The Chairman gave the assurance that

Article 1 would remain in abeyance. The Committee thereupon proceeded to Article 2.

Following upon an exchange of views, in which the Representatives of the United Kingdom, the United States, Czechoslovakia, the Delegates from the U.N., Portugal and Australia took part, it was agreed that it was necessary to proceed to a comprehensive study of the whole draft before deciding upon it article by article.

As the Chairman had been informed that it was necessary to give up the room where the Committee was sitting he adjourned the meeting at 5:45 p.m.

President:

R. J. Milans

Rapporteurs:

F. A. Trail

J. Leproux

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 149 TR-E

July 26, 1947

Committee E

184 TR

I T A L Y

Art. 35 of the Convention -
Interference

Add the following §:

- § 3. - The contracting governments shall take all necessary practical measures to prevent the operation of electrical apparatus and installations of all kinds from creating harmful interference in the services considered in § 1.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 150 TR-E
July 26, 1947

Committee C

COMMITTEE C

AGENDA

of the meeting of Tuesday, July 29, 1947
at 10 a.m.

(Trellis Room - Hotel Ritz-Carlton)

-
1. Approval of the report of the 4th meeting (Document No. 137 TR-E).
 2. Approval of terms of reference for the Working Group on the question of "membership."
 3. General discussion on Article 4 "Organization and Management of the Union."

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 151 TR-E

July 26, 1947

Committee F

REPORT
of the General Regulations Committee
(Committee F)

7th Meeting
July 24, 1947

The Chairman opened the meeting at 10:15 A.M., and expressed his regret that illness had prevented the presence of the Delegate of the U.S.S.R. at the meeting.

As the English-speaking Rapporteur, Mr. Gill, had had to return to Canada temporarily, Miss Florence Trail of the United States Delegation took his place.

Mexico and Lebanon had notified the Secretary General of the Conference of their wish to participate in the work of the Committee.

In regard to the application for the admission of Guatemala, it was necessary to make a small correction, namely, that neither the Chairman of Committee F nor any Swiss Delegate had wished to prevent the Delegation from Guatemala from collaborating in the work. Guatemala had merely been requested to notify the Chairman or the Secretary General of the Conference of its intention, as other Delegations had done.

1. The minutes of the 3rd and 4th meetings were approved. The minutes of the 5th meeting (Doc. No. 84 TR-E) were also approved with the following change proposed by the Chairman: on page 3, 5th paragraph, 6th line, read: the study of articles 19 and 20 only of the Convention. (Doc. No. 95 TR-E).

The report of the 6th meeting was approved with the following addition suggested by the Delegate from the United Kingdom:

Page 1, 6th paragraph, read: "The Delegate from the United Kingdom drew attention to the fact that, in conformity with document No. 81 TR-E, the study of the annex was entrusted to Committee E. It would be necessary to avoid overlapping of the work of Committee E

and F with that of the Radio Conference."

The Chairman informed the Committee that as early as July 22, he had written to the Secretary General of the Conference on that subject for the purpose of defining exactly which chapters of the appendix were to be handled by each of these Committees. He had not as yet received an answer to this letter.

2. The study of the proposal by the Subcommittee relating to Article 2 of the General Regulations was postponed until the Subcommittee had completed its work.

3. A letter had been sent to the Secretary General of the Conference in regard to drawing up a list of the definitions already settled upon by the Radio Conference. As it might be some time before an answer could be expected, it seemed advisable to collect all the data relating thereto before discussing the texts of Document No. 94 TR-E.

4. The Chairman then proceeded to study the other articles of the Internal Regulations in succession.

The study of Article 3 was postponed until the Subcommittee had come to a decision on Article 2.

Article 4 gave rise to a controversy on the method of ascertaining whether or not "societies, associations or individuals" were to be admitted to the Plenipotentiary Conferences. The article was finally adopted as it stands for Administrative Conferences, the title being changed accordingly. Italy and the United States reserved the right to adopt a different point of view subsequently to accord with future conclusions of the Conference.

For Article 5, the Committee approved the following wording: "The first Plenary Assembly shall be opened by a person appointed by the inviting Government."

Article 6, as approved by the Committee, will be worded as follows: "The Chairman and the Vice-Chairmen shall be elected at the first working meeting of the Plenary Assembly."

Article 7 gave rise to a long discussion of the meaning of the words "employee and "official."

As this was only a problem of wording, the Committee decided to constitute a drafting group composed of members of the Delegations of France, the United Kingdom, and the United States. The Secretary General of the C.C.I.F. agreed to collaborate in the work of this Drafting Committee.

A proposal by Chile relating to the Secretary General was not supported by any other Delegation, and was dropped.

Article 8 of the Moscow Document 5ter was approved.

A proposal by Chile relating to the powers of the Secretary General was not supported, and was therefore dropped.

Article 9 was referred to the Drafting Committee for decision on the term "Sub-subcommittee." Some Delegations would have preferred replacing this term by "Committee" or "Working Group."

Article 10 gave rise to an exchange of views on permission to join in the work of committees. The Committee desired that the greatest possible latitude be maintained in this respect. At the end of the debate, paragraph 1 was approved with the following wording: "The Committees shall be constituted from Delegates of the Contracting Governments and from Representatives who have made application or who have been appointed in Plenary Assembly."

Discussion on paragraph 2 was postponed until the Subcommittee has completed the study of Article 2.

The meeting was adjourned at 12:00 A.M.

Rapporteurs:

Chairman:

A. H. Wolf

Moeckli

F. A. Trail

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 152.TR-E

July 26, 1947

Committee B

This document refers only to the French text.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 153 TR-E

July 26, 1947

Committee C

R E P O R T

OF THE SUB-COMMITTEE ON FINANCE AND PERSONNEL
OF COMMITTEE C

2nd MEETING
July 25, 1947

The Chairman, Mr. Abaza, opened the meeting at 10:10 A.M. He pointed out that Committee C had agreed that the Delegations of Morocco and Tunisia and of Portugal participate in the work of the Subcommittee. Moreover, the Delegation of Hungary and Lebanon had also asked to participate in this work. The Chairman proposed to admit them. This proposal was accepted.

The Subcommittee approved without comment the report of the first meeting (Document 123 TR-E) and decided to add to the list of proposals to be studied Document 48 TR-E (proposal 143 TR) and Document 55 TR-E (proposal 155 TR) which were presented by Greece.

The Chairman proposed to study Document 1 TR-E of Hungary dealing with the founding of an International Telecommunications Bank.

This proposal was accepted.

The Delegate of Hungary made the following speech:

" Mr. Chairman,

With your permission, I shall try, in the name of the Delegation of Hungary, to give a brief outline of the reasons that have motivated the Proposal of Hungary aiming at the founding of an International Telecommunications Bank, which appeared in Document n° 1TR and is now before you.

This proposal gives a general idea of the very serious situation in which Hungary finds itself as a result of the terrible destruction of World War II, which have also seriously injured telecommunications installations. I hope I am not taking advantage of your kind indulgence by giving you some data on the tremendous damage caused to the Telephone, Telegraph, and Radio Installations of Hungary.

In the field of Telegraph services, most of the buildings were destroyed. As to the means of communication, they were partly taken away and partly destroyed.

After the war the telephone service was nearly totally paralyzed in the country. Only approximately 7000 stations remained in operation instead of 162,000 telephone stations in operation before the war. 75% of the telephone networks were damaged, and 85% of the stations were either destroyed or their technical equipment carried away. Before the war, 7 automatic telephone centers of the Western Rotary system, as well as 15 secondary centers of a total capacity of 129,000 subscriber's lines, ensured telephone traffic in Budapest. During the siege of the capital the capacity of the centers was reduced by approximately 43%.

The trunk lines were totally destroyed. The interurban bureau of Budapest with a capacity of 500 circuits (one of the largest telephone centers of South-Eastern Europe) was totally burned.

After the liberation of the country, the radio service was in a sad condition. At Lakiheg (near Budapest) the 314 m. pylon-antenna of the radio station Budapest I, as well as the two 150 m. pylons fell in ruins. The enemy troops blew up the 120-KW transmitter together with its building. The 20-KW radio transmitter of Budapest II has been dismantled and removed.

All the transmitting and receiving equipment of the radio-telegraph service as well as their antennas have also been destroyed.

After the war, the Administration of the PTT (Post, Telegraph Telephone) immediately began its work of reconstruction. After two years of ceaseless work, the Hungarian telecommunications service has succeeded, in some branches, in obtaining a traffic equal to that existing in times of peace, and even in surpassing peacetime service in the field of telegraph service. And now Hungary has again joined the world telecommunications network.

All the detailed data on destruction caused by the war and the reconstruction work are given in a little pamphlet written in English and French, which the Delegation of Hungary has recently distributed to the Delegates for their information.

However, only the first phase of reconstruction may be considered as ended. The work must continue both for complete reconstruction and for modernization of the equipment. And to find the material means which are necessary for this task is an even more difficult problem. This problem is not only the problem of Hungary alone, but also of all the countries perceptibly hit by the war.

These are the motives which have incited the Administration of the PTT of Hungary to submit you its proposal for the foundation of an International Telecommunications Bank. The funds necessary for the operation of this bank as a (société anonyme) would be subscribed, on one hand by the administrations members of the International Telecommunications Union, and on the other, by world enterprises manufacturing telecommunications equipment.

The most important task of this bank would be to help the Administrations who are members of the Union and who lack capital by granting them long-term loans which would make it possible for them to reconstruct and modernize their equipment, and to connect with the world telecommunication networks in conformity with the requirements of modern technical development. Through such a management of the affairs of the bank, not only the administrations interested would be helped, but also the world enterprises manufacturing telecommunications equipment would be placed in an advantageous position for the acquisition of new markets for their products.

It is evident that it would be well to find a solution not only in the interest of the countries concerned, but also, in the long run, in the interest of the world telecommunication service as a whole. The Delegation of Hungary is of the opinion that its proposal offers a favorable solution.

The Delegation of Hungary, therefore, asks you, Gentlemen, to study its proposal, and, in case the general principle is accepted, to begin a discussion on the details".

The Chairman opened the discussion on the principle of the creation of such a bank.

The Delegate of Greece spoke as follows:

"Mr. Chairman, Gentlemen,

I do not wish to take up the precious time of the Subcommittee and I will therefore not set forth what is contained in Document No. 48 TR-E, but I do recommend its reading to everyone. This document is not really a proposal, but rather a desperate cry and an appeal to the spirit of solidarity of the Union.

The system of telecommunications in Greece has not only been damaged, but its very foundations have been destroyed. All the serviceable equipment has been collected during the occupation and removed from the country. Moreover, a limited network which was to serve the inhabitants was destroyed during the evacuation of the country so that immediately after liberation no communication existed between the capital and its outskirts. First assistance was given us by UNRRA, by the British military services, and later by the Government of the United States, and it was thanks to this help that we were able to establish temporary communications between the principal cities and between the principal islands and the continental territory. We wish to express our most heartfelt gratitude to those who have helped us in our distress.

However, the problem of reconstruction still exists in its entirety, and we feel sure that the Union cannot remain indifferent to the unprecedented acts of ferocity, executed cold-bloodedly and for no military purpose to make the country forever unable to reconstruct its national and industrial equipment.

In submitting this account of the situation to the Conference we did not have in view the creation of a telecommunications Bank as provided in the Hungarian proposal, but, as is specified at the end of the general considerations in Document 48 TR-E, it is up to the Conference to decide what organization would be qualified to facilitate the reconstruction of the telecommunications system in the devastated countries."

The Delegate of France agreed to the principle of the creation of an International Telecommunications Bank. He suggested that this Bank should replace the Swiss Government to ensure the advances of funds necessary to the Bureau of the Union, and that, in order to facilitate the settlement of international accounts, each member country of the Union should open an account in this bank.

The Delegate of Hungary specified that Proposal 1 TR of his country provides for the centralization of the settlement of international accounts by the International Telecommunications Bank.

The Delegate of the United States asked how the Bank would grant loans since the necessary funds would be subscribed by two quite different types of organizations; namely, the Administrations and the private enterprises.

The Delegate of Hungary pointed out that these loans would make it possible for the enterprises who manufacture telecommunications equipment to find new channels for trade in countries lacking in capital.

The Delegate of India expressed fear that the needs of the countries would be greater than the loaning ability of the bank under consideration. If it were necessary to discriminate between these needs, political considerations would certainly be introduced, which would be undesirable. The Delegate recalled that great misunderstandings had occurred as a result of questions of loans. The United Nations have created a World Bank to finance reconstruction in general. The Telecommunications Union which is about to enter into relations with the United Nations might recommend to the latter loans to those countries which are greatly in need of them for the reconstruction of their telecommunications network. As to the settlement of international accounts, the Delegate pointed out that he deemed the Bank for International Settlements in Basle as competent to meet the needs, but that he did not oppose the creation of an organization which might be entrusted with the settlements of international accounts of the Telecommunications Services and with advancing the subscriptions of the members.

The Delegate of the United States was of the opinion that it was possible that some countries might have taken the telecommunications factor into consideration when making requests to the United Nations for loans to help reconstruction as a whole. As to the financing of the Union, he pointed out that the specialized agencies are provided with a "working capital" to which the countries who are members contribute. These liquid assets permit waiting for the subscriptions of members.

The Delegate of Switzerland proposed that the question of the settlements of international accounts be set aside, and that only the creation of an organization to finance the reconstruction in the countries devastated by the war be studied. He expressed doubt as to whether

the Plenipotentiary Conference could create such an organization and force private industry to subscribe a portion of the necessary funds. It is necessary to find a speedy and efficient solution to the reconstruction problem, and the Delegate proposed to back up with existing organizations the demands relating to the reconstruction of telecommunications networks.

The Delegate of Greece shared this point of view.

The Chairman decided that the question of the settlements of accounts be set aside, and he pointed out that two opinions have been expressed for the financing of the reconstruction of telecommunications: the creation of a special bank or the use of organizations already in existence and designed for the reconstruction as a whole. He suggested that in the future agreement between the U.N.O. and the U.I.T. an article mention the conditions under which the international organizations created by the U.N.O. might help the countries which have needs in matters of telecommunications. It is also possible to consider a direct contact with the World Bank functioning within the United Nations.

The Delegate of the United States pointed out that within the Social and Economic Council two Committees study the problems of reconstruction, one in Europe, and the other in Asia and in the Far East. Although the reconstruction of telecommunications might be included in the reconstruction as a whole, it should be recalled that these Committees are more interested in a restoration of the levels of production than in the restoration of services. As to the need of speedy aid, the Delegate pointed out that 5 years had been necessary between the time the World Bank was conceived and the time it granted its first loan. It seemed therefore that the creation of a new organization should be avoided if a similar delay were necessary.

The Delegate from the Soviet Union said he agreed with the Delegate from the United States. He thought it unnecessary to establish a bank. A relationship will be agreed upon between the Union and the United Nations. The requirements of countries which are not members of the U.N. could then be looked into and defended by members of the Union which are also members of the U.N. The Delegate said he would prefer that Subcommittee 1 forego all further discussion on this subject which he considered beyond its terms of reference.

The Chairman reminded the committee that at its last meeting Committee C had instructed Subcommittee 1 to consider this question.

The Delegate from Ethiopia said that he was of the opinion that a bank should be established if possible. He would like this bank to come to the assistance of impoverished countries which had not sufficient capital to fulfill their obligations in the matter of international telecommunications. The Delegate said he wondered whether the World Bank operating within the U.N. could come to the assistance of countries which are not members of the U.N. or which are situated outside the territorial boundaries of the two Committees mentioned by the Delegate from the United States.

The Delegate from Hungary said he was willing that the question be taken up during the preparation of the agreement between the I.T.U. and the U.N. He accepted the idea of an agency operating under the auspices of the U.N., but called attention to the fact that Hungary was not a member of the U.N.

The Delegate from the United States pointed out that countries which are not members of the United Nations are invited as observers to the committees of the Economic and Social Council, and can, therefore, participate in the deliberations of these committees.

After a brief discussion on the procedure to be followed in submitting recommendations to the United Nations with regard to reconstruction needs in the matter of telecommunications, the Subcommittee decided to constitute a small working group which would be instructed to draft a proposal to be submitted to Committee C. After its approval by this committee, the proposal would be referred to the Plenary Assembly. The working group will include the Chairman of the Subcommittee and the delegates of the following countries: United States, France, Greece, Hungary, Switzerland.

The meeting adjourned at 12:45 p.m.

Rapporteur:

H. Lacroze

Chairman:

Sh. Abaza

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 154 TR-E

July 28, 1947

Committee C

Comparison of Texts of Document No. 4 B.
of the Moscow Conference & Corresponding Proposals

Organization & Operation of the
International Telecommunications Union

Article 4

New

STRUCTURE AND FUNCTIONS OF THE UNION.

§ 1. The supreme organ of the Union is the Plenipotentiary Conference of the countries-Members of the Union.

§ 2. The following permanently acting bodies of the Union are established:

- (a) The Administrative Council and its Bureau;
- (b) The Committees and Boards;
- (c) The Secretariat.

§ 3. Each Plenipotentiary Conference shall elect an Administrative Council of (the order of fifteen) members, each of whom shall be a national of a different Member country. Candidates for membership shall be nominated by the respective Governments. No country shall be entitled to more than one representative in the Council.

The Delegation of France considered that the Administrative Council should have not more than eleven members.

§ 4. The Bureau of the Administrative Council shall consist of the Chairman of the Council, a Vice-Chairman for general duties, and such other Vice-Chairmen for technical questions as the Plenipotentiary Conference shall consider necessary. The members of the Bureau shall be full members of the Administrative

Council. The Vice-Chairman for technical questions shall supervise the Committees and Boards of the Union as permanent chairmen of said Boards and Committees. The Chairman and The Vice-Chairmen of the Administrative Council shall be elected by the Plenipotentiary Conference from panels of candidates chosen for these duties by their respective Governments. Such candidates shall have special technical qualifications.

§ 5. The Administrative Council shall meet not less than twice a year and at such other times as shall be found necessary by the Bureau, or at the request of five members of the Administrative Council.

§ 6. Each member of the Administrative Council shall have one vote. The decisions of the Administrative Council shall be taken on the same basis as the Plenipotentiary Conference lays down for its own decisions.

§ 7. The Administrative Council, except in so far as is provided in paragraph 6 of this Article, shall adopt its own rules of procedure.

§ 8. The Bureau of the Administrative Council shall be a permanently functioning organ and shall carry out the functions of the Administrative Council during the intervals between its meetings.

§ 9. The Administrative Council and the Bureau normally shall meet at the permanent seat of the Union.

§ 10. The members of the Bureau of the Administrative Council shall receive salaries and expenses on a basis established by the Plenipotentiary Conference.

§ 11. The Administrative Council shall:

- (a) Perform any specific duties assigned to it by the Conferences of the Union;
- (b) In the interval between Conferences, be responsible for effecting the co-ordination with other international organizations contemplated in Article 2 of the Convention, and appoint, on behalf of the Union, one or more representatives to participate in the Conferences of such

- other organizations, or, when necessary, in interagency co-ordinating committees;
- (c) Appoint the Secretary General of the Union and supervise his activities;
 - (d) Direct the administrative functions of the Union;
 - (e) Review and approve the annual budget of the Union;
 - (f) Audit the accounts prepared by the Secretary General and transmit them to the next succeeding Plenipotentiary Conference;
 - (g) Upon the request of not less than twenty members of the Union, and after consultation with the members of the Union as provided for in Article 10, arrange for Extraordinary Plenipotentiary and Administrative Conferences to be held in the intervals between Ordinary Conferences;
 - (h) On its own motion, or upon the request of not less than ten members of the Union, and after consultation with the members of the Union as provided for in Article 10, arrange for Administrative Conferences with limited agenda to consider urgent matters;
 - (i) Perform such other administrative duties as may be necessary to ensure the proper functioning of the Union.

(The question of filling seats on the Administrative Council which fall vacant between Meetings of the Plenipotentiary Conference will require consideration by the International Conference.)

§ 12. Consultative Committees and Boards shall be set up with a view to studying the questions relating to the telecommunication services. The number, structure, functions and working arrangements of these Committees and Boards are defined in the General Regulations annexed to the present Convention.

§ 13. The Secretary General and the members of the Secretariat shall receive salaries on a basis established by the Plenipotentiary Conference.

§ 14. The Secretary General of the Union shall:

- (a) Appoint the technical and administrative officers of the permanently functioning bodies of the Union, in agreement with the Vice-Chairmen in charge of the bodies concerned;
- (b) Provide for as many Divisions of the Secretariat, under the control of Assistant Secretaries General, as may be required to carry on the secretarial work of the Committees and Boards under the auspices of the Union. These technical Divisions will function under the direction of the Vice-Chairmen in charge of the work of the Committees or Boards concerned;
- (c) Publish the official recommendations and reports of the Boards and Committees under the auspices of the Union;
- (d) Maintain the official master lists compiled from data filed with him by the Boards and Committees of the Union;
- (e) Publish international and regional telecommunication arrangements and maintain complete records with respect thereto;
- (f) Carry on secretarial work preparatory to, and following all Conferences of the Union;
- (g) Provide, where appropriate in co-operation with the Inviting Government, the secretariat of every Conference of the Union, and, when so requested, or provided in the Regulations annexed hereto, the Secretariat of meetings of Boards and Committees appointed by the Union or placed under its auspices;
- (h) Prepare and publish general statistics and the official service documents of

the Union as prescribed by the Regulations annexed hereto and such other documents as the Administrative Council may direct;

- (i) Collect data regarding telecommunication facilities throughout the world, both international and national, and publish such data in suitable form;
- (j) Publish periodically, with the help of information put at his disposal or which he may collect, an informative and documentary journal on the subject of telecommunication;
- (k) Prepare an annual report of his official activities which, after approval by the Administrative Council, shall be transmitted to all Members of the Union;
- (l) Prepare an annual budget for submission to the Administrative Council, which, when approved, shall be transmitted for information to all members of the Union;
- (m) Prepare a financial operating account for submission to the Administrative Council annually and also immediately preceding each Plenipotentiary Conference. These accounts, after audit and approval by the Administrative Council shall be submitted by it to the next succeeding Plenipotentiary Conference for examination and final approval;
- (n) Distribute the published documents of the Union to Members, in proportion to the number of units of subscription of each Member, as provided for in Article 5 of the Convention. All documents of the Union shall be published in all the official languages of the Union;
- (o) Perform all other secretarial functions of the Union.

The Delegation of the U.S.S.R. deemed
it necessary to include the following provision in
this Article:

"Only representatives of countries-members of the United Nations shall be elected to the leading organs of the Union."

The other Delegations did not agree to this proposal.

The Delegation of the United Kingdom wish to insert the following statement at the end of the Article:

"The Delegation of the United Kingdom consider the above draft article as an arrangement which has commended itself to the Moscow Conference as a compromise between the various proposals which have been advanced. The Delegation of the United Kingdom consider that the Bureau as now suggested should have frequent meetings as a Board under the Chairman, and that it might thus be possible to dispense with the Administrative Council as now envisaged, the Chairman reporting directly to the Conference."

The Comparative text of the
Madrid Convention, art 17, ~~88~~ 1 and 2
and art.16. is as follows,

Article 17

Bureau of the Union

§ 1. A central office, called the Bureau of the International Telecommunication Union, shall function under the conditions stated hereinafter:

§ 2. (1) In addition to the work and operations provided for by the various other articles of the Convention and of the Regulations, the Bureau of the Union shall be charged with:

- (a) work preparatory to and following conferences, in which it shall be represented in an advisory capacity;
- (b) providing, in cooperation with the organizing administration involved, the secretariat of conferences of the Union, as well as, when so requested or when so provided for by the Regulations annexed to the present Con-

vention, the secretariat of meetings of committees appointed by the Union or placed under the auspices of the latter;

(c) issuing such publications as will be found generally useful between two conferences.

(2) On the basis of the documents put at its disposal and of the information which it may gather, it shall publish periodically a journal of information and documentation concerning telecommunications.

(3) It must also, at all times, hold itself at the disposal of the contracting governments to furnish them with such opinions and information as they may need on questions concerning international telecommunications, and which it is in a better position to have or to obtain than these governments.

(4) It shall prepare an annual report on its activities, which shall be communicated to all members of the Union. The operating account shall be submitted, for examination and approval, to the plenipotentiary or administrative conferences provided for in article 18 of the present Convention.

Article 16

International Consulting Committees

§ 1. Consulting committees may be formed for the purpose of studying questions relating to the telecommunication services.

§ 2. The number, composition, duties, and functioning of these committees are defined in the Regulations annexed to the present Convention.

United States, 17 TR(Doc. No 2 TR),
Explanation and art. 4, 7, 8 and 9.

IV

Explanation of Chapter I of the United States
Proposals for Revision of the International
Telecommunications Convention Madrid (1932).

The general practice of the United States in the preparation of its proposals for the revision of the International Telecommunications Convention and Radio Regulations is to indicate the reasons for changes immediately following the articles, and in some instances the sections, to which they apply.

However, the revision of the portion of the Convention contained in Chapter I of the United States proposals is so different from that now in force as to merit an explanatory statement as a prelude to the actual text.

It is proposed that, instead of the loosely organized Union heretofore provided, there shall be set up an actual working Union and for that purpose an effort has been made to clarify its membership. The objective has been to place that membership on the sound foundation of recognized sovereign states which shall be capable of assuming complete responsibility not only for themselves but for all of their territories. It is believed that this will provide an improved basis for international agreement and will eliminate the long-standing and troublesome problem of colonial or plural voting. At the same time it brings the membership of the Union more nearly into conformity with the procedure and policy of the United Nations.

Having established a sound basis of membership, the next most urgent requirement of the Union is that it afford continuity of functioning. Heretofore one of the criticisms directed toward it has been its inability to make urgent decisions between plenipotentiary or administrative conferences. Several devices have been included in the United States proposals to overcome this difficulty. The first is the setting of regular quadrennial conferences, both plenipotentiary and administrative, with provision for earlier or interim convening of such conferences if occasion demands. Supplementing these is the new

concept of administrative conferences with limited agenda which may be called on short notice to consider special problems which may arise and which are of such urgency as to require immediate consideration by all the states or by groups of the interested states as the subject matter may require. Finally the maintenance of continuity is effected by the establishment of an Administrative Council of certain member states to convene periodically, with an Executive Committee to meet between the sessions of the Administrative Council and to coordinate the day to day operations of the Union.

For the purpose of assuring not only continuity but also the most expert consideration of problems coming before the Union, it is proposed that, in close relationship with the Administrative Council and its Executive Committee, there shall be established boards and committees which shall sit with reasonable continuity and shall be composed of experts in their respective fields of endeavor. Thus, specialized problems of day to day operation, as for example the registration of frequencies with the Central Frequency Registration Board, and of scientific investigation and advice, as for example those requiring study by a continuing C.C.I.R., shall be considered promptly and effectively.

It is believed further that the financial structure of the Union, under the United States proposal, will effectively implement the proposed organization.

A Plenipotentiary Conference meeting in quadrennial sessions, and acting as the supreme organ of the Union, will carry on numerous functions assigned to it by the Convention. Included therein will be the review of the Telecommunications Convention and the adoption for ratification of such modifications as may appear necessary. It is expected, however, that revision of the Convention will not be necessary at each session of the Plenipotentiary Conference.

It is the hope of the United States that these and other changes contained in its proposals will greatly improve international relationships in the field of telecommunications. Its objectives have been directed toward the general improvement and continuing advancement of the telecommunications art throughout the world and are necessary to conform to major changes in the telecommunications field which have occurred in recent years, and particularly as a result of the war.

Article 4.

New

Organs of the Union.

The principal organs of the Union shall be: New

the Plenipotentiary Conference,
the Administrative Conferences,
the Administrative Council,
such boards and committees as may be
provided for in the Regulations, and
the Secretariat.

Article 7

Administrative Council.

§ 1. The Administrative Council shall be composed of eleven Members of the Union elected by the Plenipotentiary Conference to serve until the next session of that Conference. Each of these Members shall appoint to the Administrative Council a person qualified in the field of telecommunications and shall pay his salary. The Administrative Council shall meet not less than once a year, normally at the headquarters of the Union.

§ 2. Each member of the Administrative Council shall have one vote, and decisions shall be made by a majority of the members present and voting. The Administrative Council shall adopt its own rules of procedure.

§ 3. The Administrative Council shall elect from its members a chairman and two vice-chairmen to act as an Executive Committee which shall function between meetings of the Council in carrying out such duties as the Council may entrust to it.

§ 4. The chairmen of the boards and committees shall participate in an advisory capacity in the meetings of the Administrative Council and shall be consulted by the Executive Committee on all matters of concern to the respective boards and committees.

§ 5. The Administrative Council shall:

- (a) perform any specific duties assigned to it by the Plenipotentiary Conference;

- (b) implement any arrangements made pursuant to the provisions of this Convention with the United Nations and with other international organizations;
- (c) arrange for the convening of conferences as provided for in articles 5 and 6;
- (d) appoint the Secretary General of the Union who shall be responsible to the Council for the performance of his duties;
- (e) review and approve the annual budget;
- (f) arrange for the annual audit of the accounts of the Union and for their submission to the Plenipotentiary Conference;
- (g) coordinate the activities of the various boards and committees and fill interim vacancies thereon as prescribed in the Regulations;
- (h) perform such other functions as are prescribed elsewhere in this Convention; and
- (i) perform such additional functions as may come within the framework of the Convention and Regulations and which are necessary for the proper administration of the Union.

Article 8.

Boards and Committees.

The boards and committees shall deal with specific phases of international telecommunications activities. Their establishment, composition, duties, and functions are defined in the Regulations.

Article 9.

Art. 17

Secretariat.

§ 1. The Secretariat shall comprise the Secretary General and such staff as may be required. § 1

§ 2. The Secretary General shall: New

- (a) maintain the official master lists compiled from data filed with him for this purpose by the boards and committees of the Union; New
- (b) maintain complete records of and publish the international and regional telecommunications arrangements; New
- (c) perform all other secretarial functions of the Union, including those of its boards and committees; New
- (d) carry on secretarial work preparatory to and following the conferences of the Union; § 2 (1) (a)
- (e) provide, in cooperation with the organizing government, the secretariat of conferences of the Union, as well as, when so requested or when so provided in the Regulations, the secretariat of meetings of boards and committees appointed by the Union or placed under its auspices; § 2 (1) (b)
- (f) prepare and publish the official service documents of the Union as prescribed in the Regulations and such other documents as the conferences or the Administrative Council may direct, § 2 (1) (c)
- (g) gather, as directed by the Union, data regarding telecommunications facilities throughout the world, both international and national, and publish them in suitable form; New
- (h) publish periodically on the basis of information put at his disposal or which § 2 (2)

he may gather, a journal of general information concerning telecommunications;

- (i) prepare an annual report of his official activities which, after approval by the Administrative Council, shall be transmitted to all Members;
- (j) prepare the annual budget for submission to the Administrative Council which, when approved, shall be transmitted for information to all Members;
- (k) prepare a financial operating account for submission to the Administrative Council annually and also immediately preceding each session of the Plenipotentiary Conference. These accounts, after audit and approval by the Administrative Council, shall be submitted by it to the next session of the Conference for examination and final approval; and
- (l) perform such other duties as may be assigned to him by the Convention and the Regulations, and by conferences of the Union and the Administrative Council.

§ 3. The Secretary General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Administrative Council. The paramount consideration in the employment of the staff shall be to assure that the efficiency, integrity and internationally representative character of the Secretariat shall be maintained at the highest level.

§ 4. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. Each Member of the Union on its part undertakes to respect the exclusively international character of the Secretary General and the staff and not to seek to influence them.

Canada. 18 T. R (Doc. No. 3 TR)

Art. 17. Add § 1bis:

§ 1bis. A Central Frequency Registration Board is charged with effecting an orderly registration of frequency assignments made pursuant to the provisions of the Convention and Regulations and with rendering

advice to the contracting governments with a view to the operation of the maximum practical number of communication channels in the portions of the radio spectrum which are capable of being used for international communication.

Chile 24 TR. (Doc. No. 6 TR)
Art. 3, 4, 5, 6, 7, 8, 9, 12 and 13-

CHAPTER 2.
Bureau of the Union
Article 3.
Organization

§ 1. The International Telecommunication Union shall have a central office called the Bureau of the International Telecommunication Union (B.I.T.U.), the functions of which are set out in the present chapter.

§ 2. The countries, members of the Union (I.T.U.) shall supply the B.I.T.U.:

- (a) with copies of all the legislative provisions concerning the telecommunications, the regulations in force in their respective jurisdictions and any changes made thereto, as well as with all useful technical, statistical or administrative information in connection therewith;
- (b) with an official list, to be sent every six months, of the frequencies assigned to the radiocommunication stations of the respective countries, as well as a monthly notice of all changes and additions made to that list.

The aforesaid lists and notices shall be made in accordance with the procedure adopted in the Radiocommunication Regulations in force.

- (c) with information relating to proposed regional conferences and meetings and to arrangements adopted at such conferences and meetings.

Reason.

Article 17, § 1 of the Convention of Madrid should be completed by an intimation to the countries, members of the Union, that they must supply the Bureau with the details and all information necessary for its normal working.

Article 4.

Principal acting bodies.

The Bureau of the International Telecommunication Union is composed of the following acting bodies:

- (a) Telegraph Council;
- (b) Telephone Council;
- (c) Radiocommunication Council;
- (d) Broadcasting Council;
- (e) General Secretariat.

Reason.

The Bureau of the Union must be able to have a comprehensive grasp of all telecommunication activity, in order to facilitate consultation and make the resolutions taken in connection therewith more efficacious.

It is considered that the present system of international advisory committees independent of the Bureau of the Union does not meet the requirements, and that it is consequently unsuitable to international organizations of the kind.

Article 5.

Auxiliary Acting Bodies.

§ 1. The necessary auxiliary acting bodies may be established for the purpose of attaining the aims of the present Convention.

§ 2. The Bureau of the Union shall institute the negotiations to this effect among the parties concerned.

Reason.

The Bureau of the Union must be given the possibility of establishing such bodies as experience may show to be desirable.

Article 6.

Composition of the Councils.

§ 1. Each council is composed of five members which shall be of different nationality in each council.

§ 2. These members are elected by the International Telecommunication Conferences on the basis of an equitable geographical distribution.

§ 3. These councils shall be organized as permanently functioning organs.

§ 4. The Secretary-General of the Bureau of the Union shall supervise the work of the councils.

Reason.

These councils shall be composed in such a way as to give them as far as possible a universal character and enable them to function efficaciously.

Article 7.

Functions of the Councils.

§ 1. These councils institute the examination of given subjects and formulate recommendations concerning technical questions and the working of the services dependent on them.

§ 2. They likewise formulate recommendations for coordinating the use of these services and perform all the other duties assigned them by the Regulations.

Reason.

It is advisable to determine here the basic functions of these councils and leave the details to be fixed in the Regulations.

Article 8.

Secretariat.

§ 1. The Secretariat is composed of a Secretary-General and the staff required by its organization.

§ 2. The Secretary-General is elected by the International Telecommunication Conferences.

§ 3. The supreme authority of the Bureau of the International Telecommunication Union is placed in the hands of the Secretary-General.

§ 4. At every conference of plenipotentiaries and every administrative conference, the Secretary-General shall give an account of the situation and of the functioning of the Bureau of the Union.

§ 5. The Secretary-General of the Bureau of the Union acts in that capacity at the conferences of plenipotentiaries and at the international administrative conferences.

§ 6. In the event of the post of Secretary-General becoming vacant before the meeting of a conference, the supervisory organ indicated in article 10, § 1, appoints a new occupant to that post and informs the contracting Government of the fact.

§ 7. In a temporary absence of the Secretary-General, the latter is replaced ad interim by the officer next in rank.

§ 8. In questions relating to the telecommunication service, the Secretary-General may apply direct to the Governments concerned, not being members of the Union.

Reason.

To fix the rules suited to indicate the durable nature of the post of Secretary-General.

Article 9.

Functions of the Secretariat-General.

In addition to the functions assigned to it by the Conferences and the Regulations, the Secretariat-General assumes the following duties:

- A. It receives and distributes the documents emanating from the Contracting Governments, such as:

- (a) Technical information relating to telecommunications;
 - (b) Treaties, laws, decrees, regulations and other legislative or administrative documents;
 - (c) Statistical information relating to matters dealt with in the present Convention and in the Regulations;
 - (d) Other informations relating to documents supplied by the Contracting Governments in conformity to article 3 of the present Convention.
- B. It distributes the reports, conclusions and recommendations received from the Telegraph, Telephone, Radiocommunication and Broadcasting Councils.
- C. It publishes recommendations relating to the technical principles to be applied, and likely to give the best results in the Telegraph, Telephone, Radiocommunication and Broadcasting services.
- D. It publishes recommendations relating to the technical principles likely to result in the best use of the radioelectric frequencies for reducing interference to a minimum.
- E. It publishes the international official list of frequencies.
- F. It publishes a monthly journal containing brief news of general interest relative to mutations in the staff, administrative reorganizations, promulgation of laws and regulations, conclusion of treaties and other international conventions, documents of current interest concerning telecommunications, as well as technical and other articles relating to questions of organization, problems concerning the progress of science sent by the Governments interested or their representatives.
- G. It translates into the official languages the documents it has to distribute.

- H. It distributes copies of the agenda and of the proposals to be laid before the international telecommunication conferences, as well as of all the documents and publications relating thereto.
- I. It assists and cooperates with the organizing government in providing the Secretariat-General of all the conferences of plenipotentiaries and international administrative conferences with everything necessary for these conferences.
- J. On the demand of the governments it undertakes the preparatory work of the limited administrative conferences, organizes their Secretariat-General and takes part in the preliminary discussions. The Bureau of the Union shall in every case notify the Contracting Governments and publish all information relating thereto.
- K. It acts as intermediary for diffusing information concerning the work of other international conferences in respect of agreements relating to telecommunications.
- L. It furnishes the Contracting Governments with all the information they require on the subject of telecommunications.
- M. It is the depositary of the original text of the international agreements relating to telecommunications.
- N. It publishes periodically a list of the telegraph and wireless telegraph offices open to public correspondence.
- O. In cases of divergence or uncertainty it interprets the provisions of the Regulations and fixes the principles in any special case that may occur and for which no particular provision has been made. These principles are submitted to the next international plenipotentiary or administrative telecommunication conference.
- P. It makes an annual report of its working, which is communicated to all the Contracting

Governments.

- Q. It examines all the recommendations for, and changes made, to the internal regulation of the Bureau of the Union and submits them to the plenipotentiary and administrative conferences for approval.
- R. If it is considered necessary to establish auxiliary acting bodies, it undertakes the requisite negotiations between the governments interested.

Reason.

It is advisable, for the sake of clearness, to define the basic functions of the Bureau of the Union as precisely as possible.

Article 12.

Personnel of the Bureau of the Union.

§ 1. The officers, both technical and administrative, of the Bureau of the Union are appointed by the Secretary-General according to the rules laid down by the plenipotentiary or Administrative Conferences. As far as possible they shall be chosen from all the countries adhering to the present Convention.

§ 2. The principal qualifications to be taken into account in the choice of the personnel of the Bureau of the Union are personal integrity and proficiency in matters relating to telecommunications.

§ 3. In the exercise of their functions, the Secretary-General and the personnel of the Bureau of the Union shall abstain from asking or receiving instructions from any government or any authority foreign to the organization; they shall not act in any way incompatible with their position of international officers responsible solely to the international Conferences and the supervisory organ.

§ 4. The Contracting Governments, for their part, undertake to respect the exclusively international character of the functions and of the entire personnel of the Bureau of the Union and to make no attempt to influence them in the performance of their duties.

Reason.

With a view to obtaining the best possible results from the activity of the Bureau, general principles have been laid down for the choice, the functions and the proficiency of the personnel.

Article 13.

International regulations for the
Bureau of the Union.

The regulations applicable to the various activities of the Bureau of the Union shall be promulgated at the first plenipotentiary or administrative Conference held. The Secretary-General shall prepare a draft for the same. Changes to the regulations can only be made by another plenipotentiary or administrative Conference.

Reason.

To determine the functions and the internal work of the Bureau.

Italy 40 TR (doc. No. 7 TR)

40 TR.

Art. 16, § 1. Read:

§ 1. Consultative committees and bureaus may...

Art. 16, § 2. Read:...of these Committees and these bureaus are defined...

Reason.

To permit the establishment of bureaus for special, permanent or temporary services.

United Kingdom-49 TR. (doc No. 9 TR)

Preface Art. 4 & Annex 3.
Proposal modified by 146 TR
doc. No. 53 TR.

Proposals for the Plenipotentiary Conference

The United Kingdom considers that the International Telecommunication Union and the Telegraph

and Radiotelegraph organizations which it succeeded have an excellent record of practical achievement. This has been due in no small measure to the activities of the Bureau of the Union under the supervision of the Government of the Swiss Confederation. The United Kingdom considers that some change in the constitution of the Union is necessary in order to bring it within the framework of the specialized agencies related to the United Nations, and also favours some strengthening of its working machinery to meet modern conditions, without departing from the structure based on Consultative Committees which experience has shown to be well adapted to facilitate practical progress in international telecommunication.

The United Kingdom was a party to the Five Power Conference at Moscow in October 1945 and the views expressed by its delegation are set out in the documents of that Conference. While wishing to retain the provisions and wording of the Madrid Convention so far as applicable to present conditions, the United Kingdom favours the general arrangement of Convention articles as set out in the attached proposals.

Article 4.

Structure and Functions of the Union

§ 1. The supreme organ of the Union is the Plenipotentiary Conference of its Members.

§ 2. The following are the permanently acting bodies of the Union:

- (a) the Administrative Council and its Bureau;
- (b) the International Central Frequency Registration Board;
- (c) the committees established by the Conferences of the Union;
- (d) the Secretariat.

§ 3. Each Plenipotentiary Conference shall elect, in accordance with the procedure laid down in Annex No. 3, an Administrative Council of fifteen persons, each of whom shall be a national of a different Member-country.

§ 4. Delete

§ 5. The Administrative Council shall meet not less than once a year and at such other times as shall be found necessary, or at the request of five members of the Administrative Council.

§ 6. Each member of the Administrative Council and of its Bureau shall have one vote. The decisions of the Administrative Council shall be taken on the same basis as the previous Plenipotentiary Conference laid down for its own decisions.

§ 7. The Administrative Council, except in so far as is provided in paragraph 6 of this Article, shall adopt its own rules of procedure.

§ 7 bis. The Directors of the International Consultative Committees and the Chairman of the International Frequency Registration Board shall take part as of right in the deliberations of the Council but without vote.

§ 7 ter. The Chairman and members of the Administrative Council shall not have full-time appointments but shall receive expenses on a basis established by the Plenipotentiary Conference. The Directors of the International Consultative Committees shall be full-time officials appointed for an indefinite period and shall receive salaries and expenses on a basis established by the Plenipotentiary Conference. These Directors shall be chosen at Plenary Meetings of the respective Committees.

§ 8. The Administrative Council and the Bureau normally shall meet at the permanent seat of the Union.

§ 9. The permanent seat of the Union shall be in Switzerland.

§ 10. Delete

§ 11. The Administrative Council shall:

- (a) perform any specific duties assigned to it by the Conferences of the Union;
- (b) in the interval between Conferences, be responsible for effecting the co-ordination contemplated in Article 2 of the Con-

vention, with other international organizations having related interests and activities, and arrange, on behalf of the Union, for one or more representatives to participate in the Conferences of such other organizations, or, when necessary, in inter-agency co-ordinating committees;

- (c) appoint the Secretary General of the Union and supervise his activities;
- (d) supervise the functions of the other permanently acting bodies of the Union;
- (e) review and approve the annual budget of the Union;
- (f) audit the accounts prepared by the Secretary-General and transmit them to the next succeeding Plenipotentiary Conference;
- (g) upon the request of not less than twenty members of the Union, and after consultation with the members of the Union as provided for in Article 11, arrange for Extraordinary Plenipotentiary or Administrative Conferences to be held in the intervals between ordinary Conferences.

§ 12. The salaries and terms of employment of the Secretary-General and the members of the Secretariat shall be on the basis established by the Plenipotentiary Conference.

§ 13. The Secretary-General of the Union shall

- (a) appoint the technical and administrative officers of the permanently functioning bodies of the Union, in agreement with the Vice-Chairmen in charge of the bodies concerned;
- (b) Provide a specialized Division of the Secretariat for the International Frequency Registration Board and for each of the Consultative Committees. Each specialized Division shall function under the Director of the appropriate Consultative Committee or the Chairman of the International Central Frequency Registration Board, as the case may be.

- (c) publish the official recommendations and reports of the permanently acting bodies of the Union;
- (d) maintain the official master documents compiled from data filed with by the permanently acting bodies of the Union;
- (e) publish international and regional telecommunication arrangements communicated to him by the parties thereto and maintain complete records of them;
- (f) carry on secretarial work preparatory to, and following all Conferences of the Union;
- (g) provide, where appropriate in co-operation with the Inviting Government, the Secretariat of every Conference of the Union, and, when so requested, or provided in the Regulations annexed hereto, the Secretariat of meetings of Boards and Committees appointed by the Union or placed under its auspices;
- (h) prepare and publish lists showing the composition and structure of the Union, general statistics and the official service documents of the Union as prescribed by the Regulations annexed hereto and such other documents as the Administrative Council may direct;
- (i) collect data regarding telecommunication facilities throughout the world, both international and national, and publish such data in suitable form;
- (j) publish periodically, with the help of information put at his disposal or which he may collect, an informative and documentary journal on the subject of telecommunication;
- (k) prepare an annual report of his official activities which report, after approval by the Administrative Council, shall be transmitted to all Contracting Governments;

- (l) prepare an annual budget for submission to the Administrative Council, which, when approved, shall be transmitted for information to all Contracting Governments;
- (m) prepare a financial operating account for submission to the Administrative Council annually and also immediately preceding each Plenipotentiary Conference. These accounts, after audit and approval by the Administrative Council shall be submitted by it to the next succeeding Plenipotentiary Conference for examination and final approval;
- (n) distribute the published documents of the Union to Contracting Governments, in proportion to the number of units of subscription of each Government as provided for in Article 5 of the Convention;
- (o) perform all other secretarial functions of the Union.

§ 14. The number, structure, functions and working arrangements of the remaining permanently acting bodies of the Union are defined in the General Regulations annexed to the present Convention.

Reason.

It is intended that the lists referred to in § 13 (h) should contain the information about the position of Governments, Private Operating Agencies etc. under the Convention and Regulations at present published in the Rapport de Gestion of the Bureau of the Union. See the proposed definitions of Private Operating Agency and International Organization in the proposed Annex No. 2.

PLENIPOTENTIARY CONFERENCE

Administrative Council (1)

(2)	(3)	(4)	(5)	(6)
IFRB	CCIT	CCIF	CCIR	CCID (Broadcasting)
(8)	(9)	(10)	(11)	(12)

Secretary General
(7)

General
Secretariat
of the
Union

- (1) Fifteen elected unsalaried members each of different nationality.
- (2) Full time chairman appointed in accordance with arrangements to be discussed.
- (3)-(6) Full time Director to be chosen at a Plenary Meeting of the Committee concerned.
- (7) Full time official appointed by (1).
- (8)-(12) Specialized divisions of secretariat.

ANNEX NO. 3-

(See Article 4, § 3.)

Procedure for electing Members of the
Administrative Council and its Bureau at
a Plenipotentiary Conference.

§ 1. Voting shall be by secret ballot.

§ 2. Each Member of the Union desiring to be represented on the Administrative Council shall notify the Secretary General accordingly. The Secretary General shall deliver a list of these members to each Delegation.

§ 3. Each Delegation may cast a single vote for each one of fifteen Members selected from the list.

§ 4. The Secretary General shall announce the names of the fifteen Members which have received the highest number of votes and they shall each be represented on the Administrative Council. Their Delegations may then submit, if they so desire, names of candidates for the posts in the Bureau of the Council.

§ 5. The Delegations shall then, in the following order and in separate ballots, elect the Chairman, the Vice-Chairman for general duties and the Vice-Chairmen for Telegraphs, Telephones, Radio and the International Central Frequency Registration Board. As each Member represented on the Council obtains representation on the Bureau, it shall withdraw its candidates from the succeeding elections.

§ 6. The Members represented on the Council which have not obtained representation on the Bureau, shall appoint their own representatives to the remaining seats on the Council.

§ 7. If a seat in the Bureau of the Administrative Council falls vacant in the interval between two Plenipotentiary Conferences the Administrative Council shall appoint a successor from persons to be nominated by the Member represented. In case of the death or incapacity of a representative not on the Bureau the Member represented shall appoint a successor.

§ 8. If by reasons of a tie two members are entitled to a seat on the Council or two candidates for a post in the Bureau obtain equal votes, succeeding ballots shall be held until an election is made.

Note.

If the number of consultative committees is increased (see the proposed Article 25 of the General Regulations § 5 of the foregoing Annex will need to be amplified.

China 108 TR and 109 TR
(Doc. No. 13 TR)

108 TR.

Art. 4, § 3. Read:

§ 3. Each Plenipotentiary Conference shall elect an Administrative Council of fifteen members, each of whom shall be a national of a different member-country, due regard being specially paid to the equitable geographical distribution.

Reason.

The proposed insertion is considered essential for the purpose of rendering the representation as even as possible and of achieving a unified world system of telecommunication services.

109 TR.

Art. 4, § 11. Add the following section:

(j) 1. When a seat in the Council falls vacant between the meetings of the Plenipotentiary Conference as a result of any cause whatsoever except of denunciation of the Convention provided for in (2) undertake as a special duty provided for in section (a) of the present article, to notify the Government of the country, for which the occupant of the seat represented in the Council, to nominate two or more candidates with similar qualifications, among whom the Council will elect a successor for the remaining term of office. During the interim period between the meetings of the Council such

election shall be carried out by correspondence.

2. When a seat in the Council falls vacant as a result of denunciation of the present Convention as provided for in article 37 hereof, it shall be filled by the candidate who stands next in the number of votes to those who were elected at the last Plenipotentiary Conference subject to the provisions of §§ 3 and 4 of the present article.

Reason.

The provisions are necessary in order to meet cases which may take place in all likelihood during the long term of four years. As regards the question of successor, the reason for (1) is that since the country, to which the occupant of the vacant seat belongs, has already had closer connection with, and better knowledge of, the activities of the Council, the candidates nominated by it for the remaining term of office would in all probability be more suitable for close cooperation in the Council.

France 121 TR (Doc. No. 14 TR)
General Considerations and Arts. 3, 4, 5, 6,
7, 8 and 9.

General Considerations

The present organization and the powers of the Bureau of the International Telecommunication Union, clearly defined by the Convention of Madrid, give this organization no possibility of exercising any initiative of its own. The consequence is that all the powers of the Union devolve on the Plenipotentiary or Administrative Conferences, the meetings of which are necessarily far apart.

On the other hand, the International Committees exercise their functions continuously without any organization beside or above them intervening to coordinate or arrange their work. The different technical telecommunication proceedings are however getting more and more interminated, and a good management of the services calls for close collaboration in the working.

It consequently seems necessary that the different means of action of international telecom-

munications should cooperate in progressively improving the services worked for the public.

The Union may likewise be called upon to establish other relations, in conditions which it will itself determine, with the Organization of the United Nations or with other international organizations.

For these reasons, which became very clear during the Conference of Moscow, it is indispensable to endow the Union with organizations adapted to the new functions with which it is proposed to intrust it, whence the proposal to create an administrative council and a permanent bureau of this council assisted by an administrative secretariat.

The French Government has endeavoured to trace the general lines of this organization in the Draft Convention annexed.

Besides this essential reform in structure, the proposed scheme contains some important innovations.

The activity of the International Consultative Committees is all directed to technical and administrative problems, and is of such importance for the good working of the international telecommunication services that it would be advisable for each of these organizations to have its own permanent technical secretariat.

Added to this, the creation of a new committee intrusted with the registering of the radioelectric frequencies would meet a need felt by most countries. It is proposed to call it the International Frequency Registration Committee (C.I.E.F.).

To meet the need for coordinating the different services, it would be necessary to have the permanent participation, without vote of deliberation, of the Directors of the C.C.I. and the Chairman of the C.I.E.F. in the work of the Administrative Council and the activity of the permanent Bureau of the Council.

Under these conditions it is indispensable for the functions of these organizations to be clearly

determined by the Plenipotentiary Conferences.

Article 3.

Organization of the Union.

§ 1. The supreme organ of the Union is the Conference of the plenipotentiaries of the countries, members of the Union.

Comments.

See the General Considerations.

§ 2. The Union comprises the following permanently acting bodies:

- a) The Administrative Council and its Bureau;
- b) The Administrative General Secretariat;
- c) The International Committees.

Article 4.

Administrative Council.

A. Composition

§ 1. The Administrative Council is composed of 15 members including the Chairman and the two Vice-Chairmen.

Comments.

In fixing this number, the French Government intends giving this new acting body the widest possible basis and ensuring a just representation of the different continents and countries of very varying importance.

§ 2. The Chairman and the two Vice-Chairmen form the permanent Bureau of the Administrative Council.

§ 3. No member of the Union has a right to more than one representative in the Administrative Council.

B. Designation.

§ 4. The members of the Administrative Council are elected by the Plenipotentiary Conference on an absolute majority of the votes given.

They are chosen from among the candidates designated by their respective Governments on the ground of their experience in the telecommunication services.

The members of the Administrative Council are re-eligible.

§ 5. When, for any reason whatever, a member of the Administrative Council ceases or interrupts his functions in the interval between two Plenipotentiary Conferences, he is replaced by a deputy designated by the Government of the country of origin of the titular member, immediately after the election of the latter.

§ 6. The mandate of the members of the Administrative Council expires at the opening of the next-following normal Plenipotentiary Conference.

Nevertheless, the Administrative Council in office ensures the performance of current matters until the election of the new Council.

C. Functioning.

§ 7. The Administrative Council meets normally twice a year at the seat of the Union. It can meet more frequently either at the request of its Bureau or of at least five of its members.

During the first session following that of a normal Plenipotentiary Conference, it elects, on an absolute majority of the members present, its Chairman and two Vice-Chairmen, whose mandate expires at the same time as that of the members of the Council.

Comments.

This marks the passage of an organization lacking in initiative to an organization capable of initiative within the limits of directions fixed by the Plenipotentiary Conferences, the supreme acting body of

the Union.

To this end the Plenipotentiary Conferences confer powers on an Administrative Council meeting at intervals (normally twice a year), and this Council, in its turn, delegates part of its powers to a permanent, restricted Bureau.

§ 8. Subject to the decisions of the Plenipotentiary Conferences, the Administrative Council establishes its own internal regulations.

§ 9. Each member of the Administrative Council has one vote.

The Administrative Council can take no valid decisions unless at least half of its members are present. On the contrary it can deliberate on matters entered in its agenda but defer its decisions till its next session.

§ 10. In the interval of its sessions, the Bureau acts on behalf of the Administrative Council within the limits of the delegation accorded by the aforesaid Council.

§ 11. The Directors of the International Consultative Committees and the Chairman of the International Frequency Registration Committee take part compulsorily in the deliberations of the Administrative Council; they have no right of vote. Between the meetings of the Council they may be called upon to give their opinion on all sorts of questions entering exclusively or jointly into the competence of their respective Committees.

Comments.

For the reasons given under the title of General Considerations, the Directors of the International Committees take a consultative part in the deliberations of the Administrative Council and its Bureau. This will produce the desired collaboration of these bodies, while the Council and its Bureau can have the advantage of the experience and competence of the Directors of the Committees.

D. Powers.

§ 12. In the interval between the Plenipoten-

tiary Conferences, the essential function of the Administrative Council is to endeavour to carry out the decisions of the Conferences for the attainment of the aims indicated in article 2 of the present Convention.

It is especially charged with ensuring an efficient co-ordination of the work of the different International Committees.

It likewise performs all the tasks specially assigned to it by the Plenipotentiary Conferences.

Comments.

See comments to § 7 above.

§ 13. The Administrative Council nominates the Administrative Secretary-General of the Union.

To ensure the good administration of the Union his powers are, in particular:

- a) to supervise the administrative working of the Union;
- b) to examine and approve the annual budget of the Union;
- c) to verify the accounts established by the Secretary-General and submit them to the next Plenipotentiary Conference;
- d) to ensure the connections with the other international organizations in the conditions fixed by the Plenipotentiary Conferences;
- e) at the request of at least twenty members of the Union, and after consultation with members of the Union, as stipulated in articles 11 and 12, to organize the extraordinary Plenipotentiary and Administrative Conferences that are to be held in the intervals of the ordinary Conferences;
- f) to convene, on its own initiative, or at the request of at least ten members of the Union and after consultation with members of the Union, as stipulated in article 12, the Administrative Conferences with restricted agenda.

Article 5.

The Administrative Secretary-General.

§ 1. The Administrative Secretariat-General is directed by a Secretary-General.

§ 2. The Administrative Secretary-General:

- (a) personally ensures the working of the Secretariat of the Council and of the Bureau;
- (b) nominates the personnel of the Administrative Secretariat-General;
- (c) decides on the nomination of the technical and administrative personnel of the International Committees, on the proposal of the Directors of these organs;
- (d) performs the work of the Secretariat that precedes or follows the Conferences of the Union;
- (e) ensures, when necessary, in cooperation with the inviting Government, the Secretariat of the Conferences of the Union, and at its request, assists the Secretariat of the meetings of the International Committees;
- (f) publishes the International or regional agreements concerning telecommunications and keeps up to date the documents relating thereto;
- (g) publishes the official recommendations and reports of the International Committees;
- (h) prepares, when necessary, publishes and keeps up to date the general statistics and the official documents of the Union foreseen in the Regulations annexed to the present Convention, as well as all other documents the establishment of which is prescribed by the Administrative Council;

- (i) collects, and publishes in suitable form, the national and international informations concerning telecommunications throughout the world;
- (j) publishes periodically, with the help of the informations gathered, or that is at its disposal, an informative and documentary journal on the subject of telecommunications;
- (k) distributes to the countries, members of the Union, the documents published in proportion to the number of units subscribed by each of them in accordance with the provisions of article 10;
- (l) is always at the disposal of the members of the Union for supplying them with any information they may require on questions connected with international telecommunications which he is better able to possess or procure than they;
- (m) prepares an annual budget for submission to the Administrative Council which budget, when approved, shall be transmitted for information to all the members of the Union;
- (n) prepares an annual financial report for submission to the Administrative Council, and another report before every Plenipotentiary Conference. These reports, after audit and approval, are submitted by the Administrative Council to the next Plenipotentiary Conference for examination and final approval.
- (o) prepares an annual report of his official activities, which, after approval by the Administrative Council, is transmitted to all the members of the Union;
- (p) performs all the other secretarial functions of the Union.

Comments.

All the administrative work of the Union, with the exception of that of the Secretariat of the International Consultative Committees, devolves on the Administrative Secretariat-General.

Article 6.

International Committees.

The International Committees comprise:

- (a) Consultative Committees,
- (b) The Frequency Registration Committee.

Comments

The creation of the International Frequency Registration Committee made this article necessary.

Article 7.

International Consultative Committees.

§ 1. Consultative Committees are formed for the purpose of examining questions relating to Telecommunications.

Comments.

See General Considerations.

§ 2. The number, composition, powers and working methods of these committees are defined in the General Regulations annexed to the present Convention.

§ 3. The head of the International Consultative Committees is a Director who is assisted by a secretarial personnel under his authority.

§ 4. The seat of these Committees may be in a country, member of the Union, other than that of the seat of the Union.

§ 5. The Director of each International Consultative Committee is chosen in a Plenary Assembly of that Committee, for an indefinite length of time, from among the functionaries of one of the acceding Administrations.

Article 8.

The International Frequency Registration Committee.

§ 1. A Frequency Registration Committee is instituted for the purpose of studying and dealing with questions concerning the utilization and assignment of radioelectric frequencies.

Comments.

See the General Considerations.

§ 2. This Committee is composed of nine members of different nationalities elected by the International Radiocommunication Conference for a period equal to the interval of time between two consecutive Conferences. The members of the Committee are re-eligible.

Comments.

The number nine was chosen so as to give the widest possible basis to this Committee which has to meet very frequently without causing a heavy increase of expenses (permanent personnel whose salary is provided by the Union).

§ 3. The members of the Committee shall, at their first meeting, elect from among their number a Chairman and a Vice-Chairman for a period of one year. Thence forward the Vice-Chairman succeeds the Chairman every year and a new Vice-Chairman is elected.

§ 4. The powers of this Committee are defined in the General Regulations annexed to the present Convention; its internal regulation is given in detail in the General Radiocommunication Regulations.

Article 9.

Salaries, Indemnities, Statutes.

§ 1. The Chairman and the Vice-Chairmen of the Administrative Council, the Administrative Secretary-General, the Directors of the International Committees, the members of the International Frequency

Registration Committee, the personnel of the Administrative Secretariat-General, and of the International Committees receive a salary and eventually indemnities.

The other members of the Administrative Council receive indemnities.

Comments.

Everybody performing a permanent function for the Union shall be remunerated for the same.

On the other hand, the structure must not burden the Union with expenses not justified by the services rendered by the organizations to be created.

In application of these two principles, the members of the Administrative Council other than those forming the Bureau, continue to be at the charge of their respective Governments.

Nevertheless, it seems indispensable that the indemnities to be granted for the performance of functions for the count and profit of the Union be borne by the Union.

§ 2. The bases for reckoning the salaries and indemnities envisaged in § 1, above are fixed by the Plenipotentiary Conferences.

§ 3. The Administrative position of the Chairman and Vice-Chairmen of the Administrative Council, of the Directors of the International Consultative Committees, of the members of the International Frequency Registration Committee and of the Administrative Secretary-General is determined by a statute drawn by the Plenipotentiary Conferences.

Comments.

For the persons enumerated in this paragraph, who give up their previous functions for the benefit of the Union, it is only just to provide certain guarantees. Considering the nature of their designation (election) or the importance of their functions (Secretary-General), this statute can only be drawn up by the Plenipotentiary Conference.

§ 4. The Administrative position of the personnel of the Administrative Secretariat-General and the Secretariat of the International Consultative Committees depends on a statute drawn up by the Administrative Council.

Comments.

The indispensable statute of this personnel may be drawn up by the Administrative Council.

Switzerland 138 TR (Doc. No. 31 TR)

Insert in the new Telecommunications Convention, between Articles 15 and 16 of the Madrid Convention, the following Article 15^a:

Organizations of the Union:

The organizations of the Union shall be:
"The Plenipotentiary Conference
"The Council for Administration and
Coordination of the work of the CCI
"Consulting Committee for Telegraphy,
Telephony, Radio and Broadcasting
"The General Secretariat"

Reason

As a natural consequence of the extraordinary development of telecommunications in the past fifteen years, there are three important gaps in the Madrid Convention.

1. There are no provisions for an organization which takes into account the present importance and nature of telecommunications.

2. It does not sufficiently coordinate the numerous, costly and important operations and studies being carried on for the purpose of improving telecommunications by the various organizations concerned.

3. It grants the Bureau of the Union only limited powers excluding certain useful and necessary powers of initiative.

It is the task of the Plenipotentiary Conference which will convene July 1, 1947 at Atlantic City, to fill in these gaps. Many means to this end are possible or applicable. However, it becomes more difficult to solve the problem if the expenses incurred by the new organization must remain within the prescribed limits, which, today is more necessary than ever. Rightly, the governments to which the definitive draft of the convention is to be submitted will not adhere to it unless these expenses remain in reasonable accord with the end to be achieved. The draft of the organization outlined in this Article 15^a and in the annexed table seems to conform to this important condition.

addendum 1 The gaps in the field of radio are too well known for a long explanation to be required here. Examples: lack of an organization to check on the judicious use of frequencies; inadequate organization of the Radio Consulting Committee. The time seems to have come when a Broadcasting Consulting Committee is necessary.

addendum 2 An organization as complex and as extensive as the Telecommunications Union, composed of groups with interests so diverse and often so contradictory (operating companies and users) can no longer be successfully managed by Plenary Assemblies of Plenipotentiaries convened at long intervals only. Furthermore the powers of the Secretariat are not sufficiently broad to enable it to replace the Plenipotentiary Assembly if the need arises. An intermediate body, an Administrative Council is indispensable, on condition, however, that in quantity and quality its membership be adapted to actual needs.

Furthermore, telegraph and telephone installations, ordinary and wireless, as well as broadcasting installations whose present value represents an imposing number of billions of dollars, are constantly being improved, enlarged, and transformed. Thousands of engineers, and inventors are seeking new methods to increase their efficiency or reduce their cost. These important operations and the resulting expenses have an influence, in government administrations and operating companies, on the rates charged to users.

It is necessary, therefore, that they be coordinated by experts possessing the necessary technical, financial and traffic knowledge. This important task should be assigned to the Administrative Council composed of 11 members at most, assisted by the 4 directors of the CCI and by the director of the Secretariat. These five officials would be members of the council in a purely advisory capacity.

This Administrative Council shall receive from the Plenipotentiary Conference the necessary powers to make certain emergency decisions, in view of the fact that the time elapsing between conferences is often rather long.

It would seem advisable, furthermore, to include in the ICC, that is, under the same director, the CCIR proper and the International Frequency Registration Board. In this was to avoid conflicts arising from overlapping of authority in the various organizations concerned will be avoided.

addendum 3 Since it is very possible that the four CCI's and the Bureau of the Union may not be in the same place, the various members of the Administrative Council will be at some distance from one another. This implies not only that the Administrative Council will meet only two or three times a year to handle normal current business but also that the Bureau (General Secretariat) should be given the necessary authority to handle urgent questions of importance. The present Article 17 of the Convention shall take this into consideration and assign these powers.

The graph attached to Document No. 31 TR gives a general picture of the above suggestions.

Norway - 140 TR (Doc. No. 43 TR)

Proposal concerning the establishment of International Consultative Committee.

It is commonly acknowledged that the International Consultative Telephone Committee - C. C. I. F. - for the last 25 years has been an international body with a firm structure and of highest value within the international telecommunications picture.

It has also been stressed from various delegations that the C. C. I. F. should be used as pattern for the remodeling of the C. C. I. R. and the C. C. I. T.

The Norwegian delegation supports this view, but goes a little further and proposes that the question should be studied if not two international consultative committees should be sufficient, one for telecommunication by wire and one for telecommunication by radio.

The distinction between equipment and means used by telegraph and by telephone has, during the last years' development vanished more and more, and the technical and the traffic questions related to these two services are so intermingled, that overlapping and red tape is to be expected in the working of a C. C. I. F. and a C. C. I. T. committee.

In many cases it will also be the same persons, from the same administrations, who will serve as reporters for the same technical questions and have to attend the separate meetings. (As an example we refer to the handling of questions concerning the interference between power lines and telecommunication lines, which up till now have been handled as well by the C. C. I. F. as by the C. C. I. T., but practically by the same experts).

The Norwegian delegation is of the opinion that the questions now handled by the C. C. I. T. could, for a greater part, be handled by one or other of the existing committees of reporters within the C. C. I. F. and for the remaining special telegraph questions, telegraph apparatus, relays and the special telegraph transmission, the C. C. I. F. could be built out with two new committees of reporters.

The Norwegian delegation therefore proposes that the question should be studied to establish only two international consultative committees, the C. C. I. R. and the C. C. I. T. (a change of name) the latter "charged to study and to make recommendations on technical questions relating to international telecommunications by wire and on questions concerning the operation and tariffs of all international telecommunications" (quotation from Doc. No. 14 France, page 33).

Greece 153 TR and 154 TR (Doc. No. 55 TR)

153 TR. Art. 16 Replace this article by the following:

Article 16.

Organizations and Headquarters of the Union.

§ 1. The organizations of the Union are as follows:

- (a) Plenipotentiary Conferences
- (b) Administrative Conferences
- (c) Administrative Council of the Union and its Executive Committee,
- (d) General Secretariat of the Union,
- (e) International Frequency Registration Board (I.F.R.B.)
- (f) Four consulting committees and their permanent Secretariat, namely: -
 - The International Telegraph Consulting Committee (C.C.I.T.),
 - The International Telephone Consulting Committee (C.C.I.F.)
 - The International Radio Consulting Committee (C.C.I.R.)
 - The International Broadcasting Consulting Committee (C.C.I.D.).

§ 2. The prerogatives of the Conferences are defined in Articles 18 and 19 of the present Convention and in Annex No. 2 of the Convention (General Regulations).

§ 3. The composition, prerogatives and functions of the other organizations of the Union are defined in Annex No. 2 of the present Convention (General Regulations).

§ 4. The headquarters of the permanent organizations of the Union, namely,

- (a) the Executive Committee,
- (b) the General Secretariat,
- (c) the International Frequency Registration Board (I.F.R.B.) and
- (d) the Secretariats of the four International Consulting Committees (C.C.I.) shall be at.....

Reasons:

It has been recognized that, in order to give the Union a worldwide scope and assure the continuity, coordination, and efficient operation of its various organizations, it would be necessary to give it a more solid foundation. It is contemplated that an Administrative Council of eleven members to be elected every four years by each Plenipotentiary Conference, shall be constituted, as well as an Executive Committee of three members elected by the Administrative Council. On the other hand, the I.F.R.B. shall be composed of nine members. For all Consulting Committees, it is proposed to adopt the statutes of the I.F.R.B. and give them a permanent Secretariat. The statutes of these organizations shall be included in Annex No. 2 of the Convention (General Regulations).

An organization of this kind will naturally mean a considerable increase in the expenses of the Union, and it will therefore be necessary that all countries participate in the Union as a whole, with all the Regulations and organizations that pertain to it so that all may share in all of the expenses on an equitable basis.

See Proposal 155 TR.

154 TR. Art. 17 Delete this article.

Reasons

The duties of the "Bureau of the Union," which shall become the "General Secretariat of the Union" will be defined in Annex No. 2 of the Convention (General Regulations).

July 28, 1947

Committee C

R E P O R T

of the Committee on Organization of the Union
(Committee C)

5th meeting
July 23, 1947

1. The meeting was opened at 3:30 P.M. under the Chairmanship of Mr. Fortoushenko (Soviet Union).

The Committee approved the report of the 3rd meeting (document 109 TR-E) without comment.

2. The Delegate from Egypt stated that it would be advisable for the Committee to specify the list of documents to be examined by the Subcommittee on Finances and Personnel of which he had the honor to be Chairman. He proposed that the following documents be included:

- proposal No. I TR from Hungary.
- article 17 of the Madrid Convention.
- article 10 and articles 40 and 41 of the convention draft prepared by the Moscow conference.

The Delegate from Hungary felt that proposal No I TR from his country, which advocates the establishment of an international bank of telecommunications, should be examined by the Subcommittee on Finances and Personnel and he requested his delegation be represented in that Subcommittee.

The Delegate from France stated that the Hungarian proposal had been carefully considered by this Delegation which itself had studied a very similar system of general compensation for credits and debentures. He admitted that the idea was very interesting but felt that this matter came within the competence of the Administrative Conference rather than under the Plenipotentiary Conference. He proposed therefore to postpone the study of this matter.

The Chairman thought that the Hungarian proposal should be studied by the Subcommittee on Finances and Personnel which could make a recommendation on the matter.

The Committee supported this point of view.

The Delegate from the United Kingdom and the Delegate from the United States asked the Subcommittee of Finances and Personnel was to examine the 1st article, § 4 (headquarters of the Union) and article 10 (Plenipotentiary and Administrative Conferences).

The Chairman, supported by the Delegate from Egypt, stated that the matter was very clear: the Subcommittee was to examine those articles only from the viewpoint of the finances of the Union. It was not to discuss the substance of the provisions under consideration but only their financial implications.

The Delegate from Egypt stated that Lebanon, Morocco and Tunisia and Portugal had asked to participate in the Subcommittee and he requested the approval of the Committee on this matter.

Adopted.

The Delegate from Chile requested that the Subcommittee study very carefully Article 10 of his country's proposal which deals with the expenses and administration of the Bureau of the Union (proposal No. 24-TR).

The Delegate from Belgium pointed out that, if as it has just been said, the Subcommittee on Finances and Personnel cannot base its work on the decisions which are to be made by the Committee in regard to the organization of the Union, it can be easily considered that the Committee, in certain cases, could hesitate between two solutions with different financial implications and in that case it would be very useful to know the opinion of the Subcommittee on this matter.

Adopted.

3. The Chairman proposed continuing the general discussion on the 1st Article of the convention draft.

The Delegate from India recalled that during the last meeting certain delegations explained that the colonies represented by them were independent in regard to telecommunications. He felt that India had special experience in this connection and that it could offer very interesting observations. He stated that his country had been a member of the 1st International Telegraphic Union, and of the International Telecommunications Union since 1869. Other countries, in the same situation are represented by their parent country. India, on the contrary, has always enjoyed the benefit of separate representation and the right to vote in conferences. This indicates complete autonomy in telecommunications. However, if during the last years India has been autonomous, it has not been always thus and, in international circles one might have had the impression that it always faithfully obeyed the directives of the United Kingdom. Regardless of the past, after having gone through the different phases of subjugation known to all colonies, India today is autonomous. Its status is superior to that of ordinary colonies and if its complete autonomy in telecommunications is not recognized it would be still more difficult to recognize any authority in the vote of ordinary colonies. As was said at the Washington Conference of 1927, when Germany was given an extra vote for the colonies it no longer possessed, the purpose of colonial votes is fairly clear. India understood the French Delegate perfectly well, when, during the last meeting, he stated that relations between colonies and parent countries are developing in the direction of a new relationship based on essentially democratic principles, but it feels that the Union should await the final results of this fight for complete autonomy before giving votes to colonies which at present, are only extra votes for their parent countries. That is why India supports the United Kingdom's proposal which advocates admission of colonies as associate members of the Union; it favors the provisions of § 2 of the 1st article of proposal No. 49 TR.

4. The Delegate from Bielorussia apologized for returning to § 1 of the Article 1, but he considered this provision as very important because it defines the sovereign right of governments to regulate their own communications. He therefore supports the proposals made by Belgium, Egypt and certain other countries to keep this paragraph which outlines a principle to be followed. He gives an example:

On the one hand, the Radio Conference must decide the manner in which the allocation of frequencies is to be modified bearing in mind the new Band Allocation Table and, on the other hand, the manner in which it is to apply the technical principles which this conference has adopted. § 1 of article 1, indicates the only procedure to be followed in order to decide these matters, upon which the success of our conference will hinge. This success is in fact assured, above all, by an agreement reached among the various countries founded on a basis of the mutual respect of the sovereign rights of each one without regard to its dimensions. § 1 ensures that national interests shall not be violated, and, in these circumstances the Delegation of Bielorussia is not in agreement with France and the United Kingdom, both of which propose to eliminate this paragraph of the Convention. Their mention of article 41 of the Charter of the United Nations is not a convincing argument, inasmuch as the provisions therein contained are in no way related to those of § 1. Consequently, this paragraph must be maintained in the charter of the I.T.U. in order to reaffirm the sovereignty of the rights of every Nation.

5. The delegate from the United Kingdom wished to explain clearly and precisely his country's attitude on the matter of extremely important provisions which it is proposed to incorporate into the 1st article of the Convention. He made the following statement:

The U. K. wishes to amplify its exposition of the proposals presented in Document No. 9 TR on the important point of the position of countries and territories other than those for which provision is therein made as full voting members.

2. It will be appreciated that the list in Annex No. 1 (a) and (b) of No.9 TR of countries recommended for full voting membership of the Union under the new Convention, from the outset contains in fact the countries which are generally recognized as being independent in their international relations and competent to be contracting parties to a diplomatic convention.

3. In addition to this list, however, there are a number of countries and territories for which representation in the ITU must be provided in a manner compatible with their importance and constitutional standing. This is a vital point; we must make the Union as universal as possible and provide for all of these countries and territories, great and small, to take their appropriate part in our Union. The point of view of each must be competently, adequately and fully presented both at and between all the conferences, both Plenipotentiary and Administrative, of the ITU and in the proceedings of its subordinate organs, particularly the C.C.I's. The proposals of the United Kingdom are designed to ensure this essential objective.

4 I think that the situation for which we have to cater in our new Convention is one in which there is a general tendency for countries to develop self-government. In some cases this tendency is about to reach the culminating point at which the country in question is due to become a member of the United Nations. In other cases, at the opposite end of the scale, the tendency towards self-government may perhaps hardly have begun, while yet again in a number of very important cases it has already proceeded a considerable way.

5. I have claimed that the proposals of the United Kingdom provide for the competent, adequate and full representation of the points of view of countries at all three stages of development in the proceedings of our Union, and I would like to indicate how this is secured, taking each of the three broad classes of countries and territories which I have indicated, separately.

6. First, there are those which will, by the time the new Convention comes into force, have become members of the United Nations. If delegates will be so good as to turn to Article 1 of the United Kingdom proposals - Document No 9 TR - they will see that any member of the United Nations

may at any time become a member of the Union by acceding to the new Convention. This takes care of the first class of country. I will cite as instances the cases of the Netherlands East Indies and of Burma.

7. I now turn to the intermediate class of countries, namely, those which have proceeded some way towards responsibility in their administrative arrangements. I wish to stress that this class comprises a wide variety of different countries and territories, and therefore in order to cater for it an elastic provision in our new rules of membership will be essential; we could not hope to cater adequately for all the variations which exist by providing detailed rules designed in advance to meet separately each of the different types and characteristics confronting us. How do the U.K. proposals cater for this situation?

8. This most important group of countries and territories is provided for in paragraph 1(3) and paragraph 2(1) of Article 1, Document 9 TR, which I will ask delegates to read together.

9. In paragraph 1(3) it is provided that any country which is capable of acceding to our new Convention but which is not already a voting member, may submit an application to the Secretary General of the Union to become a voting member, and provided that two-thirds of the members of the Union are willing to support its application it will then become a full voting member. (I do not propose now to deal with the details of the procedure proposed, which are to be found elsewhere in Document 9 TR; but I should mention in parenthesis that this procedure will operate equally well between Plenipotentiary Conferences and at those Conferences; in the former case the views of the member countries will be sought by circularising them, and in the event of a reply not being received from any member after a specified interval it will be assumed that that member supports the application under consideration.)

10. It remains to consider the countries and territories in the third category, viz. those at an early stage of development. These territories are taken care of in paragraph 2 of the same Article - Article 1 in Document 9 TR; such territories, or groups of such territories, will be able to become associate members of the Union, either from the date at which the new

Convention comes into force or at any later date, provided the country responsible for their foreign relations so wishes - assuming of course that that country is a member of our Union. I should like to make it clear at this point that the U.K. has no intention of claiming associate membership for large numbers of its dependent colonies. As at present, the interests of the large majority of these will remain in the hands of the United Kingdom.

11. I have now dealt with all the three classes of countries and territories to which I alluded. There is however a fourth and special class with which I will now deal. It is a category which is of general interest to all members of the Union. I refer to that of territories whose political future has not yet been decided and some of which may become mandated territories of the United Nations. There is also the free city of Trieste. I feel sure that those of you who represent members of the United Nations will have a very direct interest in this category and that all will desire that provision be made for their inclusion in order that the universality of the Union may be preserved. We may also have to consider the position of the United Nations itself in its capacity as a telecommunication operating agency, if as I understand it is the intention of the United Nations to establish a radio station or stations of its own.

12. The delegation of Czechoslovakia has drawn attention to this point in Document 51 TR. I hope it will be agreed that these proposals are both conservative in character and sufficiently flexible to cater for modern conditions, which are not at all static. It has to be remembered that the criterion whether a particular country or territory can accede to the International Telecommunication Convention on its own behalf or whether its participation in our Union must be secured through the parent country on its behalf, depends upon constitutional considerations relating to the country in question. On the other hand, the nature of the representation which it needs in our Union - in particular whether it needs separate representation, or whether it is best represented by the parent country, depends upon what I would call administrative considerations, that is to say, the degree of independence with which its telecommunication services in practice operate. I hope that I have made it clear that the U.K. proposals take fully into account both of these two basic considerations - the political and the administrative.

13. Delegates will already have noted that under the U.K. proposals participation in our Union will be of two kinds and of two kinds only, namely, by membership and by associate membership, each member having the same rights and obligations as each other member and each associate member having the same rights and obligations as each other associate member; furthermore, the only respect in which membership differs from associate membership is that members will have votes and will be eligible for a seat on the Administrative Council and on the Frequency Registration Board, while associate members will not. In this connection I wish to stress two points strongly. First, associate members as well as full members, and in exactly the same way as full members, will participate fully in all the work of the Union, including all Conferences of all kinds. Both will be free to initiate proposals, to criticize the proposals of other members and associate members and to exercise all the influence on the decisions of the Union which the merits of their case and the ability of their representatives can command. I emphasize this democratic feature of the U.K. proposal.

14. Secondly, in regard to the distinction which the U.K. proposes, that members will have the right to vote and associate members will not. This simple distinction, between voting and non-voting nations of our Union, is of course nothing new; on the contrary, it has always existed, and the U.K. proposes merely to recognize and systematize it in the revised Convention. The criterion of eligibility for full voting membership which we propose shall be applied is one on which I have already spoken, but in order to avoid any possible misunderstanding I would like to repeat one point which I made. It is this: membership of the United Nations will not, if the U.K. proposals are adopted, confer any privileges on members of the Union in any way different from or additional to the privileges of members of the Union who are not members of the United Nations; membership of the United Nations is merely used as a sufficient, but not a necessary, criterion of eligibility for full voting membership of the I.T.U. Provision is made for countries which are not members of the United Nations to retain or to acquire, as the case may be, full voting membership provided only that they satisfy an alternative criterion, namely they obtain the suffrages of two-thirds of the members of our own Union, who will be the judges in all such cases whether the country in question is to participate in the work of our universal Union with the right to vote, or to participate in it --

equally fully -- but without the right to vote.

The Chairman then spoke on behalf of the Delegation from the Soviet Union; he made a statement which can be summarized as follows:

Membership in the Union raises a very important question, but it seems that the problem is very simple: from the moment that an Organization, our Union, exists, the right to vote should not even be questioned, because each member should have that right.

It is quite true that there are no precise provisions showing who is a member of the Union. According to the Madrid Convention, those who have signed the Madrid Convention (Art. 1) and those who have adhered to that Convention (Art. 3), are members but nothing is said about who has the right and how it is possible to adhere during the interval between two Conferences, nor how a country can lose its membership. It is therefore necessary to draft a clearer wording on the subject. Concrete proposals have been made, which give an answer to this problem:

- that of the United Kingdom, which has just been set forth in a very detailed and clear manner, and which evidently has the support of the United States of America.

- that prepared by the Moscow Conference and which has the support of the Soviet Union.

It is advisable to note above all, that according to the opinions expressed by the different Delegations, the present Conference has as its object, not the organization of an entirely new Union, but only the modification of the Convention which governs the present Union. It is therefore necessary to emphasize that the Countries which are at present members of the Union should remain so, and that there should not be any question whatsoever, as to whether the Belgian Congo should or should not remain a member. Colonial Countries have been members for a great many years and there is no reason for re-examining their membership.

That is the reason why the Moscow Conference proposal of the Soviet Union referred only to the admission of new members. The list of Countries participating in the Atlantic City Conference differs from the Madrid and Cairo lists, and there is no doubt that there will be

similar changes to be noted in the future. Everyone knows for example that sooner or later, India will be transformed into two independent and separate States. We will no doubt witness the formation of new States; it is therefore essential to give to membership in the I.T.U., a definition which will be just and equitable towards new States.

In the United Kingdom proposal, it is provided that Colonies and Territories which do not enjoy complete autonomy can be admitted to the Union, as "associate members." But sooner or later, these Colonies or Territories may become independent; they shall then have the right to full membership; it will therefore be necessary to make provisions which would determine the conditions under which these Countries could become full members.

The proposals of the United States of America and of the United Kingdom, on the one hand, and of the Soviet Union on the other hand, have several points in common: for example, they both insist on the fact that members of the Union should be independent and sovereign States. Notions of independence and of sovereignty are not questioned for Member Countries of the United Nations, which can be admitted to the I.T.U., by the simple expedient of complying with the formalities required by the Convention. However Countries which are not members of the United Nations can only be admitted in the I.T.U., if one is satisfied that these Countries are independent and sovereign; the Convention should therefore include provisions which would specify the conditions necessary and sufficient for a Country to be considered independent and sovereign.

The Convention is of a diplomatic nature. Countries desiring to participate therein, should therefore have the right to sign international acts. The simplest condition to lay down for Countries wishing to belong to the International Telecommunications Union and to sign the Convention, is the fact that they have the right to enter into relations with other Countries. The Delegation of the Soviet Union has studied this question very carefully and the best and most appropriate formula which they have been able to find is the one figuring in Article 12 3. 1er, of the Inter-American Telecommunications Convention setup by the Rio-de-Janeiro Conference in 1945. It is important to be conversant with subparagraphs c) and d) of this paragraph, which provide respectively for

- the necessity of having its own Government
- the ability to enter into relationship with Foreign States.

The Soviet Union has adopted this formula as a basis for its proposals, and in so doing, it was under the impression that it was particularly agreeable to the American countries, as it could not find a better way of paying a tribute to the perspicacity, and soundness of views of the Delegations represented at Rio. Moreover, should the present Conference adopt different regulations, the American countries would have to modify the formula of their own Convention to make it consistent with that of the I.T.U.

The Delegation of the Soviet Union was still of opinion that the formula of the Inter-American Conference was very fair and very appropriate, and that it was desirable to apply it to the I.T.U. It would then be easier to find a method of admitting new members and, subsequently, of changing the status of associate members who might become full members. In this way, colonies which are not members now, could be admitted as associate members, and, should they later acquire sovereignty and the right to enter into independent relationship with foreign governments, they could automatically become full members of the I.T.U.

It was essential that the Union should become universal, and that it should be based on texts which would permit an objective examination of the membership of certain countries..

7. To refute the opinions expressed by the Delegations from India and the United Kingdom, the Delegate from the Belgian Congo spoke as follows: "I can only repeat to the Indian Delegate, what I have previously stated. In a political assembly, he would be right in regard to the question of the votes of the various countries. In a technical assembly, he is wrong, as the Mother Country is not always aware of the special problems of the Colonies - and I shall give but one example, which most closely touches India: It is the case of tropical broadcasting, where it was especially in the participation of colonial countries that India found the necessary understanding.

The distinction between associate members and

members without any qualifying term, as proposed by the Delegate from the United Kingdom, is unacceptable, as this distinction would allow every possible political manoeuvre, especially a manoeuvre consisting of giving a limited independence to some colonies to permitting their passing from one type of membership to another, according to the formula about which the United Kingdom Delegate has already spoken which contemplates a series of degrees of independence.

Gentlemen, it is better to be frank and to make no distinction between independent Administrations by the simple application of a specific label. Otherwise, several of the independent Administrations which would be deprived of their voting rights by the adoption of the United Kingdom proposal, might show their independence by suspending their participation in the Union."

8. The Delegate of Egypt said that as far as he was concerned, the question was confusing. After reminding the meeting that the supreme authority was the Plenary Assembly, he put this question:

"If the proposal concerning associated members is adopted, what will happen, for instance, to the Belgian Congo which has been an official member of the Union up to the present?"

He added that this country had the right to vote and that it would continue to use that right until the next Conference when the same discussions would be reopened. This then was an impasse, and he proposed to return to more material considerations: the members entitled to vote are those included in the list drawn up by each Plenary Assembly.

9. The Delegate from the French Colonies stated that it was not necessary for him to defend the votes of the territories which he represents, as countries who are at present members of the Union are not involved. He merely pointed out that the French Colonies were among the oldest members of the I.T.U. (Indo-China since 1884, Senegal since 1885) and that they have always fulfilled all their obligations to the Union.

But he wished to stress the fact that the state of subjugation mentioned by the Delegate from India hardly existed in so far as the French Colonies were concerned. According to the Constitution of the French Republic, the territories of Overseas France were coun-

tries associated with the Mother Country, France to constitute the French Union, and each of these territories had local assemblies which governed their own countries. The Ministry of Overseas France represented in Paris the interests of the French territories of Overseas France and not the interests of Metropolitan France. These interests were often separate, as the Delegate from the Belgian Congo had pointed out.

If political considerations were set aside to permit a technical viewpoint, it could easily be seen that the territories, called "French Colonies" in the past, have separate and often divergent - technical interests from those of the Mother Country. The Delegate from the Belgian Congo had mentioned tropical broadcasting; in fact, one can be more categorical: this is true for all radio communications. In fact, in the Overseas Territories, most of the internal communications are carried on by radio because of the difficulties of communication by wire. Radio was therefore more important than the telegraph and telephone and this sufficed to create technical interests which differed from those of the Mother Country.

It should also be borne in mind that the territories of Overseas France were independent from a technical standpoint: they were free to sign agreements with foreign agencies.

The arguments against colonial votes adduced by the Delegations from India and the United Kingdom had been brought forward recently before the Congress of the Universal Postal Union, but the Congress did not uphold them.

Although, in his opinion, the vote in his charge was not involved, the Delegate from the French Colonies had come to the conclusion that, if this vote were eliminated, the interests of the territories of Overseas France would be poorly defended and that, in addition, if it were maintained the I.T.U. would only benefit thereby.

10. The Delegate from Belgium, while acknowledging great interest in the statement made by the Delegate from the United Kingdom, said that he wished to deal with the question of principle raised by the composition of the I.T.U.

According to the proposal of the United Kingdom

any present member of the United Nations might automatically become a member of the I.T.U. Belgium had a friendly feeling for the United Nations, and had already explained that it favored relations between the I.T.U. and that organization. But it could not permit the I.T.U. to be subordinate to the politics of the United Nations: "The acquisition, maintenance or loss of membership in the United Nations cannot be a criterion for becoming, remaining or ceasing to be a member of the I.T.U." Otherwise the I.T.U. would be subject to the politics of the U.N., a situation which most of the delegations did not wish. Another criterion for membership in the I.T.U. must therefore be found.

It was quite evident that this was independent of the idea of sanctions which might be decreed by the U.N. in regard to certain countries, an idea which would be studied later.

11. The Delegate from France wished first of all to apologize for the error he had made during the last meeting, which might have misled some members of the Committee. In fact, in referring to Document No. 9 TR-E of the United Kingdom, page 18, he had made a mistake in interpreting the title and the two sub-titles of the list of countries therein and had come to the conclusion that the proposal of the United Kingdom would lead to the rejection of 14 present members from the Union. He apologized to the Committee and to the Delegation from the United Kingdom for this error which he had committed in good faith.

However, he still retained the words "schism in the Union" as previously used, because the proposal in question really led to the elimination of five colonial voices. It might even be called "dissolution" because, under the terms of the present Convention - which would continue to govern the Union until the new Convention came into force - no provision permitted the exclusion of any member of the Union. It was for this reason that the French Delegation had adopted an attitude in some of the voting the results of which it had later had occasion to deplore. If it were necessary to liquidate the past of the Union, it should be done wisely. There are legal texts which the present Conference has no right to repudiate. It must be admitted that hitherto the Union had been an open union and the fact that it had received only praise, proved that it must have been of some value.

In the past, the existence of colonial votes might have been equivalent to a plural vote; but this was no longer so; these countries have developed. Thus, there had been a schism between the Mother Country, France and its Overseas Territories. It was not the Ministry of the P.T.T. but the Ministry of Overseas France which represented the French Colonies at this Conference. The Delegation from the French Colonies, like the Delegation from Tunisia and Morocco, must speak for the countries it represented. The situation was so serious that for last few years, a coordinating committee existed in France in charge of finding for all the telecommunication problems a modus vivendi which would protect the interests both of the Mother Country, France and of the territories of Overseas France.

The Delegate from France concluded by admitting that, as the Delegate from India had said, all territories did not enjoy complete autonomy, because they developed under very varying conditions because of the great distances between them. But he pointed out that the "old possessions" had acquired the character and government of French Departments since January 1st, 1947, and that, as far as the others were concerned, France could be trusted to find a logical solution for each of them.

Colonial votes should be retained if breaking up the Union were to be avoided.

12. The Delegate from Czechoslovakia stated that, contrary to the opinion expressed by the Delegate from Egypt, previous discussions had clarified the situation. He explained the proposals under consideration.

On the one hand, there were the proposals of the United States of America and the United Kingdom which provided that the Member Countries of the Union were those mentioned in a list to be included in an Annex to the Convention -- a list from which the Colonies would be excluded. If this solution were adopted, the result would be a schism^h the Union - as indicated by the Delegate from France - and there would be no continuity between the present Union and the Union of the future.

On the other hand, there were the proposals of France and of the Soviet Union which provided that present members who signed and ratified the new Convention would remain members of the Union. The Colonies would then remain members of the I.T.U., and its continuity would be thus assured.

The only difference between those proposals was that France provided for the adherence of new members with no special conditions, whereas the Soviet Union provided that new members should fulfill certain conditions.

13. The Delegate from Chile stated that the Convention of Rio de Janeiro (1945) constituted an effort on the part of the American countries to establish common provisions within the Madrid Convention, but that this was not the last word of the American countries. He pointed out that, if he understood correctly, Article 2 of the Inter-American Convention (by vote of the Conference), the provisions of which had been taken up again in the draft of the Moscow Convention, was a transcript of the Internal Regulations of the Madrid and Cairo Conferences; (he would verify this point and give some details at the next meeting).

As to the Colonies, he was of the opinion that it was impossible to put them under the same conditions as those for sovereign and free states.

14. The Delegate from Cuba, although noting that he was a "member of the great American family represented at the Rio Conference," spoke only in the name of his country. He wished to explain the reasons which had prompted the change in the views of the American countries since the beginning of this Conference.

The Delegation from Cuba had a high regard for the terms of the Moscow draft, but after studying the list of the countries which might thus be admitted to the I.T.U., it understood that a specific provision was lacking therein, and it had then studied the possibilities for improvement. It had then supported proposal No. 2 TR of the United States of America, completed by proposal No. 93 TR of the same country which covered the specific case of territories and colonies. Voting experience during the Plenary Assembly of the two present Conferences had shown that territories directly follow their mother country on all important questions. There were only two cases of divergence,

-When "the method of abstention without abstention" was used,

-When it was a question of regional interests.

In all the other cases, the vote of

colonies or territories ran parallel to that of the mother country and this plurality of vote was disagreeable.

Territories could express their requirements under the conditions covered by proposal No. 93 TR.

The Delegation from Cuba had heard the statement of the Chairman with pleasure and interest, especially because of the support he gave to the recommendations of the Rio Conference, but it deemed it necessary to point out that when this Conference was held, it was - naturally - impossible to have an exact knowledge of the form and importance which the United Nations Organization was to assume. However, at present, during this Conference, it was necessary to take the existence and the activity of this organization into consideration.

Under those conditions, it was evident that the Signatory Governments of the Rio Convention were obliged to change their opinion in order to broaden the field of obligations to be fulfilled for membership in the I.T.U.

The Delegate from Cuba concluded by pointing out that his country:

- a) was opposed to any system leading to the plural vote in favour of certain countries;
- b) agreed that the admission of members be made
 - (1) automatic for the Member Countries of the U.N.,
 - (2) dependent upon a two-thirds majority vote for countries which were not members of the U.N.

15. As it was then late, the Chairman proposed postponing continuation of the discussion in which the Delegate of the United States of America was scheduled to speak until the following meeting.

The meeting was adjourned at 6 p.m.

Rapporteurs:

The Chairman

J. Persin
F.A. Rankin
B. Yourovski

A. Fortoushenko,

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July 29, 1947

Committee F

COMMITTEE F

Comparison of the texts of Document No. 5 ter of
The Moscow Conference with the corresponding proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 21

THE RIGHT OF VOTE

1. The first plenary session shall determine the countries granted the right of vote.

2. The Delegation of the U.S.S.R. proposed:

Each State shall have one vote only.

The right to vote at the Conference (plenary meeting, committees, subcommittees and sub-subcommittees) shall be granted to all countries members of the United Nations Organization, other countries which have:

- (a) A permanent population
- (b) A defined territory
- (c) Self-Government
- (d) Capacity to enter into relations with other countries.

The Delegation of China accepted the Soviet proposal in principle.

The Delegations of the U.S.A., U.K. and France were not in a position at the present time to accept this or to propose a different formulation with regard to the right of vote.

The corresponding text of Appendix C of the Madrid Convention (Article 21) is as follows:

§ 1. Exclusively, for the plenary assemblies of the Madrid Conferences and without such arrangement constituting a precedent, the undermentioned countries or groups of countries participating in these Conferences have the right to one vote.

They are:

South Africa (Union of)	Honduras (Republic of)
Germany	Hungary
Argentina (Republic)	British India
Austria	Dutch East Indies
Australia (Commonwealth)	Irish Free State
Belgium	Iceland
Bolivia	Italy
Brazil	The whole of the Italian Colonies
Canada	and Italian Islands of the
Chile	Aegean Sea
China	Japan
Vatican City (State of the)	Chosen, Taiwan, Karafute, the
Colombia (Republic of)	Leased Territory of Kwantung
Swiss Confederation	and the South Seas Islands
Belgian Congo and Mandated	under Japanese Mandate
Territories of Ruanda-Urundi	Latvia
Costa Rica (Republic of)	Liberia (Republic of)
Cuba	Lithuania
Denmark	Luxemburg
Danzig (Free City of)	Mexico
Dominican Republic	Nicaragua
Egypt	Norway
Ecuador	New Zealand
Spain	Panama
Spanish zone of Morocco and	Paraguay
the totality of Spanish	Netherlands
possessions	Peru
United States of America	Persia
The whole of the Colonies	Poland
of the United States of	Portugal
America	The whole of the Portuguese Colonies
Empire of Ethiopia	French Protectorates of Morocco and
Finland	Tunisia
France	Roumania
The whole of the Colonies,	Sweden
Protectorates and Territories	Czechoslovakia
under Mandate of France	Turkey
Great Britain	Union of Soviet Socialist Republics
The whole of the Colonies,	
Protectorates, Overseas	Uruguay
Territories and Territories	Venezuela
under Suzerainty or Mandate	Yugoslavia
of Great Britain	
Greece	
Guatemala	

§ 2. Exceptionally, in view of the traditions of preceeding Conferences, Germany and the U.S.S.R. have the right to one extra vote.

§ 3. As an exception to the provisions of 1, in voting on the Regulations, the countries or groups of countries which form part only of the Telegraph Union or of the Radiotelegraph Union, may exercise their vote only for the Telegraph and Telephone Regulations or for the Radiocommunication Regulations respectively.

§ 4. (1) Each delegation may vote only for the country or group of countries which it represents. The delegations of Spain, the United States of America and Great Britain, may, however, vote also for the whole of their colonies and possessions.

(2) A delegation which is prevented, by a serious reason, from being present at sessions, has the right to entrust its vote or votes to another delegation. One and the same delegation may not, however, under this arrangement hold and exercise the votes of more than two delegations, including its own vote or votes.

The corresponding text of the International Regulations of the International Telecommunications Conference of Atlantic City (Art.18) is as follows:

VOTING AT THE ATLANTIC CITY
TELECOMMUNICATIONS CONFERENCE

§ 1. Solely for the Plenary Assemblies of the Atlantic City Telecommunications Conference and without such arrangement constituting a precedent, the countries or groups of countries listed below which participate in this conference shall be entitled to one vote:

- | | |
|---|---|
| 1. Afghanistan | 15. Canada |
| 2. Union of South Africa and territory under mandate of South-west Africa | 16. Chile |
| 3. Albania | 17. China |
| 4. Saudi Arabia | 18. Vatican City |
| 5. Argentina | 19. Colombia |
| 6. Australia | 20. Costa Rica |
| 7. Austria | 21. Cuba |
| 8. Belgium | 22. Denmark |
| 9. Belgian Congo and territories of Ruanda-Urundi | 23. Dominican Republic |
| 10. Bielorussia | 24. Egypt |
| 11. Burma | 25. Salvador |
| 12. Bolivia | 26. Ecuador |
| 13. Brazil | 27. United States of America |
| 14. Bulgaria | 28. Territories of the United States of America |
| | 29. Ethiopia |
| | 30. Finland |

- | | |
|--|--|
| 31. France | 54. Norway |
| 32. Colonies, Protectorates and
Overseas Territories under
French Mandate | 55. New Zealand |
| 33. French Protectorates of
Morocco and Tunisia | 56. Panama |
| 34. United Kingdom of Great
Britain & Northern Ireland | 57. Paraguay |
| 35. Colonies, Protectorates,
Overseas Territories and
Territories under the
suzerainty or mandate of
Great Britain | 58. Netherlands |
| 36. South Rhodesia | 59. Netherlands Indies |
| 37. Greece | 60. Peru |
| 38. Guatemala | 61. Philippines |
| 39. Haiti | 62. Poland |
| 40. Honduras | 63. Portugal |
| 41. Hungary | 64. Portuguese Colonies |
| 42. India | 65. Roumania |
| 43. Iraq | 66. Siam |
| 44. Iran | 67. Sweden |
| 45. Ireland | 68. Switzerland |
| 46. Iceland | 69. Syria |
| 47. Italy | 70. Czechoslovakia |
| 48. Lebanon | 71. Turkey |
| 49. Liberia | 72. Ukraine |
| 50. Luxembourg | 73. Union of Soviet Socialist
Republics |
| 51. Mexico | 74. Uruguay |
| 52. Monaco | 75. Venezuela |
| 53. Nicaragua | 76. Yemen |
| | 77. Yugoslavia |

*) Representatives of SCAP (for Japan), USAFIK (for Korea), and AGC (for Germany) may attend the conference in a non-voting capacity.

§ 2. Any Government or any delegation duly accredited by any other delegation may, either permanently or temporarily, give a proxy to the delegation of another country to vote in its place for the duration of the Conference, if this Government cannot send representatives, or for one or more sessions, when this country cannot be represented. A delegation may not under any circumstances dispose of the votes of more than two delegations. However, the delegations of the United Kingdom and the United States may vote for the whole of their Colonies, Protectorates and Territories.

Chile. 24 TR (Doc. No. 6 TR-E), Art. 25.

Number of Votes.

Every Government of the countries taking part has a right to one vote.

Italy. 66 TR and 101 TR (Doc. Nos. 11 TR-E and 12 TR-E)

Art. 21. Delete this article which it is proposed to include in the Convention (see art. 12 bis of the proposals for the Convention)...

Article 12 bis.

Right of vote.

§ 1. In the plenary assemblies of all the Conferences, the countries or groups of countries hereafter mentioned and taking part in the Conferences have a right to a deliberative vote.

.....

.....
(List of countries and complementary provisions to be fixed by the Conference of Atlantic City, account being taken of the recommendation adopted by the second plenary assembly of the Telegraph and Telephone Conference and of the Radiocommunication Conference of Cairo.)

§ 2. A delegation can vote only for the country or group of countries which it represents.

§ 3. A delegation that is prevented by some serious reason from attending the sittings, can intrust another delegation with its vote or votes. Nevertheless, one and the same delegation cannot in such circumstances, give the vote of more than one delegation in addition to its own.

Reason.

The right of vote ought to figure in the Convention and not in the Regulations, so as to avoid long discussions, a considerable loss of time and difficulties in the performance of the work at the beginning of each Conference, as was the case at the Conferences of Madrid and Cairo.

The countries having the right of vote will be designated by the Conference of Atlantic City.

France. 121 TR (Doc. No. 14 TR-E), Art. 21.

Right of Vote

§ 1. Each member of the Union has one deliberative vote.

Nevertheless, in the case of voting in connection with Regulations other than the General Regulations, the right of

vote of each member of the Union can only be exercised in case of accession to the said Regulations.

§ 2. A delegation prevented for serious reasons from attending the sittings, may intrust another delegation with his vote. Nevertheless, one and the same delegation may not, under these conditions dispose of more than two votes, including his own.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 157 TR-E

July 29, 1947

Committee F

COMMITTEE F

Comparison of the texts of Document No. 5ter of the Moscow Conference and the corresponding proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 16

ORDER OF PLACES

At Plenary Assemblies, the Delegates, Representatives, their attachés, experts and interpreters, grouped according to Delegations, shall be seated in the hall in accordance with the procedure adopted at meetings of the General Assembly of the United Nations.

The corresponding text in Appendix C of the Madrid Convention, Art. 16, is the following:

ORDER OF SEATING

At plenary assemblies the delegates, attachés, experts and interpreters are grouped in delegations, and seated in the hall of debates in accordance with the alphabetical order of the French names of the countries represented.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 14 (Doc. No. 42 TR-E) is the following:

ORDER OF SEATING

In plenary sessions the delegations shall be seated according to the alphabetical order in the French language of the names of the countries represented.

CHILE. 24 TR (Doc. No. 6 TR-E), Art. 21.

ORDER OF SEATING

In the plenary assemblies, the delegates, functionaries, attachés, experts and interpreters, grouped by delegation, are seated in the conference-hall in the alphabetical order of the French names of the countries represented.

UNITED KINGDOM. 49 TR (Doc. No. 9 TR-E), Annex 6, Section II, Art. 13.

ORDER OF PLACES

At Plenary Assemblies, the Delegates and Representatives with their attachés, experts and interpreters, grouped as Delegations, shall be seated in the hall in accordance with the procedure adopted at meetings of the General Assembly of the United Nations.

Reason.

As Article 15 of the Cairo Rules adapted to conform to United Nations procedure.

ITALY. 95 TR (Doc. NO.12 TR-E)

Art. 16. Add in conclusion: In the meetings of the Commissions, Sub-Commissions and Sub-Sub-Commissions the choice of seats is free.

FRANCE. 121 TR (Doc. No. 14 TR-E), Art. 16.

ORDER OF SEATING

At plenary sittings, the delegates, attachés, experts and interpreters, grouped according to delegations, are seated in the Assembly Hall in the alphabetical order of the French names of the members of the Union represented.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 158 TR-E

July 29, 1947

Committee F

COMMITTEE F

Comparison of the texts of Document No. 5ter of
the Moscow Conference and the corresponding proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 17

Order of Discussion.

1. Delegates and Representatives shall speak only after obtaining permission from the Chairman. As a rule, they shall begin their speeches by announcing the name of the country or organisation they represent.
2. The Delegate or Representative who has received the floor shall speak slowly and distinctly, pronouncing every word separately, to enable all those participating in the meeting to follow his meaning.

The corresponding text of Appendix C of the Madrid Convention, Art. 17, is the following:

Order of Discussion.

1. The delegates and representatives speak only after obtaining the consent of the Chairman. As a general rule they begin by announcing the name of their country or company.
2. Any delegate or representative speaking must express himself slowly and distinctly, separating his words clearly and pausing frequently so that all his colleagues may be able to follow his meaning.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 15, (Doc. No. 42 TR-E), is the following:

Order of Discussion

§1. Persons desiring to speak may take the floor only after having obtained recognition from the Chairman. As a general rule, they shall begin by announcing the name of their country.

§2. Any person having the floor must express himself slowly and distinctly, separating his words well and making frequent pauses, so as to make it possible for all his colleagues to understand his meaning clearly.

CHILE. 24 TR (Doc. No. 6 TR-E), Annex II, Art. 22.

Order of Discussion.

The delegates rise to speak on the authorization of the Chairman. They begin their speech by naming the country they represent.

Delegates are requested to speak slowly and distinctly and to pause long enough to permit, when necessary, of the translation of their speech.

UNITED KINGDOM. 49 TR (Doc. No. 9 TR-E), Annex 6, Section II, Art. 14.

Order of Discussion.

Delegates, Representatives and Expert Observers shall speak only after obtaining permission from the Chairman. As a general rule, they shall begin by announcing the name of their country or organization.

Reason.

Based on Article 16 of the Cairo Rules.

ITALY. 96 TR and 97 TR (Doc. No. 12 TR-E).

Art. 17 §1. Read:

§1. The delegates, representatives, expert-observers and envoys speak only.....

Art. 17, § 2. Read:

§2. Any delegate, representative, expert-observer or envoy when speaking.....

FRANCE. 121 TR (Doc. No. 14 TR-E), General Regulations,
Art. 17.

Order of Discussion.

§1. Delegates, representatives and expert-observers may only rise to speak with the permission of the Chairman. As a rule, they begin their speech by naming the member of the Union or the organization which they represent.

§2. The delegate, representative or expert-observer who has received the floor, shall speak slowly and distinctly, pronouncing his words separately, and pausing from time to time to enable all his colleagues to grasp his meaning.

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COMMITTEE F

Comparison of texts of document 5 ter of the
Moscow Conference and the corresponding pro-
posals.

Internal Regulations of the Conferences

Article 18

Proposals presented in the Course of the
Conference at the Plenary Assembly.

1. At Plenary Assemblies, each Delegate or Representative may read any proposal or correction made by him during the course of the Conference, or request that they be read, and be allowed to state his motives.
 2. No proposal, or amendment presented either before the opening of the Conference or under the conditions stipulated in the preceding paragraph shall be submitted for discussion or voting, unless it is countersigned and supported by the Head of the Delegation or his Deputy.
-

The corresponding text of appendix C to the Madrid Convention art. 18, is as follows:

Proposals made in Plenary Assemblies during
the course of the Conference.

1. Same text as § 1 above.
 2. No proposal or amendment presented either before the Conference or in the circumstances set out in the preceding paragraph, is submitted to discussion or to vote unless it is countersigned or supported by at least one delegation.
-

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, art. 16 (Doc. No. 42 TR-E), is as follows:

PROPOSALS SUBMITTED IN PLENARY
SESSIONS DURING THE COURSE OF THE
CONFERENCE

§ 1. In plenary sessions, any authorized member of a delegation may read or request the reading of any proposal or amendment submitted by him during the course of the conference, and be permitted to state the reasons therefor.

§ 2. Same as Madrid text.

CHILE 24 TR (Doc. No. 6 TR-E), Annex II, art. 23.

Proposals and Amendments.

Proposals and amendments may be introduced before and in the course of the Conference.

None but Governments may make proposals before the Conference. Proposals must be sent, through the diplomatic channel, to the Government of the country organizing the Conference and to the Bureau of the Union, in order that the Secretariat General may communicate them beforehand to the Governments taking part in the Conference.

None but delegates may introduce proposals and amendments during the Conference. When this is done, the definite text must be remitted to the Initiative Commission through the medium of the Secretary General, who deals with them when they comply with the following conditions:

- (a) They must have a direct bearing on the agenda of the Conference;
- (b) They must have their source in the work and examinations undertaken by the Conference.

Representatives and expert observers may only make proposals and amendments through the medium of their delegations.

Every delegate may read - or ask to have read - any proposal or amendment presented by his delegation, and be allowed to explain his reasons.

Subject to other provisions of the present Regulations concerning the matter, no proposal or amendment may be put to vote without previous notice by the competent Commission.

UNITED KINGDOM 49 TR (Doc. No. 9 TR-E), Annex 6,
Section II, art. 15.

Proposals presented before the Conference or in the course of the Conference at the Plenary Assembly.

§ 1. Proposals submitted before the Conference in accordance with Article 1, § 6, of these Regulations shall be allocated to appropriate committees by the opening Plenary Assembly.

§ 2. At Plenary Assemblies, any Delegate or Representative may table any proposals in writing or amendment thereof made during the course of the Conference. He may request that it be read, and be allowed to state his motives. Otherwise proposals presented during the course of the Conference shall be dealt with in accordance with Article 16 of these Regulations.

§ 3. No proposal tabled either before the Conference in accordance with Article 1, § 6, or in the circumstances set out in the preceding paragraph, shall be submitted for discussion or voting, unless it is countersigned or supported by at least one Delegation.

Reason.

Elaboration of Article 17 of the Cairo Rules.

ITALY 98 TR (Doc. No. 12 TR-E)

Art. 18. Replace § 2 of this article by the following new article:

Article 18 bis

Proposals submitted to vote

No proposal or amendment presented before the opening of the Conference or in the conditions indicated in Article 18 is submitted to vote unless supported by another delegation.

Reason.

It is advisable that all proposals and the amendments be discussed; in most cases, this system is the one used in general practice.

FRANCE 121 TR (Doc. No. 14 TR-E) General
Regulations, Art. 18.

Proposals presented in the Course of
the Meeting in a Plenary Sitting of
the Conference.

§ 1. In plenary sittings of the Conference,
each delegate or representative may read, or cause
to be read, any proposal or amendment presented by
him in the course of the meeting and be allowed to
state his reasons.

§ 2. No proposal or amendment presented
either before the meeting or under the conditions
stipulated in the preceding paragraph, shall be
submitted for discussion or voting if not counter-
signed by the Head of a delegation or his Deputy.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 160 TR-E

July 29, 1947

Committee F

COMMITTEE F

Comparison of Texts of Document No 5ter of the Moscow
Conference and Corresponding Proposals.

INTERNAL REGULATIONS OF CONFERENCE

Article 19

PROPOSALS PRESENTED IN THE COURSE OF THE CONFERENCE
AT THE PLENARY ASSEMBLY

1. Proposals and amendments presented after the opening of the Conference shall be transmitted to the Chairman of the competent Committee, or in the event of doubt as to attribution, to the Chairman of the Conference.
2. Each proposal or amendment shall be submitted by their authors in duly edited final form in which they wish it to be incorporated in the documents.
3. The Chairman of the interested committee shall decide how the aforesaid proposal or amendment shall be announced; by distributing copies among all the delegates or merely by oral announcement to the Members of the Committee.

The corresponding text of appendix C to the Madrid Convention, Art. 19, is as follows:

Proposals made in Committee in the course of the Conference.

- §1. Proposals and amendments presented after the opening of the Conference must be delivered to the Chairman of the relative Committee or, in case of doubt as to allocation, to the Chairman of the Conference.

- §2. French text identical to § 2 above, English text similar to § 2 above from point of view of substance.
- §3. French text identical to § 3 above, English text similar to § 3 above from point of view of substance.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City Art. 17 § 1 and 2, Doc. No. 42 TR-E, is as follows:

Proposals submitted in Committee Meetings during the course of the Conference

- §1. Proposals and amendments submitted after the opening of the Conference must be transmitted to the Chairman of the Conference for assignment to the competent Committee.
- §2. French text identical to that of Moscow and Madrid, English text similar to § 2 Moscow and Madrid, from the point of view of substance, but different in the wording.
- § (deleted)

UNITED KINGDOM 49 TR (Doc. No 9 TR); annex 6,
Section II, Art. 16.

Proposals presented in the Committees in the course of the Conference

- §1. Proposals and amendments presented after the opening of the Conference shall be transmitted to the Chairman of the competent Committee or in the event of a doubt as to attribution, to the Chairman of the Conference.
- §2. Each proposal or amendment submitted by a Delegate shall be in the definitive form of words which he contemplates including in the body of the acts.
- §3. The Chairman of the Committee in question shall decide how the aforesaid proposal or amendment shall be announced whether by distribution of copies or merely by oral communication to the members of the Committee.

Reason

Article 18 of the Internal Regulations of Cairo.

ITALY 99 TR and 100 TR(Doc. No. 12 TR-E.)

Art. 19. Title. After the words, in a Commission, add: sub-Commission or Sub-sub-Commission.

Art. 19. § 1 and 3. Add four times after the words of the Commission, the words Sub-Commission or Sub-Sub-Commission.

FRANCE.121 TR(Doc. No. 14 TR-E) General Regulations Art.19.

Proposals presented in Commissions in the course of the Meeting of a Conference.

§1. Proposals and amendments presented after the opening of the Conference must be sent to the Chairman of the competent Commission or, in the event of doubt as to his powers, to the Chairman of the Conference.

§2. Each proposal or amendment must be submitted by their author in the definite text in which he wishes it to be incorporated in the acts.

§3. The Chairman of the Commission concerned shall decide as to how the aforesaid proposal or amendment shall be announced, whether by distributing copies of it to all delegates or by simply announcing it verbally to the members of the Commission.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 161 TR-E

July 29, 1947

Committee F

Committee F

Comparison of texts of Document No. 5 ter of
the Moscow Conference and the Corresponding Proposals

Internal Regulations of the Conferences.

Article 20

Postponed Proposals

Should any proposal or amendment be reserved or its discussion postponed, the author is responsible for seeing that it is not subsequently overlooked.

The corresponding text of Appendix C of the Madrid Convention, Art. 20, is as follows:

Postponed Proposals

When a proposal or an amendment has been reserved or its examination has been postponed, the author of the suggestion is responsible for seeing that it is not subsequently overlooked.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 17, § 3 (Doc. No. 42 TR-E) is as follows:

When a proposal or an amendment has been reserved or when its examination has been postponed, the delegation sponsoring the proposal must see to it that it is not lost sight of subsequently.

CHILE. 24 TR (Doc. No. 6 TR-E), Annex II, Art. 24.

Postponed Proposals.

When a proposal or an amendment has not been examined, or when its examination by the commissions has been postponed, the delegation interested may

insist, but only once, on that proposal or amendment being dealt with.

UNITED KINGDOM. 49 TR. (Doc. No. 9 (TR-E), Annex 6,
Section II, Art. 17.
(Madrid Text)

FRANCE. 121 TR (Doc. No. 14 TR-E), General Regulations,
Art. 20.
(Madrid Text)

July 29, 1947

Committee E.

R E P O R T
of the Convention Committee
(Committee E)

4th Meeting
July 24, 1947

The Chairman called the meeting to order at 3:40 p.m.

1. In accordance with Item 1 on the agenda (Document No. 134 TR-E) the Committee adopted the report of the 3rd Meeting (Document No. 131 TR-E) subject to the following reservations:

Paragraph 3. Change 13 TR-E to 15 TR-E

Paragraph 7. Statement of the Delegate from the United Kingdom. After the words "this arrangement" add: "which was obviously limited to telegrams sent by the Government Services of the United Kingdom."

Paragraph 7. After the Italian declaration, insert: "The Delegate from Greece explained Proposal 159 TR-E. The purpose of this proposal is the same as that of similar proposals submitted by the United States and the United Kingdom. He added that in order to insure a suitable degree of priority to government telegrams of real importance, it is necessary to reverse the principle of Article 30 of the Madrid Convention, and to grant priority, therefore, only if it is specifically requested by the sender."

Item 2 on the agenda

2. At the suggestion of the Chairman, the Committee decided that Mr. Leproux of the French Delegation would be Chairman of Subcommittee E, in charge of examining Article 15 (Arbitration Procedure) and that the afore-said Committee would begin its work as soon as possible.

Item 3 on the agenda

3. The Committee continued its study of Article 30 for which a provisional text had been adopted at the preceding meeting.

The Delegate from the United Kingdom set forth the reasons which had led his Delegation to formulate a 2nd paragraph to Article 30. This paragraph provides for the discontinuance of preferential rates recognized heretofore in the Convention without specific authorization for Government communications on certain systems.

He stressed the difference between government telegrams and private telegrams as regards both priority and repeating back, and pointed out that, for a single rate unit, government telegrams enjoy greater privileges than those accorded to a private telegram for which the sender had paid a rate of two and a half units.

(Similarly, in the case of telephone calls, urgent official calls are charged a double rate whereas urgent private calls are charged five times the ordinary rate).

The reasons for the United Kingdom's proposal to discontinue preferential rates are set forth in the note corresponding to Article 22 (proposal No. 49 TR-E, Document No. 9 TR-E) and are essentially of an economic nature. He summarized these proposals, point out that fixing lower rates for official telegrams necessitates a subsidy from the government enjoying these privileges, and that this subsidy is furnished by the public which is itself obliged to pay higher rates for its own telegrams to offset the reduced income of the operating agency.

The Delegates from Portugal, Lebanon, Greece, Italy, China, France, Uruguay, and Chile opposed the adoption of this proposal for the following reasons:

1. questions of rates fall within the province of the Telegraph and Telephone Regulations and not of the Convention which should confine itself to questions of principle;
2. the Convention cannot insert provisions which would jeopardize national sovereignty;

3. the inclusion of such a provision would be contrary to Article 13 of the Convention, concerning the special agreements which a government may conclude within the framework of the Convention.
4. Government expenditures must not be augmented by an increase in the rates for government communications.
5. preferential rates granted for government communications are a matter of simple justice because the government is an important client and, all appearances to the contrary, the advantages thus accorded are not very great.

The Delegate from the United States was of the opinion that this question of rates deserved a more detailed study than can be made by this Committee.

The Delegate from the U.S.S.R. said he agreed with the Delegate from the United States.

The Delegates from Sweden and India were in favor of the proposal of the United Kingdom, feeling that:

1. the existence of these preferential rates complicates book-keeping;
2. as the Delegate from the United Kingdom had said, the deficit incurred by operating agencies because of the reduced rates for government telegrams is borne by individuals and that, furthermore, this is in direct opposition to Article 22 and paragraph 4 of Article 3.

Subsequent to this discussion the Committee ruled against the adoption of the proposal of the United Kingdom.

Article 30 therefore reads as follows (provisional wording):

"Government telegrams, radiograms and, insofar as possible, telephone conversations shall enjoy the transmission priorities stipulated in the Regulations when priority is claimed by the sender."

The Delegate from the United States pointed out that he had accepted this text only provisionally and that he would be in a position to submit a more specific text when the Committee reconsiders this article.

The Chairman requested him to submit the above mentioned text to the Rapporteurs and said that it would be taken into account when the Committee takes up the task of drafting a more explicit wording of this article.

The Committee proceeded to the consideration of Article 24.

The various proposals all advocated retaining the text of the article of the Madrid Convention. Article 24 is therefore retained without fundamental change.

5. The Committee then proceeded to the study of proposals pertaining to Article 13. "Special Arrangements," contained in Documents 90 TR-E and 96 TR-E. The latter contains a proposal of the United States which cancels the proposal contained in Document 90 TR-E. The Chairman requested the delegates to discuss only the proposals having a bearing on special arrangements and to omit the question of regional arrangements which concern the structure of the Union and are therefore, within the competence of Committee C. He stated that he would consult with the Chairman of Committee C, to corroborate this division of work which had been agreed upon by the heads of the Committees concerned.

The Chairman then proceeded to a detailed analysis of the different proposals. After an exchange of views by the Delegates from Chile, France, Italy, and the United States, the Chairman proposed that the consideration of this article be momentarily deferred in order to make it possible to compare in a clearer and more detailed way in a single document the substance of all these proposals.

6. The Committee then proceeded to the study of:

Article 26. Stoppage of Telecommunications

Article 27. Suspension of Service

The proposals relating to these articles are mentioned in Document 80 TR-E. After a brief exchange of views it became evident that as a whole these proposals were in agreement on the substance of Articles 26 and 27, but that the proposal of the United States contained in Article 24 of Document 2 TR-E provides for the inclusion of a new paragraph defining freedom of telecommunications which should be insured by the countries which are members of the Union. A similar proposal was formulated by Chile in Article 37 of Document 6 TR-E.

The Delegates from Italy, Lebanon, Portugal and Czechoslovakia agreed in thinking that the insertion of this new paragraph is unnecessary and that this idea of freedom is implicit in article 22; they would prefer to maintain the status quo.

The Delegate from France, referring to Article 41 of the United Nations Charter which stipulates that telecommunications relations may be suspended at the request of the Security Council, would like to have Articles 26 and 27 begin with the phrase: "taking into account the provisions of Article 41 of the United Nations Charter"

The Chairman said he thought that this question falls rather in the province of Committee D: Relationship between the I.T.U. and the U.N. This opinion was accepted.

The Delegate from France explained that the proposals of his country advocate completing Article 27 by a 2nd

paragraph which states specifically that each country is free to suspend transit traffic as well as outgoing and incoming traffic.

After a brief discussion participated in by the Delegates from the U.S.S.R., China, Iran, Italy, Guatemala, Portugal, the United Kingdom, Czechoslovakia, the United States, and Lebanon, the Committee adopted the proposal of the Italian Delegate to replace this paragraph by the addition of the words "outgoing, incoming and in transit" after "certain classes of correspondence" in Article 37.

Therefore Article 26 remained unchanged in substance.

Article 27 became "Each contracting government...." "and/or certain classes of communications; outgoing, incoming and in transit, shall immediately so advise"

7. Replying to a remark of the Delegate from the United States, the Chairman specified that the texts adopted are only provisional, and that the Committee first reached an agreement on the substance of these texts; their wording would be improved subsequently, taking into account the different proposals which advocate a change in form.
8. The Chairman then proposed that the Committee proceed Saturday to the consideration of Article 32: Monetary Unit, and that the following week, it study Articles 24 to 28 and Article 13.
9. The meeting was adjourned at 6:20 p.m.

Rapporteurs:

A. David
H. Lerognon

Chairman

H. Townshend

July 29, 1947

Committee E

A G E N D A

for the
Sixth Meeting * of Committee E to be held
on Wednesday 30th July at 3:30 p.m.
in Trellis Room (Ritz)

[* Note: no agenda was circulated for the Fifth Meeting.]

1. To approve minutes of Fourth and Fifth Meetings (Doc. No. 162 TR-E)
2. Article 13 Madrid Convention "Special Arrangements"
(continued from 4th meeting)

(a) Report by Chairman as to discussion with Chairman Committee C regarding proposals for regional arrangements (see para. 7. of Minutes of 4th Meeting Doc. No. 162 TR)

(b) To discuss document concerning main differences of opinion on this Article with a view to getting an agreed text.

[Note: it is hoped to circulate this document at or prior to the meeting]

3. Article 30 Madrid Convention "Priority of transmission of Government Telegrams and Radiotelegrams"
(Doc. No. 91 TR)

To note U.S. proposal (if received)

4. Detailed (second stage) consideration of the following Articles (if time permits)

(a) Article 28 Madrid Convention "Investigation of Infringements" (see individual proposals referred to in Doc. No. 80 TR)

(b) Article 22 Madrid Convention "Telecommunication and public services" (see individual proposals referred to in Doc. No. 80 TR)

(c) Article 23 Madrid Convention "Responsibility"
(see individual proposals referred to in Doc. No. 80 TR)

Notes on Status of Work of Committee

1. It has been agreed that the following Articles of the Madrid Convention shall be preserved subject to minor textual alterations which are to be considered later

- (a) Art. 24
- (b) Art. 26
- (c) Art. 27

2. Sub-Committee E/1 is studying Article 15 Madrid Convention "Arbitration" and will submit a report in due course

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 164 TR-E

July 29, 1947

Committee D

Report
of the Committee on Relationship Between I.T.U. and
United Nations
(Committee D)

4th Meeting.

July 23, 1947

The meeting was opened at 10 a.m. by the Chairman,
Colonel Rafael S. Milans.

The Chairman read a telegram in which the Secretary
of the Economic and Social Council offered to send a
Negotiation Committee that will be instructed to discuss
the terms of an agreement with the United Nations. He
suggested that negotiating committee meet with a nego-
tiating committee of the Telecommunications Conference
about August 6.

It is agreed that the Committee shall carry on its
work with a view to drawing up a draft agreement and
that it shall appoint a Negotiation Committee in this
connection.

The Chairman pointed out that the Committee had
decided to take as a basis for its work Document 75 TR-E
which is a reproduction of the agreement that had been
made between the Negotiation Committee of the United
Nations and the Universal Postal Congress.

The Delegation from Uruguay believed that before
continuing the discussion of the articles, it would be
advisable to reach an agreement on the following three
points:

1. Should or should not the I.T.U. become a
specialized agency?

2. May the I.T.U. permit the use of a preliminary
sanction by the United Nations when new members are to be
admitted?

3. Should Article 103 of the Charter also apply to members who do not belong to the United Nations?

The Delegate of Lebanon recalled the experience of the Postal Union and asked the Assembly to refer to it. The independence of the Union was not affected. The delegate from India pointed out that minutes of the last meeting were not yet ready but he recalled that the Committee had decided then to proceed with the study of the U.P.U. agreement. There should be but few modifications since the delegates to the Congress of Paris were Plenipotentiaries, and in most cases representatives of the same administrations which had representatives at the I.T.U. Conference, and their instructions from their governments must be similar. A general discussion did not seem necessary to him.

The Delegates from Italy, Egypt, Sweden, and Denmark supported the point of view of the Delegate from India.

The Delegate from Australia remarked that he could see no analogy between the U.P.U. and the I.T.U., and that the argument based on the fact that certain countries have combined administrations of post and telegraphs, was not pertinent. A general discussion was necessary. He advocated that the committee attempt to reach agreement on those articles which are not controversial, threshing out later those on which the Delegations differ.

The Delegate from Belgium pointed out that his country, which had played a prominent role in the organization of the United Nations, could not be suspected of any mistrust towards it. However, it is necessary to safeguard the independence of the Union. The I.T.U. is much more important than the U.P.U. The circumstances are different. It cannot wish to admit certain things that the U.P.U. has admitted and that is why it is necessary to make a general study of the matter. It is particularly advisable to set aside the article giving to the I.T.U. the character of a specialized agency, which can only be the possible result of a general study.

The Delegate from France took up the last point raised by the Delegate from Belgium, and recalled that he had made the same proposal during the course of the previous meeting. He recalled that he agreed to the establishment of relations but that he would like to have a reply from the Representative of the

United Nations to the question asked; that is, if it is possible to establish relations with the United Nations, according to the procedure that he had suggested, without the I.T.U. necessarily becoming a specialized agency.

The Delegate from the United Nations read the documents presented by the United Nations observer at the U.P.U. Congress which indicated that in the text as it now exists it is not possible for a government agency of an international nature to have relations with the United Nations without becoming a specialized agency.

The Delegate from France pointed out that these texts are known but that they do not reply to the question asked; as it is a matter of knowing if the Charter may be amended in the sense proposed to permit the establishment of relations without transformation into a specialized institution.

The Delegate from Egypt asked, in view of the fact that it is a question of modifying the Charter, if the Committee is ready to submit proposals to this effect. The Committee has not decided that the I.T.U. does not wish to become a specialized agency. It seems wise to return to the proposal made by the Delegate from India which is very reasonable.

The Delegate from Uruguay indicated that since the discussion had become general, the point of view that he had previously expressed was confirmed. It was necessary to establish the principles around which the discussion might be carried out. The two conventions have no points in common. It does not seem to be practical, furthermore, to ask for a revision of the Charter, which is an essential document, to facilitate the drawing up of a document of secondary importance, if it is compared to the first.

The Delegate from Argentina supported the above point of view, underlining the fact that time will be gained by proceeding to the study of general questions.

The Delegate from India pointed out that the delegates present have directives from their governments. He knows, as far as he is concerned that the Government of India considers it desirable to establish relations between the I.T.U. and the United Nations. The enthusiasm of the delegates should not cause them to lose sight of their directives. They speak in the name of the governments, and the I.T.U. is an emanation of these governments.

The question of the relative importance of the U.P.U. and the I.T.U. is a matter of opinion. It is certain that in referring to the text of the U.P.U. the Committee will find what it desires. By discussing article by article according to the proposal made previously the discussion would be cleared up. The discussion must be carried on on this basis, setting aside the opposing opinions.

The Delegate from Lebanon supported this point of view.

The Delegate from Chile did not think that the Conference could ask for an amendment to the Charter. However, the proposal made by Uruguay seemed reasonable to him; and it would therefore be necessary to examine also the documents of the U.N.-I.C.A.O. agreement and also the proposed draft agreement drawn up by the U.K.

The Delegate from the U.S.S.R. did not understand why questions that have already received a reply should be discussed. The Committee decided to take the U.N.-U.P.U. agreement as a working basis. It had left off at the first paragraph. It had received terms of reference from the plenary session; and it must carry out these terms of reference instead of losing time in discussion.

The Delegate of Canada asked that there should be no looking backwards, and supported the proposal of India.

The Delegates from Argentina, Greece, France, and Turkey made suggestions regarding working methods.

The Delegate from Egypt proposed the distribution of the texts of article 57-63, 71-103 and 108 of the Charter and that they go on to article 2 of the U.P.U.-U.N. project, leaving aside article 1.

The Delegate from Czechoslovakia recalled:

1. that the decision had been taken to establish relations with the United Nations.
2. that in the last session it had been decided to take as a working basis the U.P.U.-U.N. document.
3. that since then it had been decided that the Committee should also study the I.C.A.O. document and the agreement proposed by Great Britain.
4. that most of the delegates had proposed continuation of the study of the U.P.U.-U.N. document.

He did not understand why their requests were not complied with.

The Delegate from the United States pointed out that the long discussion was bringing no results, but that, however, there was a marked tendency in favor of the study of the U.P.U.-U.N. document. He suggested that the final text be drafted by a small working group, after study of the articles in Committee.

The Delegate from India wondered whether in view of the brevity of the document, the comparatively small size of this Committee and the fact that the text had been drafted by very qualified men who had already examined all of its aspects, it would not be possible to advance the work of the Committee considerably by requesting it to go to work resolutely following the methods it had defined during the last meeting. He suggested that a vote be taken to settle the question.

After statements by the Delegates from Belgium and from China, the Chairman suggested a compromise solution.

The Delegation from Uruguay withdrew its proposal and agreed to the motion proposed by the Delegate from India.

The Chairman asked the French Delegation in what way they judged it possible to approach the United Nations to find out how this organization would react to the proposal which was to be submitted.

The Delegate from France emphasized that the only possibility was a completely unofficial approach.

The meeting then proceeded to a discussion of Article 2 of the I.T.U.-U.N. draft agreement.

The Chairman pointed out that the various versions of this article in the I.C.A.O. and United Kingdom drafts are very similar.

A proposed draft by Italy had already been submitted. The Delegation from the United States proposed a new one in order to allow representatives of the United Nations to attend I.T.U. committee meetings, as had been provided in the U.P.U. agreement. The proposed text is as follows:

"Representatives of the United Nations shall be invited to attend plenipotentiary and administrative conferences, and may be invited to attend other meetings convened by the Union and to participate, without vote, in the deliberations of those meetings."

The Delegate from Uruguay suggested that the right to vote be accorded to the United Nations at plenipotentiary conferences as the United Nations will belong to the Union.

The Delegates from Italy and Belgium felt that it was indispensable to make a distinction between the eventual role of the United Nations as such, and its position in the Union as an operating organization.

The Delegate from Egypt stated that invitation to an organization or a country to conferences may be construed to entail participation in committees. He did not think it necessary therefore to mention this directly.

The Delegate of the United States pointed out that the Union may develop quickly, and that it was therefore fitting to draft a text which would cope with certain predictable contingencies.

The Delegate from Egypt then asked who would be the inviting authority.

The Delegate from the United States indicated that, as he saw it, it would be the Administrative Council whose formation has been proposed.

The Delegate from France believed that it was necessary to avoid confusion by distinguishing in the proposed text between the organization of the United Nations as such, and its status as a result of its participation as an operating organization, since the representation of the United Nations as an operating organization should be defined by special provisions.

The Delegate from Czechoslovakia pointed out that the Committee was discussing details when it did not know what the bodies of the Union would be nor their powers. He asked that the discussion be postponed until a decision was made by Committee C.

After a statement by the Delegate from Chile, the Argentine Delegation proposed adoption of the following text:

"Representatives of the United Nations, as an international organization, shall be invited to attend plenipotentiary and administrative conferences and they may also be invited to attend other meetings called by the Union and to participate in the deliberations without having a vote." The representation of the United Nations as an operating organization will be examined later.

An exchange of views then took place with regard to the various texts under consideration. The Delegates of Greece, China, Belgium, Italy, France and the United Kingdom stated their points of views.

The Delegate from India supported the proposal made by the United States, and asked that it be mimeographed and distributed during the next meeting.

France and Belgium emphasized the necessity of adopting a text that would avoid ambiguity, for example:

"The representatives of the United Nations as such, shall be invited to attend plenipotentiary and administrative conferences and meetings of advisory committees of the Union, and to participate without having a vote in the deliberations of the meetings."

The Delegate from India pointed out that it seemed desirable, for the purpose of drafting, to set up a working group that would include the representatives of the United States, France, Argentina, Belgium and the United Kingdom.

After an exchange of views, brought about by the Delegate from Australia, on the subject of the participation of the U.N. in the Administrative Council, a participation that did not seem possible to the Delegates of the United States, and against which France raised objections of a juridical nature, the Chairman submitted, for the approval of the Committee, the formation of a working group of 5 members proposed by the Delegate from India, to re-draft the text of the proposals submitted, for consideration at the next meeting. This proposal was accepted.

The Delegate from Belgium stated that he could not accept a text allowing an Administrative Council to decide questions about inviting the United Nations. It is only the Plenipotentiary Conference that can do so.

The Delegate from Australia asked to be included in the working group. This proposal was accepted.

The Delegate from the United Nations indicated that in the course of a forthcoming meeting, he would present a concrete proposal from the organization of the United Nations with a view to its participation in the I.T.U. as a technical organization. He therefore suggested that

the working group should wait for the filing of this draft in order to examine certain controversial articles.

It was so decided.

The meeting was adjourned at 1:15 p.m.

Rapporteurs:

Chairman

LEPROUX

/s/Colonel R. S. Milans

F. Trail

July 29, 1947

Committee F

REPORT
of the General Regulations Committee
(Committee F)

8th Meeting
July 26, 1947

The Chairman opened the meeting at 10:15, by explaining his ideas on the procedure to be followed in subsequent work by the Committee. In his opinion, the texts, after recasting by a small editorial group, should be referred to the Committee for ratification. Then they would be sent in groups of articles, accompanied by the necessary commentary, through Committee G, to the Plenary Assembly. The Committee approved this procedure.

The Chairman then continued the examination of the articles of the General Regulations.

Article 11 was adopted as proposed by France, paragraph 2 being thus worded: "The Chairman of each committee shall propose to his committee the approval of the choice of the Chairmen, Vice-Chairmen and Rapporteurs of the Subcommittees."

Article 12, paragraph 1, of Document 5 ter of Moscow deals with the question of languages. The majority of the committee was of the opinion that this question had been irrevocably settled by the Convention. It had at first adopted the Madrid text, then retracted and approved, on the grounds of wording, the text of the Internal Regulations of Atlantic City, as for paragraph 2, number (1).

Article 12, par. 2, sub-par. (2): The committee, after studying a reservation by the United Kingdom on the participation of representatives and observers in plenipotentiary conferences, adopted the Moscow text, with the following addition: "Nevertheless, each delegate; representative or observer, etc."

Article 13, par. 1, sub-par. (1): The committee approved the text of the Internal Regulations of Atlantic City.

Article 13, par. 1, sub-par. (2): Approved in accordance with the proposal of Document 5 ter, with the following change: "Nevertheless, each delegate, representative or observer, etc."

Article 13, par. 2: The text of Document 5 ter was adopted with the addition of the word "and subcommittees."

Upon intervention by the French Delegation, the Committee decided to insert, between paragraphs 1 and 2 of Article 13, paragraph 2 of the French proposal 121 TR-E, with the following modification: "Eventually, committees and subcommittees, etc."

A further exchange of opinion took place on the nomination of rapporteurs, after which the Committee confirmed the decision which had been already made on Article 11, par. 2.

For Article 14, the Committee adopted the text of the Internal Regulations of Atlantic City, but with the addition of paragraph 4 as follows: "The report of the preceding meeting of committees and subcommittees shall be examined and approved by the Chairman of the said meeting."

For Article 15, the Committee adopted the text of Document 5 ter with the addition of the words "and subcommittees."

The meeting was adjourned at noon.

Secretaries:

Armand H. Wolf
A. Trail

Chairman:

Mockli

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Doc. No. 166 TR-E

July 30, 1947

Committee F

R E P O R T

of the Working Group of Committee F

1. The working group has held three meetings and drafted texts of provisions concerning the Meetings of Plenipotentiary and Administrative Conferences. These texts are annexed hereto.
2. The working group felt that it would be advisable to divide these questions in two parts, each forming the topic of a separate paragraph, the one dealing with the Meetings of Plenipotentiary Conferences and the other with Meetings of Administrative Conferences.
3. For purposes of clarification, the working group proposes that the following definition of the term "Delegation" be inserted in the Annex to the Convention:

"Delegation: Persons entrusted with the representation of members of the Union at Conferences. Each member of the Union shall be free to constitute its Delegation as it sees fit. Specifically, a member may include in its delegation either in the capacity of delegates or of experts, representatives of private telecommunications operating agencies recognized by it."

4. The Delegation from the United Kingdom requested that the statement appended hereto be annexed to this report.

Chairman of the Working Group

D. V. Popovic

Annex I

Committee F
Text Proposed by the Working Group

Article (2)

Meeting of Plenipotentiary
Conferences

§1. The Administrative Council, in agreement with the inviting Government, shall set the definite date and exact place of the Conference.

§2. One year before this date, in the case of an ordinary Conference, and at least six months before, in the case of an extraordinary Conference, the Administrative Council (the inviting Government) shall send invitations to the Governments that are members of the Union.

§3. The replies of the Governments that are thus invited should be received by the Administrative Council, (by the inviting Government) at the latest one month before the date of the opening of the Conference.

§4. Immediately after the Administrative Council (the inviting Government) has sent out the invitations, the Bureau of the Union shall request all of the administrations of Governments that are members of the Union to submit their proposals with regard to the work of the Conference within a period of four months. The Bureau of the Union shall coordinate them and send them to all members of the Union at the earliest possible date.

§5. The Administrative Council (the inviting Government in agreement with the other members of the Union) may invite non-contracting Governments to send observers to participate in the Conference in an advisory capacity. In this event, it shall take into account all the recommendations made by the United Nations with regard to not inviting any given government to international meetings.

§6. The United Nations, its subsidiary organizations, and its specialized agencies, as well as all subsidiary organizations may be admitted to the Conference and may participate in its work in an advisory capacity.

§7. As a general rule, the provisions of the preceding paragraphs shall also apply to extraordinary Plenipotentiary Conferences.

The Chairman of the Working Group

D. V. Popovic

Annex II

TEXT PROPOSED BY THE WORKING GROUP
COMMITTEE F

ART. 2-bis

Meeting of Administrative Conferences

1 - The Administrative Council, in agreement with the inviting Government, shall fix the definitive date and exact place of the Conference.

2 - One year before this date, in the case of an ordinary Conference, and at least six months before, in the case of an extraordinary Conference, the Administrative Council (the inviting Government), shall send invitations to Government Members of the Union, which shall communicate the invitation to the private telecommunications operating enterprises recognized by them.

The Administrative Council (Inviting Government) shall itself send a notification to the international organizations which may be interested in this conference.

3 - The answers of the invited Governments, in so far as Delegations of Governments and the representatives of private organizations recognized by them are concerned, must reach the Administrative Council (inviting Government) at the latest one month before the date of the opening of the Conference.

4 - Applications made by international organizations for admission to the Conferences must be sent to the Administrative Council (Inviting Government) within a period of two months from the date of the notification as provided in §2.

Four months before the meeting of the Conference, the Administrative Council (Inviting Government) shall communicate to members of the Union the list of international organizations which have asked to participate in the Conference, inviting them to state their decision within a period of two months as to the acceptance or non-acceptance of these applications.

6 - The following shall be admitted to the Conferences:

- a) the Delegations of Governments;
- b) the Representatives of private operating enterprises recognized by their respective Governments;
- c) the expert observers of the international organizations, if at least half of the Governments which replied within the period fixed in §4 have sent a favorable answer.

6 - The possible admission of other international organizations to Conference shall depend upon a favorable decision made by the Conference itself at the first Plenary Session.

7 - For the invitation either of non-contracting Governments or of the United Nations, and for requesting and sending of proposals to the Conferences. The provisions of paragraphs 4, 5 and 6 of Article 2 shall be applicable.

Annex III

Article 2 bis will replace the separate articles on "Invitation to Conferences" which appear in the Telegraph, Telephone and Radiocommunication Regulations. These articles provide that the Inviting Government may if it so desires, invite a Government, which has agreed and acceded to the Convention, but which has not accepted a particular set of regulations to a conference at which that set of Regulations is to be revised.

It is considered that whether or not acceptance of all sets of Regulations is made obligatory for all Governments party to the Convention, all Governments should have a de jure right to be present at all Administrative Conferences.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
Atlantic City
1947

E
Document No. 167 TR-E

July 30, 1947

Report of the
Convention Committee

(Committee E)

Fifth Meeting

July 26, 1947

The Chairman opened the meeting at 3:35 P.M.

He asked the Committee to begin on the first stage of the study of Article 32-Monetary Unit, under the terms of Report No. 131 TR-E of the Third Meeting. The Delegates were requested to explain the views of their countries on this question. It was agreed that there would be no discussions at that time.

The Delegate from Greece, in an outline appearing in Annex 1, stated that his country wished to abandon the gold standard and use a stable real currency like the dollar, which, in his opinion, would permit uniform charges in both directions for international communications and would also avoid the use of necessary special arrangements for liquidating accounts.

The Delegate from Canada explained that (see Annex 2) the Delegation from his country would advise maintaining the basis of the gold franc subject to its devaluation. The gold franc would then be defined as a gold franc of 100 centimes, weighing 59/310 of a gram and of a fineness of 0.900 (instead of weighing 10/31 of a gram and of a fineness of 0.900).

The Delegate from the U.S.S.R. preferred to retain Article 32 of the Madrid Convention without change.

The Delegate from the Belgian Congo (see Annex 3) could not understand that any existing currency should be taken as a basis, however stable it might seem, because it is, in fact, subject to variations. He would prefer maintaining the gold franc, however, if the solution advocated by the Delegate from Canada were adopted, it would be necessary to call this new gold franc "telecommunication franc" in order to avoid ambiguity; moreover, he believed that it would be better to maintain the present gold franc and, if necessary, change the rates.

The Delegate from Lebanon pointed out that the Bretton Woods Conference had maintained the gold standard as a basis for currencies and preferred to maintain the gold standard as a basic unit.

The Delegate from the United States, (see Annex 4) explained that in accordance with the proposal of his country 165 TR in Document 77 TR-E, his Delegation wished to maintain the status quo of the Madrid Convention on condition "of stating explicitly in the beginning of Article 32 that operating agencies may enter into special arrangements with respect to the monetary unit to be used." In the absence of such arrangements, the monetary unit used would be the gold franc weighing 10/31 of a gram.

The Delegate from Portugal wished to preserve the status quo, because he considered that the viewpoint expressed by the United States in regard to the possibility of concluding special arrangements was already set forth in Article 13, and that it was useless to repeat it in Article 32.

The Delegate from Sweden (see Annex 5) would prefer to maintain the gold franc, the use of which had never caused any difficulty, and which had every advantage from the standpoint of stability, and which facilitated accounting.

The Delegate from France (see Annex 6) wished the status quo to be maintained; the gold standard was the only standard accepted by the whole world which could guarantee sufficient stability.

The Delegate from China wished to maintain the status quo and was opposed to having any national currency whatsoever taken as a basis. (see Annex 10).

The Delegate from Belgium said that he was in favour of a single and only monetary unit: the gold franc, the use of which has always given entire satisfaction, and he considered that the adoption of any other unit would only complicate accounts.

The Delegate from Uruguay saw no serious reason for modifying Article 32.

The Delegate from Argentina (see Annex 7) was also in favour of the status quo.

The Delegate from Chile (see Annex 8) also shared this opinion.

The Delegate from Czechoslovakia, while acknowledging that the present monetary situation was very confused, thought that of the five solutions proposed to the committee:

1. Devaluation of the gold franc;
2. Basic unit: the dollar;
3. Maintaining the gold franc and reducing the charges;
4. Three units: the gold franc, the dollar and the pound sterling; and
5. Maintaining the status quo;

this last solution was certainly the most advantageous because it has been entirely satisfactory up hitherto.

The Chairman, as Delegate of the United Kingdom, (see Annex 9), explained the standpoint of his country which did not favor the gold franc as a unit; but, because of existing conditions, he would be willing to maintain it in the new Convention, on the condition that the adoption of alternative units be specifically recognized and included in Article 32. The United Kingdom felt

that the dollar-pound sterling unit, in particular, which is already used in a number of relations, should be expressly mentioned in the new Article.

The Chairman said that he inferred that this explanation completed the first stage of Article 32 and proposed that the Committee should only begin the second stage, namely, discussion of the different proposals, when a comparative summary of the different ideas brought forward in this meeting had been circulated, which would facilitate the work of the Committee members.

The Delegate from Belgium felt that the Delegates had had sufficient time to explain their views and to study the proposals of the different countries. He thought that a definite majority had expressed itself in favor of maintaining the status quo, and proposed immediately putting this question to the vote, which would gain time.

The Chairman reminded the meeting that the Committee had decided to undertake the study of this question in two stages, and that only the first stage had hitherto been completed; namely, the presentation of the different proposals; he considered this problem very important, and asked for more detailed discussion.

The Delegates from Portugal, Lebanon and France supported the views expressed by the Delegate from Belgium.

The Delegates from the U.S.S.R., China and New Zealand agreed with the Chairman in asking for a continued and more thorough study of Article 32.

The question was put to the vote.

The Committee decided by a majority vote of the members to pursue the study of Article 32.

The Chairman adjourned the meeting at 5:25 P.M.

The Rapporteurs:

A. David
H. A. Lerognon

The Chairman:

H. Townshend

Annex 1

GREECE

The monetary unit is said to be a question of capital importance for the Union; it has even been listed among the important questions which must be regulated by the Plenary Assembly by a two-thirds majority.

The Greek Delegation shares this opinion, excepting, of course, the question of the two-thirds majority.

The importance of the monetary unit is due to the fact that the Convention in Article 32 establishes it as a basis for the composition of rates and making up the accounts imposed by the principle of rendering accounts, prescribed by Article 33 of the said Convention.

In order that the monetary unit may fulfill its purpose, it must be a strong and effective instrument, capable of being used in the mechanism of rates and accounts prescribed by the Regulations.

This mechanism can be summarized as follows:

1. The monetary unit must permit the fixing of uniform rates in both directions for a single international message (Article 26 of the Telegraph Regulations, 31 of the Telephone Regulations).
2. For this purpose the monetary unit must permit the fixing of an equivalent in every national currency approaching the value of the monetary unit as nearly as possible.
3. The monetary unit must be freely exchangeable with the national currencies of at least a few countries, at fixed established rates, and this for the purpose of permitting liquidation of accounts with a fair and indisputable division of the charges

collected(Articles 97, paragraph 6 of the Telegraph Regulations, 53, paragraph 2 of the Telephone Regulations, 29, paragraph 8 of General Radio Regulations).

When the gold franc was established as the monetary unit of the Union, it fully satisfied all of these conditions. But after the first World War the currencies of various countries successively abandoned the gold standard, and an actual situation was created, which renders difficult and, in the end, impossible, the application of the provisions of the Regulations concerning the monetary unit as a means for setting up charges and making up and liquidating accounts.

Those who were present at the Madrid and Cairo Conferences will recall the animated discussions on this problem which resulted in the final protocols annexed to the Telegraph and Telephone Regulations, in which nearly all the contracting countries reserved the right not to apply the provisions of the Regulations in regard to the gold franc. From that time on the gold franc no longer existed as a monetary unit; each country chose at its own convenience the equivalent of the rates set forth in the Regulations in its currency, and therefore uniformity of rates in both directions was not possible. In addition, a special arrangement was necessary each time to convert the balances into the currencies of creditor countries.

It is therefore clear that in order to relieve this situation a new monetary unit must be chosen which will meet the requirements and provisions of the Regulations without being confronted by reservations of any kind whatsoever in its application.

Taking into consideration all the possible solutions, the Greek Delegation considers that the best solution is to abandon gold as the standard and to adopt as a unit a real currency which, because it was indisputably stable and capable of expansion, would make possible its immediate application to our whole system of charges and accounting.

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(167 TR-E)

ANNEXE 2

CANADA

Mr. Chairman, as the reasons for the Canadian proposal are outlined in Document 115 TR, it is not my intention to take up the time of the Committee by reading them this afternoon. I assume that all delegates have taken advantage of the opportunity, afforded them by Document 115 TR, to study the reasons given, in which case, reading them now is not necessary.

I should like to emphasize, however, two principal factors which form the basic reasons for our proposal.

1. There would appear to be no good reason why a message of 10 words from a given place in Canada to a given place in any other country should not cost the same as a reply message of 10 words, when transmitted over the same communication facilities, in the reverse direction.

If it is the desire of the member countries of the Union that charges should be the same in both directions, and we fervently believe such to be the case, because at all previous conferences the Regulations pertaining to rates were drafted with this end in view, then it would appear that there can be no objection in substance to the Canadian proposal.

2. The second point is that Article 32 of the International Telecommunication Convention Madrid 1932, deals only with the monetary unit by which rates may be set up, but does not say, or even suggest, what such rates shall be. The latter is the prerogative of the Administrative Conference, which has entrusted the matter to subcommittee D of Committee 8 of that Conference. Furthermore, the said subcommittee D is awaiting the decision of the Plenipotentiary Conference on the monetary unit so that it may proceed with its deliberations with respect to the various paragraphs of the Radio Communication General Regulations, and of the additional Regulations which pertain to rates.

As you have already suggested, Mr. Chairman, I respectfully submit, that the delegates present who may wish to speak on Article 32 of the Convention should confine their remarks to the monetary unit as an instrument which neither raises nor lowers rates, but upon which rates will be subsequently established by the Administrative Conference, and by which such rates may be equalized for traffic in both directions insofar as it is possible to do so by this Conference.

(167 TR-E)

BELGIAN CONGO

Annex 3

The Delegation of the Belgian Congo can see no reason for taking any existing currency as a basis.

What seems stable to-day may perhaps not be so tomorrow, and it is quite impossible to make world tariffs depend on social trends which may take place in such and such a country.

A more stable basis must be found.

The Belgian Congo advocates maintaining the gold franc as the exchange basis.

The solution proposed by Canada of a devaluated gold franc would certainly prove acceptable; in that case, this franc with a reduced gold weight should be called "telecom-franc."

However, it appears simpler to us to maintain the gold franc as the unit and eventually to change the current tariffs.

(167 TR-E)

ANNEXE 4

United States of America

The United States Delegation's proposal for revision of Article 32 of the Madrid Convention dealing with the standard monetary unit is set forth in Document No. 77 TR. This proposal reads as follows:

Monetary Unit

Operating agencies may enter into special arrangements with respect to the monetary unit to be used in the composition of international telecommunication rates and in setting up the international accounts. In the absence of such special arrangements, the monetary unit for the foregoing purposes shall be the gold franc of 100 centimes, weighing 10/31 of a gram, and of a fineness of .900.

The United States proposal is for a complete maintenance of the status quo. The first sentence of the proposal brings forward into Article 32 the provisions of Article 13 permitting special arrangements to be entered into by mutual agreement between any two parties. The second sentence of the proposal is the same as the present Article 32 of the Convention, in substance.

The United States desires to retain the privilege of entering into separate arrangements with particular administrations because it has encountered certain disadvantages in attempting to adhere rigidly to the application of the provisions of Article 32 regarding the gold franc. We do not believe that gold or any other single currency can be used as a vehicle to express accurately the relationships between all of the currencies of the world. In practice, few countries, if any, adhere strictly to the gold franc basis in fixing rates of collection. Most countries signatory to the Convention have reserved with respect to the provisions in the Telegraph Regulations regarding the application of the gold franc. Some countries quote coefficients of the gold franc below par and some above par. The United States has found it advisable in certain instances to enter into arrangements in which the United States dollar is geared to the currency of another country, as for example, the Bermuda Telecommunications Agreement, where the United States and the countries of the British Commonwealth agreed upon the use of the United States dollar and the pound sterling for the statement of rates, the establishment of accounts and the settlement of traffic balances for traffic between the United States and the countries of the British Commonwealth. The American Telephone and

(167 TR-E)

Telegraph Company has entered into a series of special arrangements whereby it agrees with the administration of each of its correspondent countries to use the United States dollar and the currency of each such country for fixing rates and settling traffic balances, each currency being related to the other at an agreed upon ratio with a provision for adjustment if either currency fluctuates materially. In view of this need for something more flexible than a rigid application of the gold franc provisions of Article 32, the United States feels strongly that the provisions of the Convention permitting special arrangements should be maintained and in order that there should be no misunderstanding as regards the standard monetary unit, it suggests that appropriate language be included in Article 32. On the other hand, the United States recognizes that the present gold franc is an adequate common denominator in those cases where three, four or five carriers or administrations participate in the handling of traffic. We believe that the present gold franc can serve this purpose just as well as any modification, such as a devalued gold franc, and serve this purpose better than a double currency. Accordingly, the United States proposal recommends that the gold franc of the Madrid Convention be retained for general use and a departure therefrom be permitted on the basis of special arrangements. In summary the proposal of the United States would completely maintain the status quo of the Convention of Madrid by generally contemplating the use of the present gold franc but permitting an exception to be created between parties. In addition, the United States proposal would serve every purpose encompassed in the proposals of the other delegations.

ANNEXE 5

Sweden

The Swedish Delegation does not believe that any benefit for composition of international rates or for the accounting of such rates, could be derived from the replacement of the present gold franc unit by another monetary unit, for instance the U.S. dollar or from introducing another unit to be used concurrently with the gold franc. It must be kept in mind that the gold franc, as we apply it at present for accounting purposes, is virtually a function of the U.S. dollar. It corresponds to a certain quantity of gold, and the value of that quantity of gold can only be determined by comparing it with the price of gold quoted in New York in terms of U.S. dollars. What would then happen if we substituted the dollar for the gold franc as monetary unit? Probably the unit rates now fixed in gold francs in the various sets of regulations or shown in international rate tables would have to be converted to dollars at the now prevailing rate of conversion, which is \$1 = 3.061 gold francs. How can we expect that the administrations would be more willing to adopt their collection rates to these new amounts than to the present amounts in gold francs. We don't think so. We cannot expect that the administrations now collecting their rates more or less in accordance with article 31 of the Telegraph Regulations and art. 48 of the Telephone Regulations and administrations and companies that have hitherto been credited with transit rates in gold francs at par value would be willing to reduce their income to any considerable extent just because of the change of the monetary unit.

And what would then have been gained by that change? We should only have adopted another unit that has all the deficiencies of the old one but is less adaptable to our present rate construction and accounting systems as its value is more than three times as high as that of the gold franc and thus requires a greater degree of fractioning. The United Kingdom's currency if adopted as a subsidiary unit would present the same inconvenience and to a higher degree and, in addition, has the disadvantage resulting from its not being based on the Decimal System.

We don't think that the difficulties that have arisen in establishing uniformity of rates in different countries can be remedied by introducing a new monetary unit because these difficulties are due to other causes, in particular the divergencies existing between the purchasing powers of different national currencies as compared with the exchange rates between these same currencies.

Nor do we think that the introduction of a subsidiary unit to be used concurrently with the gold franc would improve the situation. We rather believe that the use of two or more monetary units might lead to further confusion in international rates and accounting.

The Convention must provide for only one single monetary unit and, as in our view there is nothing wrong with the gold franc unit, we think that the present wording of article 32 of the Madrid Convention should be left unchanged. This, of course, should not prevent administration and operating agencies wishing to make special arrangements concerning the use of another unit than the gold franc in their mutual relations from doing so, if they think fit and if these arrangements do not concern the interests of other administrations and agencies, but this right of course must apply not only to the dollar and pound sterling but to any other national currency, and we do not think, therefore, it is necessary to refer to this facility in article 32 about the monetary unit. It is sufficiently covered by article 13, concerning special arrangements, if this article is left in substance as it stands now in the Madrid Convention.

ANNEX 6.

FRANCE.

It is a real paradox that the representative of a country which does not produce gold and whose gold reserves are insignificant at present should be the one to defend the gold standard in this Committee against the attacks of the United Kingdom and of the U.S.A. When I was studying the economic geography of the world, our text books taught us that gold was an English metal since British possessions produced most of it. Today everyone knows that nearly all of the gold reserves of the world are to be found in the U.S.A.

The question submitted for our study has two aspects:

- a) (From the point of view of monetary technique) it is important to determine whether gold is still the best monetary standard, that is, whether it is still the best standard for value and prices.

I do not insist on this point for the time being, because I feel sure we would all agree that no better standard has yet been found.

- b) If gold is recognized as the best standard, we have to study the consequences of this choice for international telecommunications services.

This leads us to a study of the consequences of the use of the gold franc as the currency for settling accounts in two fields of our services.

1. For the settlement of international accounts.

When settlement of accounts between two countries is involved, it is necessary to refer to Article 94, No.900 of the Telegraph Regulations according to which "the gold franc, as defined in Article 32 of the Convention, shall serve as the monetary unit in preparing the international accounts."

On the other hand, the payment of balances may be made according to the provisions of Article 97 (Nos.945 and 946) which provide that, after agreement between the parties concerned, the payment of

(167 TR-E)

balances may be made in any currency whatsoever.

As a result, the gold franc exists merely as a monetary unit to indicate the sum total of a credit or a debt.

In this instance, therefore, the controversy would be of interest only in a discussion about the status of gold as currency, for accounting which does not seem to be the case.

2. The Gold Franc and rates.

According to Article 26, No.170, of the Telegraph Regulations "the rates for messages exchanged between the offices of any two countries of the Union must be equal over the same route and in both directions."

On the other hand, "In order to insure the uniformity of rates prescribed by Article 26, the countries of the Union shall fix an equivalent in their respective currencies for the collection of their charges, approaching the value of the gold franc as nearly as possible" (Article 31, No.201 of the Telegraph Regulations).

Before examining the difficulties which might have arisen as a result of the application of these two texts, it is well to ascertain what was said and done about these questions during the recent international telecommunications meetings.

The Inter-American Conference at Rio de Janeiro.

Although mentioned at this Conference, the question of the monetary unit could not be settled. The competent Subcommittee merely recommended "that the provisions of Article 31 of the Telegraph Regulations be applied, with a readjustment of the equivalents of national currencies in relation with the telegraph gold franc as accurately as possible in order to insure uniformity of the charges prescribed by Article 26 of the Regulations and without causing an increase in the charges in the national currency of each country."

If it is borne in mind that monetary manipulations are always in one direction, since they always are expressed as devaluations, the recommendation made at Rio, setting forth contradictory requirements is not applicable. The choice of an equivalent,

always of higher value than the unit, will necessarily result in an increase in rates collected in national currency by the country which has devaluated its currency.

To take into account the position of the Delegation from the United States of America which recommended the dollar as a standard, the Rio Conference mentioned neither the dollar nor the gold franc, and left it to the next international conference to choose a monetary unit with a name other than the gold franc if advisable, and with a smaller gold content, so that no country might have a reasonable motive for making any reservations.

The suggestion brought forward to decrease the gold content in the monetary unit would lead to a general lowering of charges measured by the decrease of the gold weight of the monetary unit.

Is it our wish to proceed to a general lowering of charges in an indirect manner? If this is so, we should say so openly.

Next, two comments:

- a) The question of charges is not within the jurisdiction of the Plenipotentiary Conference. This is a question which primarily concerns the private operating companies, and the latter, being absent from our debates, will be able to express their opinion during the next Telegraph Conference.
- b) It is not necessary to change the monetary unit in order to lower charges. It would suffice to act directly on the charges if they are considered too high.

Bermuda Conference.

Article II (Section 10) of this agreement deals with the monetary unit. The following is to be found there: "In view of the fact that the gold franc system applied to telegraph charges and accounting is unsatisfactory under present conditions, the fixing of charges and the settlement of accounts between the United States and the countries of the British Commonwealth shall be governed by the following general principles."

(167 TR-E)

These principles are based on the substitution of the dollar and the pound for the gold franc in matters of charges and settlement of accounts between the parties concerned.

On the other hand, in paragraph 5 of the same section, it is provided that the United States and the British Commonwealth will seek to establish a charge on a dollar-sterling basis with those countries to which the new maximum rate of 30 cents is extended.

Finally, according to paragraph 6 "if the monetary fund foreseen in the Bretton Woods agreement is established, all the necessary modifications shall be studied by the authorities concerned.

The following remarks can be made on the basis of the provisions of Section 10:

- 1) No details have been furnished on the difficulties resulting from the gold franc in establishing the charges and international accounts.

Until further information is obtained, most of the countries which have kept the gold franc do not appear to have experienced the difficulties mentioned in the text of the Bermuda agreements.

- 2) The United States of America and Great Britain (paragraph 5) seem to put as a condition, to those countries that would accept the 30 cent ceiling, the adoption of the dollar or of the pound instead of the gold franc.

If this is so, two large monetary zones would be created: the dollar zone and the sterling zone.

- 3) The contracting governments at Bermuda have implicitly recognized the precarious nature of the monetary solution that was adopted, since they foresaw "the necessary modifications," at the time when the International Monetary Fund is established.

The Moscow Conference.

Because of the differences in point of view, the Moscow Conference decided to postpone the study

(167 TR-E)

of the monetary question.

The Meeting of the VIIIth

Committee of the CCIT in London (November 1946).

The discussions that took place during the work of the VIIIth Committee disclosed wide disagreement between the delegates. In fact, the Committee found itself faced with two propositions: the British, supporting the Bermuda Agreement; the French, supporting the gold franc.

The Committee merely requested that the two points of view be stated in the summary of its work. The two statements are to be found in Document No. 2 published by the Bureau of the I.T.U. on December 10, 1946.

Study of the Complaints against the Gold Franc.

On this point no precise indication can be drawn from the work of the Bermuda Conference, as the parties concerned proceeded by simple statement under Article 2 No. Section 10 of the Agreement.

On the other hand, the memorandum submitted by the British Administration to the members of the VIIIth Committee of the C.C.I.T. contains a critical statement of the difficulties arising from the use of the gold franc as a unit for accounting. Here is what may be deduced from the statement as well as the answer to each of the points raised.

1. For several years the gold franc has not been satisfactory: - The French Administration, as far as it is concerned, has not hitherto experienced any special difficulty either with the foreign government bureaus or with foreign companies operating in their territory (English and American companies). No proposal had been made to it to abandon the gold franc in favor of any other momentary unit.
2. Users are charged different amounts between two points, according to the direction of the telegram.
In other words, the choice of the gold franc would be an obstacle to the provisions of Art. 26, number 170 of the Telegraph Regulations, prescribing uniformity on charges over the same route between two countries of the Union; these provisions were so ordered "because of the fact that equivalents in the conversion into local currency for charges based on the gold franc

(167 TR-E)

often differ from the actual exchange rates agreed upon between governments.

It is evident that the gold franc has nothing to do with this situation which is exclusively the result of poor adjustment in the choice of an equivalent. This equivalent should correspond to the actual exchange rates agreed upon between the governments; it is in this sense that the French Administration has always understood it. In spite of the devaluation of the pound in 1933, the British Office, in as far as it was concerned, never applied the equivalent with the result that the objection brought forward against the gold franc can be turned against the British Office.

The disparity in the charges collected at both ends of a connection has two sources:

1. One of the corresponding countries decides, unalterably, to modify its basic charge, expressed in gold francs, without the other country following suit. This situation arose between certain European nations and the U.S.A. when the latter decided to reduce the rate per word from 1.12 gold francs to 1.04 gold francs in the America-Europe direction.
2. When a country devaluates its currency without applying the provisions of Article 31 of the Telegraph Regulations relating to fixing the monetary equivalent. England and the U.S.A. practiced this policy after the devaluation of their currency in 1931 and 1933 respectively.

The fact that currencies follow the usual rules of international exchange or "the actual exchange rate agreed upon between the governments" does not change the situation at all. In case of devaluation, the only method of equalizing the charges imposed on the users in the two different countries is to employ an equivalent "approaching the value of the gold franc as nearly as possible" (Art. 31 of the Regulations).

However, all countries are not in the same position in regard to monetary devaluations. Some of them, like France, have had to make several adjustments in their currencies - what would have occurred if they had not applied the rule of equivalents?

(167,TR-E)

Little by little clients would have profited by a service tending to become absolutely free. Meantime, the operating State would have had to bear the increasing operating charges resulting from the rise in domestic prices and the charges corresponding to the shares in rates, computed in gold, and due to foreign companies, to the Bureaus of Transit and destination, with less and less coverage by the rates collected from users.

For subsidizing its international telecommunications service the French Government, would, with good reason, have been accused of practicing a form of economic dumping.

The same reasoning cannot be so strictly applied to Great Britain and the U.S.A, at least when the 40% devaluation of their currency took place. In fact, because at that time, domestic prices, due to world-wide conditions, had remained relatively stable, operating expenses were not influenced by monetary transactions. As a result the public of these two countries would not have seen any justification in a rise in charges collected in the national currency.

However, telecommunications operating companies were obliged to assume the losses resulting from settlements of accounts with foreign countries, since there was objection to charging these losses to the clients.

Today, given the price increase recorded in Great Britain and the United States, the finances of the international telecommunications operating companies in both these countries must be seriously affected by this situation. It is no secret that American companies acknowledge big deficits and are asking for an increase in charges from points of origin in the U.S.A. Might it not be well to know the financial balance-sheet of Cable and Wireless?

Consequences of This Situation-

1. France fears evasion of her traffic which can be carried by airplane to London in one hour.

(167 TR-E)

2. In her relations with the U.S.A., France, by maintaining the basic charges at their pre-war level and by faithfully applying the regulation on equivalents, is contributing in the France-U.S.A. direction to reducing the deficit of American companies. In other words the French user pays a high rate, so that the American user may pay a low rate,

It is evident that if such procedures were of long duration, they would tend to create serious resentments and would give rise to necessary retaliatory measures.

3. Some governments would substitute for rates of exchange related to gold, the relative value of currency estimated by the domestic purchasing power of these currencies.

Here we are confronted by a new conception, "the purchasing power," which, in the choice between two stabilities, stability of money and stability of prices, demands the sacrifice of the former for the benefit of the other.

Without penetrating the field of purely financial technique, it can be said in rebuttal that a currency geared to gold offers no obstacle to the stability of prices. It is only necessary to manipulate it properly. The devaluation of the dollar in 1933 formed part of a combination of measures intended to raise American domestic prices.

But, the opinions set forth on this point in the British memorandum have already been surpassed by Article IV (Section 1, para. (b) of the Bretton Woods agreements) "all computations relating to currencies of members for the purpose of applying the provisions of this Agreement shall be on the bases of their par values," that is on the gold bases. (See the question of parity of currencies under the heading: Dominant aspect of the question).

(167 TR-E)

4. There is no longer a selling price for gold.

From this fact, it would follow that this metal "no longer offers a satisfactory means of calculating prices in the modern economic world."

This situation is nothing new; it is the result of the monetary disorder created by the two World Wars. Here is what the City Bank of London said on this question in one of its monthly bulletins in 1938:
"The apparent instability of gold which is expressed in terms of the fluctuations of currencies in their relation to gold, is not an instability of gold, but the consequence of the changeable conditions of the currencies..."

As a matter of fact the Bretton Woods agreements drew up in Article IV (section 2) useful provisions for ending the anomaly in question. It is there stated, in fact "for transactions in gold by members, the Fund shall prescribe a margin. No member shall buy gold at a price above par value plus the prescribed margin or sell gold at a price below par value minus the prescribed margin."

Hence, gold will be sold at a uniform price, plus a margin, fixed by the International Monetary Fund. It will be paid for on a parity with the currencies and, as this parity is fixed by the Fund itself, prices will, to a considerable extent, be the same for all countries.

5. Charges should be geared not to gold but to the dollar and the pound.

On a practical plane, if this suggestion were followed, the basic charges of most of these countries would be fixed in two currencies (the dollar and the pound) according to the geographical location of the corresponding nations. In some cases, for the same destination, taking into account the number of dispatching routes, the basic charges should be expressed in two different currencies, the dollar and the pound.

Settlements of accounts would become complicated... especially to the 0 decimal system used in Great Britain, as most countries would be obliged to effect these settlements on two different bases

(167 TR-E)

It is to be feared that, using the dollar and the pound as a precedent, other large countries would request the same advantages in favor of their national currencies.

If this should happen, the gravest disorders might be expected in a field in which the adoption of the gold franc as an accounting unit had succeeded in reaching a simple solution which has long given satisfaction.

Dominant aspect of the question.

The French Delegation is of the opinion that the telecommunications services could not possibly adopt a monetary policy in opposition to that of the States, to which they are subject.

Moreover, 39 nations have ratified the Bretton Woods Agreements, of which Article 4, section 1, under the title "Par Values of Currencies" gives the following definition of par values. "The par value of the currency of each member shall be expressed in terms of gold, as a common denominator or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944."

The practical result of this definition of parity can be found in the decision of the International Monetary Fund of December 12, 1946, which specified the principal parities accepted by the Fund. Thus the French franc (paper) is considered as corresponding to 0.007461 gr. of fine gold, and the dollar to 0.888671 gr. The dollar-franc relationship expressed in fine gold totals 119,107, that is say, to the official parity of currencies fixed by the government.

Consequently, since December 12, 1946, all currencies the parities of which have been fixed by the International Monetary Fund are geared to gold, considered as the only standard. Their conversion rate is the result of the proportion of fine metal which they are supposed to represent.

The dollar is no exception to the rule and, in order that there should be no possible misunderstanding, in regard to it, the Fund took the precaution of specifying that it referred to the dollar weighing (0.888671 gr.) and of the fineness and title in force on July 1, 1944.

(167 TR-E)

Thus defined, the dollar is a gold dollar. If we now revert to the definition of the gold franc "of a hundred centimes weighing 10/31 of a gram and of a fineness of 0.900" as set forth in the Madrid Convention, everyone can realize that this is a perfect answer to the apprehensions of the originators of the Bretton Woods Agreements. In both cases, a unit for settlement was sought and defined, a unity "detached from any monetary system in force for the purpose of insuring its invariable characteristics and value under all circumstances."

It is obvious for the moment that gold, and only gold, unites all the characteristics required to serve as a standard of values.

The signatory countries of the Bretton Woods Agreements, England and the United States included, are bound by these agreements; they cannot pursue simultaneously a world monetary policy and a monetary policy in telecommunications which are opposed one to the other.

Against discriminatory monetary practices. According to the terms of article VIII (section 3) of the Bretton Woods Agreements, "No member shall engage in any discriminatory currency arrangements or multiple currency practices."

To propose the paper pound or the paper dollar as a basis for charges would amount to having recourse to multiple currency practices, and the Bermuda Agreements constitute discriminatory currency arrangements. In the U.S.A. the dollar continues to have two parities (5.18 gold francs) for the collection of charges, as the rule of equivalence is not applied, and 3.06 gold francs (devaluated dollar) in the settlement of international accounts.

Conclusions.

In Bermuda, the U.S.A. and Great Britain agreed to make all necessary changes in their agreements "if the International Monetary Fund, created at Bretton Woods, were established."

(167 TR-E)

This has now been accomplished. It follows that the provisions of the agreement covering the replacement of the gold franc by the dollar and the pound are virtually obsolete.

Doubtless as long as the strict parities of currencies fixed by the governments continue to exist, the pound or the dollar or any other currency could be used as a standard.

But a correct interpretation of the provisions of Article XIV, section 2, of the Bretton Woods Agreements leads to the belief that the present situation in relation to currencies, meets the requirements of a transitional period. In fact, it is provided, that "members shall have continuous regard in their foreign exchange policies to the purposes of the Fund; and, as soon as conditions permit, they shall take all possible measures to develop such commercial and financial arrangements with other members as will facilitate international payments."

However, everyone is aware that one of the objectives of the U.N. is rapidly to re-establish the channels of world-wide exchanges, and that this purpose can only be achieved by systematically aiming at the free circulation of capital which calls for a world standard of values: gold.

Against the choice of another standard.

In view of the evolution of economic, financial, social contingencies, no one can say at present what the relative positions of the various currencies will be in a few years.

Experience of the period between the two World Wars shows that neither the dollar nor the pound are protected from a monetary manipulation due to pressing domestic circumstances. The stability of these two currencies would be even assured in the future, if these two countries, espousing the theory of the domestic purchasing power of their currency, decided to proceed with new devaluations, to main price stability.

(167 TR-E)

Moreover, neither of these two currencies has the required characteristics for a standard, since neither of them is exchangeable for gold at the issuing banks. Furthermore, if reference is made to Bretton Woods Agreements, currency stability, in future, might not be of an absolute nature, in spite of the intervention of the International Monetary Fund. In fact, "contracting countries are authorized without the concurrence of the Fund to devalue their currency on condition that it does not exceed 10%, and with the concurrence of the Fund up to 10%."

In regard to the dollar, it is obvious that the increase of domestic prices since 1939 amounts to an actual devaluation and also corresponds to a lowering of the prices of gold against which the producers of yellow metal have protested.

Who could assert that this contingency will not some day induce the American authorities to ask for a revision of the dollar parity as fixed on December 12, 1946.

In short, once the period of instability and strict and therefore arbitrary exchanges has passed, currencies will go back to a relative liberty of movement. The exchange value of the currencies will then be fixed by the international exchange which the authors of the Bretton Woods Agreements had no intention of regulating too strictly.

Faced by all the uncertainties of national currencies, gold, and gold alone, offers tested possibilities of stability. Hence there is but one alternative: the gold franc or the gold dollar.

The choice of one or the other would be immaterial if all charges had not been already fixed in gold francs.

Transactional proposal relating to the application of the equivalent.

We have already stated above that in spite of the devaluation of their currency in 1931 and 1933, Great Britain and the U.S.A. did not apply the provisions of Article 31 of the Telegraph Regulations relating to the monetary equivalent. This decision was partly justified by the stability of domestic prices, after the devaluation. So that, had these two countries applied

(167 TR-E)

the provisions of Article 31 of the Regulations literally, the ruthless increase of charges could not have been justified in the eyes of the users, who were only interested in the fluctuations of domestic prices.

Such conditions may arise again, because the evolution of prices within a country does not entirely depend on the relationship between the national currency and gold.

In view of this fact, it will be necessary to improve the wording of the text of Article 31 of the Telegraph Regulations. France will submit a draft, to this effect, at the next International Telegraph Conference.

(167 TR-E)

Annex 7

Appendix VII to Minutes of 5th Meeting Committee 8

Article 32

Statement of the Delegation of Argentina.

In Document No. 55 TR-E, it is stated that the stability of the dollar is beyond question. We know that its value was reduced considerably about 13 years ago. No one can guarantee that a variation in one way or another could not take place in the future.

According to the proposal in document 115 TR-E the gold franc is maintained as a monetary unit, but its weight is reduced by about 41%. In this way, all countries would be obliged to reduce their rates to the level of those which had not complied with Art. 31 of the Telegraph Regulations.

Argentina supports and will support anything which can be done to reduce the rates to reasonable figures, but this should not be done in a unilateral way.

It has, in fact, been proved in the document in question that Canada, which does not itself have to reduce its rates, nevertheless, expects all the other countries to do so, with the exception of the countries whose monetary system is based upon the dollar or the pound.

We must believe that the rates in force in each country are the ones which must be applied. If this were not the case, each of the Administrations could lower their rates by taking as a basis the existing monetary unit.

The rates fixed by the Additional Radio Regulations (which were not signed by Canada), are not minima but maxima rates. If ship stations levy 31 gold franc centimes to cover the coastal charge, and 21 centimes as a telegraph charge, it is because this country has not stated that it would be willing to levy a charge lower than this.

We cannot believe that the difficulties likely to arise at the present about rates or settlements of accounts could be solved merely by the change in

(167 TR-E)

Art. 32 of the Convention, of the word "gold franc" to "dollar" or of the figure 10/31 to 59/310. Three-fourths of the countries who signed the International Telegraph Regulations have formulated reservations about their obligation to use the monetary equivalent to their respective currencies. The fact that only a very small number of these countries have taken advantage of this freedom of action means that no formula exists at the present which could replace the monetary unity or modify its gold value as fixed in Art. 32 of the Convention.

It seems to us, if we are to judge by the proposals that were presented, that everything that we have learned throughout the existence of the international telegraph has been forgotten.

Consequently, Argentina opposes any amendment to Article 32, and wishes to maintain the status quo.

The Delegation from Argentina.

Annex 8

CHILE

Several Delegations have supported Article 32 of the Madrid Convention which fixes the monetary unit on the basis of the gold franc, because they are of the opinion that the maintenance of this unit permits an equitable regulation of the charges.

However, one should not forget that these opinions are limited by the provision set forth in numbers 948 (Art. 97, § 6, sub-paragraph 3) of the Telegraph Regulations and 253 (Art. 53, § 2; sub-paragraph 3) of the Telephone Regulations. Here is the text:

"If the currencies of several countries answer those requirements, it shall devolve upon the creditor administration or private operating enterprise to designate the currency it prefers. Conversion shall be made at par of gold currencies."

However, although the charges are now fixed in gold francs, the creditor administrations or operating enterprises are free to choose whatever currency they wish for the settlements of accounts, a situation which permits undue profits because of the differences in the rate of exchange.

The Delegation from Chile is, therefore, of the opinion that it would be advisable in studying the monetary question to take into account the Bermuda agreements as well as the resolutions adopted at the Bretton Wood Conference so that the Delegates may be familiar with all the data on this subject when they are called upon to decide the question.

(167 TR-E)

ANNEX 9

United Kingdom

1. The United Kingdom is opposed to the use of the gold franc for fixing rates and for determining international indebtedness in respect of telecommunications, but has refrained from proposing its abolition for two reasons:-

- (a) The adequate discussion of such a proposal would occupy more time than is likely to be available at the Plenipotentiary Conference at Atlantic City, and,
- (b) The time is not yet ripe for the universal adoption of a satisfactory alternative.

2. The United Kingdom proposals provide, therefore, for the retention for the present in the revised new Convention of the recognition of the gold franc as a monetary unit for

- (a) the fixation of rates and
- (b) the determination of indebtedness.

(The U.K. attaches importance to the adoption of a material revision of Article 33 governing the actual settlement of accounts; but it assumes that its proposals in regard to this will be discussed when the relevant article is on the Agenda.)

3. In the view of the United Kingdom the universal adoption of the gold franc for fixing rates and determining indebtedness is quite impracticable; hence the U.K. proposals contemplate the recognition in the new Convention of alternatives.

4. The U.K. proposals mention specifically the use of one particular alternative viz. the dollar-sterling unit, which has in practice been adopted in a number of relations and is proving satisfactory.

(167 TR-E)

5. The U.K. delegation does not wish to rule out the use of other alternative monetary units in the prevailing circumstances, which forbid uniformity in practice; but it considers that the dollar-sterling unit, in view of the paramount importance of these two currencies in world trade, should be given special recognition in the new Convention.

6. In the event of this proposal receiving approval in principle by the Committee, the United Kingdom Delegation, will, if the Committee so desire, circulate a short paper setting out the essential features of the dollar-sterling standard.

(167 TR-E) .

Annex 10

CHINA

The Chinese Delegation prefers to retain the present gold franc as the basis of international telecommunications rates and international accounts, and will object to taking the currency of any country as the new unit.

The reason is that the gold franc, although a fictitious unit at present, has a definite weight and fineness which forms a stable basis; while the currency of any country is subject to change at the will of that country. If the currency of any particular country is adopted as a new international monetary unit, all the other countries would find it very uncertain and inconvenient to fix the rates in terms of their own currency on a basis which is itself unstable.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 168 TR-E

July 30, 1947

Note From the Secretariat

In order to permit distribution of the voluminous minutes of the 2nd Plenary Session as promptly as possible it was necessary, for technical reasons, to resort to the rather special pagination used in Document No. 126 TR-E, with the statements read by the delegates appearing as annexes. This document is provisional. It will be replaced shortly by a new version in which the statements will be incorporated in the text of the minutes.

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July 30, 1947

Committee C

WORKING GROUP
of Committee C.

Proposal of the Working Group regarding the wording
of Article 1, §1 and of Article 3 of the Convention.

1. Article 1, § 1

The Working Group proposes that the Moscow text be
adopted with the exception of the word "arrangements" in
the French text which should be replaced by the word
"accords".

2. Article 3

The Working Group proposes that this article be
worded as follows:

Article 3

PURPOSES OF THE UNION

I.- The purposes of the Union are:

a) to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds;

b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, as far as possible, generally available to the public;

II. To this end, the Union will

a) effect allocation of the frequency spectrum and frequency registration in such a way as to avoid harmful interference between radio stations of different countries.

For the following paragraph, two alternative drafts were prepared:

b) (a) Foster the establishment of rates for telecommunication services at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining a sound and independent financial structure.

The Delegations from Ireland and the United States of America expressed their preference for the above wording.

b) (b) Foster collaboration among its members with a view to the establishment of rates for telecommunication services at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining a sound and independent financial structure.

The Delegations from the United Kingdom, France, India and the U.S.S.R. expressed their preference for the above wording.

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* *

For the last two paragraphs, the Working Group proposes the following text:

c) promote the adoption of measures for insuring the safety of life through the cooperation of telecommunication services.

d) undertake studies, formulate recommendations, and collect and publish information on telecommunication matters for the benefit of all members of the Union.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 170 TR-E

July 30, 1947

Committee F

COMMITTEE F

AGENDA

Meeting of Thursday, July 31st

-
1. Minutes of the 7th and 8th meetings.
 2. Examination of Article 21, and thereafter of Articles 16 to 20 of the General Regulations.
 3. If possible, examination of the proposals of the Subcommittee with regard to Article 2.

Chairman of Committee F

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

DOCUMENT NO. 171 TR-E

July 30, 1947

Committee C
Committee E

185 TR

CUBA

Chapter IV

Special Provisions for Radio.

Article 34 of the Convention.

Intercommunication.

Amend § 1. as follows:

§ 1. Stations carrying on radio communications in the international service shall be bound, within the scope of their normal operation, to exchange international radio communications with one another irrespective of the radio system they have adopted.

Reason.

To provide the only practical means of achieving the purposes mentioned in (1) and (2) of the draft of Article 3 of the Convention, as set forth in Volume I of the Moscow documents by doing away with the limitations contained in the Madrid Convention.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 172 TR-E

July 31, 1947

VOTE

on.....

(Form to be used by Rapporteurs
and Members of the General Secretariat)

Meeting of

Delegation	Pre- sent	Absent	Votes			Comments
			For	Against	Abstained	
Afghanistan
Union of South Africa and Man- dated Territory of Southwest Africa
Albania
Saudi Arabia
Argentina
Australia
Austria
Belgium
Belgian Congo and mandated territories of Ruanda-Urundi
Bielorussia
Burma
Bolivia

Delegation	Pre- sent	Absent	Votes			Comments
			For	Against	Abstained	
Brazil						
Bulgaria						
Canada						
Chile						
China						
Vatican City (State)						
Colombia						
Costa Rica						
Cuba						
Denmark						
Dominican Republic						
Egypt						
El Salvador						
Ecuador						
United States of America						
Territories of the United States						
Ethiopia						
Finland						
France						

Delegation	Pre- sent	Absent	Votes			Comments
			For	Against	Abstained	
Overseas Col- onies, Protect- orates and Ter- ritories under French mandate						
French Protect- orates of Moroc- co and Tunisia						
United Kingdom of Great Britain and Northern Ireland						
Overseas Col- onies, Pro- tectorates, Ter- ritories and Ter- ritories under the Sovereignty or mandate of Great Britain						
Southern Rhodesia						
Greece						
Guatemala						
Haiti						
Honduras						
Hungary						
India						
Iraq						
Iran						
Ireland						
Iceland						

Delegation	Present	Absent	Vote			Comments
			For	Against	Abstained	
Italy						
Lebanon						
Liberia						
Luxembourg						
Mexico						
Monaco						
Nicaragua						
Norway						
New Zealand						
Panama						
Paraguay						
Netherlands						
Netherlands Indies						
Peru						
Philippines						
Poland						
Portugal						
Portuguese Colonies						
Roumania						
Siam						
Sweden						
Switzerland						

Delegation	Present	Absent	Vote			Comments
			For	Against	Abstained	
Syria
Czechoslovakia
Turkey
Ukraine
Union of Soviet Social- ist Republics
Uruguay
Venezuela
Yemen
Yugoslavia

Note: Any government or any delegation duly accredited by any other government may, either permanently or temporarily, authorize a delegation of another country to vote in its stead for the duration of the Conference if this government is unable to send representatives, either for one or several meetings when this country cannot be represented. In no case may one delegation exercise the votes of more than 2 delegations. However, the delegations of the United Kingdom and of the United States may vote for their colonies, protectorates and territories as a group.

(Paragraph 2 of Article 18 of the Internal Regulations of the Telecommunications Conference. Document No. TR-E)

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 173 TR-E

July 31, 1947

Committee C

Corrections
to
Document No. 154 TR-E

Page 14. End of first paragraph and before Chile 24 TR, add:

Reason.

To provide for the establishment of a Central Frequency Registration Board.

Pages 22, 23. Article 4, §2 (a) Delete:

"and its 'Bureau"; (b) "Central"; § 6 "and of its Bureau";
§8 "and the Bureau".

Page 26. After last paragraph, add:

Reason for Modification to Proposal 49 TR (Doc.No.9
TR-E).

After studying the proposals of France, Switzerland and the United States, the United Kingdom considers that it would be more convenient and economical to dispense with any inner "Bureau" or Executive Committee of full-time salaried members, within the Administrative Council. The Secretary General, the Directors of the Consultative Committees and the Chairman of the International Frequency Registration Board should be perfectly capable of performing their tasks subject to the directives of the Administrative Council. They would of course be answerable to the Administrative Council, which would survey their activities at regular intervals. Such an arrangement should provide adequately for the current work of the Union.

The broad lines of the United Kingdom's modified proposal are indicated in the rough diagram appended.

It is appreciated that the adoption of the proposal would necessitate certain consequential amendments to the draft Convention prepared by the United Kingdom, and more particularly to Annex 3.

Page 30. After General Consideration, add:

Page 32. After first line add:

31 Jul. 1947

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

DOCUMENT NO. 174 TR-E.

July 31, 1947.

186 TR

I N D I A

Proposal Concerning The Monetary Unit

ARTICLE 32

The tariffs of the international telecommunication services and the international accounts shall be based on an I.T.U. Gold Unit of a weight of 0.1935 gramme of fine gold. This unit shall be divided into 100 parts called I.T.U. Cents. The gold content of this unit shall be modified if 20 or more member countries change, by more than 2%, the gold equivalent of their currencies in the International Monetary Fund Agreement.

Reason

The present monetary unit specified in Art. 32 of the Madrid Convention does not meet the requirements with the result that 58 out of the 70 member countries participating in the Cairo Conference found it necessary not to accept the obligations arising out of this article and the regulations based upon it.

It has been observed that any modification in the gold content of a coin arouses strong sentiments among the countries whose currencies trace back some relationship with that coin. In order to get over this difficulty a specified quantity of gold is proposed to be taken as a unit. The fineness of 0.900 which is applicable to the minting alloy is also given up.

In Proposal No. 170 TR reproduced in Document No. 115 TR-E Canada has attempted to make the gold franc line up with the present day conditions. But as the present day exchange conditions are by no means stable, any change in them will result in the unit proposed by Canada becoming as unsuitable as the present gold franc. The proposal made above takes such changes into account on the same lines as has been done in the Bermuda agreement.

If this proposal is adopted the need for separate agreements between member countries will not arise and it will be possible to settle the telecommunication accounts

through the world bank along with other international settlements.

The quantity of gold specified in the above proposal is based upon the gold equivalent of the Indian Rupce in the International Monetary Fund Agreement. This might need slight modification which will no doubt be examined in the proposed working group.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. .175 TR-E

July 31, 1947

INTERNAL REGULATIONS
of the
INTERNATIONAL
TELECOMMUNICATIONS CONFERENCE
AT ATLANTIC CITY, 1947

Article 1
DEFINITIONS

In the present Regulations the terms "delegates" and "delegations" refer to the representatives of governments.

Article 2
ADMISSION TO THE CONFERENCE

§ 1. As a general rule, only members of delegations may take part in the work of the Conference.

§ 2. The United Nations, its subsidiary organizations and its specialized agencies, and any subsidiary organization of the International Telecommunications Union may be admitted to the conference and may participate in its work in a consultative capacity.

§ 3. Representatives of other international organizations and of private operating agencies may participate in sessions of the conference and of its committees as members of the public in accordance with Article 27 below.

Article 3
OPENING SESSION

The first plenary session shall be opened by a representative of the country organizing the conference.

Article 4
SELECTION OF THE CHAIRMAN AND THE VICE-CHAIRMAN

The Chairman and the Vice-Chairman shall be selected at the first plenary session.

Article 5
GENERAL SECRETARIAT

The first plenary session shall constitute a General Secretariat of the Conference consisting of employees of the Bureau of the Union and if necessary, of employees of the administrations which are parties to the Convention.

Article 6

AUTHORITY OF THE CHAIRMAN

(1) The Chairman shall open and close the plenary sessions, conduct the discussions and announce the results of votes.

(2) Moreover, he shall have general direction of all the work of the Conference.

Article 7

APPOINTMENT OF COMMITTEES

The plenary session may establish committees to carry on the work of the Conference and submit questions to them for study. These committees may appoint subcommittees or sub-subcommittees.

Article 8

MEMBERSHIP OF COMMITTEES 1)

§ 1. The committees shall be composed of members of delegations of contracting governments appointed in plenary session.

The subcommittees are composed of members appointed at a committee meeting.

§ 2. Each government interested in a question considered by a committee or subcommittee shall have the right, if it so desires, to participate in the work of such committee or subcommittee. Any committee or subcommittee may create a small working group.

Article 9

CHAIRMEN, VICE-CHAIRMEN AND RAPORTEURS OF
COMMITTEES AND SUBCOMMITTEES

§ 1. The Chairman shall propose for ratification by the plenary session the selection of chairmen and vice-chairmen of committees.

§ 2. The Chairman of each committee shall propose to his committee the names of rapporteurs and subcommittee officers as may be required.

Article 10

MINUTES OF PLENARY SESSIONS

§ 1. The minutes of plenary sessions shall be drafted by the General Secretariat.

§ 2. (1) As a general rule, the minutes shall include only proposals and conclusions, with the principal reasons relative thereto, in concise form.

1) INTERPRETATION of the Plenary Assembly (Minutes of the Second Plenary Session): "Every delegation will participate in the work of every Committee with equality of rights except if the Plenary Assembly limits the participation to certain Committees...."

(2) However, any member of a delegation shall have the right to require the insertion in the minutes of any statement he has made, either verbatim or in substance, but in such case he must himself furnish the text to the secretariat, no later than two hours subsequent to the plenary session. It is recommended that this right be used with discretion.

Article 11

REPORTS OF COMMITTEES AND SUBCOMMITTEES

§ 1. (1) The discussions of committees and subcommittees shall be summarized, session by session, in reports in which shall be brought out the essential points of the discussions, the different opinions expressed which it is necessary that the plenary assembly should know, and finally, the proposals and conclusions which stand out from the proceedings as a whole.

(2) Any member of a delegation shall have the right, however, to require the insertion in the report of any statement he has made, either verbatim or in substance. In such case, he must himself furnish the text to the rapporteur within two hours subsequent to the committee session. It is recommended that this right be used with discretion.

§ 2. The reports must be approved by the committees and subcommittees concerned.

Article 12

ADOPTION OF MINUTES AND REPORTS

§ 1. (1) As a general rule, at the beginning of each plenary session, on committee or subcommittee meeting, the minutes or, as the case may be, the report of the preceding session shall be read.

(2) However, the Chairman may, when he deems such procedure satisfactory, and when no objections are made, confine himself to asking the members of the meeting whether they have any comments to make regarding the contents of the minutes or, as the case may be, of the report.

§ 2. Thereupon the minutes, or the report, shall be adopted or amended according to the comments which have been made, as approved by the session.

§ 3. The minutes of the closing plenary session shall be examined and approved by the Chairman of that session.

Article 13
INVITATION TO MEETINGS

Plenary sessions, or committee or subcommittee meetings, shall be held pursuant to announcement by the respective chairmen, either by letter or by notice posted at Conference headquarters.

Article 14
ORDER OF SEATING

In plenary sessions the delegations shall be seated according to the alphabetical order in the French language of the names of the countries represented.

Article 15
ORDER OF DISCUSSION

§ 1. Persons desiring to speak may take the floor only after having obtained recognition from the Chairman. As a general rule, they shall begin by announcing the name of their country.

§ 2. Any person having the floor must express himself slowly and distinctly, separating his words well and making frequent pauses, so as to make it possible for all his colleagues to understand his meaning clearly.

Article 16
PROPOSALS SUBMITTED IN PLENARY SESSIONS
DURING THE COURSE OF THE CONFERENCE

§ 1. In plenary sessions, any authorized member of a delegation may read or request the reading of any proposal or amendment submitted by him during the course of the conference, and be permitted to state the reasons therefor.

§ 2. No proposal or amendment, submitted either before the conference or under the conditions indicated in the preceding paragraph, shall be submitted either for discussion or voting unless it is countersigned or supported by at least one delegation.

Article 17
PROPOSALS SUBMITTED IN COMMITTEE MEETINGS
DURING THE COURSE OF THE CONFERENCE

§ 1. Proposals and amendments submitted after the opening of the Conference must be transmitted to the Chairman of the Conference for assignment to the competent committee.

§ 2. Every proposal or amendment must be submitted by the author in the final form of the text desired to be inserted in the body of the documents.

§ 3. When a proposal or an amendment has been reserved or when its examination has been postponed, the delegation sponsoring the proposal must see to it that it is not lost sight of subsequently.

Article 18

VOTING AT THE ATLANTIC CITY
TELECOMMUNICATIONS CONFERENCE

§ 1. Solely for the Plenary Assemblies of the Atlantic City Telecommunications Conference and without such arrangement constituting a precedent, the countries or groups of countries listed below which participate in this conference shall be entitled to one vote: *

- | | |
|---|--|
| 1. Afghanistan | 29. Ethiopia |
| 2. Union of South Africa and territory under mandate of South-west Africa | 30. Finland |
| 3. Albania | 31. France |
| 4. Saudi Arabia | 32. Colonies, Protectorates and Overseas Territories under French Mandate |
| 5. Argentina | 33. French Protectorates of Morocco and Tunisia |
| 6. Australia | 34. United Kingdom of Great Britain & Northern Ireland |
| 7. Austria | 35. Colonies, Protectorates, Overseas Territories and Territories under the suzerainty or mandate of Great Britain |
| 8. Belgium | 36. South Rhodesia |
| 9. Belgian Congo and territories of Ruanda-Urundi | 37. Greece |
| 10. Bielorussia | 38. Guatemala |
| 11. Burma | 39. Haiti |
| 12. Bolivia | 40. Honduras |
| 13. Brazil | 41. Hungary |
| 14. Bulgaria | 42. India |
| 15. Canada | 43. Iraq |
| 16. Chile | 44. Iran |
| 17. China | 45. Ireland |
| 18. Vatican City | 46. Iceland |
| 19. Colombia | 47. Italy |
| 20. Costa Rica | 48. Lebanon |
| 21. Cuba | 49. Liberia |
| 22. Denmark | 50. Luxembourg |
| 23. Dominican Republic | 51. Mexico |
| 24. Egypt | 52. Monaco |
| 25. Salvador | |
| 26. Ecuador | |
| 27. United States of America | |
| 28. Territories of the United States of America | |

*) Representatives of SCAP (for Japan); USAFIK (for Korea), and ACC (for Germany) may attend the conference in a non-voting capacity.

- | | |
|-------------------------|--|
| 53. Nicaragua | 66. Siam |
| 54. Norway | 67. Sweden |
| 55. New Zealand | 68. Switzerland |
| 56. Panama | 69. Syria |
| 57. Paraguay | 70. Czechoslovakia |
| 58. Netherlands | 71. Turkey |
| 59. Netherlands Indies | 72. Ukraine |
| 60. Peru | 73. Union of Soviet
Socialist Republics |
| 61. Philippines | 74. Uruguay |
| 62. Poland | 75. Venezuela |
| 63. Portugal | 76. Yemen |
| 64. Portuguese Colonies | 77. Yugoslavia |
| 65. Roumania | |

§ 2. "Any government or a duly accredited delegation of any government may give a permanent or temporary mandate to the delegation of another country to vote in its place either for the duration of the Conference if such government cannot send a representative, or for one or more meetings when such country cannot be represented. In no case may one delegation dispose of the votes of more than two delegations. However, the delegations of the United Kingdom and of the United States may vote for their colonies, protectorates and territories as a group."

Article 19

VOTING IN PLENARY SESSIONS

- § 1. For a valid vote to be taken at Plenary Sessions, at least one-half of the delegations accredited to the Conference and having the right to vote must be present or represented at the session during which the vote is cast.
- § 2. In Plenary Sessions, no proposal or amendments shall be adopted unless it is supported by a majority of the delegations present and voting. In determining the number of votes required for a majority, abstentions shall not be taken into account. In case of a tie the measure shall be considered rejected.
- § 3. Exceptions to the above rule shall be made with respect to proposals to admit, suspend, or exclude a country (in connection with the list of countries in Article 18 entitled to participate and vote in the Conference) also the proposals with a view to changing the Headquarters of the

Union. In such cases, a 2/3 majority of the positive and negative votes cast shall be required.

- § 4. If the number of abstentions exceeds 50% of the delegations present and voting, the measure shall be reconsidered at a subsequent meeting.

Article 20

ADOPTION OF NEW PROVISIONS

- § 1. As a general rule, delegations which cannot have their opinion regarding a provision accepted by the others must endeavor to adopt the opinion of the majority.
- § 2. However, if the measure proposed appears to a delegation to be of such a nature as to prevent its government from ratifying it, the delegation may express reservations (final or provisional), regarding this measure.

Article 21

VOTING PROCEDURE IN PLENARY SESSIONS

- § 1. In plenary sessions, each proposal or amendment shall be submitted to a vote after discussion.
- § 2. Voting shall take place by a show of hands. If the majority is not clearly apparent, even after a second test, or if an individual count of the votes is requested, there shall be a formal roll call in the alphabetical order of the names of the delegations.
- § 3. If five or more delegations, present and entitled to vote, request, when a vote is about to be taken, that it shall be taken by secret ballot, this shall be done. The necessary steps shall be taken to guarantee effective secrecy.

Article 22

RIGHT OF VOTE IN COMMITTEES AND SUBCOMMITTEES

- § 1. In committees and subcommittees, opinions shall be given by the delegation members of the committee or subcommittee concerned, and such dele-

gations shall have the right to vote in accordance with the provisions of Article 18.

- § 2. No proposal, no amendment shall be adopted if it does not obtain an absolute majority of the affirmative and negative votes. In the case of a tie, it shall be considered as rejected.

Article 23

DRAFTING COMMITTEE

- § 1. After the texts have been drafted as nearly as possible in final form by the committees, they shall be submitted to a drafting committee charged with perfecting the form thereof without modifying the meaning.
- § 2. The complete text, after having been properly edited, shall be submitted to the Plenary Assembly for consideration on a first reading.

Article 24

FINAL APPROVAL

The vote of the conference shall be final only after a second reading of the complete set of texts, followed by their approval.

Article 25

NUMBERING

- § 1. The numbering of chapters, articles, paragraphs, etc., of the documents submitted for revision shall be reserved until the first reading of the plenary session. The texts added shall bear provisionally the numbers bis, ter, etc., and the numbers of the deleted texts shall not be used.
- § 2. The final numbering of chapters, articles, paragraphs, etc., shall be entrusted to the drafting committee, after their adoption following the first reading.

Article 26

SIGNATURE

The documents resulting from the deliberations of the conference shall be submitted for signature to the delegates provided with the necessary powers, following the alphabetical order in the French language of the names of the countries. 1)

Article 27

PUBLICITY

§ 1. Sessions of the conference and its committees shall be public unless otherwise decided by the body concerned.

§ 2. Official statements to the press concerning the work of the conference shall be issued only as directed by the Chairman of the conference.

Article 28 ,

FRANKING PRIVILEGES

The participants in the conference as well as the representatives of the Bureau of the Union have a right to communication service to the extent fixed by the inviting government, subject to agreement with the interested contracting governments and private operating agencies.

1) INTERPRETATION of the Plenary Assembly (Minutes of the Second Plenary Session): "If the delegation of a country is provided with the necessary powers from another country, one of its delegates may sign the Convention in the name of the mandatory country, in accordance with the terms of Article 26."

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

E
Document No. 176 TR-E

July 31, 1947

Committee E

United States

187 TR

Convention Committee
(Committee E)

UNITED STATES PROPOSED TEXT FOR
REVISION OF ARTICLE 30 OF THE
MADRID CONVENTION

"Priority of transmission for government -
telegrams and radiotelegrams."

Subject to the provisions of Article ----- (dealing with priority of distress calls- Madrid Article 36) . government telegrams and radiotelegrams shall enjoy priority over other telegrams and radiotelegrams when priority is requested for them by the sender. Government telephone calls may also be accorded priority over other telephone calls to the extent practicable, when such priority is requested by the government official placing the call.

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INTERNATIONAL
HIGH FREQUENCY BROADCASTING
CONFERENCE
ATLANTIC CITY
1947

E
Document No. 177 TR-E

July 31, 1947

Committee F

Committee F

Comparison of texts of Document No. 5ter
of
the Moscow Conference
and
the corresponding proposals.

Internal Regulations of Conferences

Article 23

The Right of Vote and Voting Procedure in the Committees.

The right of vote and voting procedure in the
committees shall be determined by the provisions of
Articles 21 and 22 of the present Regulations.

The corresponding text of Appendix C to the Madrid
Convention, Article 25, is as follows:

Right to Vote in Committees

In committees, opinions are given by the delega-
tions which are members of the committee and which
have the right to vote in accordance with the provisions
of Article 21, but with the limitation to a single vote
per delegation.

The corresponding text of the Internal Regulations of
the International Telecommunications Conference at
Atlantic City, Article 22 (Document No. 42 TR-E) is as
follows:

Right of Vote in Committees and Subcommittees

In committees and subcommittees, opinions shall be given by the delegation members of the committee or subcommittee concerned, and such delegations shall have the right to vote in accordance with the provisions of Article 18.

- - - - -

CHILE, 24 TR, (Document No. 6 TR-E), Annex II, Article 29.

Right of Vote in the Commissions

The voting procedure in the commissions is the same as that in the plenary assemblies, but delegations that are members of the commission have alone the right to vote.

UNITED KINGDOM, 49 TR, (Document No. 9 TR-E), Annex 6, Section II, Article 19.

Voting Procedure in Committees

The voting procedure in the Committees shall be determined by the provisions of Article 18 of the present Regulations.

Reason

As Article 24 of the Cairo Rules with omission of reference to the right to vote which is covered by Article 1 of the Convention proposed by the U.K.

FRANCE, 121 TR, (Document No. 14 TR-E), General Regulations, Article 25.

Right of Vote in the Commissions

In the Commissions, opinions are given by the delegations which are members of the Commission and which have the right to a deliberative vote in accordance with the provisions of Article 21, but with the limitation to a single vote per delegation.

INTERNATIONAL
HIGH FREQUENCY BROADCASTING
CONFERENCE
ATLANTIC CITY
1947

Document No. 178 TR-E

July 31, 1947

Committee F

C O M M I T T E E F.

Comparison of Texts of Document No. 5 ter of
the Moscow Conference and the Corresponding
Proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 24.

EDITORIAL COMMITTEE

1. The text of documents relating to the Convention or to the Regulations, drawn up, if possible in definitive form, by the various committees, shall, upon the receipt of all the recommendations, be transmitted to the Editorial Committee, which shall be authorized to edit the aforesaid documents without changing their meanings and to submit them for consideration together with the originals, unamended texts.
2. The final draft shall thereupon be submitted at the Plenary Assembly for the approval of the Conference, which shall adopt a decision on them or return them to the competent committee for reconsideration.

The corresponding text of Appendix C to the Madrid Convention, Article 26, is as follows:

DRAFTING COMMITTEE

§ 1. The texts of the Convention and Regulations which are worded so far as practicable in their definitive form by the various committees following the opinions expressed, are submitted to a drafting committee which is charged with perfecting their form without altering the sense and with combining them with those parts of the former texts which have not been altered.

§ 2. The whole of the revised texts are submitted to the Conference in plenary assembly, which decides on them or refers them back to the relative committee for further examination.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, Article 23 (Doc. No. 42 TR-E), is as follows:

DRAFTING COMMITTEE

§ 1. After the texts have been drafted as nearly as possible in final form by the committees, they shall be submitted to a drafting committee charged with perfecting the form thereof without modifying the meaning.

§ 2. The complete text, after having been properly edited, shall be submitted to the Plenary Assembly for consideration on a first reading.

CHILE 24 TR (Doc. No. 6 TR-E), Art. 30.

Definite Text.

The Drafting Commission gathers together the approved text of the Convention or of the Regulations and that of the former unaltered text.

The texts thus united and arranged are submitted for approval in a plenary assembly of the Conference, which takes a decision thereon or returns them to the competent commission for further examination.

UNITED KINGDOM 49 TR (Doc. No. 9 TR-E), Annex 6, Section II, Article 20.

EDITORIAL COMMITTEE

§ 1. The first Plenary Assembly shall set up an Editorial Committee. Revised passages of the Convention or of the Regulations, drafted by other Committees, must, so far as practicable, be in definitive form but they shall be submitted to the Editorial Committee, which shall be charged with perfecting the passages without altering the sense and with combining them with those parts of the former texts which have not been altered.

§ 2. The whole of the revised texts shall be submitted to the Conference in Plenary Assembly which shall accept them or refer them back to the relative committee for re-examination.

REASON.

As Article 25 of the Cairo Rules with slight drafting modifications.

FRANCE 121 TR (Doc. No. 14 TR-E), Art. 26.

DRAFTING COMMISSION

§ 1. The texts of the Convention and Regulations, which are worded as far as practicable in their definite form by the various Commissions, following the opinions expressed, are submitted to a Drafting Commission which is charged with perfecting their form without altering the sense, and with combining them with those parts of the former texts which have not been altered.

§ 2. The whole of the revised texts are submitted to the approval of the Conference in plenary sitting, which decides on them or refers them back to the relative Commission for further examination.

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1947

July 31, 1947

Committee F

COMMITTEE F

Comparison of texts of
Document No. 5ter of the Moscow
Conference and Corresponding Proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 25

SECOND READING.

A final vote shall be taken at the Conference after the second reading of the texts.

The corresponding text of Appendix C of the Madrid Convention, Article 27, reads as follows:

SECOND READING.

The decisions of the Conference are not final until the relative texts have been read a second time and approved.

The corresponding text of the Internal Regulations of the International Telecommunications Conference at Atlantic City, Art. 24 (Doc. No. 42 TR-E), reads as follows:

FINAL APPROVAL

The vote of the Conference shall be final only after a second reading of the complete set of texts, followed by their approval.

CHILE. 24 TR (Doc. No. 6 TR-E), Art. 31.

SECOND DISCUSSION.

The votes of the Conference are only taken after a second discussion.

UNITED KINGDOM. 49 TR (Doc. No. 9 TR-E), Annex 6, Section II, Art. 21.

SECOND READING.

The decisions of the Conference shall not be final until the texts have been read a second time and approved.

Reason.

As Article 26 of the Cairo Rules.

FRANCE. 121 TR (Doc. No. 14 TR-E), Art. 27.

SECOND READING.

The votes of the Conference are only taken after a second reading, followed by the approval of the texts relating thereto.

Committee F

Committee F

Comparison of texts of Document 5 ter of the Moscow Conference and corresponding proposals.

Internal Regulations of the Conferences

Article 26

Numbering

1. The numbering of chapters, articles, paragraphs, etc. of the documents subject to reconsideration shall be preserved until the first reading at the Plenary Session. Supplementary texts shall be temporarily marked by numerals with the addition of "bis," "ter," etc. and the numerals of the annulled texts shall be cancelled.
2. The final numeration of the chapters, articles, paragraphs, etc., after their approval at the first reading, shall be entrusted to the Editorial Committee.

The corresponding text of Appendix C to the Madrid Convention, Art. 28, is as follows :

Numbering.

- § 1. The numbering of chapters, articles, paragraphs, etc. of the acts subjected to revision is preserved until the first reading in plenary assembly. The passages added bear provisionally the numbers bis; ter, etc., and the numbers of the passages deleted are not used.
- § 2. The definitive numbering of the chapters, articles, paragraphs, etc., is entrusted to the drafting committee, after their adoption at the first reading.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 25 (Doc. No. 42 TR-E), is as follows :

Numbering

- § 1. The numbering of chapters, articles, paragraphs, etc., of the documents submitted for revision shall be reserved until the first reading of the plenary session. The texts added shall bear provisionally the numbers bis, ter, etc., and the numbers of the deleted texts shall not be used.
- § 2. The final numbering of chapters, articles, paragraphs, etc., shall be entrusted to the drafting committee, after their adoption following the first reading.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 181 TR-E
July 31, 1947

Committee F

Committee F

Comparison of texts of Document No. 5 ter
of the Moscow Conference and correspond-
ing proposals.

INTERNAL REGULATIONS OF CONFERENCES.

Article 27.

SIGNATURE.

Documents drawn up on the basis of the discussion at the Conference shall be signed by the duly authorized Delegates in alphabetical order of the names of their countries as provided for in Article 16 of the present Regulations.

The corresponding text of Appendix C of the Madrid Convention. Art. 29, is as follows:

SIGNATURE

The acts resulting from the deliberations of the Conference are submitted to the signature of the delegates provided with the necessary powers, in the alphabetical order of the French names of the countries.

The corresponding text of the Internal Regulations of the International Telecommunications Conference of Atlantic City, Art. 26 (Doc. No. 42 TR-E), is as follows:

SIGNATURE

The documents resulting from the deliberations of the Conference shall be submitted for signature to the delegates provided with the necessary powers, following the alphabetical order in the French language of the names of the countries.

CHILE. 24 TR (Doc. No. 6 TR-E) Annex II, Art. 33.

SIGNATURE

The acts resulting from the deliberations of the Conference are signed by the delegates provided with the necessary powers, in the alphabetical order of the French names of the countries.

UNITED KINGDOM 49 TR (Doc. No. 9 TR-E), Annex 6,
Section II, Art. 23.

SIGNATURE ,

The Convention and Regulations shall be signed by Delegates, provided with the necessary powers, in alphabetical order of the names of their countries as provided for in Article 13 of the present Regulations.

Reason.

As Article 28 of the Cairo Rules with modification consequential upon the proposed Article 13 of these Regulations.

FRANCE 121 TR (Doc. No. 14 TR-E), General Regulations
Art. 29.

SIGNATURE

The acts resulting from the deliberations of the Conference are submitted to the signature of the delegates, provided with the necessary powers, in the alphabetical order of the French names of the members of the Union.

INTERNATIONAL
HIGH FREQUENCY BROADCASTING
CONFERENCE
ATLANTIC CITY
1947

Document No. 182 TR-E

July 31, 1947

Committee F

C O M M I T T E E F

Comparison of the texts of Document No. 5 ter
of the Moscow Conference and corresponding
proposals.

INTERNAL REGULATIONS OF CONFERENCES

Article 28

STATEMENTS RELEASED FOR THE PRESS.

Only such statements about the work of the Conference
shall be released for the press as have been authorized
by the Chairman or Vice-Chairman of the Conference.

The corresponding text of Appendix C of the Madrid
Convention, Art. 30, is the following:

Press Notices.

The only information supplied to the Press regarding
the work of the Conference is by means of notices approved
by the Chairman of the Conference or his deputy.

The corresponding text of the Internal Regulations
of the International Telecommunications Conference of
Atlantic City, Art. 27 (Doc. 42 TR-E), is the following:

Publicity

§ 1. Sessions of the conference and its committees shall
be public unless otherwise decided by the body concerned.

§ 2. Official statements to the press concerning the work
of the conference shall be issued only as directed by the
Chairman of the conference.

CHILE. 24 TR (Doc. No. 6 TR-E), Annex II, Art. 34.

Press Notices.

The information supplied to the Press regarding the work of the Conference is only official when given by means of notices signed by the Chairman of the Conference or by one of his deputies.

UNITED KINGDOM. 49 TR (Doc. No. 9 TR-E), Annex 6,
Section II, Art. 24.

Statements Released to the Press.

Only such statements about the work of the Conference shall be released to the press as have been authorized by the Chairman or a Vice-Chairman of the Conference.

Reason.

As Article 29 of the Cairo Rules.

FRANCE. 121 TR (Doc. No. 14 TR-E), General Regulations,
Art. 30.

Press Notices.

The only information supplied to the Press regarding the work of the Conference, is by means of notices approved by the Chairman of the Conference or his deputy.

This document replaces document No. 169 TR-E

WORKING GROUP
of Committee C.

Proposal of the Working Group regarding the wording
of Article 1, § 1 and of Article 3 of the Convention.

1. Article 1, § 1

§ 1. The sovereign right of each country, party to the Convention, to regulate its telecommunications is fully recognised. The Governments of these countries nevertheless recognise that arrangements among them are necessary in order to ensure the effectiveness of telecommunication.

2. Article 3

The Working Group proposes that this article be worded as follows:

Article 3

PURPOSES OF THE UNION

I. The purposes of the Union are:

- a) to maintain and extend international cooperation for the improvement and rational use of telecommunications of all kinds;
- b) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services, increasing their usefulness and making them, as far as possible, generally available to the public;

II. To this end, the Union will

- a) effect allocation of the frequency spectrum and frequency registration in such a way as to avoid harmful interference between radio stations of different countries.

For the following paragraph, two alternative drafts were prepared:

b) (a) Foster the establishment of rates for telecommunication services at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining a sound and independent financial structure.

The Delegations from Ireland and the United States of America expressed their preference for the above wording.

b) (b) Foster collaboration among its members with a view to the establishment of rates for telecommunication services at levels as low as possible consistent with an efficient service and taking into account the necessity for maintaining a sound and independent financial structure.

The Delegations from the United Kingdom, France, India and the U.S.S.R. expressed their preference for the above wording.

For the last two paragraphs, the Working Group proposes the following text:

c) promote the adoption of measures for insuring the safety of life through the cooperation of telecommunication services.

d) undertake studies, formulate recommendations, and collect and publish information on telecommunication matters for the benefit of all members of the Union.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 184 TR-E

July 31, 1947

Committee C

R E P O R T

of the Subcommittee on Finance
and Personnel of Committee C.

3rd Meeting

July 30, 1947

The Chairman, Mr. Abaza, opened the meeting at 10:05 a.m.

As the report of the 2nd Meeting had not yet been distributed in the English language, it will be submitted later for the approval of the Subcommittee. The Secretariat will be asked to make a special effort to accelerate translation into English and the distribution of the reports of the Subcommittee.

The Chairman stated that, according to the suggestion made by the delegate of Great Britain during the last meeting, he had asked the Bureau of the Union for an analysis of the documents relating to the study of the question of a clearing office for the settlement of international accounts. The Director of the Bureau of the Union has sent him the following analysis:

"1875. At the St. Petersburg Conference, Austria-Hungary presented a draft proposal for the settlement of international accounts through the intermediary of the Berne Bureau -- for in transit telegraphic correspondence. The Conference made no decision on this matter.

1885. At the Berlin Conference, Austria-Hungary again made this proposal; but nothing was done about it.

1932. Madrid Conference. Belgium introduced Proposal 1228 T in view of the addition to Article 95 RTG of the following proposal:

'7bis. Between administrations that are in agreement on the subject, the settlement of accounts may take place by clearing on the basis of the gold-franc through the intermediary of a Clearing Office established at.... etc."

On October 13, 1932, the Mixed Subcommittee of the Committee on Telegraph Rates and the Committee on Telephones discussed the Belgian proposal. The Belgian Delegation to support this proposal brought out the following advantages: 1.- Less paper work. - 2.- More rapid liquidation of accounts. - 3.- Less risk from fluctuation in exchange rates.

The Subcommittee, after a rather lengthy debate, formulated the following point in its report: that, after a thorough study, it was in full sympathy with the idea presented, but that it considered it best to await the results of a trial to be undertaken by one administration, in order to be able to take a definite position at a later Conference.

The Committee on Telegraph Rates, on October 20, 1932, adopted the resolution, after the Belgian Delegation had stated that it desired to act according to the suggestion made by the Subcommittee.

The Plenary Assembly, on October 26, 1932 furthermore, ratified the resolution, taking into account the statement made by Belgium.

*

Since 1932, nothing has been done to make this recommendation effective."

The Chairman then read the following statement by the French Delegation. This statement, drafted before proposal 1 TR of Hungary had been examined, reads as follows:

"Without adopting a definite position on the substance of the question, the French Delegation suggests that in case a Bank of this kind is established, it be entrusted with the general clearing of credits and debits between different governments or between governments on the one hand and private companies on the other,

resulting from the settlement of international accounts relating to telecommunications services.

The French Administration intends to submit to the next International Telegraph Conference a plan for general clearing of debits and credits. This reform could, by the way, be brought about without establishing the bank contemplated in the Hungarian proposal, if the Bank of International Settlements (B.R.I.) would consent to accept this new duty."

A discussion followed on the question of the settlement of international accounts. The Delegates from the United States of America, France, Great Britain, Canada, Switzerland and Greece took part therein. From this discussion it seemed evident that:

1. No proposal had been submitted enabling the Subcommittee to discuss a concrete plan;
2. The Convention merely establishes the principle according to which governments must account to each other; the methods of settlement are to be arranged by Administrative Conferences (Article 33 of the Madrid Convention).
3. The examination of Article 33 of the Madrid Convention falls within the province of Committee E.

The Chairman proposed that the working group of the Subcommittee draft a memorandum, specifying that Article 33 is not within the competence of the Subcommittee and that the question of establishing a bank for the purpose of international settlements shall be referred to competent bodies which shall deal with everything concerning these settlements. This memorandum shall be in the hands of the Subcommittee before the next meeting.

Adopted.

The Delegate from the United States, speaking as Chairman of the group on documentation of the Subcommittee, pointed out that during its first meeting, this group examined the data relating to the I.C.A.O., the United Nations and the Bureau of the Union. This data will be put in the hands of all the members of the Subcommittee. Other data not yet under discussion will be distributed at a later date.

The Chairman analyzed the problem which must now be taken up by the Subcommittee. If the Union were to continue in its present form, the study of financial questions would present no difficulty, but the present conference is actually undertaking a complete reorganization of the Union and is providing for new bodies which may well completely change the bases for budgetary estimates (creation of an Administrative Council, and of new Consultative Committees, modification of the structure of existing committees, etc.)

A comprehensive study of budgetary estimates corresponding to the future Convention is impossible at this time, since no decision has as yet been reached with regard to the future structure of the Union. For the transition period between the end of this conference and the date of the application of the new Convention, the Chairman suggested three possible procedures:

1. If the Administrative Council is created, the Conference might vote credits to enable this Council to enter upon its duties, and, specifically, to enable it to draw up a budgetary estimate to be submitted to the Plenipotentiary Conference for approval before the date of the coming into effect of the new Convention.
2. The discussion of budgetary questions might begin within the Subcommittee in order to enable the Plenipotentiary Conference to establish a ceiling for expenditures which the Administrative Council shall be bound to respect- in making up its budgets until the next Plenipotentiary Conference.
3. Under the authority of the Plenipotentiary Conference, a Committee on Finances might be created whose duties would be similar to those provided for in paragraph 1., for the Administrative Council.

The Chairman added that these budgetary questions involve consideration of a great number of factors such as recruiting, salaries, reserve funds, pensions, laboratory equipment, etc., and he proposed that the discussion on this subject be opened, it being clearly understood that the creation of an Administrative Council and the specification of its duties shall come within the competence of Committee C and that no decision has as yet been reached on this subject.

The Delegate from the United States of America considered it essential and most urgent that the study of the transition period be undertaken, while at the same time taking into consideration new factors which might present themselves during that period (Radio meetings, for example). The Bureau of the Union could be asked to supply the Working Group with necessary data. The second problem will be a study of the articles to be inserted into the Convention in the light of their financial aspects.

The Chairman agreed to request the Bureau of the Union to submit to the subcommittee a budgetary plan to cover the transition period, but believed it to be necessary to issue directives to the Bureau so that this work could be performed.

The Delegate from Switzerland observed that the three solutions previously suggested by the Chairman allowed for the establishment of new organizations. He believed that the Subcommittee could be of great assistance to Committee C and to the Plenary Assembly if it were in a position to calculate the expenses entailed by various possible systems. For instance, the cost of a 15 member Administrative Council meeting annually; the cost of a special executive committee; and the expenses incurred by the office carrying on the work planned for such an executive committee.

The Chairman reminded the meeting that the terms of reference of the Subcommittee as defined in paragraph 7 of Document No. 52 TR-E included "preparation of estimates of expenditures, stating, in addition to the total annual amount, the amount of the principal items." He believed that the Bureau of the Union might be asked to draw up an inventory of the expenditures which would correspond to some specific proposal, such as, for example, the Moscow Document, specifying the expenses for each organization and basing its figures on the theory that such organizations would operate in Switzerland.

The Director of the Bureau of the Union agreed to supply a budgetary estimate, based on present conditions, for the years 1948 and 1949, and related budgetary estimates for bodies which might be created during the transition period (Administrative Council or similar body, a Conference of experts in charge of drawing up the new frequency list, transformation

or possible establishment of certain advisory committees, etc...). He pointed out, in conclusion, that the U.P.U. had estimated the possible expense to be incurred by the establishment of a Council comprising 19 members meeting annually, at 100,000 gold francs.

The Chairman thanked Mr. von Ernst for his statement. He would also like to ask the Bureau of the Union to evaluate the expenses entailed by the different bodies provided for in the Moscow Document, as these bodies are supposed to operate in Switzerland.

The Chairman of the Bureau of the Union agreed to have estimates made for the period of transition, that is to say, until the new Convention came into force, but afterwards he was afraid that due to the present lack of knowledge about the importance of the personnel requirements of future bodies, it would be impossible to make any important estimates and said that he therefore felt that it would be preferable to entrust the provisional Administrative Council with this task, if the latter were created.

The Delegate from the United States of America was of the opinion that it was essential to set down the extraordinary expenses which would be entailed, for example, during the transition period by the Frequency List Conference. If the Plenipotentiary Conference creates a provisional Administrative Council, it would be only normal that it should be entrusted with the drawing up of the budget for the subsequent period and a Plenipotentiary Conference with a limited agenda could be convened immediately the new Convention goes into effect, in order to study the proposals of this body and thus end the transition period.

The Delegate from France was of the opinion that, as the Delegate from Switzerland had suggested, the Subcommittee must find out the approximate cost of each of the contemplated bodies, taking as a basis, for instance, the Moscow Document. He felt that this was the best way to help the Plenary Session in a practical manner.

The Chairman noted the agreement of the Director of the Bureau of the Union to the working out of a budget draft by the Bureau for the transition period.

As for the estimate of the cost of the bodies which

may be created, the Subcommittee must do its work, using some concrete proposal as a point of departure. The Chairman, after studying the Moscow Document, has worked out a chart of the proposed organization and suggested that it should be used to work out estimates.

The Delegate from Switzerland supported this suggestion, and pointed out that even if done in an approximate way, the establishing of the expenses necessitated by a specific body would greatly facilitate the estimate of the cost of any other possible body particularly since the proposals of the different countries have many points in common. He requested that the Chairman should kindly distribute his chart to members of the Subcommittee.

The Chairman consulted the Subcommittee regarding this suggestion. Adopted. The agenda of the next meeting will especially include the approval of the report of the second and eventually that of the third meeting, and also the study of Article 17, § 3 (3) of the Madrid Convention. As far as possible the Chairman will do his utmost so that the Subcommittee will be able to meet twice next week.

The meeting adjourned at 12:35 p.m.

The Rapporteur:

H. Lacroze

The Chairman:

Sh. Abaza.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 185 TR-E

July 31, 1947

Committee D

Minutes of the
Committee on Relationship Between
the I.T.U. and the United Nations.

(Committee D)

5th Meeting. July 25, 1947

The meeting was called to order at 3:45 P.M. by Col. Rafael S. Milans, Chairman. The Chairman recognized the Representative of the United Nations, who made the following statement which appears as an annex to these minutes (Annex I).

The Committee examined three drafts placed before it by the Working Group which had been constituted to prepare a draft text for Article II, paragraph I of a draft Convention with the United Nations based on the text of the U.P.U. and U.N. agreement.

The French Delegate pointed out that, he had emphasized in a previous speech the necessity of avoiding any possible confusion by including in the text such precise detail that no confusion might arise between the United Nations as such and the United Nations considered as an operator. His opinion had obtained a large majority. He asked why this fact was not mentioned in the texts of the Working Group.

The Delegate from the United States recognized the pertinence of this observation. The Working Group had discussed this phase of the question, but felt that, because of its importance, this question should form the subject of a special article. In order to draft this text on the United Nations in its capacity as an operator, it had seemed preferable to await the statement expected on the participation of the I.T.U. in the U.N. in the capacity as an operator.

He hoped for at least temporary approval from France.

He described the conditions under which the following three texts had been drawn up. Draft A had been limited as required by Delegations which wished restrictions placed on the right of the United Nations to be present at certain meetings. This draft read as follows:

Article II

Reciprocal Representation.

1. The United Nations shall be invited to send representatives to participate, without vote, in the deliberations of all Plenipotentiary and Administrative Conferences of the Union, and may be invited to attend, under the same conditions meetings of the International Consulting Committee convened by the Union, when items on the Agenda may be of interest to the United Nations.

Draft B. was as follows:

Article II

Reciprocal Representation.

1. The United Nations shall be invited to send Representatives to participate, without vote, in the deliberations of all Plenipotentiary and Administrative Conferences of the Union, and may be invited to attend, under the same conditions, the meetings of the International Consulting Committee, and at other meetings convened by the Union, when the items on the Agenda may be of interest to the United Nations.

Draft C. accorded the U.N. greater participation in other International meetings. This draft read as follows:

- (This text will be published at a later date).

The Working Group asked the Committee to decide between these 3 texts which represented different conceptions.

The Australian Delegate proposed that text C which he had originated, should be withdrawn, and that only drafts A and B should be considered. If draft B were accepted, he requests that an amendment should be attached there to exactly defining the representation of the United Nations at the Administrative Council under the conditions established by mutual agreement.

The Delegate from the United States said that he was in favor of draft B. Nothing in this draft would prevent the Administrative Council from inviting the U.N. if it is so desired.

The Delegate from Uruguay proposed discussion of draft B, without amendment.

The Delegate from Lebanon supported this proposal.

The Delegate from Greece also agreed, but pointed out that, instead of "International Consulting Committee", the plural should be used, as there were several I.C.C.S.

The Delegate from India declared himself in favor of draft B, which had greater flexibility and preserved the independence of the I.T.U. Moreover, he called the attention of the Committee to a provision of Article 16 of the draft under consideration, which would allow the Union to extricate itself from any difficult position within a period of 6 months. As far as the Administrative Council is concerned, if this were formed, there would be long periods, during which it would act on behalf of the Union; for this reason it seemed desirable that the Council be enabled to enter into relationship with the United Nations.

The Delegate from the Belgian Congo asked that the expression "without vote" should be replaced by "in an advisory capacity".

The Delegate of the United Kingdom supported Draft B.

The Delegate of Belgium pointed out that Draft B permitted inviting the United Nations not only to meetings of the I.C.C., but also to "other meetings". This text seemed dangerous to him, because it introduced politics into the Union. He did not see why the Committee should go further than the British draft, contained in Document No. 67 TR-E, reading: "Representatives of the United Nations shall be invited to attend all Conferences of the Union and to participate, without vote, in the deliberations of such Conferences." There was no reason why the U.N. should participate in the meetings of the C.C.I. He proposed as a simple form of agreement "that the United Nations shall be invited to send representatives to participate, without vote, in the deliberations of the Plenipotentiary Conferences and the Administrative Conferences of the Union".

The Delegate from France supported the Belgian statement, and once more laid stress on the confusion which could

arise between the United Nations as such, that is, as a political organization, and the U.N., considered as an operator. Nothing would prevent the Economic and Social Council from being represented in the I.T.U., but this organization could have no interest in I.C.C. meetings. Collaboration should be restricted to the duration of Plenipotentiary and Administrative Conferences.

The United States Delegate emphasized the fact that Draft B seemed to take into account the bias of the Belgian and French Delegates. Moreover, he felt that the text of 67 TR-E was more favorable to the U.N., than Draft B; as it only provided for the possibility of invitations.

The United Nations Delegate pointed out that the United Nations had very different aspects; that, in virtue of the nature of the U.N. organization, they could delegate within the I.T.U. technical experts whose collaboration would be very useful to the latter.

The Netherlands Delegation supported the proposed text, a close relationship could be advantageous; the technical character of the I.C.C. was a guarantee against any political interference.

The Delegate from Belgium challenged this viewpoint and also the opinion expressed by the United States Delegate in regard to the relative consequences of Draft B and that of Document 67 TR-E.

The Delegate from Egypt asked whether it would be necessary to continue if the United Nations were enrolled as members of the Union.

The United Nations Representative requested that separate studies be made of the question of the relationship with the U.N. as such and its participation as a technical organization.

The Delegation from the U.S.S.R. felt that text B would not in any way compromise the independence of the Union, and could not have any reason to fear interference by the U.N. in the affairs of the Union.

The Delegate from France was of the opinion that it was regrettable that Draft B should permit Representatives of the United Nations to be invited to the Administrative Council.

The Delegate from Argentina made an important statement,

defining, on the basis of the text, the nature of the relationship which derived from the signature of the Charter, the international agreements prior to the Charter, for countries which are members of the U.N. and for those which are not yet members. The text of this intervention is found in Annex II of this report.

The Delegate from Egypt expressed his gratitude for the information from the Representative of the United Nations which enabled his country to take a stand. He believed in the Charter, but Art. 17 § 5 contained provisions according to which "the Assembly approves the budgets of specialized institutions, makes recommendations.. etc." Does this not signify a kind of tutelage?

The Delegate from India pointed out that he had hoped to shorten the discussions by requesting the formulation of a working group. This result had not been obtained, and he explained the reasons for the anxieties of the Delegates - anxieties which are probably shared by some Governments. However, a great majority of the Delegates favored Draft B. These have instructions. According to these instructions, the relations must be established between the I.T.U. and the U.N. No difficulties had arisen between the U.N. and the organizations which had established this liaison. One should not play too much politics. He suggested putting the question to the vote.

The Chairman then put the adoption of Draft B to the vote.

The proposal was adopted by 29 votes against 5, subject to a rectification demanded by Greece.

The Delegate from the United States pointed out that the Committee had only a few days to prepare a text before the arrival of the Negotiations Committee of the Social and Economic Council. He proposed the creation of a subcommittee with instructions to continue the study of the draft and to complete its work by July 31 so that the draft could be studied by the Plenary Meeting of August 4. The Chairman submitted this proposal to the Assembly. It was supported by the Delegates from Canada, Uruguay and Argentina. The Delegate from Portugal proposed to name on the subcommittee two countries which were not members of the United Nations, Switzerland and Ireland.

After a debate, the Chairman proposed that the subcommittee be composed of Delegates from India, the United Kingdom, Argentina, Switzerland, Ireland, France, the U.S.S.R., and Egypt.

After an intervention by the Delegate from France, who requested further details about the terms of reference given to the Committee, the Delegate from Sweden pointed out that, in his opinion, the Committee hardly could formulate categorical terms of reference. The debates of the Committee would have sufficiently informed the subcommittee on what was expected of it.

The Delegate from Australia pointed out that he had made a proposal and that he would like to have it studied.

The Delegate from the United States considered this demand perfectly justified, and suggested that it be discussed by the subcommittee.

Before closing acting upon proposal of the Chairman, the Committee decided to entrust the Delegate from India with the Chairmanship of the newly-formed subcommittee.

The meeting was adjourned at 5:45 P.M.

The rapporteur

Chairman

Leproux

Milans
(F.T.)

F.A. Trail

ANNEX I

(Statement concerning the admission on a special status of the Broadcasting Service of the United Nations to the International Telecommunications Union)

In order to perform its many and various functions, the Organization of the United Nations must own and operate a worldwide network of radio telecommunications.

In the very beginning of its work the General Assembly of the United Nations has adopted a resolution dated the 13 February 1946 stating that the Organization must have at its disposition its own transmitting and receiving stations and the necessary wavelengths which will enable it to communicate with the governments of the Member States and with branch offices of the Department of Public Information.

During the last year the Organization was able, through the cooperation of the State Department of the United States, the Canadian Broadcasting Corporation, the World Wide Broadcasting Foundation and the British Broadcasting Corporation, to obtain limited coverage of United Nations.

However, it is expected that at the end of 1948 the United Nations will start the operation of its own radio network. A general project, which was made up as a consequence of the resolution adopted on the 13 February 1946, has been completed, distributed to Member Nations, and placed on the Agenda for the Second Session of the General Assembly.

Further, the Agreement concluded between the United Nations and the United States of America, regarding the Site of the United Nations, has provided for the operation of high frequency radio broadcasting facilities on the Site. These facilities will also be utilized for its telecommunications services such as radiotelegraph, radioteletype, radiotelephone and similar services. This Agreement refers also to utilizing future developments in the radio art upon completion of supplemental Agreements.

It should be pointed out that these facilities will be operated within the administrative districts of the United Nations which have a special status, are inviolable and are placed under the direct control and the authority of the United Nations.

A similar arrangement has been concluded with the Swiss Government on which territory the European office of the United Nations is situated.

The United Nations also will have in the near future at different points of the Globe other telecommunications installations which will be established and operated independently. All these installations will serve in the distribution of programs and documents to the twenty branch information centers being created, and to Governments and information media interested in securing such service.

In conformity with the resolution of the General Assembly, the United Nations network will be used as a feeder system serving the national broadcasting systems which wish to cooperate in the international field.

It appears from the foregoing that the position of the United Nations in the field of international telecommunications has a special character different from the former situation of the League of Nations. It will be a direct operating service, independent of any government and as such the United Nations must obtain a special status in the Convention of Telecommunications which will permit it to enjoy all the essential facilities and privileges which are accorded the governments and national administrations. The terms of the present Convention, and annexed regulations, do not provide for such an operating international organization.

The status requested must provide that the United Nations has authority to register its frequencies, to adhere to the pertinent regulations relative to telecommunications, to participate fully in the technical and administrative conferences, and in this way has (within the limits of the services it may operate) the benefit and the obligations now restricted to Members of the Union.

It is appreciated that the problem presented has a certain complexity. However, its importance has been recognized and different solutions have been proposed by several delegations, for which the United Nations wishes to express its appreciation.

The difficulties which confront the Conference might be summarized as follows:

- a) According to the terms of the Convention of 1932, only governments may sign the Convention and thus become Members of the Union and adhere to the different regulations.

b) Could this difficulty be overcome, it might be argued that a full participation of the United Nations to this Union might result in a certain ambiguity in the character of the relationship between the two organizations, since on one side the United Nations would become a member of the Union and on the other hand specific relationship will be established between the Union and the United Nations in conformity with the final agreement to be concluded between the Conference and the United Nations.

Taking into consideration these facts, the American Delegation has submitted a proposal which authorizes the United Nations to sign the Convention as well as one or more of the sets of regulations without becoming a Member of the Union. This text, upon clarification and some modification, would be acceptable to the United Nations.

It should be pointed out in this connection that the text of the Articles of the Convention of 1932 do not correspond entirely with the special situation now facing the Conference. Most of these Articles concern the Union of Telecommunications of which the United Nations would not be a Member according to the American proposal. Furthermore, proposals have been made to change the section concerning arbitration. They refer to the Procedures provided for in the Statute of the International Court of Justice, and, therefore, would not be applicable to the United Nations. Under the terms of Article 34 of the Statute of the Court, only States may be parties in cases before the Court. The United Nations can only ask for consultative opinion and it is this procedure, or the procedure of an arbitration, pure and simple, which has been provided for in the Conventions of which the United Nations is a party.

Under the foregoing circumstances, it might be unnecessary for the United Nations to sign the Convention itself; consideration then might be given to the adoption in the convention of an article which would, in derogation of Article 2, paragraph 2, of the Convention authorize the United Nations to adhere, as an international organization, to one or more sets of regulations and provide that such an adherence would convey to the United Nations all the obligations and advantages provided for in the Regulations for Governments and Administrations.

This text should also refer to the procedure of arbitration to be adopted in case the United Nations will be a party in a dispute. The paragraph relating to this should only be adopted in case the Conference decides to modify the actual disposition of the Convention of 1932 in a way which would make it inapplicable to the United Nations.

The Article to be added to the Convention could be drafted as follows:

In order to permit the United Nations to efficiently operate its own telecommunications facilities, including radio broadcasting, radioteletype, radiotelegraph and similar services or any other installations of radio telecommunications which it will operate in the future and in derogation of Article 2, paragraph 2, of the present Convention, the United Nations is authorized to adhere to one or more of the regulations provided for in paragraph 2.

The adherence of the United Nations to the regulations shall carry with it to the United Nations as a matter of right and within the limit of its active installations and the services resulting therefrom, all the obligations and all the advantages provided for in the regulations for governments and administrations as well as the right to participate in the technical and administrative conferences with the right of voting.

The Organization of the United Nations could denounce any regulations to which it has adhered by a notification addressed to the Bureau of the Union, which will inform all the interested governments of its decision. This denunciation will become effective after the expiration of one year from the day of its receipt by the Bureau of the Union.

All differences between the contracting governments and the United Nations arising out of the interpretation or the application of the present section or of a set of regulations acceded to by the United Nations will be settled by negotiations or by any other way of settlement agreed to by the parties concerned.

In accordance with Article 96 of the Charter and Article 65 of the Statute of the Court, the United Nations could always request an advisory opinion from the International Court of Justice on any legal question in-

volved. The opinion given by the Court shall be accepted as decisive by the parties.

In addition to the adoption of this Article, it will be necessary to modify slightly certain articles of the Convention or its Annexes in order to give the United Nations the benefits of (a) priority in transmission, (b) the use of secret language, (c) protection against interference and (d) the notification of violations. It is to be noted that the annex of the convention provided for such priorities and the use of secret language for the League of Nations. In this regard the modification to be made should consist of replacing the words "League of Nations" by the words "United Nations." As far as "violation" and "interference" are concerned, mention of United Nations should be made in the relevant articles of the convention, namely Articles 28 and 35.

There is still one question which must be considered - the question of territories under trusteeship or administered by the United Nations or one of its Organs (Trieste), and the accession of these territories to the benefit of the Convention and the regulations. This question has been treated in different proposals. The problem is of great interest to the United Nations which may have in the future the direct responsibility of the trusteeship of certain territories, and must shortly undertake to administer the Free territory of Trieste through the Security Council. However, the settlement of this matter will depend on the solution which the Conference will give to the general problem of membership and more specifically to the question of the admission of only sovereign governments as members of the Union. Therefore, this matter should be settled after the Conference has reached a decision in this field and in the chapter of the Convention related to it.

ANNEX II

STATEMENT OF THE ARGENTINE DELEGATION
TO THE SPECIAL COMMITTEE ON
RELATIONS BETWEEN THE U.N. AND THE I.T.U.

July 25, 1947

Mr. Chairman:

The different statements which have been made during this discussion particularly by the Honorable Delegates from Belgium, France and Egypt, indicate the desirability of reviewing this question completely in order to clarify our ideas.

We are determining - in our opinion, very seriously - the necessary bases for a "relationship" between two entities of international public laws. Therefore, the criterion of "reciprocal invitations", no matter what is said against it, will depend on the meaning we ascribe to the "relationship" between the U.N. and the I.T.U. and, never the opposite. The invitation is not a cause; but an effect; never an effective cause. Therefore, we think that we shall not be denied the right to express four concrete ideas on this subject precisely in order to deal with the "cause" and not with the "effects."

I - In the first place, Gentlemen, it is evident that at an exclusively technical conference such as this one at Atlantic City, those members of the I.T.U. who are also members of the U.N. must adhere strictly to the precise juridical limits established at San Francisco. A precise juridical limit was established in the Charter of the United Nations and this limit must be respected.

Obviously, we say this with the greatest sympathy for the United Nations and all its intrinsically fine objectives.

II - The U.N. was set up in San Francisco as a new juridical body of international public law by virtue of an intergovernmental agreement signed by a great number of countries whose ecumenical or universal scope was incomplete, as it continues to be, since at least a dozen nations were then, and unfortunately still are today, outside of the Organization, which itself recognizes the four essential objectives presented in the four sub-paragraphs of the first article of the Charter.

This four sub-paragraphs are the four cornerstones of the edifice of the U.N. If we are to establish the "relationship" which we all desire, it would be most logical to begin by determining what relationship there is between the I.T.U. and these four basic principles.

III - In order to start at the beginning it would be wise to remember that when the U.N. came into being, there already existed other juridical bodies of public international law with independent activities and essentially technical character, which had come into being by virtue of several other multilateral intergovernmental agreements made a long time before the San Francisco Charter. For example, the I.T.U. and U.P.U. whose constitutional statutes as recognized by the very Charter of the United Nations in article 57, include broad international assignments on various subjects. Thus, since this interinstitutional coexistence is unquestionable, it is permissible to wonder, first of all, what has been - and what is - within the framework of international public law, the respective situation of these bodies whose ideal or juridical existence antedates the advent of the U.N.

The U.N. - as we all know - was created in order to accomplish a superior purpose of a political character, which aims above all to maintain universal peace and security. Therefore, it could not be entirely indifferent to the existence of certain specialized intergovernmental organizations such as the I.T.U. and U.P.U., but since these were - and still are - juridical bodies with independent and anterior existence, that is, real, free and separate juridical entities, the U.N., in view of its partial rather than total ecumenical scope, lacked legal jurisdiction and institutional competence to legislate and make decisions by itself in this respect. Therefore, it could not interfere with them; on the contrary, it has to respect them, as it has always done.

But it did have, an indirect method of reaching them and it did not fail to use it: its own members. In fact, the great majority of its members were also members of those other juridical institutions of international public law, so that all the obligations that could be imposed on the members of the U.N. in their dual role as members of the U.N. and of the other institutions of international public law, permitted the U.N. to influence these other institutions indirectly, without assuming statutory positions that might be branded as illegal or antijuridical.

That is all, Gentlemen; but it was essential to put it in words so that it would not be forgotten.

In other words: The U.N. wanted to enter into "relationship" with all these other institutions, through its own members, that is, by means of the only possible available method of establishing such a relationship legally in a decisive and unobjectionable form. Therefore, Gentlemen - and this is the first point we must carefully, clearly and perfectly point out and understand - article 57 of the Charter is not intended for the authoritarian subjection of other intergovernmental institutions of international public law, but on the contrary, it is intended for its own members that is, for those members of the U.N. who have the double juridical status of members of the U.N. and also members of the other organizations mentioned above. Even more clearly: with other juridical bodies of international public law having a specialized or technical character, such as the U.P.U. and the I.T.U., the U.N. should deal on an equal basis, as is done in common law by two persons dealing as individuals or as legal entities. It can not then say: "This institution shall do this or that.." because it lacks the necessary jurisdiction; but to the members of the U.N. as such, and as members of other institutions of international public law, it can say, if they accept: "the members of the U.N. shall adopt this or that attitude." And that is what has been done purely and simply.

We have already seen that the U.N. wanted to establish a "relationship" with various specialized organizations, but it is fitting not to forget, because it is important not to forget, that between the U.N. and those organizations there also could have existed an affirmative or negative relationship, that is, two possibilities: compatibility and incompatibility. We all know, Gentlemen, that the answer has been frankly posi-

tive, that is, complete compatibility. Truly, if the intention had been otherwise, if the intention, let us suppose, had been negative, nothing prevented the Charter of the United Nations from imposing, on all the members of the U.N., the obligation of denouncing all prior intergovernmental agreements by virtue of which certain juridical bodies of international public law such as the I.T.U. and U.P.U. were formed and continue to exist.

Withdrawing the support of the members of the United Nations would have been tantamount to decreeing the dissolution of all these organizations and the United Nations would have been able to replace these same specialized organizations by setting them up within its own institutional framework.

Fortunately, Gentlemen, nothing like this was done, but exactly the opposite occurred. The positive approach was adopted, doubtless, because the international cooperation that could be provided by these technical and specialized agencies progressing and developing freely, was considered valuable. This is the origin of the much talked about Article 57 of the Charter of the United Nations which for practical purposes has the value of a mandate imposed on the members of the U.N., without interfering with or impairing the institutional independence of the I.T.U. and other specialized organizations referred to in Article 57.

Thus, Gentlemen, but means of this mandate, there arose the concept of "relationship" between organizations on the basis of autonomy without "capitis diminutio" for specialized agencies through the procedure of consensual agreement indicated in Article 53 of the Charter.

It is easy to prove that we are right in interpreting both articles in this way because of a single and very important factor which we also wish to emphasize because of its fundamental importance: in the same way as the Charter sets up the criterion of "relationship" by means of "agreement", it could very well have adopted the criterion of "subordination" without any agreement whatsoever. Since this was not done, we can hardly afford to forego the autonomy and liberty which the Charter of the United Nations itself sets out by affirming, respecting, and consecrating.

IV - Thus within the concept of "relationship" - whose autonomous character we have just outlined - the basis of any relationship must result from a mere comparison of respective objectives. The ultimate objective of the U.N. is the maintenance of peace by definition a superior political aim; the task of the I.T.U. is in a completely different field; it deals only with international coordination of telecommunications from its technical, economical, etc., aspects. Thence follow, by mere implicit reasoning, the three basis conditions of the relationship:

- a) absolute technical independence,
- b) general coordination with the U.N.,
- c) coercitive political coordination, in accor-

dance with the provision of the U.N. for extreme cases, as provided for, in chapter VII of the Charter of the United Nations, among the terms of preeminence that must be respected by all members of the U.N. in their double capacity as members of the U.N. and of the I.T.U., in conformity with Article 103.

Technical independence, Gentlemen, is indispensable for preserving and maintaining the technical existence of the I.T.U., that is, to avoid disturbing the permanent interests of telecommunications, which are strictly technical matters by chance entanglements and accidents of militant politics; general coordination is the only possible road to an effective "relationship", and finally, coercitive coordination can not be renounced by members of the I.T.U. and the U.N.; thus, its inclusion in the agreement of "relationship" safeguards the rights of the members of the U.N. and also leaves the door open for countries who are not members of the U.N. to support the said coercitive measures or to adopt a neutral attitude, according to their belief.

Definitely, Gentlemen, "reciprocal invitations" and any other question deriving from the basic principle of "relationship" should be regulated by the basic considerations we have just enumerated. We are in favor of all criterion or measures leading to conditioned and restricted intervention by the U.N. in the domestic affairs of the I.T.U. Even this intervention in cases when it might be necessary, will not set any precedent or routine obligations that might compromise its freedom of action. The I.T.U., as a juridical body of international public law, must always have the necessary freedom of action in order to regulate each and every one of its acts.

This is all and thank you very much, Mr.
Chairman.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

E
Document No. 186 TR-E

July 31, 1947

Committee C

AGENDA

August 1, 1947 - 3:30 p.m.

(Trellis -- Ritz-Carlton)

1. Approval of the report of the 5th Meeting (Document No. 155 TR-E)
 2. Study and approval of the terms of reference of the Working Group on the question of membership (postponed at the last meeting).
 3. Study of the terms of reference of the Working Group on the problem of structure in accordance with the list of questions appearing in Document No. 189 TR-E..
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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

E

Document No. 187 TR-E
July 31, 1947
Committee E

Agenda
for the

Seventh Meeting of Committee E to be
held on Friday 1st August at 10:00 AM
in Trellis Room (Ritz)

1. To approve the Minutes of the Fifth Meeting
(Doc. TR)
2. Second stage of discussion on Article 32.
Madrid Convention - "Monetary Unit"
Doc. 102, 115 and TR)
3. (If time permits)
 - (a) Continuation of discussion of Article
22 Madrid Convention "Telecommunications
as a public service" (see individual
proposals referred to in Doc. No. 80 TR)
 - (b) Article 23 Madrid Convention "Responsibility"
(see individual proposals referred to in
Doc. No. 80 TR)

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INTERNATIONAL
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ATLANTIC CITY
1947

Document No. 188 TR-E

July 31, 1947

Committee E

Convention Committee

COMMITTEE E

Article 13. Madrid Convention

"Special Arrangements"

Below is circulated for information a comparative analysis of proposals in 90 and 96 TR, designed to bring out the degree and nature of the limitations on the scope and nature of special arrangements, envisaged in the different proposals now before the Committee.

NOTE:

The analysis does not cover proposals or parts of proposals dealing with regional arrangements.

Present and Proposed Limitations
on "special arrangements"
(reference Documents 90 TR and 96 TR)

Madrid
Article 13

Special arrangements are:-

- (i) Confined to service matters not concerning governments in general.
- (ii) In so far as liable to interfere must be in line with Convention and Regulations (see comment below on Italian proposal in regard to interpretation.)

Hungary

Same as Madrid but provides also for special arrangements on matters of charges under similar conditions.

U.S.A. Special arrangements not limited in nature but must not conflict with convention and regulations as regards interference which they might cause to services of other countries.

Chile (Proposals deal with regional arrangements only)

U.K. (Substantively the same as Madrid)

Italy (i) Special arrangements must be on service matters not concerning governments in general (as Madrid).
(ii) must not be contrary to the Convention and Regulations in regard to allocation of frequencies or other questions involving liability to interfere. (Note: If the term "interference" in the Madrid text (Fr. "brouillages") is correctly interpreted in the broad sense of the words the Italian proposal is substantively the same as Madrid. If the term "interference" (brouillages) in Madrid is interpreted narrowly viz. as relating to physical interference with radio emissions, a matter related to the special problem of the allocation of frequencies, then the Italian proposal is more restrictive of special arrangements than Madrid)

France (i) No limitation on nature of special arrangements. (As U.S.A.)

(ii) must be within Convention and Regulations in so far as liable to interfere (see comment on Italian proposal as regards interpretation).

Colombia

(i) No limitation on nature of special arrangements provided their motive is to benefit the users as compared with provisions of Convention and Regulations.

(ii) Interference limitation as in Madrid text.

U.S.S.R.

(i) No limitation on nature of special arrangements but

(ii) scope confined to arrangements not conflicting with Convention and Regulations.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 189-TR-E

July 31, 1947

Committee C

COMMITTEE C

List of questions, covering the organization of the Union, which are to be decided by vote at the meeting of Friday, August 1st.

1. Question of agreement in regard to convening the Plenipotentiary Conference regularly every five years, for the purpose of discussing the reports on the activities of the Union and electing its leading organs.
2. Question of agreement in regard to convening the Administrative Conferences at the same time and place as the Plenipotentiary Conferences for the purpose of revising pertinent regulations.
3. Question of agreement in regard to the establishment of an Administrative Council of the Union, composed of 15 countries, elected at the Plenipotentiary Conference. Examination and auditing of the statements and budgets of the permanent organs of the Union, and confirmation of personnel appointments, are to be the main duties of the Council.
4. Question of agreement in regard to the establishment, in accordance with a recommendation of the Radio Conference, of a permanently functioning organ of the Union - the I.F.R.B., elected at the Radio Conference.
5. Question of agreement in regard to having a chairman or director at the head of every consultative committee, elected by the Administrative Conference or by the plenary session of the respective committees.
6. Question of agreement in regard to the establishment of a post of secretary general whose duties would be the general organization of a secretariat of the Union and of its organs.

7. Question of agreement as to whether each consultative committee should have its own specialized secretariat, composed of about 5 persons. Such a secretariat should work under direct orders of the chairman of the committee, but at the same time it should be a part of the general secretariat.
8. Question of agreement in regard to the establishment of a permanently functioning Bureau of the Union, for the purpose of coordinating the activities of the Union, and composed of the Chairman of the I.F.R.B., the Chairmen of the consultative committees and the General Secretary.

Further questions, and, in particular, the question of the Bureau of the Union, will be on the agenda of the following meeting.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

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Document No. 190 TR-E

August 1, 1947

This document refers only to the French text.

- 2 Août 1947

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 191 TR-E

August 1, 1947

Committee C

ERRATUM

in document No. 137, TR-E

Page 4, Para. 2, last sentence, read:

"However, they would not oppose....."

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 192 TR-E

August 1, 1947

188 TR

MEXICO

Article 1

Refer.: Madrid
Convention

Art. 1

New

CONSTITUTION OF THE UNION

§ 1. It is recognized that every country signatory to the Convention has the sovereign right to regulate its telecommunications and to have its will prevail in any project which it might plan to develop within its own territory. However, the contracting governments recognize that it is necessary to conclude agreements among themselves, in order to assure the efficiency of telecommunications.

REASONS

A. - The Mexican Government considers that, in order to obtain maximum efficiency, in internal telecommunications, it is necessary that telecommunications be organized in accordance with the conditions prevailing in each country, providing that it would not prejudice the existing interests of other signatory countries.

B. - The efficiency of international telecommunications requires the cooperation of all governments that are signatories to the Convention, but it must be recognized that this cooperation must always comply with the terms of their respective laws. In this connection, it is well to remember that certain Committees of the Administrative Radio Conference are now revising the regulations of the existing bodies and studying projects for setting up new ones and their activities may make it necessary to extend their action to a specific territory, in order to conduct investigations in connection either with that very country or with any other country. On the other hand, the laws of some countries may be in conflict with an action of that kind, unless such an action were specifically authorized by the government concerned. Such, at least, is the case of Mexico. While pointing out to the possibility of such cases, Mexico is prepared to give its full cooperation, if such cases should arise, but it must safeguard its sovereignty by requiring that this formality provided for in its laws be respected.

- 2 Aout 1947

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August 1, 1947

This Document replaces
Document No. 126 TR-E

MINUTES

OF THE SECOND PLENARY SESSION

July 18 and 19, 1947

The agenda was as follows:

1. Approval of Minutes of the first Plenary Session
(Document No. 57 TR-E)
2. Amendment of Article 19 of the Internal Regulations
to provide for a 2/3 majority and other voting
procedures. (Document No. 95 TR-E)
3. Admission of Esthonia, Latvia and Lithuania
(Document No. 104 TR-E)
4. Admission of the Outer Mongolian People's Republic
(Document No. 104 TR-E)
5. Admission of Spain (Document No. 104 TR-E)
6. Admission of the Principality of Monaco.
(Document No. 104 TR-E)
7. Amendment to Article 18 of the Internal Regulations
to provide for voting by proxy.
8. Amendment of Article 26 of the Internal Regulations
to provide for signing by proxy. (Document No.
104 TR-E)
9. Questions concerning admission of other countries.
(Document No. 104 TR-E)
10. Report of the Credentials Committee.
11. Miscellaneous.

The meeting was called to order at 10:15 a.m. by Mr. Charles Denny, Chairman of the Conference.

The Chairman informed the meeting that according to the agenda which had been distributed, the present session, among others, would be devoted to the study of questions appearing in Documents 95 TR-E and 104 TR-E. He asked if the meeting was agreed upon this agenda.

The Delegate from Canada stated that he had made a proposal (Document 11: TR-E) on voting procedure in plenary sessions, and requested that this proposal be added to the agenda for study before point 1 was discussed.

No objection being raised to this addition, the agenda was thus amended.

The Delegate from Canada stated that his proposal was motivated by two ideas: to facilitate the work, and to obtain the most accurate expression of opinions on questions put to a vote.

He read his proposal advocating the introduction of a new paragraph in Article 21 of the Internal Regulations; this new paragraph read:

"§ 3. If two or more delegations, present and entitled to vote, request, when a vote is about to be taken, that it shall be taken by secret ballot, this shall be done."

He noted that the Congress of the Universal Postal Union had adopted this procedure by a large majority.

The Chairman asked the meeting to comment on this subject.

The Delegate from the Vatican would have preferred that the Canadian proposal be taken up after the study of Article 19 concerning a two-thirds majority vote. In other respects, he approved the Canadian proposal as to the secret ballot, and believed that such a decision might constitute an amendment to the proposal relating to the two-thirds majority vote which had been requested in the case of important questions. There is a theoretical difference between these two types of voting which should be noted. Whereas a majority vote might lead to certain subsequent

maneuvers and might encourage abstentions, the secret ballot decides any question conclusively. Article 19, which is to be studied, provides that a proposal receiving a two-thirds majority vote is to be referred to the next meeting, if 50% of the delegations represented at the Assembly abstain from voting for or against this proposal. This procedure entails the risk of resulting in very few conclusive decisions, and permits certain stratagems which would be impossible in a secret ballot.

The Head of the Delegation from the U.S.S.R. saw no need to inject any complication into the procedure by adding a secret ballot. He did not think that at this Conference, where representatives of governments are free to express themselves openly, any reason could exist for not doing so.

The Delegate from China supported the Canadian proposal. Such procedure is practised in many international conferences as well as at the U.N. Certain questions such as the admission or exclusion of members could be handled in this way.

The Delegate from the Dominican Republic said that he was absolutely opposed to the introduction of the procedure of voting by secret ballot. He considered that one need not make a secret of one's opinions.

The Delegate from Egypt pointed out that the present Conference is a technical organ and that the secret ballot is contrary to democratic procedure. Nevertheless, this voting procedure might be adopted for certain questions.

He then submitted the following amendment to the Canadian proposal: "If half of the delegations present and entitled to vote request that the votes be cast by secret ballot, their request shall be granted."

The Cuban Delegate supported the Canadian point of view as being the best means to ensure a majority opinion. The secret ballot would be authorized under certain circumstances at the request of a few delegations.

The Chairman then read the text of the amendment proposed by Egypt: "§ 3. If the secret ballot is requested at the time of voting by at least half of

the qualified members of the Plenary Assembly, it shall be so decided." He suggested putting this amendment to the vote.

The Delegate from the U.S.S.R. felt that before voting on the Egyptian amendment, it was advisable to decide whether the Plenary Assembly approved the principle of the secret ballot.

The Chairman pointed out that Parliamentary Law requires that a vote be taken first on the amendment and then on the principle, but he said that he was willing to proceed in accordance with the wishes of the Delegate from the U.S.S.R. "We shall, therefore," he said, "vote first on the principle of the secret ballot, then we shall specify the exact terms in order to determine the number of countries necessary to apply it."

By 55 votes in favor, 9 votes opposed, and 3 abstentions, (with 10 delegations absent), the Assembly expressed its approval of the principle of the secret ballot.

Voted for: Afghanistan; Union of South Africa and mandated territory of Southwest Africa; Argentina; Australia; Austria; Belgium; Belgian Congo; and territory under the mandate of Ruanda-Urundi; Burma; Brazil; Canada; Chile; China; Vatican City State; Colombia; Cuba; Denmark; El Salvador; Ecuador; Ethiopia; Finland; France; colonies, protectorates and overseas territories under French mandate; French protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; Colonies, protectorates, overseas territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; India; Iraq; Iran; Ireland; Iceland; Italy; Luxembourg; Mexico; Monaco; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Peru; Philippines; Portugal; Portuguese colonies; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Uruguay; Venezuela.

Voted against: Albania; Bielorussia; Bulgaria; Dominican Republic; Hungary; Poland; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Abstained: Egypt; United States; Territories of the United States.

Absent: Saudi Arabia; Bolivia; Costa Rica; Southern Rhodesia; Lebanon; Liberia; Paraguay; Roumania; Syria; Yemen.

The Chairman then asked the Canadian Delegate for the exact wording of his proposal.

The Head of the Canadian Delegation then read from Document 116 TR-E, the proposal made by his country: "If two or more delegations, present and entitled to vote, request, when a vote is about to be taken, that it shall be taken by secret ballot, this shall be done."

The Delegate from Egypt then submitted his amendment, which consists of replacing "two or more" by "half of the delegations."

The French Delegate felt that the figure "two or more" mentioned in the Canadian proposal was inadequate, but that 50% was excessive. He suggested one-third.

The Belgian Delegate said that he was afraid that even the 33% recommended by France might in many cases prevent the application of the secret ballot. He suggested the figure of 5 to 10 delegations. Furthermore, he proposed that the following provision be added: "The necessary steps shall be taken to guarantee effective secrecy."

The Delegate from Canada supported the Belgian proposal to setting the number of delegations at 5.

As for the Delegate from the U.S.S.R., he then supported the Egyptian proposal (50%).

The Egyptian Delegate emphasized his point of view by pointing out that the proposal of 50% was also specified in the recommendation of Committee F concerning Article 19.

The Delegate from China asked a minimum of two delegations for questions concerning membership and 1/3 for all other questions.

The Cuban Delegate supported the Belgian proposal with its figure of 5 delegations.

These various amendments were put to the vote one after the other. The Assembly decided by a show of hands that a secret ballot may be requested by a minimum of five delegations present and entitled to vote.

The Chairman then proceeded to point 1 on the agenda: Approval of the minutes of the First Plenary Session.

The Head of the Belgian Delegation was recognized and made the following statement:

"Mr. Chairman, Gentlemen,

I deem it essential to point out, in the minutes of the first meeting, some contradictions on very important questions - namely the regularity, the legality of our debates.

The distinguished Delegate of Egypt (page 13) asked the Chairman this question: Is the Conference based upon the Madrid Convention? Or is the Conference the outcome of a wish or a recommendation of the United Nations? - It was the Vice-Chairman, Mr. Colt de Wolf, who answered, and I quote two sentences word for word from the minutes:

See page 16 -

"I have no doubt that the Atlantic City Conference is the legal and juridical successor of the Madrid Conference."

and further, on page 16 -

"This Conference is very definitely a conference of the International Telecommunications Union."

These declarations are very clear and very precise, and come from the Vice-Chairman of the Conference.

Somewhat later, the Delegation from Belgium raised the question of the non-admission to the Conference, with a right to vote, of certain countries because they were not members of the Union. And I read on page 34:

"The Chairman: I believe that we were in agreement yesterday, in considering that this Conference is a conference of sovereign countries and that participation will not be limited only to members of the International Telecommunication Union."

There is, therefore, a complete contradiction between the statement of the Vice-Chairman, Mr. Colt de Wolf, and the statement of the Chairman.

It is for this reason that I believe that there is a small mistake in the wording, and that the statement of the Chairman should be understood as an interrogation, and as an expression of doubt - ? "I believed that we were in agreement yesterday, etc. with a question mark at the end." For we were not in agreement, Mr. Chairman, and, if the Delegation from Belgium had at once understood your reply as it is now worded in the minutes, it would not have failed to tell you that it could not be in agreement. But the debates were carried on too rapidly, and with the delay and defects of simultaneous translation such incidents can easily occur.

I ought to repeat very clearly and very energetically here that the Belgian Delegation will maintain its stand upon the ground of law, and that we deny to countries which are not members of the Telecommunications Union the right to vote in our deliberations. The Special Committee on Voting has discussed this question at length and clearly, it has been stated by several delegations which took part in the discussions that the criterion for admission to our Conference was: to be a member of our Union, to have fulfilled certain conditions set by the Madrid Convention. - And several delegations have here affirmed and confirmed what we have just said. Our only law is that which is now in force and which will remain valid until the new Convention at Atlantic City in its turn comes into force, that is, perhaps in the course of the year. It is the Madrid Convention which we established and signed of our own free will and which we understood to observe and to respect.

If I have so strongly insisted that Madrid be respected, you well know that it is not through a feeling of hostility towards any country whatever. Pray believe that I have but one purpose: the interest of the Union and of us all; but one anxiety: that the Convention which may emerge from our work be unstained by any irregularity, that our deliberations and our discussions may not hereafter be questioned by anyone. Do you believe that a new Convention would have great value in the eyes of the world and of the Administrations, a new Convention of which it might be said that it had been imposed on a number of countries by a majority which had only been obtained thanks to the presence of several

countries admitted to vote contrary to legal practices? - Such a possibility is not desirable for anyone, no, not for any country and, perhaps, especially not for the inviting country.

Membership in the International Telecommunications Union, is very clearly, the outcome of the first articles of the Madrid Convention. And if this point has given rise to some confusion, as it appears from the minutes of the first Plenary Session, page 33, it is perhaps because the question was not well put by the Secretary General and because he, taken by surprise, could not offer a precise and exact solution; but this solution is not in doubt when the texts are examined.

Does this mean that, under the difficult situation caused by war and delicate international complications, it is necessary to hold strictly to the stipulations which provided for a diplomatic notice to the Spanish Government? - As I stated in the Special Committee on Voting, exceptional circumstances demand exceptional measures under penalty of obstructing the operation of the Berne Bureau. And in our opinion, a notice to Berne can replace a notice to the Spanish Government, which certain countries may have deemed undesirable for themselves.

Some governments may already have been real and active participants in the Telecommunications Union, may have adhered to certain parts, may have paid their dues, etc...and may have done so for years, but these governments have perhaps not been able, because of the diplomatic situation and of the war, to fulfill all the conditions set by the Madrid Convention.

All these are instances of a kind which can be judged in an equitable fashion.

If certain countries, after examination of their case, are not considered as entitled to vote, to our minds it does not in the least follow that they cannot take part in our debates, but only that they must abstain from taking part in voting.

Mr. Chairman, I request that this statement be entered in extenso in the minutes of the second Plenary Session. Thank you, Mr. President and Gentlemen."

The Delegations from Cuba, Guatemala, El Salvador and the Belgian Congo pointed out that, although they attended the first Plenary Session, the names of their countries were not listed in the minutes among the members present. They requested that their names be added. This will be done.

The Delegate from France requested that a slight correction be made on Page 35. In lines 11 and 12, provided the Plenary Assembly approved, he would like to have the present text replaced by: "The documents of the Conference are drafted in French and translated into English, in accordance with the Cairo agreements."

The Chairman replied that the minutes indicated exactly what he had said with regard to the arrangements and working methods suggested for the Telecommunications Conference on a temporary basis. He again summarized the details of these arrangements, which moreover had been followed at the Radio Conference. In view of the fact that, in making his statement, he had intended merely to describe what was being done, he thought that it would be proper to leave the sentence as it appears in the minutes, that is: "The documents of the Conference are drafted in French and in English."

The Chairman reminded the meeting that it was clearly stated later on that French is the official language.

The Delegate from France: "The disadvantage of this text is, perhaps, that it is too long. I am not at all sure that its different parts do not conflict. What I have requested is a very small thing. I thought that we could agree today on the proposed new wording, which seemed to me to correspond exactly to the way I had put the question at our first Plenary Session, and which I believed had been definitely accepted.

"My point of view is quite clear: it is simply a question of applying Article 21 of the Madrid Convention and the Cairo agreements on languages. The passage to which I allude is not consistent with my point of view, since it establishes a parity between the two languages; at the moment, this parity does not exist. We shall see later on whether it should be established. You perceive clearly the similarity of the position of the two languages in the passage I have quoted; that is why I suggest that it be drafted as follows:

"The documents of the Conference are drafted in French and translated into English in accordance with the Cairo agreements."

The Chairman: "I understand your point of view very well, but in order to make this change it would be necessary to draft the minutes so that they would say something other than what I said. All documents are drafted and issued simultaneously in English and French. That is exactly what we are now doing, and it is also the rule which is followed at the Radio Conference. The minutes as you wish to change them would no longer represent what is happening, and what I said. It is clearly understood that the French text remains the official text, until such time as the Convention is modified so as to recognize the eventual admission of other official languages."

The Delegate from France: "I was under the impression that we could come to an agreement. I request the application of existing texts. I specified in my statement at the first Plenary Session that there should be an official text, and that this text should be used as a basis for the corresponding text. It is not our work to ratify what was done at the Radio Conference, a purely administrative conference. The latter made in advance a decision which really is the responsibility of our Conference; as a matter of fact, it had certain scruples in the matter, since it left it up to us to settle the question."

As for the content, we shall discuss this matter when the question of languages appears on the agenda of Committee C. Today, I ask, not for the ratification of a state of affairs created by the Radio Conference, but the application of a well-established rule, namely, that the English translation be made from the French text in accordance with the Cairo agreements."

The Delegate from Guatemala supported the Chairman's point of view. The text of the minutes should not be altered.

The Delegate from France then requested that his statement be inserted in the minutes. He reserved the right to bring up the matter again when Article 21 of the Madrid Convention was being considered.

The minutes of the first Plenary Session were then approved.

(193 TR-E)

POINT 2 of the Agenda (Amendment of Article 19 of the Internal Regulations to introduce the principle of a 2/3 majority and other voting procedures. (Doc. 95 TR-E).

The Chairman summarized the points of the recommendation made by Committee F and opened the discussion.

The Delegation of the United States of America objected to the application of a 2/3 majority to voting in our Conference, a procedure which he considered to be a step towards the veto. Ever since 1865, we have always used the principle of a simple majority with complete satisfaction. Even if a two-thirds majority vote had proven acceptable in an organization like the U.N., it had no reason for existence in our Union, which is concerned essentially with technical problems. Above all else, he feared that adoption of a two-thirds rule would entail long discussions on procedure, and would favor the formation of minority groups.

The Delegate from the Dominican Republic formally approved the viewpoint of the Delegate from the United States of America, and strongly recommended retaining the principle of voting by a simple majority.

The Delegate from the U.S.S.R. reminded the meeting that the question had already formed the subject of lengthy discussions in Committee F. The recommendation presented by that Committee to the Plenary Assembly was perfectly justified, and fully conformed to democratic principles applied to voting. He also recalled that the United Nations had adopted a similar procedure, and that the Delegations of the United States and the United Kingdom had offered proposals recommending a two thirds majority of members present and voting in the case of admission of new members to the organization. It was, he said highly desirable, even indispensable, that the two-thirds majority rule be applied in the case of very important questions and that it was advisable to adopt the recommendations of Committee F.

The Delegate from Belgium observed that, in committee, his Delegation had expressed themselves in favor of a two-thirds vote on important questions, because, only too often, a vote had been taken, as a matter of fact, with only a small number of affirmative and negative votes cast. It had never occurred to anyone, he believed, to apply the two-thirds rule for technical questions, such as those concerning frequencies, as the Delegate from the United States had already stated. Therefore, it was essential to deter-

mine very clearly at this point which questions were to be considered important. These might be, for example, questions relating to change of structure, change of headquarters, of budget, or questions relating to membership in the Union.

The Delegate from Greece strongly supported the viewpoints expressed by the Delegates from the United States and the Dominican Republic. He was particularly apprehensive lest in decisions on important matters, the minority might prevail over the majority.

The Delegate from Albania fully approved the recommendation of Committee F. We should imitate the United Nations, which decided to apply the principle of a two-thirds majority in important matters.

The Delegate from Chile stated that, after hearing arguments against the two-thirds majority rule, and in order to facilitate the work of the Conference, he was changing the position he had hitherto held, and now proposed the simple majority rule.

The Delegate from the U.S.S.R. proved by giving an example, that, whereas our Union had 100 members, a decision on an important question might be made, by following the principle of the simple majority, by a simple majority of two votes, for instance, 16 to 14.

In fact, if 50 members were absent, and if 40% of the members present abstained from voting - a situation which, it might be observed, had often occurred - only 30 members would take part in voting, and the result might well be 16 votes against 14. He felt that a voting procedure that could give the above result was neither democratic nor equitable, and he asked that a procedure be adopted which would protect the rights of the members of the Union.

The Delegate from Switzerland, as Chairman of Committee F, explained that the recommendation on the principle of the qualified two-thirds majority covered only very important questions. The Committee had no authority to establish the list, but it was understood to be, only a matter of questions dealing with the structure of the Union, its seat, its budget, etc....

He believed that the fears which had been expressed would disappear if the Assembly decided for which questions the majority designated would be necessary.

He stressed the point that the Committee had decided

to recommend the adoption of the designated majority by 29 votes against 15.

The Delegate from Colombia did not foresee any great danger in retaining the rule applied up to the present, since it had always been possible to reach an agreement. He supported the proposal of the United States for the maintenance of the principle of a simple majority.

The Delegate of the Belgian Congo was of the opinion that if an important proposal were supported only by a weak majority, it was because the formula for the contemplated compromise was bad, and hence it was necessary to find a better formula capable of support by two-thirds of the votes. For this reason he approved the recommendation by Committee F.

To reconcile the various views expressed, the Delegate from Egypt proposed the following amendment to § 3, b):

- b) If no result is obtained on the first vote, the question shall be referred to a later meeting, at which time a second vote shall be taken in accordance with the provisions of § 2.

The Delegate from the Dominican Republic gave a new example demonstrating the result of a vote in accordance with these two methods. Let us suppose, he said, that 80 of our members were present at the Conference, and that, at the time of voting on a proposal or an amendment, 20 Delegations abstained from voting, and that 60 voted one way or another.

According to the simple majority principles, the proposal or amendment would be approved if 31 Delegations against 29 voted affirmatively, whereas, according to the two-thirds majority rule, it would be rejected even if 39 Delegations against 21 voted for its adoption. In this latter case, the minority would certainly be imposing its will on the majority.

The Delegate from Argentina felt that democratic nature of decisions adopted by a simple majority vote could not be questioned. The main purpose of the two-thirds majority rule was to neutralize the dead weight of abstentions. But since we had just adopted the secret ballot, this danger was eliminated. For this reason, the Argentine Delegation preferred the principle of a simple majority, particularly as our dis-

cussions were usually of a technical nature. He, therefore, supported the Delegation from the United States.

The Chairman, conceding that there had been an adequate expression of opinions for and against the recommendation of Committee F, proposed to the following method of procedure:

- 1) to put to the vote the question of the principle of the two-thirds majority vote;
- 2) if the vote were affirmative, it would be necessary to study the exact text to be inserted in Article 19, and subsequently, in accordance with situation in question, to define which were important questions.

This suggestion was approved and voting by roll call gave the following result:

33 affirmative votes, 29 contrary votes, 5 abstentions
(ten Delegations being absent.)

Voted for: Union of South Africa and mandated territory of Southwest Africa; Albania; Belgium; Belgian Congo and Territories under the mandate of Ruanda-Urundi; Bielorussia; Burma; Bulgaria; Vatican City State; Denmark; Egypt; Ethiopia; Finland; France; colonies, protectorates and overseas territories under French mandate; French protectorates of Morocco and Tunisia; Hungary; Luxembourg; Monaco; Norway; Netherlands; Netherlands Indies; Poland; Portugal; Portuguese Colonies; Siam; Sweden; Switzerland; Czechoslovakia; Ukraine, Union of Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia.

Voted Against: Argentina; Australia; Brazil; Canada; Chile; Colombia; Cuba; Dominican Republic; El Salvador; Ecuador; United States; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; India; Ireland; Iceland; Italy; Mexico; Nicaragua; New Zealand; Panama; Peru; Philippines; Turkey.

Abstained: Afghanistan; Austria; China; Iraq; Iran.

Absent: Saudi Arabia; Bolivia; Costa Rica; Southern Rhodesia; Lebanon; Liberia; Paraguay; Roumania; Syria; Yemen.

The Chairman announced that the principle of a two-thirds majority vote was thus adopted.

The Delegate from the United States was of the opinion that it would be difficult for the Assembly to decide in advance what questions should be considered important. He submitted to the Assembly the following new wording which he proposed for Article 19:

Article 19 - As adopted July 18, 1947

Voting in Plenary Session

- § 1. For a valid vote to be taken at Plenary Sessions, at least one-half of the delegations accredited to the Conference and having the right to vote must be present or represented at the session during which the vote is cast.
- § 2. Except in the cases provided for in §3 below, measures shall be adopted when approved by the absolute majority of positive and negative votes cast. In case of a tie; the measures will be deemed rejected.
- § 3. a. Any delegation may move that a question under consideration should be decided by a 2/3 majority of the total number of the positive and negative votes cast, rather than by a simple majority. If the motion is seconded, the Session shall determine by a simple majority, whether or not the question should be decided by a 2/3 majority.

- b. If at least 50% of the delegations present or represented at the Session and having the right to vote, abstain from voting pro or con with respect to a question which is to be decided by a 2/3 majority under § 3a above, the question shall be tabled until a later meeting, at which time a second vote shall be taken. At such second vote, the measure shall be deemed adopted if approved by a 2/3 majority of the total number of positive and negative votes cast, regardless of the number of abstentions.

§ § 1 and 2 of this proposal correspond to § § 1 and 2 of the recommendation submitted by Committee F.

The Chairman then summarized the situation, pointing out that the meeting had before it the following matters:

1. The recommendation of Committee F;
2. The amendment proposed by Egypt;
3. The proposal of the Chairman of Committee F intended to define for the present meeting which questions were to be considered important;
4. The proposal of the United States.

The Delegate from Guatemala was of the opinion that instead of endeavoring to determine which questions should be considered important, it would be desirable to insert in the Internal Regulations a provision to the following effect:

"To decide that a question is important, a two-thirds majority of the total number of affirmative and negative votes shall be required."

The Delegate from the U.S.S.R. pointed out that the amendment proposed by the Delegate from Egypt would destroy the effect of a decision thus made, since, if an important question could not obtain a two-thirds majority, it should not be put to the vote a second time for adoption by a simple majority. In his opinion, a question which had not been accepted by a two-thirds majority should be rejected and a new proposal should be drafted for submission to a vote under the same ruling.

It was evidently difficult to establish in advance a list of all the important questions, but, in his opinion, it was desirable to settle upon certain ones like those already indicated, and, subsequently, to decide on each case as it arose, according to the proposal of the United States.

The Chairman thought that the viewpoint of the United States did not essentially differ from that of the U.S.S.R., and that if some important questions could be determined at that date, it would be a certain advance towards the necessary decision.

The Delegate from Belgium felt that if questions subject to a two-thirds majority vote were determined at each session, it would, by these manoeuvres, make a two-thirds vote impossible. He suggested as a compromise the following solution: 1) to establish a list of important questions such as the structure of the Union, headquarters, budget and membership; 2) for all other questions a simple majority vote should be taken in the Plenary Assembly, whether or not a given question should be treated by a simple majority or by a two-thirds majority.

The Chairman adjourned the meeting at 1.05 p.m. and announced that it would be resumed at 3 o'clock.

The meeting was continued at 3:10 p.m.

The Chairman summarized the questions to be examined and proposed that voting begin.

The Delegate from Belgium recalled the fact that he had submitted a compromise proposal of which the object was:

- 1) to determine in principle the questions to be decided by a two-thirds majority (structure of the Union, seat, budget, membership)
- 2) to accept the proposal of the United States without making any decision on a two-thirds majority for all the questions which are not included in paragraph 1.

The Chairman saw no appreciable difference between the proposal of Belgium and that of Committee F as modified by its Chairman.

The Delegate from France: I wish to support the viewpoint expressed by the Belgian Delegation even if, as you have pointed out, its proposal does not differ from that presented by Committee F.

I, for my part, insist that the Plenary Assembly should decide, not later than today, what questions shall be stated to be important. I do not think that it will be difficult or that it will entail long discussions to decide what the important questions are, since in general they are being discussed by everyone. I should like to make another remark: we are here for the purpose of revising the Madrid Convention; it is therefore on the basis of this Convention, and article by article, that we must study those questions which we will deem important. I have attempted, very rapidly, to do this work. It seems to me that the articles of the Madrid Convention constitute an adequate basis for the study of the matters pending before this Conference, including the structure and constitution of the Union, which certainly are by far the most important. For instance, if the constitution of the Union is to be considered, we may consult Article 1; if the structure or the finances of the Union are to be considered, we have only to refer to Article 17 which deals with the Bureau of the Union. For languages, we have Article 21, etc. Therefore, I think that in a very short time, and using the Madrid Convention as a basis, we could determine precisely the

Articles whose provisions would be considered important. There are, it is true, important questions which were not specified in the Madrid Convention and which could come up during the course of our work. I propose that those questions, which will doubtless not be numerous, should be declared important on the request of five delegations, since we just agreed that the secret ballot could be used on a proposal supported by five delegations.

The Delegate from Liban apologized for not having been able to attend the morning meeting because of an accident. He said that he took part in the Universal Postal Congress at Paris where important questions were systematically rejected because of the two-thirds vote. He asked this question: "When members abstain, are they considered to be voting or 'not voting'?" At the Postal Union it had been necessary to return to the absolute majority because, as a result of abstentions and negative votes, the proposals were nearly always rejected.

The important questions are the questions of principle related to the Convention and not those for which two, three or five delegations request that the two-thirds majority vote should be applied.

The Delegate from Cuba explained the reasons for which he supported unreservedly the proposal formulated by the Delegation of Guatemala.

The Chairman wished the Delegate from Liban a speedy return to health.

In order to limit the discussions, he proposed submitting the various amendments to the vote. The amendments of Egypt and Guatemala were rejected, the first by a show of hands, the second by roll call.

Voted for: Argentina; Brazil; Chile; China; Colombia; Cuba; Dominican Republic; El Salvador; Mexico; United States; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates; overseas Territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; Iraq; Ireland; Italy; Mexico; Nicaragua; Panama; Peru; Philippines; Turkey; Uruguay; Venezuela. (total-28)

Voted against: Union of South Africa and mandated territory of Southwest Africa; Albania; Belgium; Belgian Congo; and Territories under the mandate of Ruanda-Urundi; Bielorussia; Canada; Vatican City State; Denmark; Egypt; Finland; France; colonies, protectorates and overseas territories under the French mandate; the French protectorates of Morocco and Tunisia; Hungary; India; Ice-

land; Lebanon; Luxembourg; Monaco; Norway; New Zealand; Netherlands; Netherlands Indies; Poland; Portugal; Portuguese Colonies; Sweden; Switzerland; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia. (total-32)

Abstained: Afghanistan; Australia; Austria; Burma; Iran; Roumania; Siam. (total-7)

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Southern Rhodesia; Liberia; Paraguay; Syria; Yemen. (total-10)

The Chairman proposed submitting the proposal of the United States to the vote, the last paragraph of which corresponds, he thought, to the view point expressed by the Delegate of Liban.

Mr. de Wolf, Chairman of the United States Delegation, read the English text, and Mr. Mulatier, Secretary-General, translated this text into French.

The Delegate from the U.S.S.R., after recalling the fact that he had this morning pointed out the necessity of having a limited list of the important questions to be submitted to the two-thirds majority, asked Mr. de Wolf what the proposal of the United States was on this matter, since the Chairman was not opposed to the establishment of such a list.

Mr. de Wolf replied that he had stated this morning why the two-thirds majority vote did not seem to him desirable. Nevertheless, he thought it an error to allow a simple majority to be decisive, it being difficult beforehand to decide what the important questions would be. He stated that after having studied the whole question thoroughly his Delegation simply wished that its proposal should be applied, so that in the future the Assembly should decide, on the request of two Delegations, if a question is important or not.

The Delegate from the Belgian Congo pointed out that if the proposal formulated by the Delegate from the United States was accepted, the preceding votes which required a two-thirds majority for certain important questions would be nullified. In this case, a simple majority wishing to have its viewpoint accepted on an important question would only have to reject first the two-thirds vote in order to have it passed by a simple majority. In order that the preceding votes of our Assembly should remain valid, the two-thirds vote must be imposed on the request of less than a third of those voting. He declared that he would vote against the proposal of the United States.

The Delegate from Belgium insisted on his transactional proposal.

The Delegate from Guatemala said that he did not agree with the Delegate from the Belgian Congo when he said that with the American proposal the decisions reached would be nullified. In his opinion, it would not be necessary to establish a list of the important questions, and to ensure a greater degree of flexibility, he preferred that in the future each particular case should be examined. He supported the proposal of the United States.

The Delegate from Liban also supported the proposal of the United States except on one point. Experience had shown, he said, that when a small number of delegations were able to request a proposal to be submitted to a two-thirds majority, this gave rise to manoeuvres which obstructed the work of the Conference. It seemed to him that with the help of the jurists present here, we should be able to establish a list of the important questions.

The Delegate from Switzerland recalled the fact that the exchange of views in Committee F on the important question had dealt principally with the following points: structure of the Union, admission and exclusion of members, budget, question of the seat of the Union. As for other questions, the fact that five delegations could take a position, would remain as a safety valve. It seemed to him that on this basis it should be possible to come to an understanding.

The proposal of the United States was then voted on. It was adopted by roll call by 33 votes against 31 with 3 abstentions. (10 delegations were absent).

The following voted Yes: Argentina; Australia; Austria; Brazil; Canada; Chile; China; Colombia; Cuba; Dominican Republic; El Salvador; Ecuador; United States; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; Colonies; Protectorates; Overseas Territories and Territories under the Sovereignty or Mandate of Great Britain; Greece; Guatemala; Haiti; Honduras; Iraq; Ireland; Italy; Liban; Mexico; Nicaragua; Panama; Peru; Philippines; Siam; Turkey; Uruguay; Venezuela.

Contrary votes: Union of South Africa and the mandated territory of Southwest Africa; Albania; Belgium; Belgian Congo and the mandated territories of Ruanda-Urundi; Bielorussia; Vatican City; Denmark; Egypt; Finland; France; Colonies, Protectorates and Overseas territories under its mandate; the French Protectorates of Morocco and Tunisia; Hungary; India; Iceland; Luxembourg; Monaco; Norway; New Zealand; Netherlands; Netherlands Indies; Poland; Portugal; Portuguese Colonies; Roumania; Sweden; Switzerland; Czechoslovakia; Ukraine; Union of Socialist Soviet Republics; Yugoslavia.

Abstentions: Afghanistan; Burma; Iran.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Southern Rhodesia; Liberia; Paraguay; Syria; Yemen.

The Delegate from Italy pointed out that in Article 22 of the Internal Regulations of our Conference no proposal had determined when a proposal submitted to the vote should be considered approved or rejected. He proposed to fill this hiatus by adding to this Article: "No proposal, no amendment shall be adopted if it does not obtain an absolute majority of the affirmative and negative votes. In the case of a tie, it shall be considered as rejected."

The Chairman: Are there any objections? - Adopted -

The Internal Regulations will be completed to this effect.

Point 3 of the Agenda: (Admission of Estonia,
Latvia and Lithuania)
(Doc. No. 104 TR-E)

The Head of the Delegation from the U.S.S.R. made the following statement:

"Mr. Chairman, Gentlemen,-

The Delegation of the U.S.S.R. is of the opinion that the committee appointed to consider the question of Estonia, Latvia and Lithuania has not performed its task. That is, instead of making a well-documented recommendation on this important question, the committee simply made the statement that a vote had been taken on the inclusion or non-inclusion of countries in the list.

At the meeting of the committee, I called attention to the necessity for a definitive formula for the findings of the committee; based on the investigation into the legal situation. I was told that this was not within the jurisdiction of the committee.

Furthermore, if we refer to the recommendations made in respect to other countries appearing in Document No. 104 TR-E we find that the question is more aptly presented and that the proposals deriving from the recommendations are well-documented and concrete.

Consequently, it must be admitted that the question of Estonia, Latvia and Lithuania was handled in a biased manner and that the findings were based, not on legality, but on patently political interpretations.

I ask you, therefore, Gentlemen, to give this question your objective attention and your most serious consideration during the present Session.

What is the root of this question? As we all know, our Conference is the Conference of members of the Telecommunications Union. Consequently, all members of the Union have equal rights to participate in this Conference, irrespective of the fact that the inviting Government has or does not have diplomatic relations with any member of the Union. It is on this basis only that an international organization can exist.

The distinguished Delegate of the United States of America, stated in the course of the Committee meeting, that all Countries which from the point of view of the United States are members of the Union have been invited. But for us only one law exists defining the members of the Union. This is the Madrid convention law.

Everybody knows full well that Latvia and Lithuania adhered to the Convention in 1932, and Esthonia adhered to it in 1935. None of these Countries have notified their wish of leaving the Union, therefore all these Countries are, in a judicial sense, members of the Union. This is especially confirmed by the presence of the names of Esthonia, Latvia, and Lithuania, in the official Management report of the Bureau of the Union for the year 1946. Consequently, the names of these Republics should figure in the list of Countries enumerated in Article 18 of the Internal Regulations. The fact that they do not appear in it, constitutes an obvious error.

What reason is there for the Baltic Republics not being entered on the list of article 18? Without the least doubt this results from an incorrect interpretation of the question of membership admission, based on reasons of a distinctly political nature. These interpretations are exercised in the clearest possible manner in the document of July 10th submitted by Great Britain. I consider it my duty to raise some objections here to the main assertions of the document in question.

In the first place, it is obvious that the admission of the Baltic Republics to membership in the Soviet Union meant the suspension of the independent relationships of these Republics with the Telecommunications Convention. However, no inference of this nature can in any way be drawn from the Madrid Convention. In addition, according to the Madrid Convention, which still remains in force, non-sovereign countries, having no protectorate, nor even colonies, can be members of the Union.

However, in accordance with the constitution of the U.S.S.R., all Soviet Republics composing the Soviet Union, are sovereign Republics. Thus, article 15 says.... "Each Republic of the Union exercises in its own right the rights of the Soviet Republics."

Article 16 specifies that each Soviet Republic, taking into consideration particular nature of the Republic, has its own constitution." Article 17 specifies that "Each Republic retains the right of freely leaving the U.S.S.R." Article 18: "Each Soviet Republic has the right to enter into direct relationship with Foreign States, to conclude agreements with them, and to exchange diplomatic and consular representatives with them."

It is obvious that the majority of Delegates present here are not conversant with the U.S.S.R. Constitution, but thanks to the above-mentioned articles, you can now see that each Republic of the Soviet Union has its own full national independence. Each Republic has its own government, elected by the people on the basis of universal suffrage, direct and secret. Each Republic has its own national language.

How is it then possible, to question, on the sole basis of the incorporation of these Republics in the Soviet Union, their adhesion to the Telecommunications Union; especially if account is taken of the presence of a great number of non-sovereign countries, as well as colonies, which are considered to be members of the Telecommunications Union. Where is your logic, gentlemen of the United Kingdom Delegation?

It is regrettable that subsequent statements of the British memorandum relating to the formal side of the question should also be illogical. Firstly, an inaccurate statement is made, if it is said that the Soviet Union had addressed a notification to the Berne Bureau in 1940 concerning the Baltic Republics. As a matter of fact, a telegram was sent in 1940 to the Berne Bureau. However, this telegram was not sent by the U.S.S.R. Government, but by the Postal Administration, and this telegram, according to the Madrid Convention, certainly does not have the slightest legal value. All the more since the same Administration had subsequently informed the Berne Bureau, that this telegram, sent in 1940, would remain ineffective.

In paragraph 6 of the British document, it is expressly pointed out that such notifications are of value only when they are submitted by Governments through diplomatic channels. And this is absolutely correct.

I should like all the Union Members to understand that it is not with a view to obtaining 3 extra votes, as several delegates have told me, that the U.S.S.R. Delegation, is trying to obtain the recognition of the rights of Esthonia, Latvia and Lithuania. I must affirm that, for us, the supplementary votes are of no importance.

But a much more serious question arises, a true question of principle, for all members of the Union; that is, do the provisions of the Convention remain in force or not.

For example, we are not posing the question of the separate adhesion to the Convention of such Soviet Republics as Georgia, Armenia, etc., although they have the right to adhere to it.

We consider the refusal of membership in the Union to Esthonia, Latvia and Lithuania, as an obvious derogation of the Madrid Convention, which latter was to remain in force until the ratification of the new Convention.

We are making efforts to coordinate the actions of all the Soviet Republics, but each of them independently examines all international conventions, when giving its agreement. I am very much afraid that if the rights of Esthonia, Latvia and Lithuania, as members of the Telecommunications Union are ignored here, these Republics can refuse to apply the Convention and the Regulations on their territories. Taking into consideration, the importance of the position of the Baltic States, such a decision could cause serious difficulties in regard to the utilization of frequencies in the Baltic Sea Region.

In conclusion, I should like to make a brief remark. No one was able to prove that Esthonia, Latvia, and Lithuania are not, at this moment, members of the Telecommunications Union. That is the reason why the Plenipotentiary should arrive at the only equitable decision possible, in accordance with the Madrid Telecommunications Convention, that is, to include their names on the list of article 18 of the Internal Regulations.

Should this not be the wish of the majority of Members of the Union, the refusal to admit Esthonia, Latvia and Lithuania, on the list of participants at the Conference, can only be effected legally by their exclusion from the Union.

Mr. Chairman, taking into consideration that in point of fact the recommendation of the Committee is, in a concealed form, a proposal to exclude Esthonia, Latvia and Lithuania, from membership in the Union, I insist that when the time comes for the Conference to vote, the question of exclusion from the Union should be submitted in an open manner, with a clear explanation of the motives underlying such an exclusion."

The Delegate from Canada requested that a secret vote be taken on Points 3 and 4 of the Agenda.

This request was supported by the Delegations from Cuba, Colombia, China and Argentina.

The Chairman noted that the conditions required for the adoption of this method of voting had been fulfilled. He asked the Secretaries-General to distribute the necessary ballots.

He requested the Delegate from Belgium to oversee the operation.

The Delegate from the United Kingdom explained the reasons why his Delegation is of the opinion that Lithuania, Latvia and Estonia should not be added to the list of countries which appear in Article 18 of the Internal Regulations of our Conference. The Delegate from the U.S.S.R., he said, had based his theory on the fact that these three States had been members of the Union before 1940, that they had remained members and that they were still members today.

He pointed out that the Delegation from the United Kingdom had distributed to the Committee entrusted with the study of the question of voting, a document which had been published as a confidential document and delivered to all Heads of Delegations. As the Delegate from the U.S.S.R. had mentioned some of the arguments appearing in this document, he requested that they be inserted in the minutes of this meeting. This will permit help, also, to give a clear idea of the position of the United Kingdom.

(This document forms the Annex to these minutes).

After clarifying the various elements which constitute the basis of the arguments of the United Kingdom in this matter, arguments which are set forth in the document mentioned above, the Delegate from the United Kingdom concluded by saying that the three Baltic States were not members of our Union, that there could be no question of excluding them and that they should not be added to the list under consideration.

The Delegate from Bielorussia asked for the floor and expressed his opinion in the following terms:

"Mr. Chairman, Gentlemen:

I take the liberty of putting a question to the Chairman of the Special Committee of Voting. The delegation of the Bielorussian Republic cannot understand how three sovereign states such as Lithuania, Latvia, and Estonia, have been excluded from the list of countries in § 18 of the Internal Regulations, and why we are discussing at all the question of their inclusion or non-inclusion in the list. Being fully competent members of the Telecommunications Union, they have an indisputable right to be on that list, unless we have already ceased to respect the provisions of the Convention which was signed by an absolute majority of the countries represented here.

It is an indisputable fact that no international organization has included the Baltic countries from membership in the Union. The correspondence exchanged on this subject during the period between 1940-1947, to which the delegate of the United Kingdom referred, cannot be considered as a juridical basis upon which the membership of these countries can be placed in doubt. This correspondence was carried by the Postal Administration and not in the name of the Government of the U.S.S.R., not going through diplomatic channels. Therefore, according to the provisions of the Madrid Convention this correspondence could not serve as a basis for the exclusion of these countries from membership in the Telecommunications Union.

It seems to me that no nation, or even group of nations, can predetermine the question of membership in our Union. Such predeterminations, even if they are taken by the countries organizing the conference, can only serve to undermine the basis of the Union and to cause irreparable damage to international cooperation. It seems to me that this very case presents a dangerous precedent, threatening the rights of small nations.

I do not deny the right of the present conference to decide the question of membership of a given country. I am ready to listen to any arguments for the exclusion of Latvia, Estonia, and Lithuania from membership of the Telecommunications Union, if such arguments can be found. But up to now no one has presented any legal grounds to justify the absence of these countries from the conference in Atlantic City.

My country, bordering the Baltic countries, can not remain indifferent to the possible consequences of the incorrect decisions taken at this conference. In fact, intolerable conditions may result in the operation of our radio-services if these republics, following their illegal exclusion from membership in the Telecommunications Union, will cease to recognize our decisions. This concerns not only Bielorussia, but the whole Baltic region. I hope that everyone will understand the import of such consequences since these republics are sovereign states, whose Governments are at liberty to adopt any decision.

Therefore I demand, before this question is voted upon, that the Chairman of the Special Committee on Voting answer clearly and definitely what motives are being advanced for the exclusion of Latvia, Estonia, and Lithuania from membership in the Telecommunications Union, and who is presenting such motives. Then we can proceed to discuss this very question, and not the question of inclusion or non-inclusion of these countries in the list appearing in paragraph 18 of the Internal Regulations.

Only this procedure is correct and acceptable in this case."

The Chairman felt that the question on which it was necessary to make a decision, was that of ascertaining whether the names of the three Baltic States should be inserted in the list appearing in Article 18. This is the formula which the Special Committee on Voting had considered the most suitable.

The Delegate from the U.S.S.R.: The Delegate from Bielorussia put a direct question to the Chairman of the Special Committee. In my statement, I likewise mentioned the necessity of formulating a concrete proposal, supported by solid arguments. It is not sufficient to put the question of insertion or of non-insertion of the names of these countries in the list. In spite of the personal opinion of the Delegate from the United Kingdom, there is no reason not to consider these States as members of the Union. Even if the Special Committee is not of the opinion that these countries should be represented at the Conference - and by so doing, denies them membership in the Union - it is none the less true that an official document of the Bureau of the Union, such as its Administrative Report for 1946, proves the contrary. Therefore, I insist that the question to be put to the vote refer in a clear and precise manner to the exclusion of these three Baltic States from the Union.

In reply to questions put to him, Mr. Sterky, Chairman of the Special Committee on Voting, said that the conclusions reached by this Committee represented the best result they were able to obtain, in view of present circumstances. He thought that the text decided upon could also be analyzed at this meeting.

The Delegate from Yugoslavia, who had taken part in the deliberations of the Special Committee, felt that

sufficient reasons had not been given against the participation of the Baltic States in this Conference. He recalled the statements which had been made there by the Representative of the Bureau of the Union and thought that these statements should be repeated here.

The Chairman noted that the Representative of the Bureau of the Union was doubtless ready to furnish any information which could be asked of him, but that it was the duty of the Assembly to make the final decision.

The Delegate from Albania regretted that he had not been able to take part in the work of the Special Committee, but said the opinions expressed here seemed to prove that, legally, the three Baltic States are actually members of the Union. The communication from the Administration of the P.T.T. of the U.S.S.R., made in 1940, had later been cancelled, and these three States had informed the Bureau of the Union that they were again ready to fulfill all their obligations towards the Union. They were still ready to do so today. The fact that they did not maintain diplomatic relations was not a valid reason to question their membership. It should be distinctly understood that refusal to accept them as members constituted a violation of the terms of the Convention which served as a working basis of this Conference. Consequently, if any question should be put to the vote, it is that of their exclusion.

The Chairman reminded the Assembly that it was called upon to vote on one proposal only, namely, on the eventual insertion of the names of the three States in Article 18, in compliance with the recommendation of the Special Committee. Hence, those who asked that the three Baltic Republics be not included in the list would vote "Yes" and those who opposed the recommendation of the Special Committee, which deemed that these three Republics should not be admitted, would vote "No".

The Delegate from the U.S.S.R.: I regret, Mr. Chairman, that you are unwilling to consider my request. If we now vote in the manner which you have proposed and the result of the vote is not favorable to the insertion of these countries in the list, they will, nevertheless, legally, continue to be members of the Union. It is, therefore, necessary to put the question in a more concrete and positive manner. If the Plenary Assembly is of the opinion that the arguments of the Delegate from the United Kingdom, which include the assertion that these three Baltic States have ceased to be

members of the Union, - and I wish to point out that this is a matter of an entirely personal attitude - must be taken under consideration, it is necessary, I say, that a decision be made to this effect, that is to say, that their exclusion must be put to the vote. I insist on this point.

The Chairman: I understood your first statement, but I do not grasp the meaning of your proposal very clearly. Your last suggestion is that we vote whether or not the Baltic States should be excluded from the Union. I presume that you are not in favor of this exclusion; it is for this reason that I do not understand your proposal. I shall ask a new explanation from you, and, if possible, a draft of a clear and detailed amendment which can be presented to the Assembly.

The Delegate from the U.S.S.R.: The text adopted by the Special Committee on Voting recommends not including the Baltic States in the list which appears in Article 18. This recommendation, as a matter of fact, implies that these States must be excluded from the Union. If the question were put for a country which is not a member of the Union it would be very clear. But the moment that it is a question of countries which are members of the Union, and that there is no legal reason for not considering them as such, any proposal tending to their non-admission to the Conference means their exclusion from the Union. It is a matter of translating the recommendation of the Special Committee into clear language. Hence, it is desirable to make a decision which leaves no room for ambiguity, to ascertain whether we must exclude the Baltic States from membership in the Union; in that case, the question of their participation in the Conference would be automatically answered.

I believe, Mr. Chairman, that you will understand my reasons for putting the question in this form.

The Chairman: I understand very well the reasons for which you do not approve the decisions of the Special Committee. The question may evidently be presented to the Assembly under several forms; we are confronted by a dilemma of procedure.

The Delegate from the Vatican recommended putting aside political considerations and considering only the legal aspect of the problem. If this principle were established, it would be necessary to apply it to all countries. If a country is a member of the Union, the Madrid Convention does not authorize us to deprive it of

the right to vote; nor, if it is not a member, does this Convention authorize us to confer this right upon it. The question of its insertion in the list, therefore, depends upon its membership.

To shorten these debates, the Chairman proposed to proceed to a vote. He indicated that the method of voting would be as follows: "Yes" would mean acceptance of inscription in the list appearing in Article 18 of the Internal Regulations; "No" would mean that such insertion was not desired.

The Chairman of the Special Committee on Voting, on being consulted as to this method, declared himself in agreement.

The secret ballot gave the following result:

Voting: 67; Yes: 16; No: 41 (10 abstentions).

Therefore, the Chairman stated that the names of the three Baltic countries would not be included in the list.

The Delegate from the U.S.S.R., addressing the Chair, asked for a statement of the exact terms of the decision just made.

The Chairman replied that the Assembly had just voted on the insertion or non-insertion of the three Baltic Republics in the list of countries enumerated in Article 18 of the Internal Regulations of this Conference. Given the result of this vote, these States would not have the right of voting at this Conference.

The Delegate from the U.S.S.R. then stated: "In this case, in the name of my Delegation, I raise the strongest protest against this violation of the Madrid Convention, a violation which means that the signatory members of this Convention, or those who have adhered to it, are not admitted to participation in this Conference. I demand that this protest appear in the minutes of the meeting."

The Chairman assured him that this would be done.

Point 4 of the Agenda: (Admission of the Outer
Mongolian People's
Republic) (Doc. No. 104 TR-F)

The Chairman reminded the meeting of the recommendation made by the Committee on Voting and informed it that the vote would be by secret ballot: "Yes" would mean that the recommendation was accepted: "No" would mean that it was rejected.

The Delegate from the United Kingdom had no objection to this method, but wished to know whether voting would take place under the two-thirds majority rule or under the simple majority rule.

The Chairman replied that voting would take place under the simple majority rule unless, upon request of at least two delegations, the Assembly decided by a simple majority vote, to apply the two-thirds rule.

The Delegate from the United Kingdom, supported by the Delegation from the Dominican Republic and Cuba, then proposed application of the two-thirds rule.

This proposal was submitted to the Assembly, and carried by a roll-call vote of 34 against 19 with 13 abstentions (11 Delegations being absent).

Voted for: Afghanistan; Union of South Africa; and mandated territory of Southwest Africa; Argentina; Australia; Austria; Belgium; Burma; Brazil; Canada; Chile; China; Colombia; Cuba; Denmark; Dominican Republic; El Salvador; Ecuador; French Protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas Territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Honduras; Ireland; Mexico; Nicaragua; Norway; New Zealand; Panama; Peru; Portugal; Switzerland; Uruguay; Venezuela.

Voted against: Albania; Belgian Congo; Territories under the mandate of Ruanda-Urundi; Bielorussia; Egypt; France; colonies, protectorates, and overseas territories under French mandate; Hungary; Monaco; Netherlands; Netherlands Indies; Philippines; Poland; Roumania; Siam; Sweden; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Abstained: Vatican City State; United States; Territories of the United States; Haiti; India; Iraq; Iran; Iceland; Italy; Lebanon; Luxembourg; Portuguese Colonies; Turkey.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Finland; Southern Rhodesia; Liberia; Paraguay; Syria; Yemen.

The Representative of the Outer Mongolian People's Republic asked permission of the Assembly to take the floor. After obtaining it, he read, in his own language, a statement of which the translation follows:

"Mister Chairman, Gentlemen:

First of all, permit me to express in the name of the government of the Mongolian People's Republic as well as in the name of the whole Mongolian people, my most sincere gratitude to those freedom-loving nations which have the highest esteem for the rights of small countries and which assist the ever growing number of nations who have obtained their independence, in joining the family of nations.

It is thanks to those freedom-loving nations which have supported the right of the Mongolian people to participate in the radio conference that I have the opportunity to speak before this illustrious assembly today. I would like to extend my thanks to the Committee under the chairmanship of the Swedish delegate, Mr. Sterky, which has recommended to all of you the recognition of the right of the Mongolian People's Republic to take part in the Plenipotentiary Conference of Telecommunications.

Permit me to say a few words about the Mongolian People's Republic. The territory of our republic covers an area of one and one-half million square kilometers, and has a population of approximately one million people. The Mongolian people had already achieved its independence in 1921. In 1946, the Chinese Republic ratified its recognition of this independence by a formal act. Thus, at the present time, the Mongolian People's Republic maintains diplomatic relations with its neighbors China and the U.S.S.R. The Mongolian People's Republic took an active part in the final phase of the war of the United Nations against Japan.

The culture and science of the freedom-loving Mongolian people are developing rapidly. The number of schools, engineering schools, theaters and various other cultural institutions as well as the number of students in the universities is increasing from year to year.

The communications network, especially that of radio-communications, is growing rapidly.

The adherence to the International Telecommunications Convention and all its regulations therefore became vitally important to the Mongolian People's Republic and it was implemented this year through the medium of the Swiss Government.

Once again I wish to thank all the Delegations which assisted our young Republic in joining the International Telecommunications Union."

The Chairman then put to the vote the recommendation of the Special Committee to insert the name of the Outer Mongolian People's Republic in the list of countries mentioned in Article 18 of the Internal Regulations.

The result of the vote by secret ballot was as follows:

Voting: 67; Yes: 32; No: 26; abstentions: 9.

The Chairman stated that the condition required by the two-thirds majority rule had not been fulfilled, and that the recommendation was rejected.

The Delegate from the U.S.S.R.: I cannot refrain from expressing my very profound regret on the subject of this vote, which has gone in opposition to the recommendation of the Special Committee on Voting. This Committee recognized that the Outer Mongolian People's Republic had fulfilled all the conditions requisite for adherence to the Madrid Convention. It had, therefore, the right to take part in our Conference.

I conclude from this vote that many members of the Union here present admit that it is not necessary to conform to the provisions of the Convention, which we all signed and which is a law to us. I here renew the expression of my great astonishment and of my keenest regret. I request the insertion of this statement in the minutes of this meeting.

The Chairman said that this would be taken into account, and then proceeded to Point 5 of the Agenda.

(Admission of Spain) (Doc. No. 104 TR-E).

The Delegate from Ireland made the following statement:

"The question of Spain has been discussed by a number of International organizations recently and decisions adverse to that country's participation in the work of those organizations have been taken, mainly to effect conformity with the United Nations resolutions of 12th December 1946. We, in this I.T.U. series of conference, find ourselves confronted with the same question, and the same arguments are adduced to justify the non-issue of an invitation to Spain to be present with us here at the shaping of an enlarged I.T.U.

Every delegate here recognizes, I believe, the universal role of the I.T.U. and its essentially technical character. It is an organization which to be fully effective must embrace the whole world, and must concentrate on its technical and scientific tasks to the exclusion of political issues. The Union recognizes by the inclusion in its deliberations of representatives of the Allied Control Commissions for Germany, Japan and Korea the necessity for making the organization world-embracing. If conquered territories are represented, albeit on a non-voting basis, it seems illogical to exclude Spain, for political reasons. Political issues, if they are permitted to dominate the affairs of a Union such as ours, may well disrupt it and certainly make it a less potent instrument than it otherwise would be. To exclude a country from membership simply because its internal political structure is disliked is, therefore, in the opinion of the Irish delegation, a step which can only be regarded with the utmost misgiving. It is an injury to the nation concerned but a more serious injury to the Union itself whose individual members may be compelled outside the framework of the Convention and its regulations to effect some sort of working arrangement with the excluded country. In this connection it should not be overlooked that UNO itself in its desire to signify disapproval of the Spanish regime requested merely that members should withdraw their Ambassadors and Ministers from Spain. They were not asked to remove their diplomatic missions entirely and the withdrawal of the Heads of Missions did not

entail the cessation of ordinary day to day business. This might well be taken as an example by us. We have practical difficulties to face daily in this telecommunications world and we are only going to add to these difficulties by depriving Spain of membership of the Union.

The exclusion of Spain likewise constitutes a dangerous precedent; for those who are unobjectionable politically today may find themselves tomorrow out of step with whatever type of government should then generally be in popular favour.

We, of the Irish Delegation, of course appreciate that for members of the United Nations it has been a delicate question to reconcile their obligations, actual and prospective, under the United Nations Charter, and the United Nations resolution of 12th December, 1946, with their knowledge of the fact that the ITU to be fully effective and efficient must be completely representative of all nations and peoples regardless of their political complexions. We recognize particularly a natural unwillingness to bring a Spanish delegation here with the risk of having to face the embarrassment of calling on that delegation subsequently to withdraw, as has happened elsewhere.

All these considerations pro and con being borne in mind and due weight assigned to each of them the Irish delegation has come to the firm conclusion that our acceptance of the ideal of an International Telecommunications Union independent in its own domain and as widely representative as possible involves that Spain should remain an integral part of the Union and a participant in these conferences."

The Delegate from Argentina expressed himself in the following terms:

"Mr. Chairman,

If some day, the value of principles were to be judged according to the result of certain votes, the world, gentlemen, would remain in eternal darkness; it would exist in what would be virtually a perpetual night filled with pain and affliction. Such, gentlemen, are our sorrowful sentiments when confronted with the recommendation presented by the Special Committee on Voting at the Plenary Assembly on the subject of Spain.

It is enough that one read the text of this recommendation, cold and laconic, as it appears on page 2 of Document 104 TR-E, and in conjunction therewith, the debates as summarized in the respective minutes: namely, in the confidential documents J-TR-E and L-TR-E, to bring the realization, with infinite sorrow and deep anguish that because of today's approval of the recommendation presented by the Committee we shall by that fact, and on this very day, have signed the inevitable death sentence of the International Telecommunications Union... that International Telecommunications Union which, dating from its far-distant inception at the Conference held in Paris in 1865, and through all of its successive transformations up until the Conference held in Madrid in 1932, has brought us together on a technical plane under its fraternal and peaceful auspices without ever developing irritating and disturbing distinctions under whatever name they might be revealed: political resentments, racial persecutions, religious hatreds, economic blocks etc. Because, gentlemen, there can be no possible doubt that the recommendation which has been approved by the Special Committee on Voting, constitutes the first concentrated attack on this peaceful haven, this spirit of technical concord, this symbol of fraternal harmony which until today has formed a bright pathway, an inspiring example in the midst of the tortured years we have just endured.

But there is more to it than that, gentlemen. When it shall be proved, as we shall prove beyond the shadow of a doubt, that no international

obligation forces us to take this serious step, a step which will shake the very foundations of the International Telecommunications Union; when it shall be proved that the proposed recommendation involves the violation of honored doctrines and principles; when it shall be proved that the proposed recommendation amounts to a flagrant transgression of the inalienable legal rights which man has acquired throughout the centuries by overcoming hardships and vicissitudes which threatened his status as a social being, and his quality as a political one (to quote Maritain); when it shall be proved, finally, that this recommendation is not inspired by even an elementary criterion of justice and equity since it fails to involve even the slightest advantage or consideration of a practical nature; in brief, when these grave scruples trouble our consciences and distress our hearts, we are fully convinced that if the ITU does not, while there is yet time, succeed in preserving its technical and established autonomy which is its very reason for being, it will only harbor the destructive germ of political dissension which is certain to undermine its civilizing mission, and which will end by destroying its perfect existence.

At this moment, gentlemen, we are the trustees of a well-nigh century-old heritage, the guardians of the highest traditions, traditions similar to those which, on an even loftier plane of consecration and human solidarity, are pursued by the International Red Cross, worthy as it is of every honor, following a pathway of splendid nobility, the essential purposes of which coincide with our own as much because of their universal nature as by reason of their intrinsic vision. That is why, gentlemen, we are raising our young voice in this hall to defend a time-honored heritage, and to support a principle of justice which, like all principles of justice, overrides any merely temporary interest or purely accidental consideration.

It is clear, therefore, that we are defending no nation in particular, but our own institution in general, without being impelled by reasons other than the permanent reasons upon which depends our very existence as an Institution.

Nevertheless, we have declared before the Committee that the case of Spain is a matter close to

our hearts since she is our mother-country, and because the very mention of her name stirs the deepest fibres of our being; but we repeat, we should have acted in the same manner in the case of another country experiencing the same legal and prescribed conditions.

What are these legal and prescribed conditions, when carefully studied?

Before setting forth these conditions, we shall take advantage of an inalienable right...that of avoiding being misunderstood, so that from now on we may be protected from suffering possible political consequences which might be exploited and give rise to incidents such as those which have already presented themselves in the Committee.

We agreed in a friendly spirit to permit discussion of Spain's case in one of the Committees of this Conference; we expounded the principal elements of a certain doctrine before this Committee; we pursued a crystal clear course of action; and we are by no means unaware of certain clever and subtle tactics, repetition of which should not be accepted in silence at this Assembly; we have the right to prevent perversion of problems, torn from their natural settings. That is why, gentlemen, and in order to prevent the repetition of a negative situation we shall begin by carefully stating our true position with respect to the invitation which should automatically be extended to Spain as a member of the International Telecommunications Union.

Someone, perhaps recalling the celebrated Ciceronian adage, declared before the Committee that the members of the Union should never allow themselves to forget the lessons of history. We believe that this delegate made a just and opportune suggestion, and we are inclined to follow his counsel by briefly recapitulating the history of Spain's exclusion from the present Conference.

Real history is always recorded in documents; and fortunately, in the present instance, such documents exist. Among the documents we may consult there is one, for example, which is singularly illuminating; it exists in the first volume relating to the Telecommunications Conference which met at

Moscow (official edition of the Berne Bureau, French text, page 34). Herein it is expressly stated that Spain had not been invited to the Atlantic City Conferences because the Soviet delegation so insisted, thus giving to a recommendation previously adopted by the United Nations in their Assembly of February 9, 1946, de facto status as a resolution before it had been put into practice.

Up until this time - it should be specified, gentlemen, - it had been believed that the present Conference might be convened under the auspices of the Economic and Social Council of the United Nations; which would surely have been a fatal mistake. But the delegation of Great Britain succeeded in winning acceptance of legal common sense, the only practical, just and logical method, and the present Conference was placed under the jurisdiction of the Union. The opposite procedure, besides infringing upon the universal aspect of telecommunications, would have so violated the fundamental principles of the Madrid Convention as to have been tantamount to a denunciation of the said Convention. This would have postponed the present Conference for a year because of the legal period for notification, provided precisely for the purpose of giving a legal form to denunciation of the Convention.

Under these conditions, gentlemen, and bearing in mind the recommendation of the United Nations, we have the choice of two solutions:

- 1) to invite Spain and to discuss the situation in her presence, which would prove a painful proceeding; or
- 2) to refer the Spanish case to the present Assembly for study.

The latter solution was adopted.

The fact that Spain was not invited, indicated on the part of the inviting nation, both common sense and an innate delicacy which we are the first to recognize and accept; but we do not wish this to constitute a precedent in the case of future discretionary invitations, neither do we desire that it should affect in the slightest degree, nor in any way invalidate, the right to receive an invitation which belongs to Spain as a signatory country.

of the Madrid Convention.

In a word, gentlemen, we will accept that the question of extending an invitation to Spain is involved with that of the responsibility of the inviting country, as was done at the Congress of the Universal Postal Union in Paris, where the simple fact of voting FOR an invitation to Spain amounted to actually voting against the French government. Here, two things must be kept absolutely distinct: the attitude of the inviting country, which to date no country has disputed; and our own attitude as members of the Union; as the only ones directly responsible for the presence or absence of Spain.

With this highly important point clarified, and in order to avoid the consequences of building upon unsound foundations, we shall now study other antecedents which clearly and distinctly illustrate the problem.

The Soviet Union has repeatedly maintained - and certainly based on very good reasons, - that in matters of telecommunications, political considerations should not delay the technical solution of technical problems. Thus, for instance, during the second plenary session of the Radio Conference, the distinguished Delegate of the Soviet Union, after reviewing the various legal aspects relating to the Mongolian People's Republic, added these very sensible remarks:

'I should like to recall the fact that the Mongolian People's Republic is in possession of large territories, over which England, France, Italy, and Germany could easily be spread, simultaneously. This being the case, radiocommunications are of special importance. The Mongolian People's Republic has a large number of radio stations, and it would be highly desirable that these stations conform to general international regulations.'

This means, in other words, that one should not introduce, during the technical study of telecommunications problems, political considerations which do not belong to this field. Undoubtedly, this fact cannot be questioned.

However, it is evident that what is true for Mongolia is no less true - and even for better reasons in our opinion - for Spain, and this not only by virtue of its glorious past and of its contribution to the general heritage of humanity, but also because its very geographic position makes its participation indispensable in any regulation of telecommunications on an international scale.

A precedent of major importance exists for this attitude of the distinguished Delegate of the Soviet Union, and I shall mention it for the sake of greater objectivity in the debate. In 1929, during the London Conference on the Safety of Life at Sea, Mr. Arens, Delegate of the Soviet Union, advocated certain principles which seem to have been written expressly for the case of Spain. Let us recall the incident: The Soviet Union which had not been invited to the International Radiotelegraph Conference held in Washington in 1927, reacted, two years later, in these precise terms which, in spite of a lapse of 13 years, have not lost their applicability. That is why the Delegation of Argentina takes the liberty of applying them point by point to the Spanish case. The Representative of the Soviet Union spoke as follows:

'.....Since international radiotelegraph problems are of primary importance in this Conference, I believe it necessary, in the name of the Soviet Delegation, to emphasize the very abnormal situation arising from the fact that the U.S.S.R., a contracting country of the International Radiotelegraph Convention, which possesses an extensive radio system, was not invited to participate in the work of the International Radiotelegraph Conference of Washington in 1927, a Conference of the utmost importance for all the countries.

The interests of international communications - added Mr. Arens with good reason - should not be subordinated to purely political considerations; any violation of this principle would have the inevitable consequence of hampering the activity of international cultural associations, and of making the indispensable coordination of our interests impossible.

We feel already - concluded the Delegate of the U.S.S.R. - the deplorable results of this situation. Some important international radio problems have not yet been solved, particularly those problems concerning as basic and delicate a question as the allocation of frequencies....

And our attitude, gentlemen, is it any different here in Atlantic City? Moreover, the circumstances are identical. The U.S.S.R. had changed its political system, and, as a result of the intervention of political problems in the consideration of technical questions, the permanent interests of the Soviet Union injured or rather, the telecommunication system of the Soviet Union was injured. The same is true for Spain. The Government has changed, but it is Spain, and not its present Government, which suffers as a result of exclusion from the Conference.

In this connection, I wish to mention a precedent that took place in Argentina, in which we take pride, and which we take the liberty to point out here to show that Argentina practices what it preaches. In 1939, the next to the last Congress of the Universal Postal Union convened in Buenos Aires. At that time, the Government of Argentina had no diplomatic relations with the Soviet Union. Nevertheless, it deemed that its individual status should not affect an international conference to the detriment of other countries which did have diplomatic relations with the Soviet Union. Consequently, it requested the French Government to act as an intermediary, and thus the Soviet Union could be present at the Conference. We are confronted by the same situation today that we were then, and we take pleasure in reiterating that we still practice what we preach, by applying our principles to concrete facts which do not lead to any misunderstanding.

Consequently, if it was indispensable to take such action at a postal conference because of the advantages which this action would have for the entire world, it is even more imperative to forget all political bitterness in a Conference such as ours, namely within an organization which has never become involved with the changing fortunes of militant politics.

History, gentlemen, provides us with interesting references and precedents which enlighten our judgment and subdue our feelings. And since we are speaking of history, we might mention a very curious fact which has a definite bearing on the history of the present Conference. Benedetto Croce has always been suspicious of history written by contemporary historians, but we shall attempt to prove that it is possible to write contemporary history with a few documents at one's disposal, if both spirit and language have sound aims.

When discussion took place in the Committee on Voting regarding the Baltic States and of Mongolian Republic the Honorable Delegate of the Soviet Union did not make the slightest reference to the United Nations Organization; which is the same as stating that, at no time, did he allude to the fact that the four countries concerned were not members of the UNO.

As regards the Argentine delegation such an allusion is, of course, of no importance since it does not cover the de facto sovereignty of these four nations. But it appears to us that this indeed is of very great importance to the Honorable Delegate of the Soviet Union. However, when the discussion dealt with the three Baltic States and of the Mongolian People's Republic, the Honorable Delegate of the Soviet Union vigorously upheld the sanctity of the Madrid Convention in energetic and categorical terms, to which the Argentine Delegation subscribes wholeheartedly and which it applies, as regards Spain, period by period, comma by comma. And since you, gentlemen, have not his exact words before you, we believe that we should spend a few minutes now in reading a brief excerpt of the speech given by the Soviet Delegate in the Special Committee on Voting.

The Honorable Delegate of the Soviet Union, referring to certain statements which questioned the sovereignty of the Baltic States, stated as follows:

'...I believe, gentlemen, that this question is a complex one only in one aspect, namely, that in solving it some delegates here, gentlemen, are not motivated by technical or juridical considerations, but rather by certain political impressions

or tendencies.'

Then, applying these 'political impressions or tendencies' to the prescribed statutes of the Baltic States, he added bluntly:

'It is, to my way of thinking, indisputable and incontestable that the International Telecommunications Convention is the basic law for regulating questions of this nature...'

And after having cited the text of Articles 1 and of the Madrid Convention, the Honorable Delegate of the Soviet Union made the following juridical corollary, whose orthodoxy cannot be questioned:

'We have no other guide nor rule to regulate our actions but the Madrid Convention, when it is a question of determining which nations may participate in this Conference and, consequently, which nations are members of the ITU.'

Nevertheless, during the sixth meeting of the Special Committee on Voting (Confidential Document no. 3 J-TR, Page 2), the Delegate of the Soviet Union - while recognizing that Spain 'from a juridical point of view was a member of the International Telecommunications Union,' forgot the exclusive Madrid regulation in order to hide behind the so-called mandatory value of a 'recommendation' emanating from the competent organization of the United Nations.

The time has now come to examine the value of the said 'recommendation' in relationship with the rights and obligations of the International Telecommunications Union itself and, of course, in relationship with the members concerned of the United Nations and of the ITU.

We are going to adopt the proposal submitted by the French Delegation during the sixth meeting of the Special Committee on Voting (Page 5 of Doc. J TR), namely:

- 1) for the member nations of the ITU, who are not members of the UNO, there is no other law than that of the Madrid Convention. These nations can only vote in

favor of the invitation of Spain.

- 2) for those nations who are both members of the UNO and of the ITU, it is indispensable to know if there is opposition between the 'recommendation' of the United Nations and the Madrid Convention.'

We are going to point out, in no uncertain terms, that such opposition does not exist, but that an attempt is being made to create it artificially for reasons which have no bearing on the question before us.

Let us begin with one simple fact and upon which we are all in agreement: the autonomy of the International Telecommunications Union, as a Specialized Agency, has been recognized and consecrated by Article 57 of the Charter of the United Nations.

This means, therefore, that the ITU will be linked to the UNO by means of an agreement contemplated in Article 63 of the United Nations Charter - that is to say according to an agreement which should certainly safeguard the technical autonomy of the ITU, as was the case for the UPU, and as also was the case in our conference, by a vote of 23 delegations which had to decide, in the appropriate committee, the nature of the relationship to be established between the ITU and the UNO.

Upon this point, gentlemen, all the delegations are conscious of the fact that no one wishes to subordinate one organization to another, but on the contrary, to establish coordination between these two organizations.

There is the problem. To coordinate without subordinating, that is the intention of almost all the delegations. The United Nations Charter and the Madrid Convention, gentlemen, are not opposed to one another but complement one another. They are two international instruments which complement without opposing one another in any way.

Such is the interpretation which we must give to the formula of solving this arduous problem which the establishment of a bond constitutes - which is

to unite the two institutions in a satisfactory way, both for the UNO and for the ITU. The dominant spirit of the United Nations Charter is no different. With this in mind, the ITU should not abrogate the technical autonomy which has been conferred upon it by the other inter-governmental instrument, the Charter of the United Nations, which precedes it and which is of a more general nature, without it being superior to the other, however. In other words: the ITU has always been an organization of peace and it must continue to be; it is also an organization for work and agreement and as such it contains the necessary autonomy to be able to develop its fruitful and peaceful activities, without being subordinated to political requirements of any sort whatsoever, except those which would be the result of perilous situations, and in the presence of a flagrant menace to peace. At that time, the UNO and the ITU should, in fact, temporarily go hand in hand, spurred on by a common desire towards the same direct goal - that of safeguarding the welfare of mankind. If the UNO should adopt one of the measures provided for in Articles 39, 41 and 42 of the United Nations Charter, the ITU should, without doubt, make its collaboration effective and oriented towards the same goal, almost all the signatory powers of the Madrid Convention having also signed the United Nations Charter, which amounts to saying that almost all the members of the ITU are likewise members of the UNO and it is inconceivable that they should act one way within the framework of the ITU and another way within the UNO. That is why, and justifiably so, that Article 103 of the United Nations Charter, with the purpose of avoiding such conflicts, formally specifies that when two texts or two intergovernmental conventions conflict with each other, the obligations imposed by the Charter of the United Nations will always prevail.

Well, gentlemen, at this specific point of the discussion, it is evident that with respect to the obligations of the ITU and its members, on the one hand, and the obligations of the nations which make up the UNO, on the other hand, there can be no conflict between the Convention and the Charter when the specific steps to be taken are involved - the latter are mandatory -, but it is an entirely different matter when you consider

'recommendations' which do not carry the same mandatory value. A recommendation, by definition, carries no strength as an enforcement instrument. It is advice whose application depends on various circumstances. It may or may not be followed; it may be adopted, or it may not be adopted. This means, therefore, that the ITU, the member nations of I T U, acting as members of the ITU, possess all the necessary autonomy in order to decide their acts with complete freedom.

And it could not be otherwise, gentlemen, as it would be contrary to common sense that a political organization such as the UNO make recommendations which would disturb the tranquillity of such a technical organization as the ITU, as was stated in 1929 with such exemplary clarity by the Delegate of the Soviet Union at the Conference for the Safety of Life at Sea. It is not possible, gentlemen, that use should be made of technical organizations in order to apply political pressure. This path would lead us straight to chaos and disorder. There should be, at all times, agreement between the two organizations, mutual respect in conformity with their respective spheres of activity. Only when there appears a danger to peace - and it be so stated by the Security Council of the UNO - should the ITU be obliged to adopt coercive steps, to insure peace and world-wide agreement. In other words, the procedure we should follow is to abide by the extreme measures that the UNO imposes for safeguarding the peace, but we should not act in an arbitrary manner and without discrimination, on recommendations which are not always capable of being put into practice or effectively carried out. Such is, gentlemen, the carefully considered course which the Argentine Delegation, by rigorously applying the provisions of the United Nations Charter, feels obliged to follow in this Plenary Assembly so as to prevent the ITU from plunging into chaos and disorder.

On the other hand, a recommendation of the United Nations - even a simple recommendation - does not necessarily lead to a conflict according to the terms of Article 103 of the Charter. The case of Spain constitutes the most striking proof of what we have just affirmed. Moreover, the recommendation is inapplicable as much from a juridical point of view as a technical point of view.

The Argentine Delegation has shown, in the Special Committee on Voting, how impossible it is to apply it juridically, and the delegations from Portugal, the Dominican Republic and of South Africa have demonstrated how impossible it would be to apply it in practice without causing serious obstacles to international services in which Spain participates daily.

Under these circumstances, gentlemen, the recommendation of the UNO, if one wished to apply it to the ITU, would remain an entirely inoperative one which would provoke very serious damages of a practical nature and the results of which would not be difficult to anticipate.

The recommendation of the UNO mentions 'the government of Franco Spain,' and the Madrid Convention, in its First Article, mentions only Spain and nothing else but Spain. In the eyes of the UNO there exists in Spain a specific government which is dealt with by a recommendation - that too a specific one; as regards the ITU Spain is, above all, a nation equipped with a radio system and telegraphic and telephonic networks whose function and operation is of extreme interest to it from the point of view of their coordination as an integral part of the international system of telecommunications; therefore, and until the UNO shall have adopted a concrete coercive and mandatory measure, the ITU will always observe its freedom of action which is indispensable to it in order to apply or not to apply the recommendations according to circumstances.

The problem, as we have just outlined it, is not only in knowing what the juridical terms permit, but also what common sense permits. We have before us a publication of the United Nations, the Weekly Bulletin, Volume 1, no. 21, which we shall read directly in English in order to confirm, with supporting unquestioned evidence, the absolute lack of mandatory value that the recommendation presents.

Mr. Jouhaux of France, was very formal in his juridical appreciation of the value of this recommendation, and no one will attempt to contradict him on any serious basis. However, aside from its lack of any mandatory nature, the recommendation is contrary to the principle of non-intervention

and of the right of self-determination of peoples, as was pointed out very strongly by a large number of countries, for the most part countries of America, which we wish to invoke here for the support of the doctrine submitted by us.

We are going to read the statements on this subject by other nations present here:

'Furthermore, the resolution was not compulsory, but solely a recommendation to each of the member governments.'

'....The resolution was adopted by 23 votes to 4, with 20 abstentions. It was evident that the delegates had not found a satisfactory solution. The United Nations was going to impose upon a non-member State political rules of conduct which were not fully applied in several member States.'

The Cuban Delegation, however, did not believe that it should vote in favor of this proposal because a collective action of that sort would, in his opinion, constitute an intervention in the domestic affairs of a given country.

"...The Delegate from Nicaragua expressed his country's traditional fidelity to the principle of non-intervention.

....Dr. José Arce of the Argentine Republic stated that the 'Spanish question' did not exist in such form as to give the United Nations the right to intervene in the internal affairs of the country. No one was able to prove that the present Spanish government constituted a potential menace to international peace and security. Dangers to world-peace appeared to be coming from other directions. The Argentine Delegation was prepared to vote against any measure which signified intervention in the internal affairs of Spain....Costa Rica could not accede to any intervention, open or concealed, in any government whatever its nature.

....The representative of El Salvador maintained that, although the proposed resolution appeared to be directed solely against the Spanish government, it was in fact directed against the Spanish people and that, by placing them in a position of isolation

it was capable of producing the most violent reactions. El Salvador would never contribute by its vote to inciting a new civil war.

...Opposing the resolution in question, the representative from Peru stated that the principle of non-intervention was the safeguard of small nations and should be zealously maintained.

...The Delegate from the United States questioned seriously whether the Charter authorized the Security Council to take measures in the circumstances recommended in the resolution.

...The Delegate from Ecuador was of the opinion that according to the declaration of the Security Council, Franco did not at present constitute a menace to the peace of Europe. Any steps that might be taken with regard to the Franco regime would jeopardize the principles of non-intervention and the right of self-determination of peoples. These fundamental principles should not be altered.

...the Delegate from the United Kingdom said he thought that the Security Council alone had the right to decide whether to take action in the light of its own consideration of the question. The paragraph, as it stood, was contrary to the Charter, which limited action by the Council to cases in which it had determined that there was a danger to the maintenance of international peace and security. The United Kingdom Government was strongly opposed to the imposition of sanctions in the present circumstances."

We have unquestionably dwelt overlong on this subject and we apologize to this assembly therefor. But it was necessary to do so in order to show this recommendation in its proper, accurate and true perspective as a simple recommendation, devoid of any obligatory far-reaching effect.

It follows that all the legal consequences which we stressed in confidential documents J-TR-E, Annex I, and L-TR-E, Annex II, and to the terms of

which we refer as a whole in order not to prolong this statement beyond all measure, remain perfectly valid. However, for greater precision, let us cite the final conclusions of these documents which are as follows:

1) In spite of her temporary absence, Spain, which has never ceased to be a member of the ITU, is entitled to the customary invitation.

2) The recommendation of the United Nations has no binding effect, and leaves the ITU as well as the nations which constitute the UN and the ITU, free to act as they see fit to decide what attitude they will adopt toward Spain, as circumstances dictate.

3) The fact of refusing to invite Spain, likewise introduces into the ITU a subject foreign to its non-political functions and must be considered as an unwonted intervention of the ITU in the internal political affairs of Spain, that is, of one of its members, and this a direct infringement of the Madrid Convention and a flagrant violation of the right of peoples to self-determination, confirmed by the Charter of the United Nations in Article 1, Paragraph 2, and Article 2, Paragraph 7.

4) The ITU would fail automatically in its duties and obligations to Spain if the proposal submitted by the Special Committee on Voting were adopted.

In conclusion, Mr. Chairman, the Argentine Delegation was anxious to place before the Assembly elements which would enable it to form an opinion on the recommendation of the Special Committee on Voting which will be submitted in a few moments for your consideration."

The Delegate from the U.S.S.R. announced that he had a few brief comments to make in connection with the speech which had just been made by the honorable Delegate from Argentina, inasmuch as the name of his own country had been several times mentioned in this speech. However, he suggested adjourning the meeting and continuing it on the following day.

Having ascertained that the Assembly was of the same opinion, the Chairman adjourned the meeting at 7:30 p.m., after making several communications of an administrative nature.

The meeting, which had been adjourned at 6 p.m., was resumed at 10:20 a.m. on July 19th.

After making a statement concerning the Radio Conference, Mr. Denny, the Chairman, recognized the Delegate from Lebanon, who made the following remarks:

"I am requesting...I have not yet had an opportunity to do so in writing...that the question of the 2/3 vote be reconsidered carefully. As a matter of fact, as I stated yesterday, the 2/3 vote will practically amount to the right of veto in our Telecommunications Union. Yesterday, as a result of the 2/3 vote, the question of Mongolia which in the committee had been passed by a simple majority, met with total defeat. I ask the Chairman to give me a few moments in which to set forth my request in writing. Its object will be to effect a return to an absolute majority vote on important questions and those questions of principle, with the understanding that at least half of the accredited delegations entitled to vote be present or represented."

The Chairman understood that a written proposal would be submitted on this subject, and asked for a definition of the expression "absolute majority."

The Delegation from Lebanon confirmed the fact that this proposal would be submitted shortly, and added that a trial of the 2/3 majority at the Postal Union had been unsuccessful; and, moreover, that by "absolute majority" must be understood 50% plus one of the delegations, with an abstention being considered as a default, not to be taken into consideration.

While waiting for the Delegate from Lebanon to submit his proposal in writing, the case of Spain was resumed.

The Delegation from the Dominican Republic made the following statement:

(123 TR-E)

Mr. Chairman and Fellow Delegates:

I shall be as brief as possible. I always remember that a famous Spanish lawyer, Mr. Antonio Monteros Rios, used to advise young lawyers to be brief. He told them: "If you are brief, the case will be decided in your favor, even if you are wrong and, sometimes, even if you are right."

But this is not the reason why I am going to be brief. After all I am not before the forum. It is because I consider that the argument of the Argentine Delegation, in support of our point of view, constitutes the last word on this matter. I do not believe that any one can surpass it either in quality or in quantity. Fellow Delegates: I want to remind you that in a few moments this Assembly will be called upon to make one of its most solemn decisions. Because we are going to render judgment on Spain, cradle of the I.T.U. and guardian of the Madrid Convention which, according to the defenders of the Convention, is our only law.

The Delegation from the Dominican Republic, in maintaining its opinion in regard to the case of Spain, with a complete understanding of its historical responsibilities, entirely confirms the terms of the declaration made before the Special Subcommittee on Voting the text of which has been distributed in French and in English to the heads of Delegations.

However, we wish to add the concrete interpretation we give to the scope and to the meaning of the recommendation approved by the United Nations in December 1946, in regard to Spain.

We firmly support the principle of the absolute independence of the I.T.U. and we believe that we must preserve, above all else, the non-political and universal character, manifest in our long life, full of vicissitude. That character, and nothing else, has permitted our survival.

However, we understand that the recommendation of the United Nations should be limited to its reasonable sphere of application, that is:

1. It is a recommendation and not a compulsory order, and as such, the governments remain free in regard to it, to retain their sovereignty, in decisions as to the basic question related to this recommendation; this is eloquently demonstrated by the fact that many countries have not entirely complied with it, or have not complied with it at all.

2. The recommendation refers only to organizations created by or connected to the United Nations, that is, subordinate to it, and the I.T.U. does not belong to either of these categories.

3. The recommendation, in any case, speaks of not admitting Spain, which implies, contrario sensu, that it refers to international organizations created after the recommendation and not to those already in existence, since it does not speak of excluding Spain from organizations already in operation, of which Spain is a member.

We understand that the recommendation of the United Nations has no retroactive effect and entails only a fortiori results; we understand that we cannot, without injury to logical and practical sense, give it a retroactive interpretation, which was surely not in the mind of the countries which agreed to that recommendation. Negative proposals can only bear restrictive interpretations: what is denied is denied, and only what is denied.

We understand also that there is no conflict whatsoever between our obligations as members of the I.T.U. and our obligations as members of the U.N.O.

There is no conflict of obligations, because the objectives and characteristics of the two organizations are different, despite any relationship which might develop later between the two.

The U.N.O. has the impossible task of adjusting the political entanglements of the world.

The I.T.U. has the possible task of coordinating the telecommunications of the world.

If we exclude Spain from participation in these conferences, we should not only violate the Madrid Convention - to the great chagrin of some delegations - but we should commit an offense against common sense.

By thus acting, we should be lacking in objectivity. Because as in the case of a blockade, the U.N. recommendation would have to be effective, that is, practiced and practicable, in order to be obligatory.

I want to ask my fellow Delegates, particularly those who bitterly oppose the participation of Spain in these conferences: Can we isolate Spain and sever all telecommunication relations with it? Obviously we cannot. In spite of what, justly or unjustly, we might now decide in regard to Spain, we shall continue to maintain telecommunication relations with Spain, because it is imposed on us by the nature of things themselves. We cannot have everything we desire.

Spain will cease to be a member of the telecommunications family only for those nations with which Spain - to her honor - does not want relations.

If, by a casuistical interpretation of the recommendation of the U.N.O., we sacrifice Spain for the sake of illegitimate interests, it will not be Spain, as a country, which we offer as a propitiatory tribute on the altar of the insatiable gods, but a sacred principle of justice.

Mr. Chairman: we wish our statement to appear in extenso in the text of the minutes of this session.

Because it is not as a mere matter of curiosity that History take inventory tomorrow of the different attitudes adopted here. The Dominican Republic, a small country, but one which knows how to assume great responsibilities, wishes history to find a complete record of our attitude.

Because it will not be long, - and we are no prophets - before we regret, it may be for political reasons, the isolation in which we now seek to leave Spain.

Therefore, faithful to the purely technical nature of these Conferences, the Dominican Republic confirms its opinion that Spain must appear in the list of countries mentioned in Article 18 of the Internal Regulations."

The Delegation from the Vatican observed first of all that Spain is at present a member of the Union, and the Convention in effect today does not authorize the exclusion of a member; consequently, by excluding Spain from the present Conference, contractual obligations have been violated.

In the second place, this Delegation observed that the new Convention would establish relationship between the I.T. U. and the U.N.O. which should serve, however, to safeguard the technical, non-political and universal character of the I.T.U.

The Delegate from the U.S.S.R.

"Mr. Chairman: Gentlemen, yesterday, the honorable Delegate from Argentina, in his detailed exposition in defense of the Franco Government of Spain repeatedly referred to my statements and also to statements made by Soviet Delegates about a score of years ago. Of course I am thankful to the Delegate from Argentina for the high evaluation which he has placed on the justice of the position of Soviet Delegates in various cases; at the same time, I cannot agree with the reproaches which the Argentine Delegate addressed to us on the grounds of the so called non-consistency of the position of the Soviet Delegation. The Soviet Union always fights for the carrying out of international obligations. The majority of the countries represented here are members of the organization of the United Nations. Art. 103 of the charter of the United Nations says, 'In the event of a conflict between the obligations of the members of the United Nations under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail.' The position of the Soviet Delegation fully derived from this particular clause. All are aware of the decision of the general assembly of the United Nations dated Dec. 12, 1946 with regard to the question of Franco Spain. I consider it rather useful to recall this resolution verbatim, and I shall read it in the English text which I have before me. I shall now read in English.

'The peoples of the United Nations, at San Francisco, Potsdam and London condemned the Franco regime in Spain and decided that as long as that regime remains, Spain may not be admitted to the United Nations.

The General Assembly, in its resolution of 9 February 1946, recommended that the Members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

The peoples of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

The General Assembly recalls that in May and June 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The Subcommittee of the Security

Council charged with the investigation found unanimously:

- "(a) In origin, nature, structure and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid received from Hitler's Nazi Germany and Mussolini's Fascist Italy.
- "(b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example, from 1941 to 1945, the Blue Infantry Division, the Spanish Legion of Volunteers, and the Salvador Air Squadron fought against Soviet Russia on the Eastern front. Second, in the summer of 1940, Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa.
- "(c) Incontrovertible documentary evidence establishes that Franco was a guilty party with Hitler and Mussolini in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco's full belligerency should be postponed until a time to be mutually agreed upon."

The General Assembly, convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs;

Recommends that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

I believe it is impossible to say more clear on Franco Spain. Now I shall speak in Russian again.

Can it be considered that this recommendation is not compulsory for the members of the I.T.U., as is suggested by the Honorable Delegate of Argentina, and supported by the Delegate of the Dominican Republic? Most of the majority of the members of the International Telecommunications Union are members of the organization of the United Nations, such interpretation made by the Delegate of Argentina is strongly phrased and it may create a very dangerous precedent. Our Telecommunications Union, in accordance with Article 57 of the Charter of the United Nations; shall be brought into relationship with the United Nations. Committee D of our Conference is now working on the text of the draft agreement between I.T.U. and the U.N. Therefore, the recommendations of the General Assembly, the recommendation that the Franco Government of Spain be deprived of membership, or debarred from international organizations and from participation in international conferences, fully pertains to the I.T.U., because if the contrary were true this might put an obstacle in the path of the reaching of an agreement between us and the United Nations. We must remember that a series of international organizations already have implemented this recommendation of the General Assembly of the United Nations. For instance, the International Civil Aviation Organization has already done so and the Universal Postal Union has done the same. Since all of these organizations have the same membership of governments as the International Telecommunication Union, it is evident that the position of the representatives of those governments who are members first of all of the United Nations, will be similar in all cases and it ought to be clear for everybody that it is difficult here to influence that position despite the efforts of the best lawyers. Therefore, there is no necessity to squander time on a lengthy discussion in regard to this clear question. The Delegation of the U.S.S.R., representing a country which is a member of the organization of the United Nations, considers the proposal of the Committee correct, the proposal which was made with regard to the question of Franco-Spain. At the same time, in conclusion I should like to stress that we have the greatest respect for the people of Spain, for the language of Spain, for the culture of Spain and we would cooperate gladly with representatives of the Spanish people as soon as the conditions established by the organization of the United Nations with regard to the replacement of the Franco government are satisfied."

The Delegate from Portugal declared that:

1. The doctrine of the Madrid Convention, which must serve as the only law and guide for the I.T.U., is most concrete on the following point: no instance of exclusion is provided for nor accepted by the Convention now in force, for any member in good standing;
2. The purpose of the I.T.U. is to facilitate relations among nations. The exclusion of Spain would result in her isolation, which would prove to be more harmful to other nations than to Spain herself;
3. The I.T.U. is a purely technical organization. Political reasons cannot and must not be the motives for justifying such exclusion.

The Delegation from Chile wished to state, that when the question of inviting Spain to the present Plenipotentiary Conference came up for decision, since the reasons given were the same in the present instance as those which had determined the attitude of Chile towards the question of Spain's participation in the I.C.A.O. and in the Universal Postal Union,--namely: the enforcement of resolution No. 39 approved by the General Assembly of the United Nations--Chile would be obliged to vote for the exclusion of Franco Spain from this Conference.

"I shall not complete my remarks" - said the Delegate from Chile - "without stating that I understand, respect and fully appreciate the position taken by the Argentine Republic and the Dominican Republic on the question of Spain, a country to which we are bound by sentimental and historical ties."

(193 TR-E)

THE DELEGATION OF VENEZUELA

"The Delegation from Venezuela wishes to confirm the statement made in the Committee concerned in reference to Spain when this question was considered, and adds that it is necessary to differentiate between Spain, Spanish Government and the Government of Franco. To our mind there is only one Spain, the great Spain which does not know any racial discrimination and is always prepared to give whatever it has to mankind; however, this Spain is split in two; there is the portion which had to stay on Spanish soil and the portion which scattered throughout the world, particularly in America, looking forward to the time when the usurper of power in Spain will at last be brought to justice.

When referring to Spain we must of necessity recognize that the only legitimate Government of Spain is that which the Spanish people chose of its own free will and which is now represented by the Government of the Spanish Republic in exile, whose seat is at present in France.

The United Nations' recommendation mentions that the present Spanish Government (the Franco government) cannot be accepted until such time as there is in Spain a government complying with the requirements of the Charter.

I feel that on making proposals here we should distinguish carefully between the terms used, and the Delegation from Venezuela considers that if an invitation to this Conference is to be extended to Spain this invitation should be sent to the Government of the Spanish Republic as the only legal and lawful Government of the Spanish Nation.

I wish to make it quite clear that my country is a true friend of the Spanish People, and that the foregoing as well as previous statements made by us in this connection solely refer to the Franco Government. Since Franco seized power in Spain the Spanish people has lost all self-determination, and Franco's Government managed to continue in office only due to the fact that over 3 million Spaniards are in exile, 300,000 political prisoners in jail and the number of daily shootings remains constant."

THE DELEGATION FROM GUATEMALA

Mr. Chairman,

Since many Delegations which are not members of the Special Committee on Voting were unable to hear my statement on the subject under discussion, I think it advisable to take this opportunity to reread it. The said declaration was made before the Special Committee on Voting and reads as follows:

"The Delegation from Guatemala has listened to everything that was said in this Committee on the so called "Spanish problem," particularly the very brilliant statement made by the Argentine Delegation, and desires to make it clear that Guatemala, like all Spanish-speaking countries, has a deep admiration for Spain, for Spain which gloriously wrote so many pages of world history and which laid the foundations for a new civilization on almost a whole continent.

Guatemala can never cease to appreciate how much she owes Spain. The single fact that Spain founded in Guatemala the second university on the American continent is sufficient proof of the interest the Mother Country had in my country. And there are many other evidences of this interest. Under these circumstances, Guatemala could never oppose the participation of Spain in international conferences. But what Guatemala cannot recognize is that a government like that of Franco can assume the representation of Spain, and consequently, accredit representatives to this Conference. Guatemala does not recognize the Franco Government as the true government of the Spanish people, but only as the government which through accidental circumstances has been successful in ruling Spanish territory in a certain form and up to a certain point.

The recommendation voted by the United Nations Assembly December 12, 1946, to exclude the Franco Government from specialized international agencies and from international conferences should be respected and put into effect. Specialized international organizations cannot deny their support to the United Nations Organization unless they wish to bring about its ruin and thereby sac-

rifice many of the highest ideals which the human race has been striving to achieve through a world-wide political organization ever since the creative genius of a great United States president, Woodrow Wilson, tried to bring about this most noble objective when he conceived the idea of the League of Nations. It has been said that the International Telecommunications Union is not yet associated with the United Nations. And this is true. This Conference has been making great efforts to arrive at an association between our Union and the U.N., but to date no agreement has been reached. Nevertheless, we think that we must not on that account fail to recognize that almost all the countries belonging to the International Telecommunications Union are also members of the United Nations and under these circumstances it is inconceivable that there should be a policy making it possible for countries which helped to adopt one resolution at the U.N. to help to adopt a contrary resolution in the I.T.U.

For all the members of the I.T.U. who are also members of the U.N., the resolution that is passed here can only be a direct result of the resolution passed by the United Nations Assembly. One of the greatest problems of Legal Philosophy is the problem of whether groups are different from the individuals comprising them. And indeed, in spite of the many theories that have been formulated, it has never been possible to contest that it is the individuals, the members of any group, who contribute by their individual decisions to the formation of the decisions of their groups. The Guatemalan Delegation was one of the delegations which tried hardest at the United Nations to achieve a resolution along the lines of the one which was adopted, and consequently, under present circumstances my country must follow the same line of conduct: that is, not recognizing the right of the Franco Government to speak on behalf of Spain at this Conference.

The Delegation from Guatemala does not think that this action constitutes a violation of the Madrid Convention, since it is not Spain which is excluded from this Conference but the Franco regime which we do not recognize as the legitimate, authentic representative of the

heroic Spanish people. Guatemala will vote against the admission of representatives of the Franco government to this Conference, but with the constant reminder that there is no desire to exclude the immortal Spain, the Spain of great accomplishments, the Spain which is destined for great achievements but rather the Franco Government whose right to speak on behalf of Spain is not recognized -- as I have already stated.

As a consequence of these considerations, the Delegation from Guatemala proposes the following draft resolution:

In view of the resolution adopted by the General Assembly of the United Nations Organization, on December 13, 1946, the Special Committee on Voting recommends that the Franco government should not be invited to represent Spain at this Conference."

This is the end of the statement made before the Committee. As in the said Committee three motions were submitted proposing the exclusion of Franco Spain, a joint proposal was drafted which, as a proposal from the United States, the U.S.S.R. and Guatemala, was adopted by the Committee and recommended to this Plenary Assembly as it appears in Document No. 104 TR-E.

A difficult situation would arise if this Assembly were to vote to send an invitation to Spain, because several countries have recognized the Spanish Government in Exile and, logically, these countries would like to have Spain represented at this Conference by representatives of the government in exile, while the countries which still maintain relations with the Franco government would, on the other hand, wish to have representatives of this government present at the Conference.

In conclusion, and in order not to prolong the discussion any further, the Delegation from Guatemala sustains the point of view expressed herein and consequently supports the recommendation of the Special Committee on Voting.

Delegate From Argentine Republic:

"Mr. Chairman,
Gentlemen:

After our first speech in this debate, which was certainly quite long but was undoubtedly necessary, I suppose that everyone's eyes are now scrutinizing me in an effort to guess the number of pages I have in my hand and so to know what to expect. May I assure you, gentlemen, and Mr. Chairman, that I shall be briefer than yesterday.

First of all, it would be well to clarify the fact that the Argentine Delegation has not undertaken an attack of any kind against any specific delegation. We did not come to Atlantic City to attack anybody. We are here to work and for no other purpose. But since it seemed to us that we are not working as well as we might, we wish to trace a little history briefly, with the greatest possible objectivity, in order to draw the attention of the Delegates to the necessity of fulfilling our duties and obligations from the purely technical point of view which our work imposes on us. We have also indicated the supreme necessity for us to stay away from militant politics, in order to avoid passing a death sentence on the International Telecommunications Union, whose past has been exemplary and whose present and future -- and we make this statement wholeheartedly -- we should defend and protect in tribute to its past.

We have explained why Spain is not present at this Conference and we have also clearly indicated that there is no legal reason which in any way binds us to confirm an unjustifiable technical exclusion.

We are not playing political chess here, gentlemen; we are working on questions of frequency, we are revising an international telecommunications convention, and we still have before us the difficult task of considering high frequency broadcasting. That is our mission and that is why we are here. Therefore, we

believe that, regardless of any political consideration of the moment concerning its government, Spain cannot be excluded from a conference that requires the technical contribution of all nations, without distinction as to size, industrial capacity, internal political situation, etc.

On the other hand, speaking from a juridical point of view, we have proved that Spain is a member of the International Telecommunications Union, and that we cannot deny her legal right to an automatic invitation, without setting a very dangerous precedent of interference in the internal affairs of a country, a precedent which is without parallel in the history of the International Telecommunications Union. Today it is Spain, but tomorrow the exclusion of any other country might be demanded, and such a situation is inadmissible. And now that we have had a little more time to go over documents, we have verified the fact that our line of thought coincides with the procedure followed by the Swiss government in the case of Spain, for in the questionnaire which the Swiss government sent to all members of the I.T.U. to decide the site of the present Conference, Spain took part as a member of the I.T.U. and expressed a preference for Geneva or Switzerland. This fact is recorded in the minutes of the first Plenary Session (Doc. 57 TR-E, p B).

We have also shown here that the non-invitation of Spain on the part of the inviting country, shows an attitude of prudence, and moreover a sense of delicacy, which we are the first to recognize and applaud, as we believe that this does not in any way set a precedent of discretionary invitation nor does it invalidate the vested rights that Spain does have to such an invitation, as a country signatory to the Madrid Convention. If we invite Spain, therefore, we shall not in any way whatsoever be criticizing the United States, as we all know, Gentlemen, from what quarter the invitation for this exclusion arose.

This is all in connection with the normal obligations of the International Telecommunications Union considered as the tangible product of the Madrid Convention.

But the fact of the matter is that an attempt has been made to subordinate our commitment to a recommendation made by the United Nations, indiscriminately without distinguishing previously just to what point our duties and obligations toward the UN actually extend.

The International Telecommunications Union exists as a separate entity. This is a conference of that Union, no one would argue that point nor attempt to argue it. This point has certainly been cleared up and there is no reason to go over it again. But what character kind of existence does it have? What kind of existence will it assume in the future? And we answer: the existence that we wished it to have in the past -- and the one we wish to endow it with in the present and in the future.

How then, shall we proceed? Very simply, Gentlemen. The countries that attended the Madrid conference did not have before them any international commitment that limited their contractual liberty. At Atlantic City, on the contrary, the situation is not the same. A definite number of countries, which constitute a majority, have signed the charter of the United Nations, the very Magna Charta or Constitution of the United Nations, which establishes a specific and limited series of obligations and commitments.

If we go back for just a moment to San Francisco, and I beg your pardon for such extensive travel from Madrid to San Francisco and from San Francisco to Atlantic City -- we can see that when the charter of the United Nations was signed, all the signatories had earlier international commitments of another type, such as the International Telecommunications Union, the Universal Postal Union, etc.

What then did they do about these prior commitments? Did they decide to renounce them? Did they decide to withdraw from the respective organizations? Absolutely not. They did not have the authority to order the dissolution of these organizations since all the signatories of these previous multilateral conventions were not members of U.N. What did they do then? They decided to link these organizations and associate them with the U.N. And this could be done, because, being at the same time members of the U.N. and of these organizations, they could impose the necessary ties by means of a simple majority. And hence article 57, which provides for this associations

But to associate is not to subordinate, and in order to safeguard the indispensable technical autonomy of these organizations, which, moreover, also included other countries which were not members of the U.N., the Charter of the United Nations granted all its members

liberty to make the association on the basis of contractual agreements between the U.N. and the organizations involved, which received the name of specialized agencies. And this is the spirit of article 63.

I believe that up to this point we will all be in agreement on these principles, for they are merely the juridical history of a legal fact.

To admit the necessity of these ties, and to have provided the means, that is to say the agreements as formal guarantees of technical independence, was, nevertheless, to foresee the case of a conflict between the U.N. Charter, or rather between the obligations involved in the U.N. Charter and the obligations evolving from previous international agreements, by virtue of which specialized agencies such as the ITU, the UPU, etc. continued to exist. And how could such a conflict be resolved? As the Charter cannot ignore the existence, and therefore, the autonomy of the prior organizations, the Charter, in its article 103, establishes the precedence of the Charter, that is to say, of the obligations of the Charter for the members of the U.N. Briefly: The ITU remains free to determine its acts, but if from its decisions there results a conflict between obligations as a member of the ITU and obligations as a member of U.N., members of the U.N. must first fulfill their obligations as members of U.N.

Now then; once this point had been reached, it was logical that since the possibility of conflict was foreseen, the necessities of avoiding it should be thought of. The agreement is the means, for if we are able to agree here on a definite basis, the countries that are not members of the U.N. can support the work of the U.N. also through their present obligations to the ITC, that is, to the specialized agencies whose independence is safeguarded by the U.N. Charter.

Unfortunately this agreement has not yet been reached so that it would be impossible to base our conduct on a written commitment. However, as we said yesterday this agreement can be reached only on three basic conditions:

1. Technical independence.
2. General coordination.
3. Coercive political coordination-- under circumstances as foreseen by Articles 39, 41 and 42 of the U.N. Charter, when in a definite and categorical manner the Security Council decides that there exists a menace

to world security and issues orders for action not mere recommendations -- to insure the peace.

That is, Gentlemen, what was agreed at San Francisco. But at San Francisco, Gentlemen, it was also agreed to respect and safeguard once again, the sacred principles of non-interference in the internal affairs of any nation, that is, the principle of self-determination of peoples. In other words, as long as a government, whatever its tendency does not constitute a menace to the peace and security of the world, the U.N. may adopt, in respect to it, any recommendations leading to desired ends, but it is no less evident that it cannot adopt a belligerent attitude that violates the principle of the self-determination of peoples, and even less can it use the technical organizations as weapons for its political "recommendations", as, if this were so, it would mean confusion and chaos and death for these specialized agencies.

As a consequence, if even the Charter of the U.N. which binds all its signatories equally, respects the national frontiers of each country, recognizing the individuality of its external sovereignty, and of its internal structure, it is evident, in greater degree, that the ITU and its plenipotentiary or administrative conferences, whose commitments are essentially technical and restricted to technical matters, cannot exceed its technical commitments by taking on political functions completely alien to the Madrid Convention, which moreover do not respect the principle of self-determination of peoples consecrated by the U.N. Charter. If the U.N. wishes to adopt any concrete measure to safeguard the peace, nothing prevents it from so doing in a legal manner, and this specialized agency shall be under obligation to support such a measure in its corresponding form, that is to say, in a form similar to that foreseen in article six of the draft agreement between the U.N. and the Universal Postal Union, signed in Paris, on July 4, of this year, whose terms are as follows:

"En ce qui concerne les membres des Nations Unies, l'Union reconnaît que, conformément aux dispositions de l'article 103 de la Charte, aucune disposition de la Convention postale universelle ou de ses arrangements connexes ne peut être invoquée comme faisant obstacle ou apportant une limitation quelconque à l'observation par un Etat de ses obligations envers les Nations Unies".

After this, Gentlemen, and to be brief, we believe all comment would be superfluous. The agreement -- and it could not be otherwise -- guards the liberty of

those countries in the UPU which are not members of the U.N. and this is not only clear but definitive.

We repeat: The ITU within its technical independence, within its area of general coordination with the U.N., cannot adopt any coercive measure as long as the U.N. does not state categorically:

1. That it is a measure imposed by the necessity of safeguarding universal peace.
2. That by virtue of the same all communications by telegraph, telephone, radio, etc. shall be discontinued.

If we decree the isolation of Spain, Gentlemen, we shall have converted into a coercive measure something which was merely intended as a recommendation. We do not believe that we can over-reach the U.N. itself.

I ask the Delegates, in the name of my country, to reread the recommendation in document JTR-E page 3, and to meditate carefully on it before voting and deciding on the death of the ITU, for this would be the most fatal precedent that could be set, it would be the cornerstone of a political organization that would permanently stifle discussion of any of our problems on a purely technical basis.

The destiny of the ITU is in our hands, Gentlemen. The Argentine Republic wishes to safeguard its responsibility as a member, it wishes to save the principle of non-interference and wishes to say once again that it does not feel itself obligated by any measure that violates free self-determination of peoples in their conditions of life and internal affairs, so long as it is not fully recognized, in responsible places, that these nations constitute a menace to international peace and security.

Nothing further, and thank you very much, Mr. Chairman."

The Chairman considered that the question could now be put to a vote, and proposed that it be worded as follows:

Shall Spain be admitted? Delegations in favor of

this admission will vote YES; those not in favor, will answer NO.

The Delegation from the United Kingdom, noting that the Assembly was faced with an important question, and basing his suggestion on the procedure which had been accepted yesterday, requested that the proposal should be considered as rejected if it did not obtain a two-thirds majority.

The Delegation from the U.S.S.R. supported this request.

A discussion began between the Delegation from Argentina and the Chairman concerning the procedure to be followed.

The Chairman remarked as follows:

"There are now three questions to be dealt with: I should like first to deal with the motion on procedure made by Argentina, which covers three points.

"First, the form to be given to the question on which we shall vote..

"Second, the question of whether the vote will be secret.

"Third, the question as to whether a two-thirds majority is necessary.

"I shall deal with these questions in the order mentioned.

"For the first point, that is to say the form in which we shall draft the question which will be put to you, I propose to follow the same procedure as yesterday, and put the question in as simple a manner as possible, so that there may be no mistake. That is to say that those in favor of the admission of Spain will vote Yes and those against will vote No. In proceeding thus, the members of the Assembly will recall the recommendation of the Special Committee on Voting, according to which Spain should not be added to the list.

For the second point, (secret ballot), no one has submitted a proposal. This being the case, the vote will not be secret.

For the third point, (two-thirds majority), this question must now be decided by the Assembly, and I was going to ask you to vote on the proposal of the

United Kingdom, which has asked for a two-thirds majority, supported by the Delegate from the U.S.S.R. We are therefore now going to discuss whether we wish a two-thirds majority vote.

The Delegate from Argentina: I beg your pardon for insisting on this point. Our Delegation proposed that we should proceed in exactly the same way as yesterday for the Republic of Mongolia, and that we should vote on the recommendation of the Special Committee on Voting. In this case, I think that this question must be considered important and that the two-thirds ruling should be applied. If this recommendation is not voted upon, then the Delegation of Argentina believes that the motion it makes--that is that those who are in favor of inviting Spain shall vote in the affirmative and those against in the negative--should obtain a simple majority to be adopted.

We are now faced with difficulties of procedure and I shall make an attempt to solve them.

The question which we must decide is whether the name of Spain is to be included in the list. The recommendation of the Special Committee on Voting is that Spain should not be added to the list. If you put a negative question to the Assembly, with the two-thirds majority vote you will obtain the opposite result.

The Chairman stated that the question placed before the Assembly actually concerned the admission of Spain, and if, he said, I put it this way: "Vote Yes or No" it is because it is the simplest way, and because it will prevent us from being led astray in questions of procedure. A simple majority can, of course, decide the contrary of what I have proposed.

The Delegate from Lebanon: I have submitted the Lebanese proposal on the subject of the 2/3 majority vote. It is now in the hands of the Chairman. Therefore, to avoid returning to the question of Mongolia and that of Spain, I move that the suggestions I have already submitted be brought up for discussion.

The Chairman: The Delegate from Lebanon submitted to us a proposal involving an amendment to Article 19 of the Internal Regulations. I am of the opinion that it will be advisable to study this article in due time.

But the question which must be decided now is whether I am to postpone the decision with regard to the admission of Spain, in order to consider this matter at this time.

I feel that we should not interrupt the study of the question of Spain, but rather continue this discussion and settle the matter.

I am well aware that, as a result of the decision made on the Lebanese proposal it may be necessary for us to review the questions of Spain and Mongolia. Nevertheless, in order to simplify matters, it would, I believe, be wiser to retrace our steps, if the Delegate from Lebanon succeeds in obtaining the adoption of the amendment he proposes to Article 19. For this reason I rule that we shall now continue the question of Spain and reach a decision, and that thereafter we shall examine the Lebanese proposal.

The Vatican Delegation remarked that the proposed procedure was not legally correct, because Spain is at the present time a member of the Union, entitled to vote. The proposal which must be approved and passed by 2/3 of the votes is the proposal which would deprive Spain of her rights.

The Delegate from the Ukraine supported the principle of the 2/3 majority vote on the Spanish question.

The Delegation from the Dominican Republic considered the opinion of the Committee logical; furthermore they had proceeded in this way with regard to Mongolia. In his opinion, the text of the final report of the committee should be put to the vote.

The Chairman said: "I should like to continue by saying that the meeting may proceed in any manner which the majority considers best. But in order to decide which is the most rapid manner, the Assembly will have to take a stand. If you agree, we shall continue in this way; otherwise you will continue as you see fit. The questions which confront us are complex, and I believe that I express the wishes of the majority of the Assembly. We are facing a difficult situation, because of the possible effect of the 2/3 majority. And that is why it is important for us to know in exactly what way the question will be put. If a negative question is put to the Assembly, the result of the vote will be the contrary of that obtained if the question is put affirmatively. What I propose is that we try to decide whether or not Spain shall appear in the list. The recommendation of the Special Committee on Voting is before us, and this recommendation states that Spain shall not be admitted. If I put this question negatively I believe

that the 2/3 majority rule will become a procedure which will distort the will of the majority. I am therefore of the opinion that the question should be put in affirmative form. Shall Spain be admitted? A definite decision must be taken. It has been moved that the 2/3 majority vote apply. We shall now vote on the question as to whether or not the 2/3 majority ruling shall be applied, unless a secret ballot is requested. We shall therefore proceed to a roll-call vote on the 2/3 majority ruling.

The Argentine Delegation proposed that a vote be taken on the question of the invitation to Spain and that this vote be by secret ballot.

If the necessary second to the motion is made, the vote will be taken by secret ballot, said the Chairman.

The Delegate from Bielorussia seconded the motion.

The Chairman continued as follows: As I have already said, in order that we may proceed in orderly fashion, I believe that the chair must make a definite position and make a decision. However, I do not wish to impose my opinion on the majority of the members of the Assembly. I repeat that the Chairman's decision with regard to the manner of procedure is subject to appeal. In that case, your proposals with regard to the mode of procedure would be put to the vote. In order that you may all understand clearly that I am not imposing my personal point of view with regard to the mode of procedure, I am taking a definite position so that we may continue our deliberations. If there is no appeal, the question will be put as follows: Those who are in favor of the admission of Spain will vote Yes, those opposed, No. There is no appeal? Then the decision stands.

The Delegate from the Vatican recalled the remark he had already made that this way of putting the question is not legally correct. He asked that the Vatican Delegation's statement that the form of the proposal is not legally correct be inserted verbatim in the minutes and he requested that even if the majority of the votes are against him that the declaration be inserted. This request was granted.

In answering the question from the Chairman, he replied, however, that he did not wish to lodge an appeal, because he is a realist.

The Argentine Delegate held to his point: It is a question of principle, he said, an exceedingly important point: Yesterday it concerned Mongolia; that is, a country which is not a member of the I.T.U. It was a question of including it in Article 18. This is an important question and I think that a 2/3 majority was necessary for the ad-

mission of a new member. In the case submitted to us by the Special Committee on Voting, there are two questions:

1. To decide whether a recommendation from the United Nations shall take precedence over the Madrid Convention,
2. To decide whether a country shall be included in the list.

It is therefore an important question from two points of view. We must vote on the recommendation of the Committee and on the question of the two-thirds majority. But if we vote Yes or No, as the Chairman proposes, this would be of no value for the principle of membership qualification. Our Delegation is in a rather embarrassing position. The question concerns the exclusion of a member, Spain.

The Chairman said that as he wished to introduce some order into the discussion, he would ask again if anyone would appeal.

The Delegation from the Dominican Republic decided to appeal and declared: Yesterday, when we discussed the admission of the Baltic countries, the Delegate from the United Kingdom, with the logic and brilliance which characterises Anglo-Saxons, stated that there was no question of inclusion, because one could not include something already included.

In the case we are dealing with, we are voting for the admission of Spain which is a member of the I.T.U. It is the recommendation of the Special Committee on Voting, stating that Spain should not be included in the list which is being put to the vote. We are not voting on the exclusion. That is in contradiction to the position taken yesterday by the United Kingdom.

The Chairman thanked the Dominican Delegation for having appealed. He said he had accomplished his purpose, which was that the Assembly itself should decide on this important question.

The secret ballot was voted on. It was adopted.

As to whether the two-thirds majority should be necessary, as the United Kingdom, supported by the U.S.S.R., had requested, the Assembly replied by roll-

call in the affirmative, by 35 votes to 13 and 16 abstentions (13 absentees).

In favor: the Union of South Africa and the mandated territory of Southwest Africa; Albania; Australia; Belgium; Bielorussia; Brazil; Canada; China; Denmark; United States of America; Territories of the United States; Finland; France; Colonies; Protectorates and Overseas Territories under French Mandate; the French Protectorates of Morocco and Tunisia; the United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under the sovereignty or mandate of Great Britain; Hungary; Iraq; Luxembourg; Mexico; Norway; New Zealand; Netherlands; Netherlands Indies; Poland; Portuguese Colonies; Siam; Czechoslovakia; Turkey; Ukraine; the Union of Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia.

Against: Argentina; Chile; Vatican City State; Colombia; Cuba; Dominican Republic; Ecuador; India; Ireland; Nicaragua; Panama; Portugal; Sweden.

Abstained: Afghanistan, Austria, Belgian Congo and territories under the mandate of Ruanda-Urundi, Burma, Egypt, El Salvador, Greece, Guatemala, Haiti, Honduras, Iceland, Italy, Lebanon, Peru, Philippines, Switzerland.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ethiopia; Southern Rhodesia; Iran; Liberia; Monaco; Paraguay; Roumania; Syria; Yemen.

As the Chairman noted, the principle of the two-thirds majority was adopted for this question.

The vote by secret ballot gave the following result:

For the inclusion of Spain in the list entered in Article 18: 21 votes.

Against: 35 votes.

Abstentions: 9 votes.

Total: 65 votes.

The Chairman stated that under these conditions the name of Spain would not appear in the said list.

The Argentine Delegation, upon recognition from the Chair, made the following statement:

"Mr. Chairman, in view of the result of the vote which has just been taken, the Delegation from Argentina, which has vigorously insisted on the universal character which the International Telecommunications Union should have, and which has been opposed for the highest reasons of principle to the unjustified exclusion of any country whatsoever, declines any responsibility for the decision just made by this Plenary Assembly, and requests that this statement be incorporated in the Minutes of the said Assembly."

The Chairman declared that this would be done, and he adjourned the meeting at 1 p.m. after announcing that it would be continued at 3 p.m.

The meeting re-convened at 3:10 p.m.

The Chairman made the following statement:

I intended to recognize the Delegate from Lebanon, but he tells me that he has an appointment with his physician and that he will not be with us till later. I shall therefore suggest that we take up the discussion on item 6 of the agenda, (Admission of the Principality of Monaco).

Meanwhile, at the suggestion of the Delegate from Italy, I have requested the Secretariat to prepare in French, English and Spanish, the text of Article 19 in the form in which it was adopted yesterday, as well as the exact text of the Lebanese proposal which was submitted to the Chair this morning.

Item 6 deals with the admission of the Principality of Monaco. It would appear, said the Chairman, judging by the report of the Special Committee on Voting, that no question was raised within this committee. The Committee unanimously recommended the following text to the Plenary Assembly:

"The Committee, noting that Monaco has fulfilled the requirements provided in Article 3 of the Madrid Convention to the extent compatible with present circumstances, expresses the view that this country should be maintained in the list of countries enumerated in Article 18 of the Internal Regulations."

Are there any objections to the adoption of this recommendation?

The Delegate from the U.S.S.R.: I have no intention of speaking against the proposal submitted by the Special Committee on Voting, since this recommendation is very accurately worded and it is perfectly justifiable. But I simply wish to state that considering that the question of Monaco was brought up before the Special Committee on Voting only because I mentioned the name of this country during the meeting of the Heads of Delegations, I should like to explain to the Delegates why this question arose. During the meeting of the Heads of Delegations, in the course of the discussion on the question of Mongolia, when the Mongolian People's Republic was under discussion, I stated as an example that Monaco and the Mongolian People's Republic had exactly the same rights to be included in the number of countries participating in this Conference. And this because the two countries had fulfilled in exactly the same way the requirements for adhering to the Madrid Convention. That is why, since Monaco was already included in the list in question, - and this was done in an unquestionably just manner - I express no doubts thereon for it is self-evident that by adhering to the Convention, Monaco has thereby acquired all the rights which belong to her according to the terms of the Madrid Convention - these same rights belong to the Mongolian People's Republic. That is why I mentioned Mongolia and why the question arose. As you see, Gentlemen, in the report of the Special Committee on Voting with regard to Mongolia, as well as Monaco you will observe an analagous recommendation, for the Committee had studied the juridical reasons, and had recognized that the two countries had fulfilled all the conditions of the Madrid Convention. In that way, their names should figure in the list of Article 18 of the Internal Regulations. I should simply like to point out that, in reality, no one has raised the question as to the right of Monaco to take part in this Conference. And, consequently, we now have every reason to approve unanimously keeping the name of this country in the list in Article 18 of the Internal Regulations.

The Chairman: The statement of the Soviet Delegation will be included in the Minutes and, if there is no objection, the name of Monaco will continue to figure in the list in Article 18. (Agreement).

We now take up item 7 of the agenda: Question of proxy voting. You will remember, gentlemen, that, according to the proposal of Guatemala, Article 18 of the Internal Regulations was amended by including in § 2 a provision for proxy voting. We agreed to accept this text only provisionally until the Special Committee on Voting had the opportunity to study this question and to submit it to the Plenary Assembly for decision. The Special Committee on the right to vote made a recommendation favoring proxy voting. It pointed out, however, that the text of its recommendation is somewhat different from the wording given (provisionally) in the Internal Regulations. The recommended text is the following:

"Any government may give a permanent or temporary mandate to the delegation of another country to vote in its place either for the duration of the Conference if such country cannot send a representative, or for one or more meetings when such country cannot be represented. In no case may one delegation dispose, under such conditions, of the votes of more than two delegations. However, the delegations of the United Kingdom and of the United States may vote for their colonies, protectorates and territories as a group."

In addition, it was recommended that this provision be interpreted in such a way as to permit of entrusting such powers to a duly appointed individual as well as to a delegation. I believe I understood that voting by proxy would also be extended to the case of the United Kingdom and the United States, insofar as their territories and their possessions were concerned. Have you any objections, Gentlemen, to the adoption of this proposal recommended by the Special Committee on Voting?

The Delegation from the United States of America reminded the meeting that, in the past, the United States had raised objections to the principle of voting by proxy. This practice was unsuitable, and hardly democratic. It should not be impossible for countries interested in our Conferences to send at least one delegate. Voting by proxy could lead to a situation where a delegate would vote differently according to the country he represented; this would be an embarrassing practice. Nevertheless, as voting by proxy had been tolerated at Cairo, some countries might well expect that the same practice would be followed here. It is for this reason that this Delegation will not oppose the proposed measure. We shall have an opportunity in Committee F of giving our opinion as to the future.

The Delegate from the Dominican Republic brought out the difficulties which would confront small countries which were unable to send a sufficient number of representatives. He suggested that representation be authorized at certain sessions for important reasons, and that the proxy might be provided with instructions on the manner in which he should vote for the foreign delegation he represented.

The Chairman felt that this suggestion, if adopted, would meet the situation. The article which the Special Committee on Voting had proposed related to § 2 of Article

18, that is to say, voting in plenary sessions. Article 22 provided that, in committees and subcommittees opinions should be given by the delegation members of the committee or a subcommittee concerned, and that this is the most important part. Such delegations should have the right to vote in accordance with Article 18. Thus, by making a slight change in the text of the Special Committee, it would apparently be possible for a delegation to vote by proxy in a plenary meeting, or in a committee meeting.

It would be sufficient, for example, to say: "Any government or any delegation duly accredited by any other delegation may either permanently or temporarily....." What does the Assembly and especially the Delegation of the Dominican Republic think of this suggestion?

The Delegation from China wished to draw attention to certain opinions voiced in the Special Committee on Voting in reference to this question, especially, on this last point which was here added to the draft submitted by the Committee. During the discussions of this Committee, I had the opportunity myself to observe that the expression "vote by proxy" although a very useful term, could not exactly describe the situation. This is the real situation: A delegate with powers of attorney issued by its own government would have in its hands other powers of attorney issued by another government. Credentials examined by the Credentials Committee prove that this is the case. In other words, a government asks the delegation of another government to vote on its behalf. This government, quite simply, gives credentials to a person who, perhaps, already has credentials from another government, so that this person would have a right to two powers of attorney. In still other words, for example, if the Delegate from Guatemala votes for Guatemala he votes as a representative of Guatemala, because he has in his hands credentials from his own government. When voting for another government, he votes not as the delegate from Guatemala but from the other country, because he has in his hands credentials from this other country. In discussions in several Committees, I suggested that, if we permit certain delegations in some manner to delegate this right of voting in a conference, without credentials, the situation would become confused and might lead to consequences which we can readily foresee. I believe that what the United States has just said on the subject of voting by proxy in general, applies with even greater force to the special case where one delegation requests another to vote in its name and in its behalf.

It is for this reason that I wish to take this opportunity to draw your attention to this fact, before we proceed to vote. I should like also to call your attention to the text of the resolution submitted by the Committee on Voting. What I propose is only a matter of wording, but I believe that it is very important. Instead of saying in this resolution: "If such countries cannot send representatives," it should read: "If these governments cannot send representatives."

The Chairman suggested the adoption of this slight amendment by China, which could only improve the text.

The Argentine Delegation reminded the meeting that the question raised by the Dominican Delegation had been considered at Madrid. In the Internal Regulations of this Conference, Article 21, § 4, sub-paragraph 2, read: "A delegation.....". This meant that, with such a clear proposal, the only matter remaining open to doubt was whether the same delegation should represent different countries. As a matter of fact, it was a question of indirect representation. But in any case, this Delegation said, I should like also to remark, that the provision of the Madrid Regulation provides for almost this exact case -- I allude to the grave situation which could arise at any given moment -- If no basic objection is brought forward, I believe that we can retain this Madrid provision in force; and, under these conditions, our Delegation supports both the measure and the amendment proposed by the Dominican Republic.

The amendment of the Dominican Republic satisfied Argentina. It was approved without objection.

The recommendation as amended by the Committee was also approved.

Proceeding to Item 3 of the Agenda (Signature by Proxy).

The Chairman said: The Delegate from China is entirely right in saying that this is not a question of voting by proxy, but I wish to retain the words "by proxy," because it is a very useful term. Moreover, the Special Committee on Voting had the task of considering the question of signature by proxy. The question

presented is this: Is it necessary to amend Article 26 of the Internal Regulations which deals with the question of signature, in order that this Article may definitely authorize signature by proxy? The Committee deems that if the delegation of a country is provided with the necessary powers from another country, one of its delegates may sign the Convention in the name of the mandatory country, in accordance with the terms of Article 26, and that there is no reason for changing the present text of this Article.

The opinion of the Committee was adopted without objection.

9. Questions relating to the admission of other countries.

The Delegation from Bielorussia gave its opinion as follows: The Special Committee on Voting examined the question of Monaco and of Mongolia; it made exactly similar recommendations in both cases. In my opinion, the principle of correct procedure and elementary justice is of the highest importance for this Conference. I consider that, as far as Mongolia is concerned, these principles have been violated. The recommendation for Monaco met with no objection and was not put to the vote. We simply included the name of this country in the list under Article 18. No one here made any direct expression of opinion against Mongolia, but the same procedure was not followed. I believe that it is indispensable to correct this, to reopen this question, and to follow the same procedure as for Monaco. I request this, Mr. Chairman, and I insist, that this question be restudied. In my opinion, the Delegates here present are perfectly aware that a small country, a young country, which would like to enter our Union, and which has every reason to be admitted, should not be refused.

The Chairman: The question before the Assembly, just presented by the Delegate from Bielorussia, will comprise a new examination, a new study, in some fashion, of decisions already made. If this is the wish of the Assembly, this question shall be reopened. Consequently, I conclude that, before going further, and before beginning other discussions on the merits of this new proposal, the Assembly must decide whether it wishes to reexamine a question which has already been settled. I, therefore, suggest that discussion be limited at this moment to a reexamination of the decision previously made.

The Head of the Delegation of the U.S.S.R. expressed the following opinion: I consider that there is a reason for reopening this question of admitting the Mongolian People's Republic: it is the decision made here by this Assembly in reference to Monaco. In the first place, we examined, only the question of the Mongolian People's Republic. We put it to the vote, and the result of this vote gave a majority for the Mongolian People's Republic. But, because of the two-thirds majority clause, the inclusion of the Mongolian People's Republic did not take place. If we did not have before us the case of Monaco, quite analogous, and if this precedent did not exist, I should have no occasion to reopen the question. Nevertheless, considering this precedent, I am obliged, -- and I believe everyone here is obliged -- to believe that a misunderstanding arose when the admission of the Mongolian People's Republic was examined. I can not understand otherwise the difference in these two cases, which are analogous. That is why I strongly support the proposal made by the Bielorussian Delegation to review this question, and I hope that the majority of delegates here will recognize that, in order to be truly fair, we must review the decision which has been made. Mr. Chairman, I address you and all this Assembly, and I request you all to support this proposal. We must make a just decision and review the decision already made.

The Chairman: We shall take the following action: Item 9 on the Agenda refers to the question relating to the right to vote of countries other than those we mentioned at our first Plenary Session (Estonia, Latvia, Lithuania, Monaco, Mongolia, Spain). This subject was submitted to the Special Committee on Voting for future study; but, due to lack of time, this Committee was able to draw up recommendations as to certain clearly specified countries other than those which we have already taken into consideration. The recommendation of the Committee is as follows: "The Committee recommends to the Plenary Session that the case of countries which have been invited to the Atlantic City Conferences and are not members of the Union, be studied by the Special Committee on Voting, and be the subject of recommendations for submission at a future Plenary Session." I take this recommendation to mean that this Committee will continue in existence and will take under consideration the various countries here represented which are not members of the Union, that is to say, those countries which have not filed instruments of adherence to the Convention and to at least one of the Regulations with

the Spanish Government. I should like to draw the attention of the meeting to the consequences which might arise from this procedure. As you know, with two Conferences sitting simultaneously, many difficulties arise when meetings are being organized, in attempting to prevent overlapping which might interfere with a good attendance of delegations at one or more meetings. Up to the present, we have been able to make schedules which fulfilled these conditions. We have had great difficulties in this matter. Many heads of delegations would like to participate in the work of this Special Committee on Voting. And these same Heads of Delegations are the principal spokesmen for their delegations in the meetings of other committees of the Plenipotentiary Conference. The result has been that during the last two weeks, we have been unable to hold a Plenary Assembly at the same time that the Committee on Voting was in session. This slowed down our work. If this Committee is re-constituted, it will be impossible for us to expedite our work while it is functioning, perhaps for two more weeks. Moreover, a Plenary meeting must have time to prepare its new report, and then we shall incur the risk of having to begin all over, as we did today and yesterday, work which it has already completed.

It is for this reason that I propose that we study these cases here and now.

The Delegate from Guatemala: I agree that the status of all countries which have been invited to our Conference by the Government of the United States should be decided here and now. Our Delegation is fully aware of the vast importance which this matter assumes for this Conference. When the question raised by Belgium was studied by the Committee, it was thoroughly studied, but it was then referred to the Plenary Session, to be returned later to the Committee for final study. If we proceeded in this manner, it was because this Committee was aware of the difficulty of the task. Among the countries participating in this Conference there are some which ratified the Madrid Convention, but which failed to approve at least one of the annexed Regulations, as required by the Convention. There are also countries which, though they have contributed greatly to the proper functioning of the Union Conferences and have offered numerous proposals, have not adhered to the Convention or to the Regulations. Among such countries, there are many which have paid their dues and fulfilled all of their obligations. There are still other countries which have approved the Regulations, paid their dues and fulfilled their obligations, but which have

not yet ratified the Convention. There are also other countries which, for various reasons, which I do not wish to set forth in detail, have ratified neither the Convention nor the annexed Regulations; but which, by their very presence at this Conference, have proven their interest in the adjustment of all telecommunication problems on a world-wide scale.

Our Delegation is fully cognizant of the arduous task which the study of this question would impose upon a special committee, and we should like to know on what basis all committees could function while this special committee was engaged in studying the particular status of each country, and while it was drafting recommendations which the Plenary Session would then be called upon to accept or reject. The Radio Conference has already been working for over two months without interruption. Suppose that all its work were nullified because the present Assembly formally rejected all its decisions by specifying that only a small majority had the right of vote. Everything that had been accomplished would have to be done all over again. Confronted with this delicate aspect of the problem, and of others which may arise in the future, our delegation feels that it would be advisable to suggest, as the Chairman has just done, that the status of all contracting and participating countries present at this Conference be decided here and now. Furthermore, our Delegation is convinced that the Government of the United States used keen judgment in inviting many non-members of the Union so that they might profit by inspecting the structure of our Union and help to build it up into an organization of world-wide scope which should establish the Telecommunications Regulations on an international foundation, and not upon a partial and selfish basis. And the Delegation from Guatemala takes the liberty of suggesting that in this very meeting it be decided to grant equal rights to all invited countries present here, so that they may continue to work at our Conferences. With this in mind, our Delegation proposes: that this question should not be referred to any special committee, but that in view of its urgent nature, it be decided upon during the present Plenary Session; and that, moreover, this be done in a conclusive manner, granting equal rights to all countries invited to the present Conference for the work of drafting the new International Telecommunication Convention.

The Delegation from the U.S.S.R.: I am convinced that all these problems must be solved here and now.

I am perfectly in accord with the Chair in this matter, since the experience of the Special Committee on Voting has very clearly demonstrated that in a way its work is of a sort which must be repeated in Plenary Session. The time expended for this might better be employed in solving essential problems, such as the technical questions which engross us, and questions concerning the Convention, all of which are fundamental. I therefore support the Chair's proposal; however, I believe that, to begin with, we should be given a clear and concrete list of the countries whose status might be in doubt. This question came before the Special Committee on Voting, and the Director of the Bureau of the Union promised to give us, within 24 hours, a list of the countries with respect to which such doubts exist. I now suggest that, to begin with, the Director of the Bureau of the Union be asked to read this list, after which we can give our attention to establishing a procedure to be followed.

The Chairman believed that the list recorded in Article 18 might be considered as final, unless objections were made, country by country. Should someone request deletion of the name of a country, he should be obliged to set forth motives supporting such request.

The Delegation from the U.S.S.R. was in agreement.

The Delegate from Peru: The Delegate from Guatemala has plainly set forth what I wished to express myself. This is a most delicate question. We have already noted the time which was wasted in this Conference when we took up questions which lie beyond the technical competence of the Conference, or which fall outside of our terms of reference. The question which we are considering is serious, because countries which have taken part in the works of the Conference are involved. I should not care to start afresh discussions which would lead to the study of badly worded Articles. We could examine one country after another, and I should like to know by what criterion we are to determine whether they are members. During our first Plenary Session, one delegation raised the same question. One of the Secretaries-General remarked that there might be three different criteria by which to decide if a country were a member of the Union. I observed a group led by the countries of Latin America which made a special study of this question, and I am in a position to repeat to you, Gentlemen, that from a legal point of view, about 33 countries might be subject to criticism in this respect. This would take up a great deal of time. We are in complete agreement with the Chair's proposal, and we also support

(193 TR E)

the proposal put forward by the Delegate from Guatemala in the form in which he has presented the same.

The Delegate from China went even further: You have suggested, he said that the list recorded in Article 18 be read, and that, thereafter, we should make a study of this list to determine whether certain countries are to be struck off the roll. You will recall that there is another question, that of determining whether or not they are members of the Union. The question of determining whether a delegation is a member of the Union or not can only be of value when it relates to the right to vote. I note that during this meeting which has lasted two days, important decisions have been made without our knowing who had the right to vote; and should we now consider this question, it would become necessary to cover the whole ground again. I do not believe that anyone would consider this a very practical procedure. Why did this question arise? During the first Plenary Session, I reminded you that at the Meeting of the Heads of Delegations, it was agreed that all delegations invited to this Conference should be entitled to the same and equal participation in all discussions. I do not recall that any exceptions were made at that time. And I consider that full and equal participation implies the right to vote. This was in force for 3 weeks. That is why I believe that this question could be settled without difficulty. The Delegate from Guatemala stated the matter explicitly when he said that we ought to accept all delegations present here. I agree. I should also prefer that the question as to who is a member should not be raised at this point, in connection with the right to vote. As I see it, the status of most of us is that of member of the Union, and we all naturally respect the Convention. All countries have an equal right to participate. But we are here not only to revise the Convention, but also to draw up provisions which will be conducive to setting up a universal organization of the I.T.U. That is why I suggest that we settle this question once and for all, in accordance with the procedure which we have followed up until the present time. Moreover, since this question of membership has been raised, may I remind you that the Credentials Committee has a report which is awaiting adoption? I should even have brought up this question yesterday, had I not hesitated to interrupt the proceedings of the Conference. If we anticipate further questions on procedure, I believe it to be advisable at this point to take the report of the Credentials Committee into consideration.

The Delegate from Belgium: The procedure proposed by our Chairman, in my opinion, is marred by a great fallacy. He proposed a reading of the list appearing in Article 18, the voicing of criticisms concerning the admission of certain countries and the expression of favorable opinions with regard to some others; and no one has mentioned a word about the criteria which must serve as standards for our decisions. I, therefore fail to see how we shall be in a position to offer any such criticisms. The Belgian Delegation has, both at the meeting of Heads of Delegations and at the first Plenary Session, stressed the case of countries, other than the six clearly specified countries, which are not members of the Union. The first Plenary Session referred the study of these "other countries" to the Special Committee on Voting, as a result of the terms of reference mentioned on page 28 of document 57 TR-E, in which terms of reference it was specified that the case of the 6 countries and the vote by proxy should receive first consideration, and that a report should be prepared for use at the second Plenary Session to take place on July 16. It was therefore realized at the time that the work could not be finished for July 16, and in the very wording of the terms of reference may be found the record of what had been planned: namely, that the Special Committee on Voting was to have continued its work thereafter. If at this point we are told, that by doing what was proposed at the last meeting we shall be impeding the work of the entire Conference, then, Gentlemen, I beg to tell you that this is not a fact.

According to what we have heard in the Special Committee on Voting, membership in the Union has always been required in order to have the right to vote at our Conference. The Honorable Mr. de Wolf has stated clearly that our Conference is being held under the jurisdiction of the Madrid Convention. Membership in the Union is clearly defined in the first articles of the Madrid Convention. The Chairman has made a proposal which confronts us with a fait accompli, resulting from the invitations extended by the United States Government to countries which are not members of the Union. If you disregard the Madrid Convention -- you are obviously free to vote for it, or to have it voted for -- if you disregard the Madrid Convention, no matter what you may decide to do, the decisions we have made here will be illegal; and from now on, the Belgian Delegation will maintain complete reservation in the matter.

The Chairman thought that Guatemala and China were more or less in agreement, and believed that their proposal

might be drawn up in such a way as to oblige the Plenary Session to take into account the list of 77 countries to be found in Article 18, and that it should vote on whether all countries were to be considered as admitted and having the right to vote at the Plenipotentiary Conference. If this right to vote be accepted, the question will be settled. If the vote is not conclusive, we shall be obliged to consider the countries one by one.

The Head of the Delegation from the U.S.S.R.: This is not correct procedure. Since doubts have been expressed as to the right of certain countries to participate in this Conference, and as to the inalienable right of such countries to vote thereat, it is my opinion that we should first of all be informed as to which countries are under consideration. Then only can the right to vote be confirmed in doubtful cases. This question cannot be decided except by representatives whose right to vote is beyond doubt. If not, we shall find ourselves involved in another legal error. The result would be that doubtful countries will, in a certain sense, be voting on the question of their own status. That is why, Mr. Chairman, I believe it would be far more correct at this point, since this question has been raised and justly raised, to decide upon this question by means of unassailable legal procedure. My intention is not to have every country judged minutely, and with great severity; but we should proceed in a proper manner. This procedure might be the following: All delegates here present would be informed which countries enjoy the indubitable right to vote. Then only can the question be put to a vote, and only the representatives of countries which are definitely members of the Union would participate in the vote. It would be only fair that these last, - those countries whose right is indisputable, - should vote, and decide whether they agree or do not agree that other countries should enjoy the same right to vote as they. I consider this, Mr. Chairman, the only proper procedure to follow.

The Chairman: Article 18 contains the list of the 77 accepted countries, those which have, provisionally, the right to vote. In accordance with the Internal Regulations, each of these countries has the right to vote at this Conference unless a decision made here should exclude them from such right. We can proceed by country or in groups. Which do you prefer?

The Delegate from the U.S.S.R. said that he had not quite understood. He felt that we should examine the question of all countries at the same time, but only of those countries whose rights were clear. He agreed to study the question of all countries as a whole, but would like to know what countries were to be considered, as he did not believe that we could discuss the rights of 77 countries to participate. If the question were put in this form, there would be no reason for its existence.

The Delegate from Belgium: I believe that it is necessary to establish a basis. In the minutes of the first Plenary Session, I found in Document No. 57 TR-E, a statement by the Head of the Swiss Delegation, in which the countries that had been consulted were classified, and I noted, in the middle of page 19, a list of 8 countries all, as if by accident, in America, about which this statement was made: "The following States gave their opinions, but their proposals cannot be considered, since they are not members of the International Telecommunication Union." It is not for me to judge a priori whether these countries are or are not in order from the point of view of their membership in the Union. It is possible that, since this list was drawn up, some memberships have been put in order. I do not know, and I think that only the Bureau of the Union is in a position to tell us. Furthermore, I believe that this list is not absolutely complete, or rather that it is subject to change. I find in this list: Argentina, Chile, Costa Rica, Ecuador, Honduras, Nicaragua, Peru and Salvador. And, according to what I hear, there are two other countries which have been invited here although they have never had anything to do with the Union: Saudi Arabia and the Philippines. I repeat, it is not for me to judge whether these countries are members of the Union or not. Only the Bureau of the Union can make this decision.

Now, Gentlemen, I should like to state the reasons for which we desire -- and it is not Belgium alone, but all European countries in general which are of this mind -- we believe that we are here to revise the Madrid Convention. The telegram from the United States that invited us to meet in Atlantic City, or in any case in the United States, definitely referred to the revision of the Madrid Convention, and not to setting up a new Convention. Moreover, Mr. de Wolf, the honorable Delegate and Vice chairman of the American Delegation, has agreed that this Conference was governed by the Madrid Convention. Well then, it seems, to us at least, that if the statutes of an organization are revised, it is the members of this organization who must revise them, and not those who may, perhaps, at some date, we do not know when, become members of this organization. There is one

extremely important point to be settled, that of fixing the headquarters of the Union, and it is with this point in mind that I made the remark that the 8 countries under discussion were all countries of the American Continent.

The Chairman: You have just mentioned eight countries. If we begin to discuss this matter, we shall never finish. I think I see a possibility for agreement: I shall read the list, and, if there are any objections, they must be defined, discussed, and then put to the vote.

The Delegate from the United States of America expressed the following opinion:

You may rest assured that I have no desire to prolong this extremely interesting discussion. The Convention prescribes that this Act must be ratified and that all the governments, which are parties thereto, must approve at least one of the annexed Regulations. After studying the list issued by the Berne Bureau in 1946, I found that 33 countries had not observed the provisions of the Convention. It is useless to call special attention to the fact that there was no ratification. There are, however, numerous countries in Europe which have neglected to sign the Regulations or to approve them: 33 countries, Gentlemen. The provision of the Convention in accordance with which the signatory countries must approve the Regulations has the same force as the demand for the deposit of an instrument of ratification. For this reason, Gentlemen, if we agree with the arguments of Belgium, there are 33 countries here which have no legal status in this Conference. I maintain that it would be a very strange spectacle to see 33 delegations here present, after two months of the Radio Conference, and 3 weeks of the Plenipotentiary Conference, pack their bags and go home! I cannot for one instant imagine that any delegation would remain here without the right to vote. In addition, I should like to call your attention to the fact that there is nothing in the Madrid Convention which deals with the right to vote. On the contrary, Article 20 of this agreement has the following provision: "Before any other deliberation, each conference shall establish Internal Regulations containing the rules according to which the debates and the work shall be organized and conducted." Do you desire, yes or no, to approve Article 18 of the Interior Regulations, as it is, in full accord with Article 20 of the Convention? I do not wish to give this list of 33 countries in detail. I merely wanted

to call your attention to it. If we are to analyze this problem from the juridical point of view, it will be noted that we have invited all the countries enumerated in the list of the Bureau of the Union, plus two: the Philippines and Saudi Arabia. The Philippines are a new country. Saudi Arabia is a new Arab country which is rapidly developing its means of communication. If it were the wish of this Conference to prevent the delegations of these countries from participating in our work, it would be a most unfortunate decision.

The Delegate from Peru: When this discussion began, you alluded to the possible consequences which this question might involve if left in the form now under consideration. I feel that the logical solution which you, Mr. Chairman, proposed, is the most correct and acceptable solution. We have been very patient, and we have not, until now, wished to explain our juridical point of view. But, now that the question has been opened and that we have noted in reading the minutes of the first meeting that Peru is not a member of the Union, we must here take the floor formally to refute this contention. Peru participated in the Madrid Conference, signed and ratified the Madrid Convention. I reserve the right to present formal proof of my statement here to you.

The Delegate from the U.S.S.R.: Nevertheless it seems to me that my proposal and my point of view have not been understood. Because, if my proposal had been followed, we should have saved the time which we have allowed to elapse since I presented it, and by following the procedure indicated, we might well have been able to finish with this question.

That is why I take the liberty of repeating my proposal. The Delegate from Belgium gave the names of 8 countries, and then added 2 more. That is exactly what I wanted. I wanted to know the names of the countries in question. It is entirely right and just, from a juridical point of view, that, after having purely and simply learned the names of the countries whose membership is in question, the real members, and only the real members, shall state their opinions in regard to the rights of the former. For this reason I proposed a very simple method: to go back to the beginning of the question. There is no necessity for consulting a committee or for examining the countries one after the other, since we have no doubt about our need of their presence here. We have only to say that this or that country, for reasons sometimes beyond its control, has not fulfilled the necessary formalities, and, then, the other countries present here, whose right of participation

as members of the Union is unquestioned, could vote and introduce a resolution. If a conference of members of the Union declared that it did not oppose considering as accepted all the countries which had not had time to fulfill all the necessary formalities, but who had been invited, the question would then be liquidated. That is my proposal.

The Chairman: I understood the proposal. According to my interpretation of the provisional Internal Regulations, the method proposed by the Soviet Union is not legal. We have provisionally granted the right of vote at this Conference to the 77 countries enumerated in Article 18. Let us suppose for a moment that we follow the method proposed by the Soviet Union. Let us suppose also that objections were raised in regard to the juridical status of 23 countries, or, as Mr. de Wolf said of 33 countries. In that case, 33 countries, according to the terms of the proposal made by the Soviet Delegate, would find themselves, temporarily, and simply because of objections raised by a single member, deprived of the right to vote on this important question. I do not believe that the Internal Regulations now in force would authorize me to follow this method. In fact, at present the Internal Regulations grant the right of vote to 77 countries, and for this reason any decision made at this time must be a decision in which these 77 countries can take part. And, I do not think, for example, that the Delegation from the U.S.S.R. could imagine being refused the right of vote on this question of the admission of countries simply because another delegate questioned the juridical status of the Soviet Delegate as a member of the I.T.U."

The Delegate from the U.S.S.R.: That is not just what I intended to say, Mr. Chairman. I did not propose that each of the members here present might call in question other participants in this Conference. The question has another side. I propose that the Bureau of the Union, in its capacity as an official body, the only one that can possess the necessary documentation on the various formalities required, read the list of countries which have not fulfilled these formalities. Thus, in my opinion, no one could again raise the question. If you feel that this procedure is not acceptable, and if, in your opinion, all the members here present already have the right to participate and to vote, then, the moment everyone has the right to vote, the question is automatically solved.

The Chairman: "The question was provisionally settled, but I believe it was understood that during this session, we should settle it definitely. But it is still true that it was previously decided that the 77 countries in question should provisionally have the right to vote."

The Delegation from Chile next made the following statement:

The Delegate from Belgium has pointed out on several occasions that countries which have not settled their accounts or countries which are not members of the Union, although they attend the Conference, should not have the right to vote. As Head of the Chilean Delegation, I strongly protest against the discriminatory policy advocated by the Belgian Delegation, because it is a negative rather than a constructive policy for the work of the Atlantic City Conference.

Our country was officially invited to this series of Telecommunications Conferences by the Government of the United States, and the Berne Bureau sent Chile several telegrams in this connection and, I am going to read some of them now:

"Telegram to Cairo No. 169/19, September 19, 1946:

"Burinterna received today letter dated September 18, 1946, from the Legation of United States of America, Berne, and worded as follows: I was instructed by the Department of State to transmit to you the following invitation:

"The Government of the United States has the honor of inviting the Government Members of the International Telecommunication Union to participate in a Plenipotentiary Conference convened to revise the International Telecommunication Convention of Madrid, 1932 The Government of the United States has the honor to announce that the Conference will take place in Washington, or in its vicinity, and that it will open on April 15, 1947."

Here is another telegram:

"Urgent Service

Burinterna, referring to its circular telegram 169/19 of September 19, 1946, appearing in notice No. 512 of October 1st, informs you that it received today a letter from the Legation of the United States of America in Berne, referring to the decision made by the Telecommunication Conference of Moscow, according to which an International Radio Conference will take place beginning May 15, 1947, also an International Plenipotentiary Conference to revise the International Telecommunication

(193 TR-E)

Convention will meet beginning July 1, 1947, and, finally, a High Frequency Broadcasting Conference will follow immediately after the International Radio Conference, these three Conferences being held at the same place.

The Government of the United States of America has the honor to inform you that, in accordance with the decisions of the Moscow Conference, the United States have changed the date originally fixed, and that its invitation now includes not only the Plenipotentiary Conference for the revision of the International Telecommunication Convention, but also the two other above-mentioned Conferences. In other words, the United States of America convene the following Conferences:

1. An International Radio Conference beginning May 15, 1947;
2. An International Plenipotentiary Conference for the revision of the International Telecommunication Convention beginning July 1, 1947;
3. An International High Frequency Broadcasting Conference, to follow immediately after the Radio Conference.

The Government of the United States will have the honor shortly to announce the city in the United States where these three Conferences will meet, but, in the meanwhile, it requests you to inform Burinterna as soon as possible of the approximate number of persons (members, attaches, secretaries, etc.) of your Delegation and of those of private operating agencies and of the organizations which will participate at each of the three Conferences, in order to facilitate the preparatory work of the Inviting Government."

I shall not inflict upon you the lecture of other telegrams.

Therefore, I cannot understand how the Head of the Swiss Delegation could name Chile in his statement during the first Plenary Assembly.

Chile has complied with each and every one of the provisions of the Madrid Convention and also with the Telephone, Telegraph and Radio Regulations.

Moreover, Chile is one of the Charter members of the United Nations and has the right to participate in any International Conference on an equal basis with the other Members of the United Nations.

On the basis of the foregoing, Chile accepted the invitation to participate in the Atlantic City Conferences and the Minister of the Interior gave instructions to the Directorate-General of Electric Services, which is in charge of these services in my country, to study the matters to be dealt with at this Conference and the proposals pertaining thereto. Therefore, I take satisfaction in pointing out that all of Chile's proposals, were considered and submitted without knowledge of the agreements of the Moscow Conference. They are therefore authentic proposals of my country.

Consequently, we arrived at these Conferences in a spirit of complete cooperation, and we are greatly surprised at the attitude of Belgium which, we believe, is far from being the general opinion of the delegations present.

It is strange that one delegation should question the right to vote of countries which were invited to and are participating in these Conferences.

We believe that after submission of our credentials authorizing us to represent our country at these Conferences, and after acceptance of these credentials, any other consideration is inappropriate.

As Head of the Chilean Delegation, I cannot tolerate any doubt concerning my country, nor can I accept the agreement adopted by the Special Committee on Voting calling for study of the position of countries that are present at this Conference and that Switzerland found at the last moment, were not members of the Union. However, Switzerland considered only a few countries because if the same criterion were applied, the total number would be 33, almost half of the countries participating in this Conference.

Finally, Chile would like to propose that this Plenary Assembly make no changes in Article 18 of the Internal Regulations, as approved by the Assembly on July 18."

The Head of the Swiss Delegation expressed the following opinion: In view of the reference made to my observations in the first Plenary Session, I should like to explain our method in noting that certain countries were not members of the Union:

First of all, I wish to stress the fact that the Swiss Government does not feel that it has the right to decide who is or who is not a member of the Union. I think that it lies with you to decide.

Secondly, I believe that we are here to revise the Telecommunication Convention signed at Madrid in 1932, and that this Convention very clearly prescribes, in several of its paragraphs, the method of ascertaining from a legal standpoint, whether a country is a member of the Union. The preamble to the Convention clearly reads: "International Telecommunication Convention Concluded Among the Governments of the Countries Listed Hereinafter." This is followed by a list of a certain number of countries.

Article 6, § 1 indicates very precisely what obligations must be carried out to obtain full membership. It says:

"§ 1. The present Convention must be ratified by the signatory governments and the ratifications thereof must be deposited, as soon as possible, through diplomatic channels, in the archives of the government of the country which received the conference of plenipotentiaries that has drawn up the present Convention; this same government shall, through diplomatic channels, notify the other signatory and adhering governments of the ratifications, as soon as they are received."

Article 3, in § a, reads:

"§ 2. The act of adherence of a government shall

be deposited in the archives of the government which received the conference of plenipotentiaries that has drawn up the present Convention. The government with which the act of adherence has been deposited shall communicate it to all the other contracting governments through diplomatic channels."

Finally, Article 4 is thus worded:

"The government of a country signatory or adherent to the present Convention may at any time adhere to one or more of the sets of Regulations which it has not undertaken to observe, taking into account the provisions of article 2, § 2. Such adherence shall be notified to the Bureau of the Union which shall inform the other governments concerned thereof."

Gentlemen, the governments you here represent must have received from the Government of Spain notifications of the ratification of the Convention of 1932 by the countries represented at the Madrid Conference, as well as their later adherence. They must also have received from the Bureau of the Union the necessary notifications in regard to the Regulations. I therefore believe that the question is simple.

The countries in the list mentioned in my statement at the first Plenary Session did not send either to the Spanish Government or to the Bureau of the Union notices that they had adhered to the Convention or that they had ratified this Act. It is for this reason that I think that the question is fairly simple.

We have assumed that the 8 countries in question did not become members in good standing.

But I must make a reservation: that is, that our investigation was made in the summer of 1946. Hence, it is possible that, since then, some country had sent either to the Spanish Government or to the Bureau of the Union, a notice of adherence to the Madrid Convention, or of ratification, and that it must therefore be considered a member in good standing.

I stress the fact that we are not judges, but I wish to explain simply the method used in drawing

up our list and why the names of these eight countries appear separately, as not being contacting parties to the Madrid Convention.

It is also possible that there may have been an error somewhere of which we are ignorant. It is also possible that the government in charge of Registration omitted sending the necessary notification to another Government; but in regard to these eight countries, I can only tell you that we have no proof in the archives of the Swiss Government at Berne that they ratified the Madrid Convention or adhered to it.

For this reason we have the right to conclude that these eight countries were not members at the time of our investigation.

You have all been invited to participate in this Conference, and I believe that it should be as universal as possible. And the Swiss Delegation is ready to welcome any contribution from any country which would be to the advantage of the Union; but, as the Honorable Delegate of Belgium said, I think that above all else our conferences have as their goal the revision of a Convention signed at Madrid, and ratified by various countries; and I believe that the countries which must be considered the contracting parties are those countries, which first of all, have the right to revise their constitution.

After all, why have we been debating at such length today? For what purpose have we met here? To study and establish a fundamental principle for our guidance. We have not done this for our own pleasure. We did so after very thorough and extensive studies in which some seventy-five nations participated. And I believe that the principles we then established should guide our conferences.

(193TR-E)

But I also think that, since we are here, it is incumbent upon us to decide whether we wish the right to vote to be accorded to other countries which, according to the Convention and the Regulations, are not members of the Union.

I stress the fact, and I believe that we are in complete agreement that we are here in accordance with the Madrid Convention, to revise that Convention, and not as mandatory agents instructed to draw up new Acts, in defiance of the aforesaid convention, which is the very foundation of our discussions."

The Chairman then requested the speaker's permission to ask him a few questions:

Question: Would the Swiss Delegate be good enough to indicate clearly the position of the Swiss Government on the right to vote?

Answer: You have asked me a very specific question. Some countries have no diplomatic relations, or have partly broken off diplomatic relations with the Spanish Government and, as we decided yesterday that the Bureau of the Union should be considered as replacing the Government of Madrid for presentation of instruments of ratification, I am of the opinion that this Bureau should enlighten us on this subject and also on the question as to whether the eight countries under discussion have meanwhile become members in good standing.

Question: Do you think that membership in the Union is a prerequisite for the right to vote?

Answer: Yes, that is my opinion. Provisionally, the 77 invited countries have the right to vote, but I wish to emphasize the fact, which the Chairman himself stated, that this is only a temporary measure; I think that we should draw up a specific regulation to determine whether in addition to the countries which according to the

Madrid Convention, are full members and should therefore be entitled to vote, all the other invited countries, which for some reason or other, have not become members, should have the same right. I think that it is incumbent on our Assembly to decide this point."

Question: Do you share the opinion that, provisionally, the 77 countries should vote on determining who may ultimately have the right to vote? How would you suggest that we proceed hereafter?

Answer Inasmuch as the Swiss Government has received no notification that the eight countries under discussion have ratified the Convention, or have adhered thereto, perhaps the Bureau of the Union could tell us whether these countries have meantime ratified the Convention or have become members in good standing. The question of the payment of dues has been raised several times, and as the Swiss Government, according to the Convention, must advance the necessary amounts, I take the liberty of expressing my opinion on this subject: I do not believe that non-payment of dues can be a sufficient reason to justify taking away the right to vote. Moreover, I do not know on what basis the Delegation from the United States drew up the list of 33 members whom it mentioned. To the knowledge of the Swiss Government there are 67 members, and only eight countries for which we have received no notification."

Question: "We are almost in agreement. Let us suppose that a given country is not a member of the Union. Let us further suppose that a majority of the 77 countries which are provisionally entitled to vote in this Conference decides to include this country in the list of countries definitively entitled to vote. Shall this country then be admitted?"

Answer "I believe that the present Conference constitutes the supreme authority in this matter."

Question: Hence, if we vote on the list as a whole, and if the majority wishes that the entire list be definitively accepted, the question will be settled?

Answer: I believe that this would be the outcome, but I do not think that it is the proper way to obtain this result.

Question: What would you propose?

Answer: It is obvious that the problem would be solved if a majority of 39 votes decided to accept these 77 countries as entitled to vote. But, personally, I do not think that the question should be put to a vote in this manner. I believe that we should first ask the advice of the Bureau of the Union, and ascertain whether or not the eight countries have fulfilled their obligations and whether meantime the governments have been officially informed thereof. I emphasize the fact that as far as the Madrid Convention is concerned, the governments of the Member States must be notified of ratifications of the Convention. If we were not so notified, how could we know whether these countries were members? It is possible that they consider themselves members. There is no affront involved in not recognizing them, if we have not been notified in due form. I do not believe - I repeat - that it is proper to put the question to a vote for the 77 countries as a whole. On the contrary I feel that we must respect the Madrid Convention and take it as a basic principle - as our constitution."

Question: We might make an effort to limit the question. If I understood you correctly, you feel that membership in the Union is not essential for participation, if a majority of the Conference decides that non-members may be admitted and may be entitled to vote.

Answer: I believe that, first and foremost, we should respect the Convention.

Question: Does the Convention provide that only Members of the Union are entitled to vote?

Answer: In my opinion, in any organization, in any society whatsoever, the right to vote belongs, generally, only to members.

Question: Does the Convention limit participation in Plenipotentiary Conferences only to members?

Answer: If our Conference were to adopt a new regulation, I do not believe that such a decision by our conference could be considered as absolutely right and proper under the Madrid Convention. I believe that, for the countries named in the list, the Bureau of the Union should definitively decide whether they are contracting parties to the Convention, and whether they are entitled to vote. They may participate in the deliberations, but I do not believe that they are incontestably entitled to vote.

The Chairman thanked the Head of the Swiss Delegation. In opposition to the Swiss position, the Delegation from Lebanon deemed -- and insisted on this point -- that the Conference was the sole authority in this matter. In order not to render obsolete the work already performed, this Delegation asked that the solution advocated by the Chair be adopted, with the exception of the eight members which do not seem to be in order. However, if the Assembly decided to grant the 77 countries the right to vote, it would raise no objection. Furthermore, the Lebanese Delegation would ask that the eight members in question and all other delinquents here solemnly undertake to regulate matters no later than the end of 1947.

The Delegation from the Argentine Republic made a statement of which the summary follows: e

"QUALITY OF MEMBER OF THE I.T.U.

1. Conforming to the first article of the Madrid Convention, the Union is formed by "The countries, parties to the present Convention," or in other words, by the countries that have signed the Convention. Article 3, § 1, which deals with membership, establishes that "the government of a country, in the name of which the present Convention has not been signed, may adhere... etc." Several other clauses corroborate this interpretation.
2. The words "subject to ratification" which appear in the preamble of the Convention have no other object than to guard the signatory plenipotentiaries against the danger of a retroactive cancellation of their mandate.
3. Article 6, which deals with ratification, does not specify what conditions must be fulfilled in order that ratification of the Convention by the Governments may be deemed valid. They consequently give the latter full latitude of necessary consideration, and in this regard, it is the exercise of rights and the accomplishment of duties established by the Convention and the Regulations which, from a juridical point of view, determines in a peremptory manner whether or not the pact has been ratified by a given signatory government.

Furthermore, Article 6 does not present ratification as being a condition "sine qua non" of placing the Convention into effect, which is corroborated by the terms of Article 40 which, without taking into account the number of ratifications, stipulates that "the present Convention shall become effective on the first day of January, nineteen hundred and thirty-four."

4. The thesis according to which the Union is formed by the signatories has been invariably applied since the Madrid Convention became effective. At Cairo, the participation of countries who had not, strictly speaking, ratified the Convention, was accepted without reservations, and they were given the right to vote.

But there is more: the recommendations of the second and third plenary assemblies on "voting procedure in the Telecommunications Conferences" (page 237 of the General Regulations) establishes:

- 1) that for future plenipotentiary and administrative conferences the voting rules in effect for the Telecommunications Conferences of Madrid and Cairo shall be applied;
- 2) that, consequently, the countries enumerated in Article 21 of the Internal Regulations of the Cairo Conference shall have de jure the right to vote in future Telecommunications Conferences;
- 3) that, at the first Plenary Assembly of future Plenipotentiary and Administrative Conferences, the countries whose names do not at present appear in Article 21 of the said Internal Regulations may ask that their names be included among those countries having the right to vote;
- 4) that, in the case of countries whose independence and sovereignty are clearly recognized, such requests shall be granted as a right by the first Plenary Assembly;
- 5) that similar requests made by other countries shall be submitted for study to a special committee on the right to vote, so that it may make recommendations on this matter to the Plenary Assembly.

According to the preceding decisions the countries included in the list of Article 21 of the Internal Regulations of Cairo should therefore be admitted with full rights to vote during the course of the present Conference, even in case no decision has been taken in this regard by the Plenary Assembly. Countries not included in this list may ask to be inscribed.

This decision was invoked during the second Plenary Session of the Radio Conference by the Soviet Union (Doc. No. 299 R., p. 9), to justify the inscription in this list of the Mongolian People's Republic. It was also mentioned that the said recommendation had as its effect the inscription in the list of the 16 countries that do not appear in Article 21 of the Internal Regulations of Cairo.

5. It therefore follows from the foregoing that the situation of the countries that had previously appeared in the list of Article 21 of the Internal Regulations of Madrid and in those of Cairo cannot be clearer: except in case of cancellation on their part, or the loss of the quality of Member, either of which had taken place prior to the entry into effect of these two instruments. These countries, having the quality of Members, as such are permitted to vote without any reservation, even in case such reservations had been formulated, by invoking either non-ratification, or the non-payment of dues, etc. etc.
6. It is without doubt this interpretation that was adopted by the country that is our host, when it invited to this Conference not only the countries that are presumed to have ratified the basic instruments of the Union, but also all of the signatories of the latter, as well as all those who had adhered in general. All have, in fact, participated in all of the work of the Conference, without any distinction having been made between them. The adoption of the various resolutions in the first Plenary Session has been obtained thanks to the uncontested vote of all delegations present, without the least doubt having ever been expressed regarding the legality of such resolutions."

The Delegate from Guatemala, speaking on behalf of the Government of El Salvador pointed out that the Swiss Delegation had supplied information as to certain countries which the latter did not consider members of the Union.

This information, he said, had given rise to disputes. However this might be, El Salvador ratified the Madrid Convention in 1937 and paid its dues. I do not, he said, share the opinion of the Swiss Delegation when it claims that the Bureau of the Union is empowered to say who is a member and who is not. The Convention prescribes that ratifications must be communicated through diplomatic channels to the Spanish Government, which in turn communicates then through the same channels to all the other contracting governments. The intervention of the Bureau of the Union in this domain is not prescribed.

However, because of conditions in Spain since 1936, the possibility of interruption in transmitting money cannot be excluded.

The Delegate from Cuba then spoke as follows:
Some of the topics wished to take up when I asked to be recognized have already been very brilliantly discussed by the other Delegations, and I do not wish to take them up again. Heretofore Cuba was not included in the list read here. Its status in the Union has not been questioned, but I wish to clarify the situation somewhat because our Delegation has noticed that the doubts expressed affect countries which are our neighbors, with which we have direct communication and excellent relations which we wish to maintain. I have studied Document No. 57. This document contains the words of the Delegate from Switzerland and I note that it has been taken as the basis for discussion in determining the procedure for admission and in ascertaining whether or not the right to vote at this Conference should be accorded.

I wish to state that we are speaking of two totally different questions. The Swiss Government communicated the results of the inquiry it had undertaken to determine where and when this Plenipotentiary Conference should be held. When the Swiss Government cited the names of eight countries, - and I observe that these eight countries are all on the American Continent, - I believe that it had not as yet received the necessary notifications.

I think that a mere glance at the document would have sufficed to prove that the eight countries in question had signed the Madrid Convention. Moreover, if we study the various articles of this Convention carefully, we shall not discover any provision relating to loss of membership because of non-ratification.

The countries which signed this Convention and which are contracting parties have all rights because the text concerning ratification does not prescribe a date limit for depositing the ratification.

The text merely states that this ratification must be sent as soon as possible. As a date limit has not been fixed, we have full scope in the matter.

There is another point I should like to clarify. I wonder why the Swiss Government decided not to consider the eight votes of the American countries in deciding on the location of this Conference. The Conference we are holding here -- the Plenipotentiary Conference -- has power to modify the Madrid Convention. Each government is aware of these conditions. These governments were asked to give credentials to the Delegates they wished to send here. This Plenipotentiary Conference is the highest Court of Appeal and the supreme authority. I see no superior body and it is the duty of the present Conference to decide upon our procedure. The B.U. is in the service of this Conference, but does not constitute a supreme Court of Appeal for decisions of last resort. The report containing the results of the inquiry undertaken by the Swiss Government cannot have any effect upon the question of the right to vote.

All the countries, of which the right of vote has been in question up to the present are signatories, contracting countries and can with full right participate in this Conference and express their opinions.

The Delegate from Peru spoke as follows: At the beginning of this meeting I expressed my opinion on the gravity of the problem submitted to the examination of this Plenary Meeting. Yourself, Mr. Chairman, you have also pointed this out. In spite of this, the discussion was reopened and now opinions are being expressed which question the legality of the status of Peru as a member of the Union.

As a representative of Peru, a sovereign country and a member of the Union, I wish to reiterate what I stated previously and to say that I refuse to have Peru's right of vote in the present Conference questioned.

In conclusion, I would like to make a solemn statement as President of the Delegation from Peru, to this effect:

"Unless the motion presented by the Delegation of Guatemala is accepted, I shall be obliged to leave this room."

The Delegate from Egypt: I think that the discussion has lasted long enough and that the good will of all the countries whose membership qualification we are discussing at this time has been put to the test. All those whose position has been questioned have energetically protested and declared that they are members of our Union. With a view to reaching a solution, may I present to the Chair the following proposal which can put to the vote if the Chair is in agreement:

"The members listed below, having declared in the course of the present meeting that they have ratified the Madrid Convention or that they will ratify it before the end of our Conference, the Assembly accepts unanimously that their name shall be entered in the list of article 18."

The Delegate from the United States: For two months I have participated in the Radio Conference where a spirit of complete collaboration has reigned. We have learned that eight countries are not members of the Union, because they have not respected certain provisions of the Convention. After study it becomes evident in fact that thirty-three countries have not respected all the details of the Convention. In the Convention it is specified that each Conference may establish its own Internal Regulations and it is these regulations which fix the right to vote.

I propose the following resolution which will put an end to all discussion: "It is decided that the present Plenipotentiary Conference is the supreme authority and can admit countries to participate in this Conference, without examining their membership qualifications in the past."

We could thus put an end to this discussion and continue our constructive work. (Applause)

The Chairman put this resolution to the vote. By roll-call, the vote gave the following results:

61 in the affirmative, 4 abstentions (12 absent)

The resolution was adopted.

In favor: Afghanistan, Union of South Africa and the mandated territory of Southwest Africa; Albania; Argentina; Australia; Austria; Belgium; Belgian Congo and Territory under the mandate of Ruanda-Urundi; Bielorussia; Burma; Brazil; Canada; China; Vatican City State; Colombia; Cuba; Denmark; Dominican Republic; Egypt; El Salvador; United States; Territories of the United States; Finland; France; colonies, protectorates and overseas Territories under French mandate; French protectorates of Morocco and Tunisia; United Kingdom of Great Britain and Northern Ireland; colonies, protectorates, overseas Territories and territories under the sovereignty or mandate of Great Britain; Greece; Guatemala; Haiti; Hungary; India; Iraq; Ireland; Iceland; Italy; Lebanon; Luxembourg; Mexico; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Philippines; Poland; Portugal; Portuguese Colonies; Roumania; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Ukraine; Union of Soviet Socialist Republics; Uruguay; Venezuela Yugoslavia.

Against: --

Abstentions: Chile, Ecuador, Honduras, Peru.

Absent: Saudi Arabia, Bolivia, Bulgaria, Costa Rica, Ethiopia, Southern Rhodesia, Iran, Liberia, Monaco, Paraguay, Syria, Yemen.

The Delegate from Belgium in voting stated that he was giving an affirmative vote in a desire to promote good-will.

The Delegate from the United States: "I think we can all be proud of the result of the last vote and that we shall never have occasion to regret it. We must now continue our work. However, in order to conclude our examination of this question, I should like to propose that we should adopt the list of countries who must be mentioned in article 18 of our Internal Regulations. This would be prejudicial to no one."

The Chairman: Shall we decide that the 77 countries entered in the list will have the right to vote? We should add that our decision of today will in no way be prejudicial in the future. There are no objections? The list of 77 countries is accepted as a whole.

I agree with Mr. Colt de Wolf. Let us not regret the time we have spent in discussion. If we had referred the question to a Committee and reviewed the whole question again, we should have lost a great deal of time. I am glad we have followed this method, which will enable us to conclude the work of this Conference more rapidly.

Because of the late hour, there are three possibilities: To continue our work, to adjourn the meeting and come back after dinner, to adjourn the meeting and resume it on Tuesday.

The Delegate from China proposed continuing the discussion and adopting the report of the Credentials Committee. He thought that several delegations would wish to rectify their credentials.

The Chairman: "The Delegate from China proposes that we should consider item 10 of the agenda: Report of the Credentials Committee. Document No. 107 TR-E contains some recommendations of this Committee. It examined the notifications concerning the composition of delegations formed in the name of the countries listed in article 18 of the Internal Regulations as well as in the name of the United Nations, of the I.C.A.O. and the UNESCO. The countries and organizations which according to the Credentials Committee have been regularly accredited, are listed in annexes 1 and 2 of the report of the Committee.

The Committee asked our assembly to accept the criterion it had established and to recognize the credentials of these countries. The Committee then asked us to examine the status of countries whose representatives have not presented credentials. The name of these countries is entered in annex 3 of the said report.

I propose that we make no decisions concerning the status of these countries. Taking as a basis the list of document No. 107 TR-E, the representatives of the 77 countries mentioned will be considered accredited when they have presented their credentials in good time.

No objections? Adopted.

We have adopted the report of the Credentials Committee. From now on, when a vote is given in a Plenary Meeting if the vote of one country is not valid,

we shall ask who is voting in the name of this country, and we will then say that this person must present his credentials if it has not already been done. We shall see if the name of this country is listed in article 18 and if the Committee must examine the question with its representative. As for Mongolia, it is not necessary to examine its credentials. If later she were admitted they would have to be examined.

As regards the appropriate form of full powers for the signature of the Convention and the annex regulations -- and I think the head of the Chinese Delegation was alluding to this -- the Credentials Committee recommends that these powers should be in the form of a written authorization given to persons designated to sign such documents on behalf of the accrediting government and that this authorization should proceed either from the Head of the State or the government or the Minister of Foreign Affairs. Such authorizations must be deposited not later than August 7, 1947.

This said, we have finished with item 10 of the agenda. As far as I am concerned, I have no questions to ask as regards item 2: Miscellaneous. But several delegates have requested the floor."

The Delegation from Guatemala would like some explanation to be given of the provisions of article 8 of the Internal Regulations, which states that Committees are composed of Members of the delegations of contracting governments designated in the Plenary meeting. As some uncertainty and difficulties have arisen, especially as regards participation in Committee F, and as the manner in which these provisions are interpreted is not uniform, some explanation should be given.

The Solution proposed by the Chairman evoked no objections and will be applied: Every delegation will participate in the work of every Committee with equality of rights except if the Plenary Assembly limits the participation to certain Committees such as, for instance, the Committee on Voting.

The Chairman, before proceeding to the proposal of the Delegation from Lebanon that the question of the two-thirds majority should again be examined, asked the Assembly if it wished to continue in session,

because the French Delegation had just suggested interrupting the discussion.

After a short discussion in which the delegations of Italy, the Dominican Republic, France and the Chairman took part, it was decided to adjourn the meeting and to meet again on Tuesday, July 22, at 10 a.m.

Adjourned at 6:40 p.m.

The Secretaries-General: Les Secretaires: The Chairman:

L. Mulatier
Gerald C. Gross

E. Rusillon
A. Auberson
P. Oulevey
H. Voutaz

Charles R. Denny

Annex

United Kingdom

MEMBERSHIP OF THE BALTIC SOVIET REPUBLICS IN THE
INTERNATIONAL TELECOMMUNICATION UNION.

1. The Baltic States of Estonia, Latvia and Lithuania were incorporated de facto in the Soviet Union in 1940 and ceased de facto to be independent States. This incorporation had the consequence that the execution of the Madrid Convention became the responsibility of the Soviet Union, and these countries therefore ceased to have any independent status in relation to that Convention.

2. Furthermore, Article 14 of the then existing Constitution of the U.S.S.R. laid down that: "The jurisdiction of the Union of Soviet Socialist Republics as represented by its highest organs of State authority and organs of Government, covers:

- (a) Representation of the Union in international relations, conclusion and ratification of treaties with other States;

.....

.....

- (m) Administration of transport and communications."

This Article remained in force until 1st February 1944. Until that date the Baltic Soviet Republics were therefore specifically prevented by the constitution of the U.S.S.R. from being separate members of the I.T.U.

3. This position was confirmed by the Government of the Soviet Union in their notification to the Berne Bureau of the I.T.U. (circulated as Berne Notification no 372 of 5th December 1940). The relevant passage from this notification is as follows:

"Given that the allied republics forming the U.S.S.R. are not separate members of the Telecommunication Union, the following republics cease to be members of the International Telecommunication Union from the date of their entry into the U.S.S.R., that is: Lithuania, 3rd August 1940; Latvia, 5th August 1940; Estonia, 6th August 1940."

4. Since the Baltic States ceased to be members of the I.T.U. upon their incorporation in the Soviet Union in 1940, the new Baltic Soviet Republics cannot claim to be their successors in the I.T.U. The Soviet Government's notification of 5th December, 1940, was not required by the Madrid Convention, and need only be regarded as a formal confirmation by the Soviet Government of an established fact. The subsequent statement of the Soviet Government (circulated as Berne Circular telegram No. 9 of 28th January 1947 and repeated in Berne notification No. 520 of 1st February 1947) that the Notification of 5th December 1940 was "no longer valid" has no bearing on the position.

5. The Postal and Telegraph Administrations of the Estonian, Latvian and Lithuanian Soviet Republics have notified the Berne Bureau (circulated as Berne circular telegrams Nos. 67, 68 and 69 of 7th May 1947 and repeated in Berne Notification No. 527 of 16th May) that they have resumed membership of the I.T.U. as from 1st January 1947, and have acceded to the Madrid Convention and Cairo Regulations. As there is no provision in the Madrid Convention for the resumption of membership in any form, these notifications have no standing under the Convention.

6. Nor can these Notifications be regarded as fresh accessions to the Convention, since Notification by a Postal and Telegraph Administration to the Berne Bureau in no way fulfils Article 3, which requires notifications by Governments through the diplomatic channel.

7. The contractual obligations of the Constituent Soviet Republics under the Madrid Convention are covered by the signature of the Government of the Soviet Union. Of these Republics, only Byelo-Russia and the Ukraine, in their capacity as Members of the United Nations, are generally recognized as being fully responsible for their own international relations, and so capable of separately adhering to the Convention of the International Telecommunication Union.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 194 TR-E

August 2, 1947

Committee F

Text Proposed by the Drafting Group of Committee F of the Plenipotentiary Conference for Articles 5, 6, 7, 8, 9, 11, 12, 13, 14, and 15 of the General Regulations to be Annexed to the Telecommunications Convention. (See attached annex entitled "Terminology.")

Article 5

Opening Session of the Plenary Assembly

The first working session of the Plenary Assembly shall be opened by a person appointed by the inviting government.

Article 6

Election of the Chairman and Vice-Chairmen of the Conference

The chairman and the vice-chairmen of the Conference shall be elected at the first working session of the Plenary Assembly of the Conference.

Article 7

Secretariat of the Conference

The Secretariat of the Conference shall be constituted at the first working session of the Plenary Assembly, composed of the personnel of the secretariat of the International Telecommunications Union, and, if necessary, of personnel of administrations parties to the Convention.

Note: The drafting group suggests that Committee F might consider replacing the end of this article with the following text: "...., if necessary, of personnel of the administration of the inviting government."

Article 8

Powers of the Chairman

§ 1. The Chairman shall open and close the sessions of the Plenary Assembly, direct the deliberations and announce the results of the voting.

§ 2. He shall also have the general direction of all the work of the Conference.

Article 9

Appointment of Committees

The Plenary Assembly may appoint committees to examine questions submitted for the consideration of the Conference. These committees may appoint subcommittees, which, in their turn, may appoint sub-subcommittees.

Note: The drafting group did not think the expression "working group" could be substituted for the expression "sub-subcommittee" because either the Plenary Assembly or any committee or subcommittee may create working groups. The expression "secondary subcommittee" could be used instead of "sub-subcommittee."

Article 11

Chairmen, Vice-Chairmen and Reporter-Secretaries of the Committees

§ 1. The Chairman of the Conference shall submit for the approval of the Plenary Assembly the choice of the chairman, and of the vice-chairman or vice-chairmen of each committee.

§ 2. The Chairman of each committee shall propose to his committee the nomination of the reporter-secretaries and the choice of the chairman, vice chairmen, and reporter-secretaries of subcommittees of that committee.

Article 12

Minutes of the Sessions of the Plenary Assembly

§ 1. The minutes of the sessions of the Plenary Assembly shall be drawn up by the secretariat of the conference.

§ 2. (1) As a general rule, the minutes shall contain only the proposals and conclusions, with the chief reasons for them in concise terms.

(2) However, each delegate representative or observer shall have the right to require the insertion (either summarized or in full) in the minutes of any statement which he has made. In such case, he must himself supply its text to the Secretariat of the Conference within two hours after the end of such session. It is recommended that this right shall only be used with discretion.

Article 13

Reports of Committees and Subcommittees

§ 1. (1) The debates of the committees and subcommittees shall be summarized, session by session, in reports in which shall be brought out the essential points of the discussion, the various opinions which are expressed and which it is desirable that the Plenary Assembly should know, and the proposals and conclusions which emerge.

(2) However, each delegate or representative or observer shall have the right to require the insertion (either summarized or in full) in the report of any statement which he has made. In such case, he must himself supply to the reporter-secretary the text to be inserted within two hours after the end of such session. It is recommended that this right shall only be used with discretion.

§ 2. If circumstances warrant the committees or subcommittees shall prepare at the end of their work a "final report" in which they shall recapitulate in concise terms the proposals and the conclusions which result from the studies which have been entrusted to them.

§ 3. All the reports, as well as any final report, must be approved by the respective committees or subcommittees.

Article 14

Adoption of Minutes and Reports

§ 1. (1) As a general rule, at the beginning of each session of the Plenary Assembly (or of each session of a committee or of a subcommittee) the minutes (or the report) of the preceding session shall be read.

(2) However, the chairman may if he considers such procedure satisfactory, and if no objection is raised, merely ask if any members of the Plenary Assembly (or the committee or the subcommittee) have any remarks to make on the text of the minutes (or the report).

§ 2. The minutes (or the report) shall then be adopted or amended in accordance with the remarks which have been made and which have been approved by the Plenary Assembly (or by the committee or subcommittee).

§ 3. (1) The minutes of the closing session of the Plenary Assembly shall be examined and approved by the Chairman of the Conference.

(2) The report of the last session of a committee or of a subcommittee shall be examined and approved by the chairman of such committee or subcommittee.

Article 15

Summons to Sessions

The sessions of the Plenary Assembly and the sessions of committees or of subcommittees shall be announced either by letter or by notice posted in the meeting place of the conference. (See the attached annex headed "Terminology").

ANNEX I

Terminology

TERMINOLOGY

Subject to the decisions to be taken by the Plenary Assembly of the Telecommunications Conference concerning the definitions of the principal terms used in the Convention and in the annexed General Regulations, the "drafting group" of Committee F has used provisionally the following terminology:

Delegate (délégué) -- Person deputed by a government (to a Plenipotentiary Conference) or of an Administration (to an Administrative Conference, or to an International Consultative Committee).

Representative (représentant) -- Persons deputed by a private operating agency recognized by the government of its country (to a Conference, or to an International Consultative Committee).

Expert (expert) -- Person deputed by a national scientific or industrial organization authorized by the government of its country to be present at a meeting of an Administrative Conference or of an International Consultative Committee)

Observer (observateur) -- Person deputed by an international organization with which it is to the advantage of the International Telecommunication Union to cooperate.

Delegation (délégation) -- The totality of the delegates, representatives (and experts) as the case may be of the same country. Each Delegation may include one or more attachés and one or more interpreters.

Plenary Assembly (assemblée plénière) -- Totality of delegations of the various countries and approved observers.

Committee of a conference (Commission d'une Conférence) -- A group of delegates appointed by a Plenary Conference (or a group of delegates and representatives approved by an Administrative Conference) for studying of a group of questions and for making recommendations to be submitted to the deliberation of the conference.

Subcommittee of a Conference (sous-commission d'une conférence) -- a group of delegates, representatives (and experts) as the case may be, appointed by a committee to study a particular question and to formulate a recommendation for the approval of the main committee.

Committee of Reporters of an International Consultative Committee (Commission de rapporteurs d'un Comité Consultatif International) -- Totality of delegates and representatives of a group of countries appointed by the Plenary Assembly of an International Consultative Committee and which have been specially charged with the study of a particular group of questions because these countries are in a position to make a useful contribution.

Principal Reporter (rapporteur principal) -- Chairman of a committee of reporters nominated by the Plenary Assembly of an International Consultative Committee because he has special knowledge of the group of questions with which that Committee of Reporters is entrusted.

Reporter-Secretary (of a Committee or a Subcommittee of a Conference) -- (rapporteur d'une commission ou d'une sous-commission dans une conférence) -- Member of a Committee (or a Subcommittee) which is charged with drafting of the reports and of any final report of such Committee (or such Subcommittee).

Minutes (procès-verbal) -- Documents summarizing the statements made and the conclusions reached in the course of a session of the Plenary Assembly (or of a Conference or of an International Consultative Committee).

Report (rapport) --

1. Document in which a Committee presents to the Plenary Assembly of a Conference the results of the studies entrusted to it; a report containing complete (recapitulated) results is a "final report."

2. Document in which a Subcommittee presents to the Committee to which it is subject the results of the study

(194 TR-E)

with which it is entrusted.

3. Document in which a Committee of Reporters submits to the approval of the Plenary Assembly of the International Consultative Committee the "draft recommendations" (projet d'avis) drawn up at conclusion of the studies entrusted to that Committee of Reporters.

Meeting (réunion) -- Series of sessions during which a Conference [of a Plenary Assembly (or a Committee of Reporters) of an International Consultative Committee] performs its work continuously with all its members in the same place of meeting.

Session (séance)-- A sitting of a Plenary Assembly or of a Committee or of a Subcommittee or of a Committee of Reporters.

A meeting usually includes (after any inaugural ceremony) several working sessions (séances de travail); the first working session is the opening session(séance d'ouverture) and the last working session is the closing session (séance de clôture).

Note: The expression "Plenary Session" should not be used; the expressions "session of the Plenary Assembly" or "session of committee" or "session of a subcommittee" should be used to designate the various sessions, the totality of which constitutes a "meeting" of a Plenipotentiary Conference or of an Administrative Conference.

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INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

DOCUMENT NO. 195 TR-E

August 2, 1947

For Information

UNITED NATIONS

Economic and Social Council

REPORT OF THE SUB-COMMISSION ON FREEDOM OF INFORMATION
AND OF THE PRESS TO THE ECONOMIC AND SOCIAL COUNCIL AND
TO THE COMMISSION ON HUMAN RIGHTS

CHAPTER I

INTRODUCTION

1. The Sub-Commission on Freedom of Information and of the Press held its first session during the period 19 May to 4 June 1947, with the following members in attendance:

Mr. George V. Ferguson	(Canada)
Mr. P. H. Chang	(China)
Mr. Lev Sychrava	(Czechoslovakia)
Mr. André Geraud	(France)
Mr. G. J. van Heuven Goedhart	(Netherlands)
Mr. Chr. A. R. Christensen	(Norway)
Mr. Salvador Lopez	(Philippine Republic)
Mr. J. M. Lomakin	(Union of Soviet Socialist Republics)
Mr. Z. Chafee	(United States of America)
Mr. Roberto Fontaina	(Uruguay)

2. Mr. José Isaac Fabrega (Panama) was unable to attend. Mr. R. J. Cruikshank (United Kingdom) was also unable to attend, but was represented by Mr. A. R. K. Mackenzie. Mr. André Geraud (France) was unable to attend the first ten meetings of the Sub-Commission and was represented at these meetings by Mr. J. de Montoussé.

3. The Specialized Agencies were represented at the session by:

Mr. W. Farr	(UNESCO)
Mr. A. Mercey	(World Health Organization)
Mr. G. Williams	(International Monetary Fund)

4. Consultants in attendance were:

Miss Toni Sender	(American Federation of Labor)
Mrs. H. Fuhrmann	(International Co-operative Alliance)
Mr. M. Murray	(International Organization of Journalists)

5. Mr. Henri Laugier, Assistant Secretary-General in charge of Social Affairs, and Professor J. P. Humphrey, Director of the Division of Human Rights, represented the Secretary-General. Mr. Charles Hogan was Secretary of the Sub-Commission. After Mr. Hogan's departure on 31 May to attend the Congress of the International Organization of Journalists, Mr. John Male was Acting Secretary.

6. The Sub-Commission elected the following members as its officers:

Mr. G. J. van Heuven Goedhart	(Chairman)
Mr. Lev Sychrava	(Vice-Chairman)
Mr. George V. Ferguson	(Rapporteur)

7. The Sub-Commission decided that substitutes could be appointed by members, after consultation with the Secretary-General, and that such substitute should participate fully in debates with the right to vote.

8. The Sub-Commission decided to accept the Rules of Procedure of the Commission on Human Rights as its Rules of Procedure (document E/327, "Rules of Procedure of Commissions of the Economic and Social Council").

9. The Sub-Commission decided to recommend to the Economic and Social Council and the Commission on Human Rights:

- (a) That its second session be held late in 1947 after further action on the International Conference on Freedom of Information by the Economic and Social Council and the General Assembly;
- (b) That its third session be held in May or June of 1948 in order that the Sub-Commission could prepare a report on the basis of the discussion and action of the Conference; and

- (c) That the terms of office of its members, therefore, be extended in order that a meeting of the Sub-Commission may be held after the Conference. The Commission on Human Rights would then be in a position to consider possible recommendations of the Conference and the Sub-Commission concerning the further existence and functions of the Sub-Commission.

10. The Sub-Commission authorized the Rapporteur to present this report to the Economic and Social Council and to the Commission on Human Rights.

11. The Sub-Commission noted the statement of the Chairman of the Social Committee of the Economic and Social Council (document E/AC.7/21, page 4) that, should the Commission on Human Rights not meet before the Fifth Session of the Council, the Sub-Commission would report directly to the Council concerning its recommendations on the International Conference on Freedom of Information.

CHAPTER II

ORGANIZATION OF THE CONFERENCE

(NOTE: The Sub-Commission recognized that its original terms of reference included, as a prior task the formulation of a definition of the rights, obligations and practices contained in the concept of Freedom of Information. It decided, however, to set this temporarily to one side in view of the greater urgency of completing, as soon as possible, its recommendations for the arrangements for the Conference on Freedom of Information called by the General Assembly.)

1. Date of Conference

The Sub-Commission decided to recommend to the Economic and Social Council that it request the General Assembly to amend its resolution of 14 December 1946 concerning the calling of an International Conference on Freedom of Information in such manner that the Conference could be convoked for March or April of 1948.

2. Site of Conference

The Sub-Commission decided to recommend that the Conference be held in Europe. This decision was reached after

discussion in which Members stressed the special importance of the Conference to peoples of States which had been occupied by the enemy, had suffered under Fascist restrictions on information and continued to lack adequate material information facilities as a result of the devastation brought about by the war. In the discussion of possible sites, mention was made of the advantage of holding the Conference in Prague, Geneva, or Paris. The final decision as to the site was left, however, to the Economic and Social Council.

3. Participation of Non-Member States

The Sub-Commission decided to recommend:

- (a) That participation in the Conference should not be confined to Members of the United Nations, and that the list of non-member States invited to attend the International Health Conference (document E/CN.4/Sub.1/4/Corr.1) provide a basis, not necessarily exclusive, for invitations; and
- (b) That non-member States invited to the Conference be granted full rights of participation and voting.

4. Participation of Specialized Agencies, Inter-Governmental Organizations, and Non-Governmental Organizations

The Sub-Commission decided to recommend:

- (a) That such of the following organizations as may request them be given invitations to participate in preparations for the Conference and to attend it:

Specialized Agencies which have Concluded Agreements with the United Nations

Food and Agriculture Organization of the United Nations
International Civil Aviation Organization
International Labour Organization
United Nations Educational, Scientific and Cultural Organization

Other Inter-Governmental Organizations which may Conclude Agreements with the United Nations

International Bank

International Monetary Fund
International Refugee Organization
International Telecommunications Union
International Trade Organization
Universal Postal Union
World Health Organization

Non-Governmental Organizations in Category A

American Federation of Labor
International Chamber of Commerce
International Co-operative Alliance
International Federation of Agricultural Producers
International Federation of Christian Trade Unions
Inter-Parliamentary Union
World Federation of Trade Unions

Non-Governmental Organization in Category B

International Organization of Journalists

(b) That these Specialized Agencies, Inter-Governmental Organizations and Non-Governmental Organizations be invited to participate on the following basis:

(i) Specialized Agencies, including Inter-Governmental Organizations which may conclude agreements with the United Nations before the Conference, to be granted a status equivalent to that accorded them by the Economic and Social Council;

(ii) Non-Governmental Organizations in Category A to be granted a status equivalent to that accorded them by the Economic and Social Council;

(iii) The International Organization of Journalists to be granted a status at the Conference equivalent to that granted by the Economic and Social Council to Non-Governmental Organizations in Category A;

(c) That the Council request the Secretary-General to inform the above-mentioned agencies and organizations of these recommendations.

5. Rules of Procedure of Conference

The Sub-Commission decided to recommend that the draft

Rules of Procedure of the Conference be those set forth in document E/CN.4/Sub.1/8, with such amendments as may be made necessary by decisions taken by the Sub-Commission itself.

6. Size of Delegations

The Sub-Commission decided to recommend:

- (a) That delegations should consist of not more than five delegates from each State; not more than five alternates in each delegation; and advisers as required;
- (b) That the Economic and Social Council request the Secretary-General to ask Governments to notify him of the total number of persons included in their delegations in adequate time;
- (c) That it be left to each Government, without recommendation from the Sub-Commission, to decide on the composition of its delegation, in conformity with the resolution of the General Assembly.*

7. General Committee

The Sub-Commission decided to recommend the establishment of a General Committee (Bureau), to comprise the President of the Conference, the Vice-Presidents, and the Chairmen of the principal committees. Its membership and powers would be these of the General Committee of the General Assembly. No two members could be nationals of the same State. The chief functions of the General Committee would be to make recommendations to the Conference concerning its agenda, to refer draft resolutions to principal committees, and to co-ordinate the work of all committees.

* "Delegations to the Conference shall include in each instance persons actually engaged or experienced in press, radio, motion pictures and other media for the dissemination of information" (Extract from Resolution of the General Assembly, No. 59 (1) of 14 December 1946, "Calling of an International Conference on Freedom of Information.")

8. Structure of Committees

The Sub-Commission decided to recommend to the Economic and Social Council that there be four principal committees upon which each delegation would be represented. These committees would be:

- (a) A main committee which could consider the basic tasks of the press and other media of mass information and the basic principles of freedom of information as well as general problems common to other committees;
- (b) A committee on the gathering and international transmission of information, which could consider the matters in Items 3 and 4 of the Agenda (as listed in Chapter III of this Report "Agenda of Conference");
- (c) A committee on implementation of the rights of all peoples to receive accurate, objective and comprehensive information, and the obligations of the workers of the press in this connection. This could consider matters under Items 5 and 7 of the Agenda, as listed in Chapter III of this Report;
- (d) A committee on law and continuing machinery. This could consider matters under Items 6 and 8 of the Agenda, as listed in Chapter III of this Report, as well as legal problems which may be presented by other committees in the course of their deliberations.

9. Request for Information

The Sub-Commission decided to recommend to the Economic and Social Council:

- (a) That the Council request the Secretary-General to prepare a written request for information concerning freedom of information;
- (b) That this request for information be brief; that the Secretary-General consult with UNESCO in its preparation; that the request for information be specifically related to items included in the draft agenda of the Conference recommended by the Sub-Commission; and that he take due consideration of the relevant paper submitted by Mr. Sychrava,

Czechoslovakia (document E/CN.4/Sub.1/27);

- (c) That the request for information be submitted to the Commission on Human Rights for approval and possible correction;
- (d) That this request for information then be sent to all States, Members of the United Nations, and to all States, not Members of the United Nations, which shall be invited to the International Conference on Freedom of Information;
- (e) That the Council request the Secretary-General to prepare a memorandum based upon the replies received as documentation for the Conference; and
- (f) That the Council request UNESCO to submit the findings based upon its questionnaire concerning technical information needs in the war devastated areas, along with other relevant material, to the Conference.

10. Documentation of Conference Agenda

The Sub-Commission decided to recommend to the Economic and Social Council:

- (a) That the Council request the Secretary-General to assume full responsibility for preparing the necessary documentation under each item of the proposed agenda for the Conference, but that in accomplishing this work he seek the co-operation of other international organizations working in this field; and
- (b) That the documentation should be organized under each item of the agenda and should consist of a compilation and analysis of existing practices and problems.

CHAPTER III

AGENDA OF CONFERENCE

Introduction

1. The most protracted debate of the Sub-Commission was that concerning the formulation of the draft agenda for the Conference on Freedom of Information. In these discussions divergence became apparent. Governmental controls over the gathering, transmission and dissemination of information vary greatly. It was the fundamental differences at this point which raised debate.

2. This was, for instance, apparent in the attempt to formulate general principles which might be discussed by the Conference. On the one hand, Mr. Lomakin (Union of Soviet Socialist Republics) suggested the following proposal:

"The tasks of the Press:

"(a) To struggle for international peace and security;

"(b) To develop friendly relations among nations based on respect for the principle of independence, equal rights, and self-determination of peoples;

"(c) To organize the struggle for democratic principles, for the unmasking of the remnants of Fascism and for the extirpation of Fascist ideology in all its forms;

"(d) To co-operate in solving problems of an economic, social, cultural or humanitarian character, and to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion;

"(e) Along with the development of freedom of information, to organize an effective campaign against organs of the press and information which are inciting the peoples to war and aggression and a decisive and unremitting unmasking of war mongers."

On the other hand, Mr. Lopez (Philippine Republic) proposed the following:

"Consideration of the Objectives of the Press, Radio and Films as Media of Information, including the following:

"(a) To tell the truth without prejudice and to spread knowledge without malicious intent;

"(b) To facilitate the solution of the economic, social and humanitarian problems of the world as a whole through the free interchange of information bearing on such problems;

"(c) To help promote respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion;

"(d) To help maintain international peace and security through understanding and co-operation between peoples."

3. A clear illustration of these difficulties and divergencies can be found in the discussion of the value and use to be attached to the word "accredited" in relation to news personnel. To Mr. Chafee (United States of America), to Mr. van Heuven Goodhart (Netherlands), and to Mr. A.R.K. Mackenzie (United Kingdom), the word meant chiefly that the accredited person was one designated by his employer as being competent and suitable for the work to which he was assigned. To Mr. Lomakin (Union of Soviet Socialist Republics), the word "accredited" could be properly employed only in regard to its use by the Government in whose territory the personnel concerned were to work; he said that, "the personnel involved should at all times be honest and objective with regard to the government to which they are accredited; they must tell the truth without bias; otherwise accreditation should be withdrawn."

4. With this difference and distinction in mind, the actual wording of various items on the agenda will become clear, and the frequent voting on clauses, as shown in the full record, will be more intelligible. Mr. Lomakin (Union of Soviet Socialist Republics) emphatically and frequently deplored the wording of agenda items on the ground that they infringed the sovereign right of states to control the flow of information as they saw fit; or that they opened the way to international action which would lead to infringement of the specific safeguarding of sovereign rights in essentially domestic matters as stated in the Charter of the United Nations. On the other hand, several Members of the Sub-Commission equally deplored the final wording chosen for certain agenda items on the ground that it watered down the clear instructions (as they interpreted them) of the General Assembly and the Economic and Social Council* to direct the

*1. "Freedom of Information implies the right to gather, transmit and publish news anywhere and everywhere without fetters. As such it is an essential factor in any serious effort to promote the peace and progress of the world." (Extract from Resolution of the General Assembly No. 59 (1) of 14 December 1946, "Calling of an International Conference on Freedom of Information.")

2. "The Economic and Social Council requests the Sub-Commission on Freedom of Information and of the Press to prepare, guided by Resolution No. 59 (1) of 14 December 1946 of the General Assembly, a draft documented agenda for the Conference on Freedom of Information, and to submit this along with proposals concerning preparations for the Conference to the Commission on Human Rights and to the Council." (Resolution adopted by the Economic and Social Council on 28 March 1947; document E/325.)

attention of the Conference to the removal or relaxation of all or any of the restrictions on the free flow of information; and to the reinforcement of the freedom of the individual with a minimum of interference or direction by the state.

5. Comparatively few of the items of the agenda were placed there without a formal vote; and members, more than once, made specific demand that their views and their reservations should appear in the summary record of the proceedings. It was, however, the view of a substantial majority of the Sub-Commission that the agenda, as it now stands, opens the way for wide and useful discussion of all the main points contained in the terms of reference of the Conference. It is also the opinion of a substantial majority of the Members that no agenda item should be considered as expressing the view of the Sub-Commission on matters of substance. Agenda items are to be considered only as titles or headings of subjects upon which the Conference might be invited to reach its own conclusions.

PROVISIONAL DRAFT AGENDA

CHAPTER I

1. General Discussion on the Principles of Freedom of Information, taking into consideration the views on this subject expressed by the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Freedom of Information and of the Press, and other organizations working in this field.

2. Consideration of the following fundamental principles to which the press, radio and films, as media of information, should have regard in performing their basic functions of gathering, transmitting and disseminating news and information without fetters:

(a) To tell the truth without prejudice and to spread knowledge without malicious intent;

(b) To facilitate the solution of the economic, social and humanitarian problems of the world as a whole through the free interchange of information bearing on such problems;

(c) To help promote respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion;

(d) To help maintain international peace and security through understanding and co-operation between peoples.

CHAPTER II

(NOTE: By information, for the purposes of the Conference, is meant the following means of bringing current situations, events and opinions thereon to the knowledge of the public: newspapers, news periodicals, radio broadcasts and newsreels.)

3. Measures to Facilitate the Gathering of Information

(a) Facilitating the entry, residence, movement and travel of accredited news personnel (including press, news periodical and radio correspondents and newsreel operators);

(b) Protecting them against arbitrary expulsion;

(c) Permitting the widest possible access to news sources, private and official, without discrimination between nationals and accredited foreign news personnel;

(d) Eliminating unreasonable or discriminatory taxes affecting the operations of foreign news agencies and news personnel.

4. Measures to Facilitate the International Transmission of Information

(a) Facilitating agreements on the progressive elimination of peacetime censorship, with due regard to the requirements of national security and public order and to the demands of public decency and to the laws of libel; and, insofar as it appears impossible to obtain the abolition of all peacetime censorship, facilitating agreements which will reduce a number of the inconveniences of censorship through such means as the following:

(i) By establishing in advance the categories of information subject to previous inspection, and by publishing the directives of the censor announcing forbidden matters;

(ii) By carrying out the censorship at the place of despatch and in the presence of the correspondent concerned so that he may immediately

know which portion of his text has been censored;

(iii) By fixing the charge on the number of words composing a telegram after censorship;

(b) Recommending through the Economic and Social Council to the International Telecommunications Union and the Universal Postal Union preferential telecommunication and postal treatment for news materials by all media to encourage the widest possible dissemination;

(c) Recommending non-discriminatory transmission rates and services for foreign news agencies;

(d) Recommending means for alleviating economic or commercial restrictions on imports of news material by all media, including

(i) Existing tariffs, quotas, and exchange controls;

(ii) Restrictive or monopolistic commercial practices.

5. Measures to Implement the Right of all Persons and Peoples to Receive Accurate, Objective, Comprehensive and Representative Information, and the Obligations of the Workers of the Press, Radio and Films in this Connection

(a) With due regard for the existing laws of the various countries, consideration of the restrictions imposed by Governments on persons or groups wishing to receive and disseminate information, ideas and opinions with particular reference to:

(i) discrimination by Governments for political or other reasons in the provision of materials and facilities;

(ii) censorship;

(iii) the requirements of national security and public order;

(iv) the demands of public decency;

- (v) laws of libel;
 - (vi) ownership, control, administration and availability of enterprises in the field of information;
 - (vii) the distinction to be drawn between the rights of correspondents, information agents, etc., working in their own country and those of foreign correspondents.
- (b) Recommending means to increase the amount of domestic and international information available to all peoples, by
- (i) Improving and increasing the supply of physical facilities, such as printing presses, paper, radio equipment, film projectors and rapid transmission facilities and services, due consideration being taken of the work being done by existing international organizations active in this field;
 - (ii) Recommending removing or alleviating existing tariffs, quota, regulations and exchange controls on the physical facilities mentioned above;
 - (iii) Considering the disproportion existing in mass media facilities now at the disposal of various countries; and considering means for overcoming foreign exchange problems created for correspondents coming from weak currency countries;
 - (iv) Eliminating monopolistic, restrictive and exclusive practices limiting the importation and dissemination of information for domestic publication.
- (c) Recommending measures for improving the quality of information in the direction of greater accuracy, objectivity, comprehensiveness and representative character, by
- (i) Promoting within the limits of national possibilities the widest possible interchange of correspondents on the basis of reciprocal agreements; the training of

correspondents in professional competence and standards of accuracy and fairness, and in knowledge and understanding of the countries where they will work and the training of technicians in the operation of modern facilities;

(ii) Considering special facilities for news personnel including privileges of travel, transport and social security;

(iii) Counteracting false information through

(1) The study of measures for counteracting the persistent spreading of demonstrably false or tendentious reports which confuse the peoples of the world, aggravate relations between nations or otherwise interfere with the growth of international understanding, peace and security against a recurrence of Nazi, Fascist or Japanese aggressions;

(2) the study of the various laws of libel with a view to recommending the removal of anomalies in the legislation in different countries;

(3) the study of the possible universal adoption of the right of reply;

(4) the study of the dissemination through domestic news channels of official denials, particularly with respect to matters of concern to another nation.

(iv) Encouraging professional bodies concerned with the collection and dissemination of information to lay down for themselves standards of professional conduct and competence;

(v) Studying the desirability and the practical possibilities of organizing in all principal newscentres of the world foreign correspondents corps with self-disciplinary powers.

6. Consideration of Possible Continuing Machinery, Preferably within the Framework of the United Nations, to Promote the Free Flow of True Information

Such machinery might perform such functions as:

- (a) Receiving, considering carefully, and reporting on complaints regarding false news, tendentious or defamatory campaigns and regarding obstructions to the flow of information and violations of any international conventions arising out of the recommendations of the World Conference and other international agreements operative in this field;
- (b) Suggesting from time to time changes in the provisions of any such conventions or agreements, and publishing other recommendations on the question of freedom of information;
- (c) Continuing study of the current performance of news agencies and other processes of international information;
- (d) Recommending the mutual study of the current work of the various agencies by means of mutual visits based on bilateral agreements between countries.

7. Consideration of the Problems Involved in the Establishment of Information Services by Governments, Groups or Persons in Order to Make Information Available in Countries other than the r Own

- (a) Consideration of whether the facilities and safeguards necessary for the establishment of such information services might best be assured by means of bilateral agreements.

8. Consideration of the possible modes of action by which the recommendations and agreements of the Conference can best be put into effect, whether by Resolutions of the General Assembly, International Conventions, Bilateral Agreements, acceptance by States of model legislation drafted by the Conference, or other means

CHAPTER IV

EXAMINATION OF THE CONCEPT OF FREEDOM OF INFORMATION

In accordance with its terms of reference (document E/CN.4/Sub.1/2), the Sub-Commission began an examination

of what rights, obligations and practices should be included in the concept of freedom of information. General statements were made by Mr. Chafee (United States of America), Mr. Christensen (Norway), Mr. Geraud (France), Mr. van Heuven Goodhart (Netherlands), Mr. Mackenzie (United Kingdom), and Mr. Sychrava (Czechoslovakia). These statements have been published in document E/CN.4/Sub.1/32. The Sub-Commission took note of Part I of the paper submitted by Mr. R. J. Cruikshank (United Kingdom) (document E/CN.4/Sub.1/12), the paper submitted by Mr. Sychrava (Czechoslovakia) (document E/CN.4/Sub.1/31) and the paper submitted by the Secretariat (document E/CN.4/Sub.1/10, "Constitutional Provisions, International Declarations and Other Statements Concerning Freedom of Information.") Members also noted the probability of further such documentation being submitted. In the light of these considerations, the Sub-Commission adjourned discussion of this subject until its next session.

CHAPTER V

OTHER ITEMS

1. Relations with the International Telecommunications Union

In view of the fact that the date of the International Telecommunications Conference did not permit the Sub-Commission to make its recommendations in this field through the Economic and Social Council, the Sub-Commission decided to request the Secretary-General:

- (a) to communicate with the International Telecommunications Union, noting that the problems with which it is dealing in this field are of particular interest to the Sub-Commission;
- (b) to ask the International Telecommunications Union to convey to the Sub-Commission any information it believes would be helpful to the Sub-Commission in its work;
- (c) to inform the International Telecommunications Union of the hope of the Sub-Commission that the International Telecommunications Union will take the necessary steps to be represented at the International Conference on Freedom of Information in accordance with the recommendation of the Sub-

Commission concerning the participation of Specialized Agencies, Inter-Governmental Organizations, and Non-Governmental Organizations in the Conference.

2. Recommendation Regarding Newsprint Shortage

The Sub-Commission passed the following resolution:

"Whereas the shortage of newsprint in many parts of the world, and notably in the war-devastated areas, continues to hamper the free flow of information; and

"Whereas enemy occupation deprived many countries of that benefit during the war;

"The Sub-Commission recommends to the Economic and Social Council, as an urgent matter, that it

"(a) study the situation now existing in this respect, due consideration being taken of the work being done by existing international organizations; and

"(b) consider measures to alleviate it."

NOTE: The Draft Report of the Sub-Commission - document E/CN.4/Sub.1/29, Add.1, Add.2, Add.3 and Add.4 - was adopted, as amended, by 10 votes to 1, Mr. Lomakin (Union of Soviet Socialist Republics) dissenting.

INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 196 TR-E

August 2, 1947

Committee C

Working Group of the
Subcommittee on Finances and
Personnel

Proposal of the Working Group concerning:

1. the wording of the report of the Subcommittee on Finances and Personnel on the subject of the proposals concerning the assistance to be given in the reconstruction of telecommunications systems in the countries devastated by the war.
2. the wording of the report of the Subcommittee on the subject of the proposals concerning the creation of a bank for the settlement of international accounts.

1. The Subcommittee has studied the proposal of Hungary for the creation of a World Telecommunication Bank (Doc. 1 TR-E) to give financial aid in the reconstruction of telecommunications systems in the countries devastated by the war. It has also studied the proposal of Greece relating to the assistance necessary for the reconstruction of telecommunication installations. The Subcommittee has reached the conclusion that the problem of the reconstruction of telecommunication systems in countries devastated by the war is part of the general problem of reconstruction, and it has taken note of the fact that other international organizations, in particular the International Bank for Reconstruction and Development, and the Social and Economic Council of the United Nations as well as its Committees are already dealing with this general problem.

Under these circumstances, it does not seem advisable to the Subcommittee to recommend the creation of a new institution intended solely to help in the reconstruction of telecommunication installations. The Subcommittee is of the opinion, however, that the Conference should send the recommendation given below to the United Nations, and it suggests that the governments interested in the reconstruction of their telecommunications systems apply directly to the competent

international organizations. It recommends, moreover, that the documents of this Conference relating to this question be submitted by the Director of the Bureau of the International Telecommunication Union to the Secretary General of the United Nations.

Draft Recommendation
to be sent to the United Nations:

The International Telecommunications Conference convened in Plenary Assembly in Atlantic City, on, recognizes the necessity of rendering immediate assistance to the countries that were devastated by the war in order to rehabilitate their telecommunications systems, and recommends that the United Nations draw the attention of its competent organizations to the importance and urgency of this problem.

2. The Subcommittee has studied the question of setting up a bank in charge of the operations involved in balancing credits and debits between States, or between States and private companies, as a result of the settlement of international accounts relating to telecommunications services. The Subcommittee has taken note of the fact that Article 33 of the Madrid Convention (Rendering of Accounts) does not fall within its competence but is rather within the competence of Committee E. Moreover the Subcommittee is of the opinion that the question of setting up a bank for settling international accounts on telecommunications should be referred to the Administrative Conferences which deal with all matters concerning these settlements.

INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 197 TR-E
31 July, 1947

Committee C

This document replaces document No. 183 TR-E

WORKING GROUP
of Committee C.

Proposal of the Working Group regarding the wording of
Article 1, § 1 and of Article of the Convention.

1. Article 1, § 1

§ 1. The sovereign right of each country, party to
the Convention, to regulate its telecommunications is fully
recognised. The Governments of these countries nevertheless
recognise that arrangements among them are necessary in
order to ensure the effectiveness of telecommunication.

2. Article 3

The Working Group proposes that this article be worded
as follows:

Article 3

PURPOSES OF THE UNION

I. The purposes of the Union are:

- a) to maintain and extend international
cooperation for the improvement and
rational use of telecommunications of
all kinds;
- b) to promote the development of technical
facilities and their most efficient
operation with a view to improving the
efficiency of telecommunication services,
increasing their usefulness and making
them, as far as possible, generally
available to the public;

II. To this end, the Union will

- a) effect allocation of the radio frequency
spectrum and registration of radio frequency
assignments in order to avoid harmful inter-
ference between radio stations of different
countries.

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 198 TR-E

August 2, 1947

E G Y P T

Note for the Plenary Session
of
Tuesday, August 5, 1947

The Egyptian Delegation would like to call attention to the following facts:

1. Before the Convention becomes effective, it will have to be ratified by a definite number of signatory countries; the budget must be approved, the Administrative Council elected, the Secretary General appointed, and the Secretariat set up.

It would therefore seem that, since these conditions cannot be fulfilled during the present meeting, another Plenipotentiary Conference should be convened for this purpose, namely: to approve the budget, elect the Administrative Council, etc. etc.

It should also be clearly understood that only those members which have ratified the Convention may attend this Conference, of which the date, place of meeting and invitational procedure should be decided here.

2. Furthermore before the Convention becomes effective, it seems advisable to call a Conference to approve the work of the Frequency List Committee.
3. For high frequency broadcasting, it would appear that still another Plenipotentiary Conference should be called to reach complete agreement before the Convention becomes effective.

Conclusions.

a) Three Conferences are therefore necessary to complete and carry out the Convention. It seems logical to arrange for these Conferences to meet at the same place and at the same time.

b) As for the High Frequency Broadcasting Conference scheduled for August 15, the Egyptian Delegation is of the opinion that this opening date should be retained, and that the Conference thus in session, should discuss and decide upon the program and directives for the future Conference proposed in No. 3, above.

c) The closing date for the Conferences at Atlantic City should be set for September 15, 1947 at the latest. However, the Acts may be signed before this date.

INTERNATIONAL
TELECOMMUNICATIONS CONFERENCE
ATLANTIC CITY
1947

E
DOCUMENT NO. 199 TR-E

August 2, 1947

M I N U T E S

of the Joint Meeting of Heads of Delegations
of the Telecommunications and Radio Conferences
at Atlantic City

First Meeting
August 1, 1947

The meeting was called to order at 8:30 P.M. with
Mr. Charles Denny, Chairman of the Conferences, presiding.

At the beginning of the meeting, the Chairman
reminded the Heads of Delegations present that Switzerland
was celebrating its national holiday on that day. 756
years ago, the first Swiss cantons joined to form the Union
which became the Swiss Confederation, the oldest democracy
in the world.

Mr. Colt de Wolf joined in these congratulations, and
recalled that he had spent three years in Geneva, three
years which were among the pleasantest years of his life;
and he expressed most cordial wishes to the Swiss Confed-
eration and to its Delegates who were present at the
Atlantic City Conferences.

(Hearty applause).

Mr. Neff, Head of the Swiss Delegation, expressed
thanks on his own behalf and on behalf of all his countrymen.

The Chairman announced that this joint meeting had
been called to determine whether the bulk of the work of
the Committees of the Radio Conference could be completed
by August 15, 1947, so as to permit the High Frequency
Broadcasting Conference to convene on that date, as had
been previously decided. The meeting would study the steps
to be taken by the Plenipotentiary Conference to authorize
the High Frequency Broadcasting Conference.

He requested the Chairmen of the Committees of the Radio Conference to report on the present status of the work of the various Committees. Committee 1 - (Credentials Committee) - has practically finished its work.

Committee 2- (Steering) No comments.

Committee 3- (Organization) Part of the work will be finished by the middle of August (C.C.I.R.) the rest, especially the work on the I.F.R.B. and the O.I.R. will not be completed before the end of August.

Committee 4- (Technical Coordinating) has finished its work.

Committee 5- (Allocation of Frequencies) expects to complete its work the first week in September.

Committee 6- (International Frequency List) expects to complete half of the Frequency Allocation Table about August 15, but the table of frequency allocations above 30 Mc/s will not be completed before the first of September.

Committee 7 - (General Technical) Committee 7 will be able to submit its texts to the Drafting Committee about August 16.

Committee 8- (Operations) This Committee will submit all its texts to Committee 9 about August 15.

Committee 9- (Drafting) requires 10 to 15 days after receiving the texts drawn up by the other committees, to complete its work, The Cuban Delegation offered the services of Dr. Luis Machado on one of the Working Groups of this Committee. Mr. Lahaye, the Chairman, expressed his thanks.

Committee 10- (Management of the Bureau of the Union) has already submitted its report, but several questions are still pending and will have to be settled by the next Plenary Session of the Radio Conference.

Plenipotentiary Conference

Committee A- (General) no comments.

Committee B- (Credentials) has practically finished its work.

Committee C- (Organization of the Union) is encountering many difficulties but thinks it will need a month to prepare the texts of the Convention which it was instructed to examine.

Committee D- (Relationship between the I.T.U. and the U.N.) is awaiting the findings of its Working Group and expects to complete its work by August 12.

Committee E- (Convention)-The Chairman is of the opinion that this Committee could complete its work about the end of August.

Committee F- (General Regulations ~~Rules~~ of Procedure)-If everything proceeds according to schedule, final results will be obtained by the end of August, providing that Committee C has completed certain work which also concerns Committee F.

Committee G- (Drafting)-This committee is of the opinion that it will be able to begin much of its work about August 15, but that it will be unable to complete its business until it receives all the texts which the other Committees are to submit to it.

The Chairman opened the discussion on the High Frequency Broadcasting Conference.

From inquiries made by the Secretary-General, it appeared that 17 countries already have experts for the High Frequency Broadcasting Conference at Atlantic City, and that, besides, 15 countries would send additional delegates. 31 experts are still expected.

Shall the opening session of the High Frequency Broadcasting Conference be held on August 15, 1947?

Most of the Heads of Delegations took part in the general discussion on this subject.

The Chairman summarized what he considered the opinion of the majority of the Delegations present.

1. The 31 Delegates whose arrival has been announced shall be allowed to come.
2. With the experts already present in Atlantic City they will as soon as possible begin the preliminary work on an unofficial basis.
3. He suggested that the meeting of the Heads of Delegations of the High Frequency Broadcasting Conference be postponed until September 2, and expressed the opinion that the period between August 15 and September 2 should be used to prepare the work of the conference unofficially. On September 3 the first Plenary Session of the High Frequency Broadcasting Conference would be held, to decide the scope of the work to be taken up at Atlantic City.

Desirous of learning the opinion of the majority of the Delegations present, the Chairman requested the Delegates to answer "Yes" if they thought that the High Frequency Broadcasting Conference should meet with a full agenda - that is, specifically, whether it should proceed to the allocation of frequencies to stations -, or, on the contrary, to answer "No," if they were of the opinion that this Conference should meet with only a limited agenda, - that is, to set up directives for another conference to take place later. Twenty-one Delegations answered "Yes," thirty-seven, "No." There were five abstentions and 15 Delegations absent.

Since this vote had only been taken for advisory purposes, the Chairman said he felt that the final decision should be left to a Plenary Session of the Plenipotentiary Conference. He proposed that this session be held on Tuesday August 5, at 10 A.M., and that its agenda be drawn up as follows:

1. Shall the High Frequency Broadcasting Conference, scheduled for August 15, 1947 be deferred or not?
2. If deferred, shall it be given full or limited terms of reference?
3. If the terms of reference are to be limited, what shall be the directives set for this Conference? The Delegations from Denmark and from the United Kingdom will submit a text on this subject.

4. On what dates shall the work of the Conference begin?

a) unofficially?

b) officially?

5. What date may be definitively set for the completion of all the business of the Atlantic City Conferences?

The Assembly approved this agenda.

At the end of the meeting the Chairman reminded the meeting that Committee C of the International Telecommunications Conference had decided to submit the question of the expenditures for the Atlantic City Conferences to the General Committee (Committee A). The Chair had asked the Director of the Bureau of the Union to prepare a report for him on this question. As he had received this report, the Chairmen had arranged for its distribution to all the Heads of Delegations present.

The meeting was adjourned at 12:15 A.M.

Secretaries:

P. OULEVEY

V. MEYER

Chairman:

CHARLES R. DENNY

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INTERNATIONAL
TELECOMMUNICATIONS
CONFERENCE
ATLANTIC CITY
1947

Document No. 200 TR-E
No. 686 R-E

August 3, 1947

INTERNATIONAL
RADIO CONFERENCE
ATLANTIC CITY
1947

DENMARK AND UNITED KINGDOM

Proposed Directive to H.F. Broadcasting
Conference of Atlantic City, 1947

1. The Conference shall convene on September 3rd, 1947, and shall conclude on or before September 24th, 1947.
2. The Conference shall:
 - (a) give preliminary consideration to the frequency requirements of all countries for H.F. broadcasting services, in relation to the bands which will become available under the Atlantic City frequency allocation plan for H.F. broadcasting;
 - (b) give preliminary consideration to the question of how economy of H.F. broadcasting frequencies might be secured by the use of radio relays and wire lines in association with local broadcasting networks, or by the use of recordings;
 - (c) consider the broad engineering principles on which a new frequency assignment plan for H.F. broadcasting services should be based;
 - (d) consider the question of preparing a draft frequency assignment plan for use as a working basis by the next International H.F. Broadcasting Conference;
 - (e) in the light of the conclusions reached in respect of (a) to (d) above,

-2-
(200 TR-E)
(686 R-E)

- (1) determine what action should be taken in advance of the next International Broadcasting Conference;
- (2) draw up an agenda for that Conference;
- (3) establish the date and place of that Conference.