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DOCUMENTS
OF THE
INTERNATIONAL TELECOMMUNICATIONS
CONFERENCE
AT ATLANTIC CITY
(1947)

BERNE
BUREAU OF THE INTERNATIONAL TELECOMMUNICATION UNION
1948

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During its second meeting (Geneva, January-February 1948), the Administrative Council of the International Telecommunication Union, having examined the question of the publication of the document of the three Atlantic City Conferences, took the following decision:

"Summary-records of the plenary meetings of the Plenipotentiary Conference only will be pointed and there will be added a complete list of all the documents of the three Conferences in the form of an analytical table."

The present section relate exclusively to the Plenipotentiary Conference. It contains the summary records of the plenary meetings and an analytical table of all the documents of this Conference.

The documents of the Radiocommunications Conference and those of the Conference on High Frequency Broadcasting are the subjects respectively of a separate analytical table.

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July 8, 1947

Minutes
of the First Plenary Session

July 2, 1947

The agenda was as follows:

1. Opening address and reply;
2. Election of Chairman and Vice-Chairman;
3. Election of Secretaries-General and Secretaries;
4. Memorial reading of the list of deceased delegates and of retired delegates;
5. Report of Director of the Bureau of the Union;
6. Organization of Committees;
7. Election of Committee Chairmen and Vice Chairmen;
8. Distribution of work among Committees;
9. Internal Regulations;
10. Methods of Work;
11. Miscellaneous;
12. Communications;
13. Adjournment.

Those present were: the Delegations of the countries and organizations named below:

South Africa (Union of); Albania; Argentina (Republic); Australia (Commonwealth); Austria; Belgium; Bielorussia; Burma; Bolivia; Brazil; Bulgaria; Canada; Chile; China; Vatican City (State); Colombia; Portuguese Colonies; French Colonies, Protectorates and Overseas Territories under French Mandate; Curacao and Surinam; Denmark; Dominican Republic; Egypt; Ecuador; United States of America; Ethiopia; Finland; France; Greece; Haiti; Honduras; Hungary; India, Netherlands Indies; Iran; Iraq; Ireland; Iceland; Italy; Luxembourg; Morocco; Mexico; Monaco; Nicaragua; Norway; New Zealand; Netherlands; Peru; Philippines; Portugal; United Kingdom; Siam; Sweden; Switzerland; Syria; Czechoslovakia; Tunisia; Turkey; Ukraine; Union of the Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia; SCAP; International Civil Aviation Organization; United Nations.

The meeting was called to order in the Renaissance Room of the Ambassador Hotel at 11.10 a.m., by Mr. Charles R. Denny, Chairman of the Delegation of the United States of America. He introduced to the Assembly the Honorable Garrison Norton, Assistant Secretary of State of the United States of America.

(Vigorous applause)

Mr. Garrison Norton made the following address:

"Six weeks ago it was my privilege and pleasant duty to open the first of the three World Telecommunications Conferences and to welcome the representatives of seventy-six nations, states and colonies as delegates to the International Radio Conference. I now have the honor to open the second phase of our proceedings the Plenipotentiary Conference. To those delegates who are here for the first time I extend a cordial welcome; to those who have been present at the Radio Conference, I say twice welcome, and congratulations on your splendid work in handling the many difficult problems you have resolved during the past six weeks. Because of your statesmen-like approach to these complex radio problems, and because of your vision and cooperation in these matters, and international accord in the field of technical radio regulations seems well on its way.

"This Plenipotentiary Conference is primarily concerned with proposals for the revision of the International Telecommunication Convention signed at Madrid in 1932. The art of radio telecommunications has made enormous strides in the past fifteen years, but our Convention has remained static. We must modernize the Convention; that is the task before us today.

"Our Union as at present constituted is composed of the following major organizational groups:-

1. Plenipotentiary conferences which meet only when the Convention itself is under revision.
2. International telegraph, telephone and radio administrative conferences which review the regulations.
3. International consultative committees: the Telegraph Committee, the Radiocommunications Committee, and the Telephone Committee.
4. A secretariat, which is called the Bureau of the International Telecommunication Union. This group is more commonly known as the Bern Bureau, since its offices are situated in that city under the aegis of the Swiss Government.

"It has become increasingly apparent that far-reaching organizational changes are necessary to enable the Union to perform its duties under contemporary conditions. Conscious of this fact, the members of the Union in the Western Hemisphere who met at the Third Inter-American Radio Conference in Rio de Janeiro in 1945

and the countries which met at Moscow in the fall of 1946 evolved proposals for the establishment of a new Union.

"These proposals envisage an actual working Union instead of our present loosely organized body. To accomplish this, it is indispensable that provisions be written into the Convention under which the Union may function with continuity. An indication of the type of organization necessary to accomplish this has been provided in the field of aviation by the International Civil Aviation Organization. In brief, this program of modernization involves your consideration of the following proposals:

(a) The establishment of an administrative council of certain member states, to convene periodically, with a permanent executive committee to sit between sessions of the administrative council and to coordinate the everyday operations of the Union;

(b) The creation of a permanent secretariat to replace the existing Bureau;

(c) The holding of quadrennial conferences, both plenipotentiary and administrative;

(d) The calling on short notice of administrative conferences with limited agenda, to consider special problems requiring immediate consideration by the members of the Union;

(e) The establishment of boards and committees which should sit with reasonable continuity. These boards should be composed of experts in their respective fields. Operating in close relationship with the administrative council and its executive committee, these experts would insure not only continuity but also adequate consideration of problems coming before the Union. To this end it has been proposed to establish an International Frequency Registration Board, a Permanent International Radio Consultative Committee and similar committees in the related fields of telegraphy and telephony.

"The inability to make decisions between conferences has been one of the greatest defects of the present Union. The almost incredible sequence of developments in the art of radio communication makes it indispensable that we have an up to date, continuously functioning organization capable of considering and deciding the many urgent problems that present themselves in this rapidly changing field.

"Because of the rather sweeping organizational changes required to accomplish this end, it may be necessary to provide certain transitional arrangements pending the entry into force of the new Convention. Such transitional arrangements proved very effective in the field of aviation, where a Provisional International Civil Aviation Organization was created pending the coming into effect of the Convention on International Civil Aviation which created the permanent organization.

"As part of the modernization of the Union, proposals have been made to clarify the basis of its membership. In general, the objective has been to place the membership on a sound foundation of recognized sovereign states, capable of assuming complete responsibility, not only for themselves but for all their territories. The membership of the Union will thus be more nearly in conformity with the procedures and policies of the United Nations and of other international administrative organizations affiliated with the United Nations.

"In view of anticipated expenses in connection with the establishment of certain permanent boards, committees and the administrative council, it will be necessary for you to consider proposals for modernising the financial structure of the Union. Furthermore, because of increased functions of the Union, you will no doubt wish to consider proposals concerning the location of its headquarters.

"Since the adoption of our present Convention in Madrid in 1932, a far-reaching sequence of economic, social and political events has been climaxed by the creation of the United Nations. This Conference cannot fail to consider the question of the relationship of the International Telecommunication Union to the United Nations. The Economic and Social Council at a meeting in New York in June 1946 expressed the hope that 'a world conference in the field of telecommunications shall be convened as soon as possible to review the organization of the International Telecommunication Union and its radio regulations and to enable the International Telecommunication Union to be brought into relationship with the United Nations.' At that time the Council directed the Secretary General to convene a meeting of telecommunications experts with a view to bringing the International Telecommunication Union into relationship with the United Nations in accordance with propositions submitted by the respective administrations to the Telecommunications Conference.

"It had been proposed to convene this meeting at Lake Success on June 16 of this year, but since most of the experts who would have attended such a meeting would also be expected to attend the Radio Conference, it was realized that this would place an undue burden upon the administrations concerned. It was decided, therefore, that the Plenipotentiary Conference here at Atlantic City would consider the question.

"To this end it has been proposed that a draft agreement be prepared by the United Nations Secretariat and submitted to this Conference. This draft agreement can then be considered together with any other proposals which a member of the Union may wish to submit. Immediately thereafter a special committee of this Conference could confer with representatives of the United Nations and endeavor to reach an agreement satisfactory to both organizations.

"Already agreements of relationship with the United Nations have been concluded by the Food and Agriculture Organization, the International Labor Organization, the United Nations Educational, Scientific and Cultural Organization, and the International Civil Aviation Organization. I am confident that this Conference will wish to conclude arrangements for bringing the International Telecommunication Union into a cooperative arrangement similar to those which have already been

agreed upon. In so doing, however, let us remember that to attain its maximum of usefulness our Union must be both universal and autonomous.

"I have attempted to outline briefly to you the most important elements of our task here during the next thirty days. In addition to these major elements, certain minor, but no less troublesome and complicated, problems must be solved. It is apparent that our task is a monumental one. For its successful accomplishment we shall be dependent upon the cooperation, understanding and diligence of the delegates here present. My government pledges itself to do everything within its power to assist you in bringing this Conference to a speedy and successful conclusion. It is the desire of every member of the United States Delegation, and of the representatives of the Bern Bureau, that every facility be placed at your disposal. An now, with the hope that your visit to this country will be both profitable and enjoyable, I declare the International Telecommunication Conference to be open."

(Prolonged applause).

Mr. Gneme, Head of the Italian Delegation, made the following speech:

"As Dean of Delegates taking part in the Telecommunications Conference, I have the honor and the pleasure of expressing to you, Mr. Norton, our thanks for the kindly words of welcome which you have addressed to the members who have arrived expressly to take part in the work of this Conference.

"We, who have already taken part in the Radio Conference, are very grateful for these congratulations which you have addressed to us for the work which has already been accomplished, and we assure you that all our ability and our spirit of collaboration will be set to work to surmount the difficulties which we may yet meet in the study of the difficult problems which we must solve.

"You have already clearly defined, Mr. Norton, those points of the International Telecommunication Convention of Madrid which no longer correspond to present conditions, and you have outlined for us the plan of a new permanent organization, capable of examining urgent problems which rapid advances -- especially those of radio -- can bring forward from one moment to another, and of deciding upon the solutions which may properly be applied to them.

"We shall study with the best of good will the precedents of the Third Inter-American Conference of Rio de Janeiro of 1945 and of the Moscow Conference, and all the proposals presented on this subject by the various governments, and we cherish the hope of arriving, thanks to mutual concessions, at concrete results, within a reasonable period of time, which we shall endeavor to make as short as possible.

"Such a great transformation in the organization of our Union as you have presented to us, will make necessary a study of transactional provisions and, perhaps, the institution of some provisional organ; we shall not fail, in these studies, to remember the Provisional International Organization of Civil Aviation. One of our great anxieties will also

be that of determining, as far as possible, the financial burdens which the new organization will impose upon our respective countries.

"I think it proper to mention the great debt which we owe to the Government, to the Delegation of the United States of America and to the Bern Bureau for the facilities which they have offered us. We have enjoyed them and are very grateful for them. Our thanks go also to the private companies for the opportunities which they have given us to admire their laboratories and their stations, and thus to ascertain their contributions to the magnificent advances in the field of science and technique.

"To conclude, permit me as the Dean in age at this session to recall that telecommunications already have a very long history. From 1865 to 1908, there were several Telegraph Conventions, but a Union did not exist.

"In 1865, at Paris, the first International Telegraph Convention was signed. This date represents the birth of our Union. However, the name Union was not employed, and it was only at Lisbon, in 1908, that the first International Telegraph Union was officially instituted, and symbolized by the monument erected at Bern in 1922.

"A great step forward was made at Madrid in 1932 by the creation of the International Telecommunications Union, which has regulated all the telegraph, telephone and radio communication services.

"Having had the pleasure of being present at the official birth of the first two unions and of cooperating in their activities from the beginning, permit me to hope that here, at Atlantic City, I may be allowed to be present at the birth of the World Union of telecommunications, which is destined to cooperate in the most effective manner in tightening the bonds of peace and of love between all nations of the world.

(Long applause).

"According to custom, it is the privilege of the Dean to propose the designation of the Chairman and Vice-Chairman of the Conference. Thus I have the honor to propose to you to nominate by acclamation as Chairman of the Conference, Mr. Denny, Chairman of the Delegation of the United States of America, and as Vice-Chairman, Mr. de Wolf, Vice-Chairman of this same Delegation. Both have already given proof of their ability, their skill and their impartiality in directing the work of the International Radio Conference.

(Acclamation).

Mr. Denny made the following statement:

"Fellow Delegates, Ladies and Gentlemen;

"On behalf of the Government of the United States of America, I would like to express my very deep appreciation for the honor you have paid my country in selecting Mr. de Wolf and myself to act as Chairman and Vice-Chairman of the International Telecommunications Conference.

"This honor is a double one since we also have the privilege

of carrying on the same duties in the Radio Conference which has been in session since May 16.

"Since that time we have worked together with good will. We have developed close and friendly relations which will bring success to our common efforts. I am looking forward to the continuance of these relationships and the fine spirit of cooperation which we have enjoyed."

The Chairman continued:

"In accordance with the agenda, we must now proceed to the election of the Secretaries-General and the Secretaries of the present Conference. In this connection, I present for your consideration the recommendation of the meeting of Heads of Delegations that the Plenary Session elect Mr. Leon Mulatier and Mr. Gerald C. Gross, Vice-Directors of the Bureau of the Union, as Secretaries-General, and appoint the following Secretaries: Mr. Eggli and Mr. Rusillon, Counselors; Mr. Auberson, Mr. Oulevey, Mr. Voutaz and Mr. Meyer, Secretaries of the Bureau."

The Session approved.

The Chairman: "In accordance with a sacred tradition, I propose that we now pay tribute to the memory of former colleagues and co-workers who have passed away since the Cairo Conferences.

The Secretary-General will now read the list. We shall then honor the memory of those who are no longer with us by a minute of silence."

The Secretary-General: "The names are:

From Governmental Administrations:

- Mr. G.E.F. Albrecht (Finland);
- Mr. Charles Ansidei (Tunisia);
- Mr. H.J. Boetje (Netherlands);
- Mr. Aimé Boukaert (France);
- Captain B.S. Cohen (Great Britain);
- Mr. Craemer, D. Eng. (Germany);
- Mr. W. Domnisse (Netherlands Indies);
- Mr. A. van Dooren (Netherlands Indies);
- Mr. W.F. Einthoven (Netherlands Indies);
- Mr. Tore Engset (Norway);
- Mr. H.C. Felser (Netherlands);
- Mr. Ernst Feyerabend (Germany);
- Dr. Reinhold Furrer (Switzerland);
- Mr. M. Gredsted (Denmark);
- Mr. R. Gsell (Switzerland);
- Mr. Andreas Haarberg (Norway);
- Mr. Karl Hoepfner (Germany);
- Colonel F.W. Home (Great Britain);
- Mr. J.J. Hoogewoening (Netherlands);
- Dr. Edouard Jaques (Luxembourg);
- Mr. Gottlieb Keller (Switzerland);
- Mr. E. Krogh (Denmark);
- Mr. Carl August Kruckow (Germany);

- Mr. de Liz Ferreira (Portugal);
- Mr. James Loudon (Great Britain);
- Mr. A.R. McLachlan (South Africa);
- Colonel Magnin (France);
- Mr. N. R. Meyer (Denmark);
- Mr. Paul Munch (Germany);
- Mr. J. L. Norgaard (Denmark);
- Mr. Hermod Petersen (Norway);
- Mr. J.A.A. Pierart (Belgium);
- Dr. A. Ch. Raestad (Norway);
- Mr. Georges Sanchidrian (France);
- Mr. Victor Serre (France);
- Mr. E. H. Shaughnessy (Great Britain);
- Mr. Richard Southgate (United States of America);
- Mr. Joseph Strnad (Czechoslovakia);
- Mr. Sydow (Germany);
- Mr. E. O. Sykes (United States of America);
- Mr. Louis Vanoni (Switzerland);
- Mr. Martin Wahl (Norway);
- Captain (Navy) J.C.M. Warnsink (Netherlands);
- Mr. Wassek El-Mouayad El-Azem (Syrian Republic);

From the Bureau of the Union:

- Mr. Lucien Boulanger.

From Private Operating Agencies and Organizations:

- Mr. Raymond Braillard (International Broadcasting Union);
- Mr. Edouard Branly (France);
- Mr. Harry Chadwick (Radio Corporation of America, Inc.);
- Rear-Admiral C.P.R. Coode, C.B., D.S.O.
(Western Union Telegraph Co.);
- Mr. A. Davidson (All America Cables & Radio Inc.);
- Lieutenant-Colonel Garnier (Compagnie Radio-France);
- Mr. A.E. Kennelly (United States of America);
- Mr. W. G. Kuyck ("Radio Holland" Company);
- Mr. Marignac (France);
- Mr. F.M.G. Murphy (Marconi Wireless Telegraph Co. Ltd.);
- Mr. Maurice Rambert (Switzerland);
- Mr. O.C. de Scavenius (Grande Compagnie des
Télégraphes du Nord);
- Commander J.A. Slee (Marconi Sounding Device Company);
- Mr. J. H. Thompson (Canadian Marconi Company);
- Mr. Gerard Vincent (Société Anonyme Internationale de
Télégraphie Sans Fil);
- Mr. K. L. Wood (Cable and Wireless Limited)".

(The Assembly rose and observed a moment of silence).

At the request of the Chairman, the Secretary-General continued as follows:

" May I be permitted to mention also the names of former

participants in the Conferences of the Union, who have retired or have turned to other occupations.

From Government Administrations:

- Commander Duarte de Almada Carvalho (Portugal);
- Mr. Gabriel Alomar Villalonga (Spain);
- Mr. Laurent Beaudry (Canada);
- Mr. H. Booker (Great Britain);
- Mr. P. Bossen (Netherlands);
- Mr. Brun (France);
- Mr. Carli Ovidio Nicanor (Argentine Republic);
- Mr. Adolfo T. Cosentino (Argentine Republic);
- Dr. M.H. Damme (Netherlands);
- Mr. W. Dogterom (Netherlands);
- Mr. Svetomir Dragicevic (Yugoslavia);
- Mr. Durant (Morocco);
- Colonel P.E. Earnshaw (Canada);
- Mr. Melvin Brown Esson (New Zealand);
- Mr. Fahri (Turkey);
- Mr. Fossion (Belgium);
- Mr. William F. Friedman (United States of America);
- Mr. Emile Geles (Roumania);
- Mr. Giess (Germany);
- Mr. Gutton (France);
- Mr. Andreas Hadland (Norway);
- Count H.A. Hamilton (Sweden);
- Dr. François Havas (Hungary);
- Mr. G.C. Holtzappel (Netherlands);
- Captain (Navy) J. Houtsmiller (Netherlands);
- Mr. H. Hunziker (Switzerland);
- Mr. S.T. Keyte (Great Britain);
- Dr. Otto Kucera (Czechoslovakia);
- Mr. W. Kruijt (Netherlands);
- Mr. H.J. Lenton (South Africa);
- Chamberlain C.D. Lerche (Denmark);
- Dr. Walter Lichtenstein (United States of America);
- Captain (Engineers) L.F. Liera (Netherlands);
- Mr. S. Ljungqvist (Sweden);
- Wing Commander O.G.W.G. Lywood (Great Britain);
- Mr. Mahe (France);
- Mr. Frantisek Matous (Czechoslovakia);
- Mr. Menard (Morocco);
- Rear-Admiral J.E. Meyer Ranneft (Netherlands);
- Mr. C.I. Mondrup (Denmark);
- Dr. A. Muri (Switzerland);
- Mr. John H. Payne (United States of America);
- Mr. Robert Pell (United States of America);
- Mr. P.S. Ó h - Eigeartaigh (Ireland);
- Mr. F.W. Phillips (Great Britain);

- Mr. Picault (France);
- Commander Duarte Abel Rodrigues (Portugal);
- Mr. R. Rosca (Roumania);
- Mr. W.A. Rush (Canada);
- Dr. Irvin Stewart (United States of America);
- Mr. F. Strong (Great Britain);
- Mr. Tudor Tanasescu (Roumania);
- Mr. Ljubomir Terzic (Yugoslavia);
- Mr. Tondeur (Belgian Congo);
- Mr. Desire Veghely (Hungary);
- Mr. Antonio Vicens Adrover (Spain);
- Mr. C.H. De Vos (Netherlands).

For the Bureau of the Union:

- Mr. F. Schwill.

And from Private Operating Agencies and Organizations:

- Mr. Gino Bandini (Italcable Company);
- Mr. H. Behner (Comité International Radio-Maritime);
- Mr. T.L. Eckersley (Marconi Wireless Telegraph Co. Ltd.);
- Mr. P.J.J. E. Eschbascher (Cable and Wireless Limited);
- Mr. F.S. Hayburn (International Marine Radio Co.);
- Mr. O.A. Jorgensen (Grande Compagnie des Télégraphes du Nord);
- Mr. Adolphe Van Lierde (Société Anonyme Internationale de
Télégraphie Sans Fil);
- Mr. Emidio de Medio (Italcable Company);
- Mr. F.W. Mitchell (Cable and Wireless Limited);
- Mr. J.T. Montgomery;
- Major I.I. Munro (Cable and Wireless Limited);
- Mr. O.E. Nielsen (Grande Compagnie des Télégraphes du Nord);
- Mrs Valentina Parisotti (Italcable Company);
- Mr. C.E. Rickard (Marconi Wireless Telegraph Co. Ltd.);
- Mr. Robert (Compagnie Générale de T.S.F.);
- Mr. A. Sabater (Cable and Wireless Limited);
- Mr. K. Suenson (Grande Compagnie des Télégraphes du Nord);
- Mr. J. Wagner (Comité International Radio-maritime);
- Mr. H.A.G. White (Marconi Wireless Telegraph Co. Ltd.)"

The Chairman said:

"We shall always keep these colleagues of ours in affectionate memory. To those who have retired we wish health and long life, and to those who have chosen another field of activity we wish success".

The Director of the Bureau of the Union was then requested, in his official capacity, to inform the Assembly about the progress of the Union since the Cairo Conferences.

The Delegate of Egypt, after being recognized, made the following statement:

"Before Dr. von Ernst makes his report, there is one question, which, in our opinion, should be clarified. What is the relation between this Conference and the Madrid Convention? If this Conference is based on the Madrid Convention, I feel that it does not exactly correspond to this Act. However, if this Conference is the result of a wish or of a recommendation of the United Nations, I do not see how the report of the Bureau can be officially and legally presented to this Conference. In addition, the period of time provided for by the Madrid Convention allows all countries time to give serious consideration to their interests and to formulate their views for the Conference to be held. On this occasion, we saw that five powers met at Moscow, where they formulated certain proposals. I am sure that they knew what they wanted. But, as far as we are concerned, who have not had time to think seriously about future developments, about our real needs and our interests, we, the little countries, would like to sign a contract for which we have ample time for discussion and complete freedom to come to an understanding. We wish this for the simple reason that, once our signature is given, we shall honor it and faithfully fulfill our obligations, without any mental reservation whatever. Egypt is a country which is developing, and we have ambitious plans. It would be contrary to the spirit of the times to impede this development by a Convention which did not offer every essential possibility and which has not been thoroughly scrutinized for lack of time. More than one country is in the same situation as ours.

I should be glad, Mr. Chairman, to have certain specific information on this point."

Mr. de Wolf, the delegate of the United States, after being recognized, made the following statement:

"The Honorable Delegate from Egypt has raised a question the importance and meaning of which are not entirely clear to me, but if I understood him correctly, he implied that this Conference was not convened strictly in accordance with the provisions of the Madrid Convention of 1932.

"Yesterday, at the meeting of the Heads of Delegations, I had occasion to explain the reasons which led the Government of the United States to convene this Conference. Inasmuch as the Delegate from Egypt has raised this question once again, for the sake of the record, I shall again repeat the remarks which I made yesterday at the meeting of the Heads of Delegations.

"You will recall, Gentlemen, that after the war there was felt in most countries of the world an urgent need to call at the earliest possible moment a radio conference to establish new regulations. You will also recall the fact that the radio conference which normally would have been held in 1942 in Rome was postponed for a later date, at least until 1947. In this connection I should also like to point that the London Conference in 1912 had planned the subsequent conference for 1917 and that in reality this Conference could not meet until 1927.

"Most of us believed that it was imperative that there be no delays in the development of communications. You will recall, Mr. Chairman, that as early as 1945 a conference met in Chicago to set up a new civil aviation organization. It was unthinkable to us that, in the field of telecommunications we should lag several years behind the new aviation organization, especially since there is an intimate relationship between aviation and radio. Aviation was impatiently waiting for us. We were honor bound to meet the requirements of aviation as well as the requirements of radio. This was an essential task.

"In view of these circumstances, the Radio Conference at Rio de Janeiro in 1945 requested that an international radio conference be convened as soon as possible. Again, at Moscow, in the autumn of 1946 it was also requested that a radio conference be called as soon as possible to revise the Convention and Radio Regulations of our Union in order to meet modern conditions.

"In view of these facts, the Government of the United States took the initiative to address a request to all members of the Union, in order to ascertain, under the provisions of Article 18 § 2 of the Madrid Convention whether a plenipotentiary conference could be called as soon as possible. I shall read this paragraph of the Madrid Convention:

"§ 2. Revision of the Convention shall be undertaken when it has been so decided by a preceding conference of plenipotentiaries, or when at least twenty contracting governments have so stated their desire to the government of the country in which the Bureau of the Union is located."

"More than 20 countries indicated their desire to convene a conference of plenipotentiaries as soon as possible.

"In view of the replies to this inquiry, the Government of the United States addressed an invitation to all the countries to participate in a plenipotentiary conference, adding that, because of the urgency of the situation, it was felt that a radio conference should be convened at the same time and in the same place.

"The Government of Switzerland considered that, under the terms of the Convention, it should conduct an inquiry and take a sounding of the opinion of the various countries of the world, to ascertain whether the conference should be held in the United States or in Europe. The Government of the United States always felt, and still feels, that this plebiscite was not in accordance with the terms of the Convention.

"Article 19 of the Convention, which also speaks of the location of a conference, provides that the time set for the meeting of a conference may be advanced or postponed if request to this effect is made by at least ten of the contracting governments. But, as no time had been set for the plenipotentiary conference, we felt that no plebiscite was in order and that, when twenty countries had expressed their desire to meet in conference, it was altogether proper that the Government of the United States should send an invitation to the whole world to participate in such a conference.

I have no doubt that the Atlantic City Conference is the legal and juridical successor of the Madrid Conference.

"So much for the legal aspects of the matter.

"Turning now to the question raised by the Delegate from Egypt, as to whether this is a conference of the International Telecommunications Union, or a conference under the auspices of the United Nations, I would like to state the following:

"The Economic and Social Council of the United Nations presented certain recommendations with respect to the convening of this Conference. The action taken by the Economic and Social Council of the United Nations can only be viewed in the light of recommendations from that body which do not affect our Union. This conference is very definitely a conference of the International Telecommunications Union.

"As far as the proposals are concerned, I have deepest sympathy with the viewpoint of the Delegate of Egypt. Due to the circumstances of war, the United States, as far back as three years ago, were able to begin preparation for this conference, a very arduous preparation, but one which assuredly can be of benefit to the whole world. These preparations were undertaken to aid in carrying forward the work of the conference, and to permit that work to be completed as soon as possible. Those among you who were present at the Radio Conference are well aware that our proposals at that conference have been criticized. But the proposals are only a basis for our work. I believe that the Moscow and Rio de Janeiro conferences have cleared the field. There we established basic proposals to be submitted for your consideration. We are of the opinion that you should have all the time necessary to criticize and change them, if you deem it proper. The delegations at Rio and Moscow have themselves already changed the proposals formulated there. We are going ahead and trying to revise the studies, so as to make them as sound as possible. It will be your task, Gentlemen, further to revise the studies which we made at Moscow.

"I believe that in so acting, Mr. Chairman, we shall attain results which will be satisfactory for all."

The Chairman pledged himself to conduct this conference in an entirely democratic manner, so that the interests of all, especially those of the small nations, would be safeguarded. He would always be at the disposal of delegates who had any suggestions to submit to him.

The Head of the Swiss Delegation made the following statement:

"During the summer of 1946, a certain number of governments, invoking Article 18, § 2 of the International Telecommunication Convention concluded at Madrid in 1932, announced to the Swiss Government - some acting on the instigation of the Government of the United States of America - their desire that this Convention be revised.

"Divergent points of view, however, were expressed on the question of the location where the Conference should be held, some states advocating the United States of America, others favoring Switzerland, and finally some favouring Europe.

"Under these circumstances the Swiss Government felt it necessary to initiate a consultation with all the Member-States of the International Telecommunication Union on September 11, 1946, deeming it proper to ascertain the opinion of each one of them.

"Meantime, the revisory conference was convened by the Government of the United States of America, where it was to be held.

"Nevertheless, I wish to announce to the Member-States of the Union the results of the consultation which the Swiss Government undertook.

Location of Meeting of the Conference

A. Those favoring the United States:

Canada	Mexico
China	New Zealand
Cuba	Panama
United States	Dominican Republic
Ethiopia	Holy See
Finland	Siam
Greece	U.S.S.R.
Guatemala	Uruguay
Haiti	Venezuela
Iceland	

= 19 Members

B. Those favoring Europe:

Bulgaria (Switzerland or Czechoslovakia)
Lebanon
Luxembourg
Portugal

= 4 Members

C. Those favoring Geneva (or Switzerland):

Albania	Morocco
Australia	Norway (Switzerland)
Austria	Netherlands
Belgium (Switzerland)	Roumania
Denmark	Sweden
Egypt	Switzerland
Spain	Czechoslovakia
France	Tunisia
Great Britain	Turkey
Hungary	Union of South Africa
Italy	Yemen (Switzerland)
Ireland	Yugoslavia (Switzerland)

= 24 Members

D. Those who have made no formal announcement, or who decided to defer to the decision of the majority of members:

Afghanistan	Paraguay	
Colombia	Syria	= 5 Members
Iran		Carried forward 52 Members

Carried forward 52 Members

E. Those who have made no announcement:

Brazil	Poland	
Iraq		= 3 Members

F. The following members were not directly consulted; their parents states, nevertheless had all expressed their opinion:

Burma	British Indies	
British Colonies	Netherlands Indies	
Spanish Colonies	Spanish Morocco	
French Colonies	New Hebrides	
Portuguese Colonies	Rhodesia	
Belgian Congo	Surinam and Curacao	
		= 12 Members
	Total	<u>67 Members</u> =====

G. The following States gave their opinions, but their proposals cannot be considered, since they are not members of the International Telecommunications Unions:

Argentina	Ecuador	Peru
Chile	Honduras	Salvador
Costa Rica	Nicaragua	

Date of the Conference

A. Those who asked that the conference be held "as early as possible," "in the Spring of 1947," "July 1, 1947," or "in 1947"	23 Members
B. Those who asked that the conference be held in the fall of 1947	17 Members
C. Those who did not propose a date, but asked that this conference be convened	12 Members
D. Those who expressed no opinion (see "Meeting place for the conference" letter E)	3 Members
E. Those who were not directly consulted (see "Meeting place for the conference," letter F)	<u>12 Members</u>
Total	<u>67 Members</u> =====

"This figure corresponds to the total shown in the list of Members of the International Telecommunication Union.

"N.B. The results given for the States which requested

revision of the Madrid Convention, but which have not replied to the consultation of September 11, take into account the desires which were formulated in their requests for revision."

The Chairman expressed his thanks.

The Delegation from the U.S.S.R. made the following statements:

"All the questions which have been raised here today by the Delegates from Egypt and from Switzerland, by their very substance, are questions of confidence in the United States of America because of the initiative of that country in regard to the convocation of this Conference entrusted with the revision of the Madrid Convention of 1932.

"I should like to express, in the name of the Soviet Union, my viewpoint on the discussion which has taken place here.

"Doubtless, Gentlemen, after the events which took place following the terrible war which has just passed, it was essential to take steps, very rapidly, to revise the constitutions of the most important international organizations in order to bring their structure and their work into conformity with the situation resulting from the war and, in particular, with the international organization which is so important that all the nations of the world are looking to it with hope: the organization of the United Nations.

"The International Telecommunication Union is one of the most important international organizations and it is for this reason that, in this field, it was necessary to take very speedy measures in order to proceed to the essential reorganization, in conformity with the needs of all the Nations, in the light of the situation which has been created.

"It is with this viewpoint in mind, Gentlemen, that it is fitting to show our gratitude for the initiative taken by the United States of America, which have accomplished a tremendous task in the preparation of the proposals which have been presented to us by that country. We are especially grateful for the initiative they took after the Moscow Conference in which the Five Powers participated. The Moscow Conference, solely as a preparatory measure, studied a series of proposals relating to the revision of our Convention and to the reorganization of the Telecommunications Union. It made recommendations to this effect to all the countries on the changes necessary in the Convention and the total reconstruction of the Telecommunications Union, in conformity with the new principles of international organizations.

"The documents, constituting the basic recommendations of the Moscow Conference, were sent through the Bureau of the International Telecommunication Union to all countries, in November, 1946, if I remember correctly. Later, the Economic and Social Council of the United Nations approved the initiative taken by the Government of the United States in calling this conference, and for this conference to be held in the United States.

"Therefore, it seems to me that there is no reason, now, to suggest that the Convention has been violated, that the rights of nations have been encroached upon as far as decisions to be made on these questions are concerned; on the contrary, I believe that we should all recognize that this Conference has been convened at a

propitious moment and that it has before it most important problems and a great responsibility. It is evident that many countries have already experienced, and will still experience difficulties, because they have not had sufficient time to study all the proposals and to prepare their own proposals. This is a gap which can be filled if the work here, in this Conference, is done without too much haste, in order to give all the delegates the opportunity to examine all the texts, to formulate their own suggestions and thus to assure the equal participation of all nations in the solution of these important questions.

"In concluding my statement, instigated by those of the preceding speakers, I propose, in order to eliminate the doubts cast upon the legal convocation of this Conference, to put this question to the vote, since all the representatives of the countries are now here.

"In the name of the Delegation of the Soviet Union, I wholly approve of everything undertaken by the Government of the United States, which has led to the convocation of this Conference."

The Chairman then said:

"I think that it would be most advisable for us to incorporate in the present minutes and in those to come, the various statements which have been made and which express the divergent viewpoint of the respective delegations.

"However, I am sure that there is one point on which we must come to an agreement. Without taking into account any differences of opinion in regard to procedure, now that we, the duly accredited representatives of 77 nations, have met in Atlantic City, I am certain that we can all reach an agreement. We shall make the most of every opportunity that we have and we shall work in a spirit of collaboration."

The Delegate of Egypt said that he was greatly pleased with the replies to his statement.

Regarding the detailed information given by the Honorable Delegate of the United States concerning the legal character of this Conference, he added:

"As far as the work at Moscow is concerned, I wish to emphasize my gratitude and my appreciation for the efforts made by the Five Powers who were represented there.

"We are, in fact, much pleased with the results of this work, but we should be still more pleased if we had at our disposal sufficient time to formulate our viewpoints and protect our interests.

"I am especially grateful to our Chairman, who has given us to understand that he will devote "the same attention" to all the interests of all the nations represented at our Conference."

The Chairman thanked the Delegation of the U.S.S.R. for its statement and turned to the agenda.

With your permission, he said, I shall ask Dr. von Ernst, Director of the Bureau of the Union, who is here beside me, to give me the benefit of his advice and his long experience. In addition, I shall

ask him, in his capacity as Director of the Bureau, to be kind enough to report upon developments in the Union since the last conference.

Mr. von Ernst, Director of the Bureau of the Union, made the following statement:

"Mr. Chairman,

"Acting on your invitation and in accordance with the established custom, I have the honor to present to you several brief notes regarding the operation of the Bureau of the Union since the last Plenipotentiary Conference, that is, the Madrid Conference, in 1932.

"Everything important and essential which has occurred since then has been published in the notifications and later in the management reports which the Bureau of the Union has had the honor of submitting to you each year. The last management report, for 1946, was sent to the members of the Union at the beginning of May. Copies of this report are available to the delegates at the Secretariat here.

"After the publication date of this report, the Soviet Socialist Republics of Latvia, Lithuania and Estonia notified the Bureau of the Union that, as of January 1, 1947, they once more became members of the Union; furthermore, the Soviet Socialist Republics of Bielorussia and Ukraine, as well as the Outer Mongolian People's Republic, notified the Bureau of the Union of their adherence to the Madrid Convention and to the four Cairo Regulations; the Principality of Monaco has likewise adhered to the Madrid Convention and to the Cairo Radio Regulations; the Hachemite Kingdom of Transjordan has indicated its adherence to the Madrid Convention as well as to the Telegraphic Regulations and to the Cairo General Radio Regulations; and Luxembourg has adhered to the Cairo Radio Regulations. Moreover, the ratification of the Madrid Convention by the Republic of Honduras has been brought to our attention; and finally the Union of South Africa, Vatican City State, the Portuguese Colonies, Iran, Ireland, Tunis and Venezuela have approved the Cairo Radio Regulations in particular.

"All of these communications have been transmitted through us to the Members of the Union.

"Permit me, Mr. Chairman, and Gentlemen, to say here, how happy your Central office, the Bureau of the Union, has been to be able, as it has for the past 80 years, to continue during the turbulent years that menaced world communications to maintain relations with all countries of the Union, without exception. We have had many serious worries in this regard, but thanks to the understanding and good will of the governments and administrations everything has come out all right. Your Bureau greatly appreciated this.

"With regard to the future, your obedient servants of the Bureau join whole-heartedly in wishing that the work of Plenipotentiary Conference may fully attain its goal of ensuring the complete efficiency vitality and prestige of the Telecommunications Union, the oldest universal organization."

The Chairman expressed his appreciation to the Director of the Bureau of the Union, in his own name and in that of all the

delegations, for the work accomplished by the Bureau, and his gratitude to its excellent personnel.

"We especially pay homage, said the Chairman, to Mr. Schwill, retired Vice-Director of the Bern Bureau, who has served the Union faithfully for forty years. I suggest to the Conference that we send him our best wishes."

The meeting was adjourned for several minutes to permit a photograph of the Session to be taken.

The question of the composition of Committees was then taken up.

The Chairman called the attention of the Session to the recommendation made by the meeting of Heads of Delegations on this subject, which appeared in Document No. 38 TR. This recommendation contemplated seven committees. Committees A (General Committee, consisting of Heads of Delegations), B (Credentials) and G (Drafting) are the usual committees.

Committee C will consider the various proposals which concern the organization of the Union, including that of the organizations which will make up the structure of the Union. It will also study the qualifications for membership in the Union, the languages, as well as the choice of a site for the Union. The Heads of Delegations also recommended that this Committee take up the detailed questions of finances and personnel of the Union, which are closely related to the question of organization.

The function of Committee D (relations between I.T.U. and the United Nations) is self-explanatory. This Committee will consider an agreement between these two entities and make recommendations to the Conference.

Committee E (on the Convention) will consider proposals for revision of the various articles of the Madrid Convention which are not covered by Committees C and D.

Finally, Committee F will consider proposals concerning the future General Regulations which it is proposed to annex to the new Convention.

The recommendation of the meeting of the Heads of Delegations was adopted without objection.

The meeting then turned to the designation of the delegations which would furnish the chairmen and vice-chairmen of committees.

In accordance with the custom, the Heads of Delegations had made nominations for Chairmanships and Vice-Chairmanships, which are set forth in Document No. 35 TR.

Discussion as to these nominations was declared in order.

The Delegation of Tunisia felt that the meeting should examine the proposal made at the previous day's meeting, on behalf of the Delegations of Morocco and Tunisia.

He noted that Ethiopia was the only country of Africa which appeared in the original list of chairmen or vice-chairmen of committees.

In view of the withdrawal of Ethiopia, the nomination of the Dominican Republic had been contemplated. It seemed necessary to them to emphasize the fact that it would be most regrettable if the withdrawal of Ethiopia resulted in the complete exclusion of Africa from chairmanships or vice-chairmanships.

Inasmuch as Egypt is one of the countries in Africa nearest to Europe, it would seem to the Tunisian Delegation just, normal and timely that Egypt should be invited to take the vice-chairmanship left vacant by Ethiopia in Committee C.

The Delegate of the United States of America explained the reasons which formed the basis of the original suggestion.

In proposing Ethiopia, and, subsequently, the Dominican Republic, the Delegation of the United States only had in view entrusting this vice-chairmanship to a country which had not had a vice-chairmanship in the Radio Conference, which was not the case for Egypt.

The proposal of the Delegation of Tunisia, when put to the vote was rejected.

Document No. 35 TR was adopted in its original form.

The Chairman pointed out that the distribution of work among the committees had been the subject of a recommendation by the meeting of Heads of Delegations, appearing in Document No. 32 TR as amended by Document No. 37 TR-E. This recommendation related to proposals 1 to 130 TR. In a few cases, proposals were assigned to two committees for parallel study. Proposals submitted subsequently were to be assigned as they were published.

The recommendation was adopted.

The next item of the agenda related to consideration of the Rules of Procedure of the Conference.

The texts submitted in this connection appear in Documents Nos. 25 TR and 39 TR. In their general outlines, they correspond to the texts adopted by the Radio Conference for its own Rules of Procedure.

The Chairman outlined the nature of the differences between the two texts:

1. The Regulations under consideration provided that the United Nations, its subsidiary organizations and its specialized agencies, as well as any subsidiary organization of the I.T.U. might be admitted in an advisory capacity. So far as this Session was concerned, the four organizations within the category recommended for admission are the United Nations itself, U.N.E.S.C.O., I.C.A.O. and the C.C.I.F. Other international organizations within the same category provided for by the Rules of Procedure might be admitted by Plenary Sessions. As for the representatives of other international organizations and private operating companies, it was provided that they might attend plenary sessions and committee meetings as members of the public.

2. Article 18, which dealt with the right to vote, provided that if the representation of one country had been entrusted to the delegation of another country the latter delegation might also vote on behalf of the aforesaid

country with the reservation that no delegation should be allowed to vote for more than two countries. In addition, the United States of America and the United Kingdom might vote for their colonies and territories as a group. It was recommended that this measure be adopted on a provisional basis only until the question was studied by a special committee on the right to vote which would be taken up shortly.

3. An article on franking privileges, in general terms, had been included in the Rules of Procedure.

At this time, the Chair was happy to be able to announce that, through the cooperation of the American companies and their foreign correspondents, the participants in the Atlantic City Conferences might in the future, send and receive telegrams to and from addressees in their own country without restriction and without any limit as to number. Official telegrams as well as personal telegrams would be free of charge.

Subject to the setting up of a special committee on the right to vote, the meeting of the Heads of Delegations recommended that the present meeting adopt Document No. 25 TR as amended by Document No. 39 TR. It was understood that these Rules of Procedure would apply only to the present Conference and would not serve as a precedent for the General Regulations which are to be studied by Committee F and which might serve as a model for future conferences.

The draft of the Rules of Procedure was adopted to this effect.

The participation as observers of the United Nations, U.N.E.S.C.O., I.C.A.O. and the C.C.I.F, was accepted.

The Chairman pointed out that, at the meeting of the Heads of Delegations held on the previous day, serious questions had arisen in connection with drawing up the list of countries having the right to vote. This list was to appear in Article 18. This meeting considered it better to entrust this task to a special committee on the right to vote which would be asked to submit its report on July 14 for presentation to a Plenary Session scheduled to meet two days later, July 16. The meeting had recommended the following membership for this Committee:

Chairmanship: Sweden

Members: U.S.S.R., Guatemala, United Kingdom,
Czechoslovakia, China, Canada, France,
Uruguay, Belgium, Argentina, Netherlands
Indies, United States of America.

Discussion was declared in order.

Portugal, South Africa, Yugoslavia, New Zealand and Greece wished to be represented on the Committee.

Without objection the session approved these additions.

The Delegation of the United Kingdom was recognized and, in order to indicate with absolute clarity what was recommended by the meeting of the Heads of Delegations, suggested that the following note be inserted in the minutes of the present meeting with the understanding that it in no way constituted a proposal by the United Kingdom:

"Terms of Reference of the Special Committee on Voting at the International Telecommunications Conference in Atlantic City:

"To consider the following amendments to article 18 § 1 and 2, article 19 and article 26 of Document No. 25 TR as amended by Document No. 39 TR, and then to submit a report to the Plenary Session by July 14 at the latest:

1. In the list in Article 18, § 1, of countries taking part in the present Conference and having the right to vote at plenary sessions of the Conference, the following additions and deletions have been suggested for consideration by the Committee, without this arrangement constituting a precedent:

ADDITIONS

- a) Latvia
- b) Lithuania
- c) Estonia
- d) Mongolian People's Republic
- e) Spain

DELETION

- a) Monaco

2. To consider whether the delegation of one country may vote on behalf of another country which has authorized it to do so, as provisionally set forth in the correction to article 18, § 2.

3. To consider replacing article 19, as suggested by the Delegation from the U.S.S.R. at the meeting of the Heads of Delegations on July 1, by a text providing for a procedure similar to that followed at meetings of the General Assembly of the United Nations. Under this procedure, proposals are divided into two categories (the classification in each case being determined by a majority of those present and voting), namely:

a) For adoption, important proposals must have a two-thirds majority of those present and voting, and

b) Other proposals may be adopted by absolute majority of those present and voting.

4. To consider whether Article 26 should be amended to permit the delegation of one country to sign also on behalf of another country which has authorized it to do so.

The Delegate of Italy asked whether the Special Committee was to study questions relating to this Conference only or whether it was also to consider provisions which would apply to subsequent conferences. In the latter case, the Italian Delegation would request that it be represented on the Special Committee.

The Delegate of the United Kingdom stated that this suggestion was completely in accord with what the Delegate from Italy had just said and he pointed out that he was referring to the Rules of Procedure of our Conference. The meeting of the Heads of Delegations seemed to have made it clear that the proposals were drawn up in order to obtain a quick decision on the Rules of Procedure of this Conference. It had been specified that this would not apply to future conferences and would not constitute a precedent for General Regulations to serve as a basis for future conferences.

The Belgian Delegate: "The Belgian Delegation has heard the United Kingdom Delegation propose a schedule of work for this Committee

which I should describe as provisional. I should like to request that this be only a recommendation and not an absolutely strict limitation because, if I understood what was said yesterday, there was also the question of considering at this Conference whether there was not reason to delete from the list certain other countries which should not appear there. And it is certain that we are working here under the aegis of the Madrid Convention. If I am not mistaken, I believe that there are in this list some countries which do not belong to the Union and therefore I consider that these countries have nothing to say in the matter. That is what I wished to state."

The Chairman: "One possible procedure might be for us to indicate here the scope and the outline of the work of this Committee and mention by name the countries which the Committee is to deal with. Another method might be for us to give carte blanche to the Committee and have it consider the admission of all countries including those appearing on the list. Is that your opinion? Or, on the contrary, do you wish to determine the countries about which the Committee is to draw up recommendations?"

The Belgian Delegate: "I believe that if we try to discriminate by listing names of countries, we shall make mistakes. We do not have here the documents and the information necessary for us to be able to determine immediately the countries which must be taken into consideration. Therefore my opinion is, as the Chairman set forth in his second alternative, we should give the Special Committee complete freedom of action."

The Chairman was of the opinion that the specific terms of reference of the Special Committee should be drawn up in order to define the scope of its work. Having completed the task thus set forth, the Special Committee could also deal with other countries if it so desired.

The Delegate of the United Kingdom: "It seems to me that we are now discussing an amendment to my proposal which we agreed yesterday to recommend to this Assembly. And I am very much afraid that, from a practical standpoint, the Belgian amendment will give rise to difficulties, for the work of the Committee is very exactly defined in the form which I suggested; it seems to conform to the recommendations of the Heads of Delegations which were made counting on the good will of all of us. But if the work of the Committee is extended to the consideration of subjects which might be suggested in the course of its work, I believe it will be difficult to obtain a report in the time allotted. I emphasize the matter: There is a very sharp difference between the character of the Special Committee and the character of the Committee on General Regulations. The former deals with the question of voting with reference only to the course of the Conference; the latter deals with Rules of Procedure which will eventually serve as a basis for future conferences. The Committee on General Regulations will have very broad terms of reference and will be able to deal with anything it wishes. We must be reasonable about the task of the Special Committee and I suggest that the Assembly accept the recommendation of the Heads of Delegations."

The Delegate of Argentina: "I thank the British Delegate for his statement. The Argentine Delegation emphasizes that Spain should

be represented at this Conference as a signatory to the Madrid Convention and on the same basis as the other members of the Telecommunications Union. If Spain has not been invited to this Conference, the Argentine Delegation earnestly proposes that this situation be corrected and that Spain be invited to participate in our deliberations. As a matter of fact:

1. Spain should be invited to the Telecommunications Conference in accordance with the Madrid Convention of 1932:

a) article 1 states that Spain is a member of the International Telecommunications Union.

b) in pursuance of article 3, § 3, the adherence of Spain entails for that country the advantages and the obligations stipulated by the Convention.

c) no article of this Convention or of its Regulations authorizes any country to exclude another country.

d) the Rules of Procedure provide that the delegates of all contracting countries shall be admitted to conferences.

2. From a strictly legal viewpoint, it must here be emphasized that all sovereign states must be put upon an equal footing. The principles of independence, of legal equality and of non-intervention are sacred to the Argentine Republic.

3. It would be well to recall that the International Telecommunication Union is preeminently a technical non-political body. It is for this reason that this Conference cannot bring its work to a successful conclusion unless all the Nations concerned are represented there.

4. At the meeting of the United Nations on December 12, 1946, it was recommended that the Franco government be excluded from the international organizations established by the United Nations or in relationship with them. But it is no less true that such an attitude constitutes a simple recommendation, and that this does not in any way bind the member-countries of the International Telecommunication Union. Moreover, there is no obligation, at least for the present, which binds us to the United Nations and forces us to such an exclusion.

"Hence, as a consequence, the Argentine Delegation urgently requests that the proposal which it has just presented be entered in its entirety in the minutes of the meeting."

The Chairman asked the Delegate of Argentina if his Delegation agreed that the question of Spain should be studied by the Special Committee.

The Delegate of Argentina replied in the affirmative.

The Chairman suggested, as a possible compromise, that terms of reference along the following lines be fixed for the Special Committee:

1. On the question of countries to be entitled to vote at this Conference, the first task of the Special Committee should be to study and report upon the admission or exclusion of the six countries mentioned by Mr. Townshend (Latvia, Lithuania, Esthonia, Outer Mongolia, Spain and Monaco). This report should be submitted by July 14th. Upon completion of this task, and of the other items on its agenda, the special committee may, if it so desired, consider the case of other countries which should be added to the list set forth in the provisional Rules of Procedure,

or which should be deleted from such a list. If the cases of particular countries were questioned, the Special Committee might refer such questions to the Plenary Session, or if time permitted, it might formulate specific recommendations concerning such cases. The first task of the Special Committee, however, was to submit a recommendation with respect to the six specific countries already mentioned.

2. If questions were raised with respect to countries other than the six mentioned, the Plenary Session might:

- a) Give a decision.
- b) Refer these questions back to the Special Committee for further study and recommendation.
- c) Refer such questions to another committee of the Conference, such as Committee F on General Regulations, for instance.

The Delegate of the United Kingdom expressed his agreement.

The Delegate of Belgium agreed on the subject of the transactional proposal, but put the following complementary question: "Are all the countries which have been designated to sit in the special committee Members of the Union?"

The Chairman first asked if there was objection to the terms of reference to be carried out by this special committee with respect to the countries entitled to vote. Upon ascertaining that the Session approved, he turned to the question raised by the Belgian delegate and enumerated the countries taking part in the Special Committee, as follows:

Sweden, (chairmanship), U.S.S.R., Guatemala, United Kingdom, Czechoslovakia, Canada, China, France, Uruguay, Belgium, Argentina, Netherlands Indies, Portugal, South Africa, United States of America. He requested the Secretary-General to reply to the question put by the Delegate of Belgium.

Mr. Gross, Secretary-General: "The question is very difficult to solve, because, as we have seen, it can be answered in various ways. A first criterion of the qualification of a member is the fact of having signed the Madrid Convention. When you are considering a country which has signed, and also approved, one of the Regulations attached thereto, this is another criterion of the qualification of a member. A third criterion, brought up during the meeting of Heads of Delegations, is the payment of contributions for the preceding year or for the last five years. Still another criterion is adherence to the Convention and to at least one of the Regulations.

"If you take the first criterion, my answer is that the countries which you have admitted to the special committee are, in fact, Members of the Union.

"As to the question of payment of dues, information concerning it has been given to the Management Committee of the Bureau of the Union of the Radio Conference. Up to the present, this Conference has considered that all information of this kind should be submitted only to the Management Committee. But if the Conference wishes to take cognizance of the list of countries which have not paid their dues, the Bureau of the Union can supply it to the Conference."

The Delegate of Yugoslavia asked to participate in the special committee. He supported the proposal of the United Kingdom relating to the terms of reference given to the committee.

The Delegate of China raised the following point of order: "The Delegate of Belgium has asked if all members of the committee were Members of the Union. The Secretary-General has pointed out the difficulties encountered in defining the qualification of a Member. I should like to know if I have correctly understood that, at the meeting of the Heads of Delegation yesterday afternoon, every country invited to this Conference had the right to take part in its work, without consideration of the definition of a contracting government. In this case, the question should not be raised at all."

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 (1). Belgium simply asked if the countries appearing in the list of members of the special committee were Members of the Union. The Secretary-General answered, and I do not believe I understood that the Delegate of Belgium had asked that we impose certain restrictive limits. The present question concerns the constitution of the Special Committee. Yugoslavia and New Zealand would be added to the list already read. As no objection has been made, the Special Committee will then be composed of all these countries."

The Delegate of Denmark believed it to be his understanding that the third point to be studied by the Special Committee referred to the two thirds majority required for the solution of certain problems. What were important questions and what were not important questions? It would be very difficult for the Special Committee to decide this question in the short time allowed it. He likewise believed that it had been decided to refer this question to Committee F. He stated that his Delegation was of the opinion that this question should not be covered by the special committee but by committee F, dealing with General Regulations.

The Delegate of the Dominican Republic: "The Delegation of the Dominican Republic declares itself in complete agreement with the Delegation of Argentina in regard to the necessity of studying the case of Spain. Spain - and this is natural - has an intellectual significance of the highest importance for all countries of Latin America. But the reasons which persuade us to support Argentina are not sentimental ones. We realize that, from a strictly legal viewpoint, and especially from a technical standpoint, the absence of Spain from a conference which should coordinate the interests of world telecommunications is a non-sequitur. We are likewise in agreement with the compromise solution so ably proposed by the Chairman which consists in referring the case of Spain to study by the special committee. We wish it

(1) Note of the B.U. : See the observation regarding this point made during the 2nd meeting (document 193 TR, page 41).

to be absolutely clear that we especially regret the absence of Spain from purely technical deliberations. This has nothing to do with political factors."

"The Delegate of Greece: "We have come to an agreement upon detailed terms of reference for the special committee and upon the constitution of this committee. But today a proposal is made to us to enlarge the terms of reference and to increase the membership of this committee. In this case, the Greek Delegation requests, either to take part in this committee, or to refer the whole question to Committee F, as Denmark proposed."

The Chairman: "Is there any objection? Otherwise, without objection, Greece will sit in this committee."

The Delegate of the United Kingdom: "I only wish to raise two points:

1. A question of date;
2. The question of a distinction to be made between the Rules of Procedure for this Conference and the General Regulations intended as a basis for future conferences.

"I believe that if the question which we are discussing here, that is, whether a two-thirds majority should be retained for this Conference, and is to be referred to committee F, it is evident that committee F should make a report on July 14th.

"As to the second question, committee F has the task of preparing and submitting for our study the rules which will be comprised in the General Regulations annexed to the new Convention, while the Special Committee will study certain questions relating to the Rules of Procedure of our Conference. It seems to me that it would be preferable that urgent questions be referred to the special committee. But I shall ask that, if it is Committee F which is to be entrusted with this matter, it be requested to prepare its report as quickly as possible."

The Chairman: "The Special Committee on Voting already has certain terms of reference to carry out and it has only one week to complete its task. To reply to the question from Denmark, are you agreed to discharge this committee from the duty of studying this question of the two-thirds majority and to transfer it to Committee F where every country can be represented? This Committee, on its part, will likewise present a report as soon as possible."

The Delegate of the United Kingdom expressed his agreement.

As the Assembly made no objection to this suggestion, the terms of reference as described were approved.

The Chairman: "There still is a question concerning the Rules of Procedure. We have agreed to admit, in a consultative capacity, four international organizations. But other international organizations are requesting the right to participate in the debates, and, in order that the Plenary Assembly may be fully informed, I am asking the Secretary-General to read us the list. No decision has as yet been made on this subject. The meeting of Heads of Delegations suggested that these organizations might be present at all meetings open to the public."

The Secretary-General then read the following list:

Inter-American Broadcasting Association, Montevideo;
International Air Transport Association, Montreal;
International Chamber of Commerce, Paris;
International Radio Committee, Paris;
International Shipping Conference, London;
International Federation of Radio Officers, Copenhagen;
International Shipping Federation, London;
International Broadcasting Organization, Brussels;
Inter-American Radio Office, Habana;
International Meteorological Organization, Lausanne;
Commercial Telegrapher's Union, Washington;
International Broadcasting Union, Geneva;
International Amateur Radio Union, West Hartford, Conn.

The Assembly agreed to the suggestion presented and consented that, any possible future proposals referring to other organizations might be examined.

The Chairman turned to point 10 of the Agenda: Working Methods (Document No. 34 TR-E). He proposed adoption of the same methods as those in force in the Radio Conference, which were recommended by the meeting of the Heads of Delegations.

Adopted.

The Chairman: "There still is the question of languages. It is one of the most important problems. Many proposals have been put forward to revise Article 21 of the Madrid Convention. The Heads of Delegations were of the opinion that Committee C should be entrusted therewith, and should present a recommendation on this question to the Conference. However, in order that we may begin our work, the Heads of Delegations recommend as a temporary solution of a practical nature, that the Telecommunications Conference adopt the linguistic arrangements and working methods of the Radio Conference. It is understood that acting in this manner will not prejudice the later decision of the Conference, when it revises Article 21, of the Madrid Convention. I shall summarize the suggestion which is being submitted to you: French, English and Spanish are translated, thanks to the system of simultaneous interpretation, the expenses arising from interpretation into Spanish being borne by the delegations speaking this language. Russian when spoken on the floor, is translated over the Simultaneous System into Spanish, French and English. Documents of the Conference are drafted in French and in English (1). Upon special request, and in the case of particularly important documents, translations may also be made into Spanish and Russian. But it is necessary that such requests be reduced to a reasonable minimum. For the final text of proposals relating to the Convention and Regulations

(1) Note of the B.U. : See the observation regarding this subject made during the 2nd meeting (document 193 TR, page 42)

we shall act in conformity with the Convention which stipulates that French is the official language. However, in anticipation of the possible admission of other additional official languages, an effort is being made to provide for an equivalent parallel English text. However, this text is completely informal until such time as the Conference decides, if it so decides, that English shall be one of the official languages. This arrangement will permit us to be prepared if the Conference requests the adoption of an English text in an official capacity."

Adopted.

The Delegate of Ecuador called the attention of the assembly to the fact that the United States would celebrate their independence on Friday, July 4th. The Delegation of Ecuador, speaking in the name of all the Delegations present, requested the Chairman to transmit to the President of the United States and to the members of Congress their sincere congratulations as well as the renewed expression of their friendship.

He also proposed that the gratitude of the Conference be likewise expressed to the United States for their notable contribution to the cause of democracy.

(Prolonged applause)

The Chairman, in the name of the Government of the United States thanked the Honorable Delegate of Ecuador and the whole Assembly for their courtesy. As the 4th of July is a holiday for everyone, he invited the Delegations who are celebrating or will celebrate their national festival far from their own country, to join in the national American holiday, considering this day as a universal holiday for all.

He read the agenda for the following day, then, to close the debates, he invited the members of the Conference to accept an invitation to a reception, that same evening, offered by the Delegation of the United States.

The meeting was adjourned at 1.45 p.m.

Secretaries-General:

L. MULATIER

GERALD C. GROSS

Secretaries:

E. RUSILLON

A. AUBERSON

P. OULEVEY

V. MEYER

Read,

Chairman:

Charles R. DENNY

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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 Rules of Procedure 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 Rules of Procedure to provide for voting by proxy.
8. Amendment of Article 26 of the Rules of Procedure 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 meeting, 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 the vote.

He read his proposal advocating the introduction of a new

paragraph in Article 21 of the Rules of Procedure; 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 manoeuvres and might encourage abstentions, the secret ballot decides any question conclusively. Article 19, which was to be studied, provides that a proposal receiving a two-thirds majority vote shall 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 introduce any complication into the procedure by adding a secret ballot. He did not think that at this Conference, where representatives of governments were 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 was a technical organ and that the secret ballot was 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; Belgian Congo; and territories 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 consisted of replacing "two or more" by "half of the delegations."

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

The Delegate from Belgium 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 fix the number of delegations at 5.

The Delegate from the U.S.S.R. then supported the Egyptian proposal (50%).

The Delegate from Egypt 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 Delegate from Cuba 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 17) 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 18.

"I have no doubt that the Atlantic City Conference is the legal and juridical successor of the Madrid Conference."

and further, on page 19 -

"This Conference is very definitely a conference of the International Telecommunication 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 here to repeat very clearly and energetically 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 Telecommunication Union the right to vote in our deliberations. The Special Committee on Voting has discussed this question at length, and it has been clearly 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.- 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 whatsoever. 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 of the International Telecommunication 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 to 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 Telecommunication 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 fulfil 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 would be done. (1)

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 appeared in the minutes, that is: "The documents of the Conference are drafted in French and in English."

(1) Note from the B.U.: the corresponding modification was included in the minutes of the 1st meeting (document 57 TR-E)

The Chairman reminded the meeting that it was clearly stated further on that French was 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 are not conflicting. 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 the 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 is really the responsibility of our Conference; as a matter of fact, it had certain scruples in the matter, since it left it 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 raise the matter again when Article 21 of the Madrid Convention was being considered.

The minutes of the first Plenary Session were then approved.

Point 2 of the Agenda (Amendment of Article 19 of the Rules of Procedure 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 had always used the principle of a simple majority with complete satisfaction. Even if a two-thirds majority vote had been proved acceptable in an organization like the U.N., it had no reason for existence in our Union, which was 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 the retention of 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 the 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 in fact, been taken, 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 determine 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 of 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 had 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, assuming that 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 all 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 the 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 discussions 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 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 the situation in question, to define which were the 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 South-west Africa; Albania; Belgium; Belgian Congo and Territories under the mandate of Ruanda-Urundi; Bielorussia; Burma; Bulgaria; Vatican City States; 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 deferred to a subsequent 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 Rules of Procedure 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 up 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 upon 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 should 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 going so far as to make a 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 upon the important questions, 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 of 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 might arise 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 have just agreed that the secret ballot could be used on a proposal supported by five delegations."

The Delegate from the Lebanon 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 the Lebanon 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; Iceland; Lebanon; Luxembourg; Monaco; Norway; New Zealand; Netherlands; Netherlands Indies; Poland; Portugal; Portuguese Colonies; Sweden; Switzerland; Csechoslovakia; 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 the Lebanon.

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 the Lebanon 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 questions 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 up 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).

Voted for: 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, Lebanon; Mexico; Nicaragua; Panama; Peru; Philippines; Siam; Turkey; Uruguay; Venezuela.

Voted against: 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 French 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.

Abstained: 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 Rules of Procedure 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 and 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 asked if there were any objections - Adopted -

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 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 an investigation of 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. Was is the root of this question? As we all know, our Conference is the Conference of members of the Telecommunication 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 to leave 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 Manageme 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 Rules of Procedure. The fact that they do not appear in it constitutes an obvious error.

"What reason is there for the omission of the names of Baltic Republics in 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 its own right as a state in an independent manner. The U.S.S.R. protects the sovereign rights of the Soviet Republics."

"Article 16 specifies that each Soviet Republic, taking into consideration the 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 Telecommunication 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 Telecommunication Union. Where is your logic, gentlemen of the United Kingdom Delegation?

"It is regrettable that subsequent statement 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 raising 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 Telecommunication 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 Rules of Procedure

"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 Rules of Procedure 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 Rules of Procedure, and why we are discussing at all the question of their inclusion or non-inclusion in the list. Being fully competent members of the Telecommunication 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 Telecommunication 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 Telecommunication 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 Telecommunication 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 Telecommunication 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 Rules of Procedure.

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 apply to 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 fulfil 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 was 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 on 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 that the Baltic States should not be included 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 since 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 solved.

"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 questions 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 Rules of Procedure ; "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 taken.

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 Rules of Procedure 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" (document 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).

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 and territories under the mandate of Ruanda-Urundi; Bielorussia; Egypt; France; colonies, protectorates, and overseas territories under French mandate; Hungary; Monaco; 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:

"Mr. 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 Conference of Plenipotentiaries.

"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 neighbours 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, theatres 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 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 Telecommunication 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 Rules of Procedure.

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 required 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) (Document 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 fact that Spain should not be invited 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, although 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 as extremely unfortunate. 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 merely requested 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 under a political regime which will not then enjoy 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 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 Telecommunication 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 reads the text of this recommendation, cold and laconic, as it appears on page 2 of Document 104 TR- and in conjunction therewith, the debates as summarized in the respective minutes: namely, in the confidential documents J-TR and L-TR, to bring the realization, with infinite sorrow and deep anguish that because of today's approval of the recommendation presented by Committee we shall by that fact, and on this very day, have signed the inevitable death sentence of the International Telecommunication Union, that International Telecommunication 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 Telecommunication 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 harbour 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 honour, 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 Telecommunication 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, 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 interest 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 makes 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 were 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 case of the Baltic States and that of the 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 facts of 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 with 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 3 of the Madrid Convention, the Honorable Delegate of the Soviet Union made the following juridical corollary, the orthodoxy of which cannot be questioned:

" "We have no 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 Telecommunication 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 Telecommunication 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 favour 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 an 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 Telecommunication 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 link 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. In this connection, 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 other however. In other words: the ITU has always been an organization of peace and it must continue to be so; 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 being 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 enforcement instrument. It is an advice the application of which depends on various circumstances. It may not be followed; it may be adopted, or it may not be adopted. This means, therefore, that the ITU, the member nations of ITU 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 recognized as such by the Secretary Council of the UNO that the ITU will 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 either from a juridical point of view or from 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 of 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 eye of the UNO there exists in Spain a specific government which is dealt with in 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 retain 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 to know 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:

"Furthermore, the resolution was not compulsory, but solely a recommendation to each of the Member Governments."

"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:

"....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 were 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. Jose Arco 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. 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, Annex 1, and L-TR, Annex 11, 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 quote 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.

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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 the Postal Union had unsuccessfully tried to apply the 2/3 majority 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 in 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:

"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 in quality.

"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 committee 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 vicissitudes. 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 think that the recommendation of the United Nations has no retroactive effect and entails only a fortiori results; we think 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: only what can be denied 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 settling the political problems of the world.

"The I.T.U. has the possible task of coordinating the telecommunications of the world.

"If we were to exclude Spain from participation in these Conferences, we should not only violate the Madrid Convention which grieves so much some delegations here - but we should commit an offence 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, practised 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 honour - 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 will tomorrow take inventory 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 then 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 Rules of Procedure."

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 tribute he has paid to the impartiality shown by Soviet delegates in numerous 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. Article 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 December 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: "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 speak more clearly of 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? 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 recommendations 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 that the proposal of the committee with regard to the question of Franco-Spain is well founded. 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 effective Member;

"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 on the question of Spain, a country to which we are bound by sentimental and historical ties."

The delegate from 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 necessarily 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, the seat of which is provisionally 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 the time when 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 are in jail and the number of daily shootings remains constant."

The statement of the Delegation from Guatemala was then heard:

"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 sacrifice 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 Telecommunication 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 Telecommunication 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 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 to recognize 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 the immortal 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 Spain of so many great deeds, 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. 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.

The Delegate from the 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 were not working as well as we might, we wanted to recall a little history, 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 Telecommunication 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 a technically unjustifiable 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 Telecommunication 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 Telecommunication 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 (document 57 TR. page 20).

"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 commend, 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 so to speak, of the International Telecommunication Union following from 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 Telecommunication Union exists as a corporal and spiritual entity. This is a conference of that Union, this cannot be denied. This point has certainly been cleared up and there is no reason to go over it again. But what 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 is 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 Telecommunication Union, the Universal Postal Union, etc.

"What then did they do about these prior commitments? Did they decide to withdraw from the said agencies? Certainly 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. or represented herein. 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.

"Once the necessity of this association was felt and the means, that is to say the clauses of the agreement which substantially vouches for the technical independence were determined, it was, nevertheless, necessary 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 I.T.U., the U.P.U. etc. continued to exist. And how could such a conflict be resolved? As the Charter cannot ignore the existence, of the organizations previously created, 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. In other words: The I.T.U. would enjoy complete freedom of action, but if from its decisions there resulted a conflict between obligations as a Member of the I.T.U. and obligations as a Member of U.N., Members of the U.N. must first fulfil their obligations as Members of U.N.

"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 to this end. If we are able to agree here on a definite basis, the countries which are not Members of the U.N. can support the work of the U.N. through their present obligations assumed as Members of the I.T.U. that is, of one 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 takes measures-not mere makes recommendations - to maintain peace.

"That is, Gentlemen, what was agreed at San Francisco. But at San Francisco, Gentlemen, it was also agreed to respect and recognize 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 international peace and security, the U.N. may make, 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 possibly death for these specialized agencies.

"As a consequence, if even the Charter of the U.N. which equally binds all its signatories, respects the national frontiers of each country, recognizing that its sovereignty is impregnable and its internal structure inviolable, it is quite evident, that the I.T.U. and its plenipotenriary or administrative conferences, whose terms of reference are essentially technical and restricted to technical matters, cannot override its terms of reference 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 prevent 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 VI of the draft agreement between the U.N. and the Universal Postal Union, signed in Paris, on July 4, of this year, the terms of which 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 come faisant obstacle
"ou apportant une limitation quelconque a 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 - safeguards the liberty of those countries in the U.P.U. which are not Members of the U.N. This solution seems to us to be not only clear but final.

"We repeat: The I.T.U. given its technical independence and given its policy regarding general cooperation 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 in order to enforce this measure, it is necessary to interrupt all communications by telegraph, telephone, radio, etc

"If we should decide to banish Spain from our Union, Gentlemen, we would convert into a coercive measure something which was merely intended as a recommendation. We do not believe that we can go further than the U.N.O. itself.

"I ask the Delegates to re-read the recommendation in document JTR page 3, and to meditate carefully on it before voting and deciding on the death of the I.T.U. such an exclusion 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 International Telecommunication Union is in our hands, Gentlemen. The Argentine Republic wishes to safeguard its responsibility as a Member, it also wishes to safeguard the principle of non-interference and wishes to say once again that it does not feel itself bound by any measure which 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.

"That is all I have to say, 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 favour of this admission will vote YES; those not in favour, 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 on the previous day, 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 doing so, 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 Rules of Procedure. I am of the opinion that it will be advisable to study this article in due time.

"But the question which must be decided upon 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 as 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: "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.

"The motion having been supported, the vote will be taken by secret ballot ", said the Chairman.

The Lelegate 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 take a definite stand and 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 was not legally correct. He asked that the Vatican Delegation's statement that the form of the proposal was not legally correct be inserted verbatim in the minutes and he requested that even if the majority of the votes was against him that the declaration be inserted.

In answering the question from the Chairman, he replied, however, that he did not wish to lodge an appeal, because he was 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 admission 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 appearing 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 Telecommunication Union should have, and which has been opposed for the highest reasons of principle to the unjustified exclusion of any country whatsoever, decline any responsibility for the decision just taken by this plenary assembly, and requests that this statement be recorded 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 informed 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 Rules of Procedure."

"Are there any objections to the adoption of this recommendations?"

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 Delegate 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 correct 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 analogous 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 Rules of Procedure. I should simply like to point out that, in fact, 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 Rules of Procedure."

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 Rules of Procedure 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 favouring proxy voting. It pointed out, however, that the text of its recommendation is somewhat different from the wording given provisionally in the Rules of Procedure. 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 dispoose, 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 is 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 sub-committees, opinions were given by the delegation members of the committee or subcommittee concerned, and that this was 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 did 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 other words again, 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 could almost 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 on 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 Rules of Procedure of this Conference, Article 21, § 4, subparagraph 2, read: "A delegation". This meant that, with such a clear provision, 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 presented is this: Is it necessary to amend Article 26 of the Rules of Procedure 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 taken."

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 taken 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 think 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 Bielorrussian 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 taken. Mr. Chairman, I address you and all this Assembly, and I request you all to support this proposal. We must take a just decision and review the decision already taken."

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 meeting (Esthonia, 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 assembly 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 to a future plenary meeting." I take it this recommendation means 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 accession 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 Conference of Plenipotentiaries.

The result has been that during the last two weeks, we have been unable to hold a plenary meeting 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 will have to deal with 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 assembly, 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 however 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 proved their interest in the adjustment of all telecommunication problems on a world-wide scale.

"Our Delegation is fully aware of the arduous task which the study of this question would impose upon a special committee, and we would 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 Assembly 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 we might take avail of their presence to reconsider 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 meeting; 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 Delegate from the U.S.S.R.: "I am convinced that all these problems must be solved here and now. I am perfectly in agreement 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 meetings. The time spent on this might better be employed in solving essential problems, such as the technical questions which concern us, and questions concerning the Convention, 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 could give our attention to the 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 would be obliged to set forth motives supporting such a request.

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

The Delegate from Peru: "The Delegate from Guatemala has clearly 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 meeting 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 noted that a group led by the

countries of Latin America had 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 it."

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 meeting, 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 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 made this clear 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, but I did not want to interrupt the proceedings of the Conference. If we contemplate 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 error. 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 a basis for our discussions. I therefore fail to see how we shall be in a position to offer any such criticisms. The Belgian Delegation

has already both at the meeting of heads of delegations and at the first plenary meeting raised the case of countries, other than the six clearly specified countries, which are not Members of the Union. The first plenary assembly 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, 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 submission to the second plenary meeting 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 so.

"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 aegis 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, the Belgian Delegation reserves its position 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 assembly 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 Conference of Plenipotentiaries. 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 a 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 a legally unquestionable 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 as to 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 the latter, - 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 to whom the right to vote has been provisionally granted. In accordance with the Rules of Procedure, each of these countries has the right to vote at this Conference unless a decision made here should exclude them from it. We can deal with each country or with all of them as a whole. 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 right was 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 right to participate of the 77 countries. 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 meeting, (document 57 TR) I found 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 some changes. 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 think -- and it is not Belgium alone, but all European countries in general which are of this mind -- 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 the drafting of 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 when 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 Conference of Plenipotentiaries, 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 Rules of Procedure 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 Rules of Procedure, 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 legal 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 legal 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 to formally refute this opinion. 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 legal 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 the fact that their presence here is necessary. 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 submit 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 time to fulfil all the necessary formalities, but who had been invited, the question would then be liquidated. Such is my proposal".

The Chairman: "I understood the proposal. According to my interpretation of the provisional Rules of Procedure, 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 Rules of Procedure now in force would authorize me to follow this method. In fact, at present the Rules of Procedure 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 be denied the right of vote on this question of the admission of countries simply because another delegate questioned the legal 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 question the presence of 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, since 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:

"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 policy advocated by the Belgian Delegation, because it is a negative one and because the Atlantic City Conference needs a constructive policy to accomplish its task.

"Our country was officially invited to this series of Telecommunications Conferences by the Government of the United States, 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, 1946; 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 honour of inviting the Governments, 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 honour 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 18, 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 Plenipoten-
"tiary Conference to revise the International Telecommunication
"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 honour 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 honour
"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 delegations
"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 always complied with 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 footing 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 and the various proposals to be dealt with at this Conference. Therefore, I take satisfaction in pointing out that all of Chile's proposals were considered although they had been submitted without knowledge of the agreements of the Moscow Conference. I am speaking of my country's official proposals.

"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 the study of the position of countries which are represented at this Conference and which, as Switzerland found at the last moment, are not Members of the Union. However, Switzerland only considered a few countries which are not Members of the Union, 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 Rules of Procedure, 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 meeting, I should like to explain how we ascertained that some 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 accession 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 accession. 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 meeting 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 by right.

"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 accession to the Madrid Convention, or of ratification, and that it must therefore be considered a Member by right.

"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 and that we do not know of it. 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 had 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 are 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. But I also think that, since we are here, it behoves us to decide whether we wish the right to vote to be granted 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 on this respect, 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 question of 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 by right."

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 behoves our Assembly to decide on 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 full Members. 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 the 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, in the 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 - I 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 undertook to regulate matters no later than the end of 1947. This delegation for one undertook to do so on behalf of Saudi Arabia.

The Delegation from the Argentine Republic made a statement of which the summary follows:

"QUALITY OF MEMBER OF THE I.T.U.

"1. In conformity with 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 accessions, 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. It consequently gives the latter full latitude for 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 legal 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 entry into force of the Madrid Convention. 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 further: 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

Rules of Procedure 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 Conference, the countries whose names do not at present appear in Article 21 of the said Rules of Procedure 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 decision the countries included in the list of Article 21 of the Rules of Procedure of Cairo should therefore be admitted with full rights to vote during the course of the present Conference, even if no decision had been taken in this regard by the plenary assembly. Countries not in this list may ask to be included.

"This decision was invoked during the second plenary meeting of the Radio Conference by the Soviet Union (document 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 Rules of Procedure 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 Rules of Procedure of Madrid and in those of Cairo cannot be clearer: except in case of denunciation 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 if 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 which 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 ever 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 Member 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 I 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 neighbours, 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 granted.

"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 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. Since no date-line is specified, we have full discretion in this respect.

"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 Conference of Plenipotentiaries - 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 Conference of Plenipotentiaries 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 in the 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 countries, whose right to vote has been questioned 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 this plenary meeting for consideration. Mr. Chairman, you yourself 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 be 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. It results from an investigation that in fact thirty-three countries have not respected all the detail of the Convention. In the Convention it is specified that each Conference

may establish its own Rules of Procedure 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 Conference of Plenipotentiaries 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 favour, 4 abstentions (12 absent)

The resolution was adopted.

In favour: 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: nil.

Abstentions: Chile, Equador, 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 conciliatory spirit.

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 Rules of Procedure. 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 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 Rules of Procedure 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, 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 taken 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 11: 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 Rules of Procedure, 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 regard 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 raised 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 proceed with the debates because the French Delegation had just suggested adjourning the meeting.

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.

The meeting was adjourned at 6:40 p.m.

The Secretaries-General: The Secretaries:

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 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 Bielorussia 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.

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 Rules of Procedure was 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 more apt 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 involved reconsideration of a decision already made. It was self-evident that the Assembly was sovereign in deciding whether a question already settled should be reconsidered. However, it was advisable to act with discretion in this matter.

If the Assembly decided to reconsider Article 19, there would inevitably be two questions to discuss: one of principle, and one of procedure. To save time, he requested the Delegates who took 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, 5 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 Dele-

gation 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.

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 be considered:

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 that the object of the meeting is the reconsideration of this question of a simple or a qualified majority. 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 this system had worked well.

"Our second reason for supporting the retention of the simple majority was that we knew it to be an extremely simple system 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 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 preparatory work 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 this 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 the 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 determination to bring things to a successful conclusion, 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 endeavor 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 a precise statement of what is important is possible. Take, for instance, 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 the two-thirds method would have to be applied widely, so that it would be the rule and not the exception, and a lot of time would 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 Rules of Procedure 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 finer 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 insertion of the text 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, and thus 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 or 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 and we can do nothing about it. But one thing is more serious: it is that we shall probably 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 has 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 had already been accepted and adopted in this meeting. But we had 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-third 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 had given as an example the budget of the Union. It was evident that if this budget were to include expenses ten or twenty times greater than those of today, 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 constituted a definition which had to be adopted by a sufficient majority. Other important questions could be enumerated. Committee F which was entrusted with this study by the Conference, had rightly stressed that a very limited list of such questions should be drawn up. It was obvious that if any question was dealt

with, or if any proposal which was not in contradiction with the conventional provisions was 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 was not an approximate vote but a most satisfactory majority. We had 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 seemed 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 Rules of Procedure, 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 was a result of the fact that we were working under the menace of a two-thirds majority vote. The Cuban Delegation had 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 met with so many objections, it was because a rule of procedure was added to it which paralyzed its effects. He supported the proposal which in his opinion, was the most concrete, that of the U.S.S.R., because it advised the establishment of a list of important questions. In other words, if this list could be drawn up, the principle of a two-thirds majority must be applied to the questions it contained; if it could not be drawn up, we would have to 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 was a very bad principle to nullify what had already been accomplished in a plenary assembly, unless it had been clearly established that an error of procedure had 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 contained in § 3, c) a complementary provision providing for the case in which a two-thirds majority vote had produced no result and the question was referred to a later session during which the rule of a simple majority of affirmative and negative votes was 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.

Voted 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.

Voted 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; Rumania; 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).

Voted 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.

Voted 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.

Abstained: Afghanistan; Albania; Burma; Vatican City; Ethiopia; Guatemala; Iraq; Lebanon; Venezuela.

Absent: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Southern Rhodesia; Haiti; Liberia; Paraguay; Rumania; 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

(Text 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 amendment 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. 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; Rumania; 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 required 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 would happen if the Conference did 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 was, 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 of contribution to be 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 depended solely on the way the question was 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 Bielorussia 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., that the Budget of the Union should be adopted only on the basis of a two-thirds majority vote.

The Delegate from the United States was of the opinion that if we accepted the approval of the budget by a two-thirds majority, there was 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 could continue as in the past, to vote according to the principle of the simple majority with reservations being made by some countries, as had already been the case. We should not forget that at Madrid we had 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 had 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 and 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 was an established basis, and which meant that we had something to build on. But this principle should only apply in cases of important changes made in this established basis. It was difficult to define the essential parts of the structure, and as this definition was 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 affected all the States and all those who represented 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 was, in his opinion, much more important than the admission or exclusion of a Member.

The Delegate from Cuba pointed out that there was a group of delegations that spoke as if the supreme law of our conference were the status-quo, although this conference was called to reform what was 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 had disregarded the terms of the Madrid Convention. In order to create a strong and durable Union, we should have to 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 was difficult to conceive

of a revolution within our Union. A time might come when a majority of nations would 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 should 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 was as follows:

"The Plenary Assembly considers that the question of voting has been discussed very thoroughly, and that the procedure outlined in document N. 135 TR, amended by Canada and adopted by the Conference, shall 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 yield 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; Rumania; 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 by 40 votes to 7.

The Delegate from China stated that in view of the importance he attached to the question of voting, and to save hours of debate later on, he wished to ask the Chairman the following question: "Was it quite clear that the simple majority meant 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 that 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 it is known 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 that this interpretation 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 proposal 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 174 TR (Document 130 TR), 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 was 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 Bielorussia 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 Rules of Procedure. 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 Rules of Procedure 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 since discussions had been reopened 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; Argentina; 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; Rumania; 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 applied to the case dealt with in paragraph 2 as well as to the case dealt with in paragraph 3.

This interpretation called for 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 applied 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 Rumania 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 cases where they had changed 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 stated that the two-thirds majority (38) 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

Seen by the Chairman:

Charles R. Denny

M I N U T E S
of the fourth Plenary Meeting
August 5, 1947

The meeting was called to order at 10:20 by Mr. Charles R. Denny, Chairman of the Conferences.

The Chairman pointed out that the Plenary Meeting had been convened to consider a proposal submitted at the Meeting of the Heads of Delegations on August 1 (Document Nos. 199 TR and 683 R).

The questions on the agenda may be found in the "Important Notice" already distributed, as follows:

Proposal 1: That the High Frequency Broadcasting Conference should convene at Atlantic City on August 15 (or some later date in August or September, 1947, to be specified) with a complete substantive agenda.

Proposal 2: That instead of holding a High Frequency Broadcasting Conference with a complete substantive agenda, the work at Atlantic City should be restricted to preliminary exploration of the important questions with the view to planning for a conference to be held at some other place at a future date.

Before opening the discussion, the Chairman asked if there were any comments concerning the minutes of the second and third Plenary Meetings of the Telecommunication Conference (Document Nos. 193 TR and 145 TR).

These minutes were adopted without modifications.

The Chairman then recognized the Delegate from the United States, who made the following statement:

"The Delegation of the United States has reviewed its position in respect to High Frequency Broadcasting in the light of the discussions which took place at the last meeting of the Heads of Delegations and wishes to make a statement in support of a short conference on High Frequency Broadcasting.

It is generally agreed that the main purpose of the Conferences now in progress is to bring order out of the chaos now existing in the frequency spectrum and to provide plans for the optimum use of bands of frequencies by the respective services. Unfortunately, however, due

to insufficient time, it will not be possible to hold a full scale broadcasting conference as was originally contemplated. Therefore, we agree that we cannot reengineer the bands allocated to high frequency broadcasting and make specific frequency assignments within the time we will have at our disposal at Atlantic City. Moreover, we agree that we cannot start the High Frequency Broadcasting Conference on August 15 without interfering with the Radio and Plenipotentiary Conferences.

On the other hand, we firmly believe that considerable progress can be made within the limited time available at Atlantic City in regard to certain matters relating to high frequency broadcasting and, particularly, technical matters insofar as they relate to broad plans of good engineering practice, upon which a world wide frequency assignment and sharing plan could be based.

But even on this limited basis we feel that a definite closing date by which all work in Atlantic City will be finished must be agreed upon.

We feel that the work on high frequency broadcasting could begin on August 25 without interfering with the work of the Radio and Plenipotentiary Conferences and that all activity at Atlantic City must be finally concluded no later than September 30, 1947, which we propose as the final date of departure of all Delegations. In fixing this date we have assumed that the Radio Regulations and the new Convention will be signed by September 15.

We have carefully reviewed Document No. 200 TR- /686 R which is the Denmark and United Kingdom proposal in respect of an agenda for the High Frequency Broadcasting Conference. We are prepared to accept this proposal with very slight modification. Specifically, we have in mind that item 2 (c) should call for the formulation, rather than the consideration of broad engineering principles on which a new frequency assignment plan for high frequency broadcasting services should be based. Our only other suggestion in regard to the Denmark-United Kingdom proposal is that item 2 (e) (2) which provides for the drafting of an agenda for the next high frequency broadcasting conference, should specifically indicate that matters relating to practice and procedure should be included as well as technical matters.

The agenda in Doc. 200 TR- /686R does not include consideration of proposals for a separate broadcasting organization within the framework of the I.T.U. However, there are impelling reasons for considering such proposals. As a result of discussions with other governmental representatives in Rio de Janeiro, Moscow and

Paris, the United States submitted Document No.14 Rhf, which is a proposal covering a complete set of high frequency broadcasting regulations. In addition to a chapter which covers engineering matters only, the proposed regulations include a chapter dealing with the status of the regulations - that is, the relationship of the regulations to the International Telecommunications Convention; the procedure for calling future conferences, the establishment of a high frequency broadcasting board in which the scope, functions, composition and Rules of Procedure are set forth, general principles relating to organizational matters and proposals of a general nature such as the right of countries to enter into regional or other special arrangements. The reason we do not propose at this time the inclusion of these proposals on questions of organization and procedure in the agenda of the H.F.B. conference is that there are presently pending before the Radio Conferences proposals for the establishment of a broadcasting board and there are differences of opinion on this matter. One view is that this board should be limited to high frequency broadcasting matters, the other view is that this board should deal with both high frequency and medium frequency broadcasting problems. We feel that neither the Radio nor the High Frequency Broadcasting Conferences can reconcile these divergent views. Indeed it would appear that only the Plenipotentiary Conference can do this. Therefore, we propose that the Radio Conference shall forthwith refer to Committee C of the Plenipotentiary Conference the proposals which it now has under consideration relating to the creation of a broadcasting board. The Plenipotentiary Conference shall then decide whether such a board shall be created and if created, shall, with the advice of the high frequency broadcast conference, define its functions.

Reverting to the Denmark-United Kingdom proposals for an agenda for the High Frequency Broadcasting Conference, the Delegation of the United States wishes to point out that it has given considerable study to the problem of formulating a specific proposal which lays a complete engineering basis for an assignment plan and is prepared to submit such a proposal when the High Frequency Broadcasting Conference convenes. It should be emphasized, however, that the United States proposal does not include specific frequency assignments, since we

believe that a future conference is best able to fit the discrete frequencies within the framework of the plan.

It should be pointed out that we are now fairly certain that Committee 5 will approve certain bands of frequencies for high frequency broadcasting which will represent an increase of about 38% in broadcasting space between 5.95 and 20 megacycles, which is the most generally useful part of the high frequency broadcasting spectrum. The 38% does not take into account the seven megacycle band which may be shared on a geographical basis.

Even with these expanded bands the broadcasting requirements of the world cannot be accommodated unless the bands are utilized with recognized engineering principles. Accordingly, we again wish to emphasize the necessity of formulating principles of good engineering practices upon which a world wide frequency assignment and sharing plan could be based.

In support of the foregoing views, the United States Delegation wishes to invite attention to the fact that it was unanimous decision of all the American nations at the Third Inter-American Conference held in Rio de Janeiro that a High Frequency Broadcasting Conference should be held immediately following the World Radio Conference. Moreover at the Paris informal broadcasting conference, 1946, as a result of discussions on the subject of a high frequency broadcasting organization, it was agreed that a High Frequency Broadcast Conference should be held in conjunction with the World Telecommunications Conference. Thus the need for a broadcasting conference at an early date has been generally recognized.

Before concluding, there are a few obvious facts which also support the view that a short conference should be convened at Atlantic City, beginning as I have suggested on August 25. First, we are fortunate in having at our disposal the facilities of the Berne Secretariat including the simultaneous translating system. In addition, there are in attendance at the Radio and Plenipotentiary Conferences many trained experts who are best qualified to do the most effective planning work for the best utilization of the newly allocated broadcasting bands. These experts have been devoting their full time to work of these Conferences and have a fresh viewpoint on telecommunication matters generally which should prove to be of inestimable value in carrying through the work of the High Frequency Broadcasting Conference.

To recapitulate, we propose:

1. That a short conference on High Frequency Broadcasting be

convened on August 25, provided the work of the Radio and Plenipotentiary Conferences permits, but on no account should the High Frequency Broadcasting Conference be delayed beyond September 8.

2. That this conference should devote itself primarily to the formulation of the engineering principles which would underlie a frequency assignment plan to be prepared in the future; and that it should also plan in detail the agenda and prepare for the next H.F.B. Conference.
3. Matters relating to the H.F.B. organization should be considered and dealt with by the Plenipotentiary Conference instead of being taken up initially by the H.F.B. Conference, as had been contemplated.
4. We feel that all conference activity should be concluded no later than September 30, 1947, which we propose as the latest date of departure of all Delegations from Atlantic City. In fixing this date limit for our stay at Atlantic City we have assumed that the Radio Regulations and the new Convention will be signed by September 15."

The Delegate from the U.S.S.R. then spoke as follows:

"Among the principle questions before us for study in the course of the Conferences meeting in Atlantic City, the most important are questions which relate to a definitive plan for the use of frequencies in their varied fields of usefulness. From this standpoint I deem it highly important to decide upon measures which will admit the arrangement for the use of frequencies. In especial, I am contemplating the preparation of a new plan of frequency assignments between services in order to satisfy the various organizations and aid them to collaborate more closely in the arrangement of high frequencies. For this purpose, it is fitting to attach great importance to the study of questions touching the organization of work on the Frequency List in which Committee 6 is engaged. We have all recognized the need of preparing, as speedily as possible, a new International Frequency List based on sound engineering principles and on a reallocation of frequencies among the services. During the discussions of problems relating to the preparation of a new International Frequency List, we discovered that these problems raised numerous difficulties and we also came to realize that it was indispensable once more to undertake an important task of preparation.

" Among the services which interest us, broadcasting needs to be organized as speedily as possible as far as the use of frequencies is concerned. Broadcasting interests a great number of countries, and its efficiency can only be guaranteed insofar as interference between different broadcasting stations can be avoided. Moreover, all services are equally interested in the proper use of frequencies by broadcasting stations, all the more so, since many broadcasting stations are unfortunately obliged to work on frequencies which have not been reserved for broadcasting. It is therefore evident that a speedy solution of this question, based on the conclusion of agreements on the use of the frequency spectrum is as urgent as it is important.

" I recall that this question, although it was not the subject of any thorough discussion at the Cairo Conference, nevertheless gave rise to the hope that, in as short a time as possible, a special Conference might be convened to examine the case of high frequency broadcasting. For this reason, we approve the proposal to convene at Atlantic City on August 15 next, a special Conference for High Frequency Broadcasting, the purpose of which will be to assign the frequencies required for the different broadcasting stations of the world, in order to avoid as far as possible harmful interference between stations and, moreover, to improve the efficiency of use of the frequency spectrum reserved for broadcasting. The difficulties which we are encountering in preparing the Frequency List are great in comparison to those which will arise here when the frequencies are assigned between broadcasting stations.

" We are of the opinion that the preparation of a new International Frequency List, based on technical principles, is an important and urgent problem; we must, in consequence, complete this work little by little.

" The Delegation of the Soviet Union therefore feels that the assignment of frequencies between broadcasting stations is urgent and that it will constitute a great step towards the realization of the International Frequency List. It is consequently a surprise to the Delegation of the U.S.S.R. to see that this problem has been evaluated in an entirely different manner by the last meeting of Heads of Delegations, and to discover that a number of delegates refused to study this important question here.

" What are the arguments adduced to oppose the convocation of a Broadcasting Conference at Atlantic City?

" It is asserted that no one can engage in this work, since all the delegates are absorbed by other conferences. I believe that this assertion is not entirely accurate, because many delegations have specialists whose sole duty is the study of broadcasting questions; it would be well to use their experience and qualifications to

prepare a study of the technical principles on the basis of which the High Frequency Broadcasting Conference could later act. In my opinion we made a mistake at the first stage of the Radio Conference by not trying to constitute a preparatory committee for the study of technical principles for the assignment of radio frequencies, following the example of the group directed by Professor van der Pol, because the fact cannot be ignored that questions of broadcasting are among those which must have the attention of the Radio Conference. On the theory that broadcasting would take a more prominent part in the discussions after August 15, a large part of the Radio Conference devoted very little time to the study of broadcasting questions.

"It is said that the new frequency allocation between different services has not yet been approved and that there is, therefore, no occasion to assign these frequencies between broadcasting stations before this approval has been granted.

"I do not support this point of view with regard to the frequency bands, which have been allocated to broadcasting, because there is already sufficient agreement to permit preparatory work.

"Finally, some say that no preparation can be made for frequency assignments between broadcasting stations, because, up to the present, there has been no frequency assignment list; the postponement of this assignment until the establishment of the general Frequency List has therefore been recommended.

"I do not approve these arguments for the reasons I have already explained; on the contrary, it is necessary to study the assignment of frequencies between high frequency broadcasting stations as the first part and, I stress this point, a very important part of the International Frequency List; I insist upon the fact that this part, from a technical standpoint, can be prepared entirely apart from the preparation of the general Frequency List.

"It has been claimed that the new International Frequency List could not come into force before two years, or even later, and that there is therefore no reason, here at Atlantic City, to engage in Frequency assignments between broadcasting stations.

"I do not approve this argument. If, in virtue of the Cairo Regulations, a new frequency allocation were put in force about a year after the signature of these Regulations, there is no reason why the new frequency allocation among services, prepared by Committee 5, should not also come into force not later than the year after the end

of this Conference, that is, October 1, 1948. Until that time, and without waiting for the preparation of a new definitive frequency allocation list, each participant in this Conference should immediately take steps to realize the use of frequencies for his station, in conformity with the new allocation of frequencies between services.

"These two problems are absolutely distinct, and I think all the delegations will agree that, apart from the fact of knowing when we shall succeed in setting up the new frequency assignment list, as contemplated by Committee 6, we should, by October 1, 1948, put in force the new frequency assignment between services. There is no reason for postponing the assignment of frequencies between broadcasting stations.

"Thus, we conclude that there is no technical reason for refusing to carry out completely the program contemplated at the convocation of the Atlantic City Conference. Nevertheless, in view of the opinions expressed here by many delegates, and the statement made by the Delegation from the United States representing the inviting Government, it must be acknowledged that this High Frequency Broadcasting Conference cannot take place in Atlantic City with a complete agenda. We must then use the opportunity offered us by the fact of meeting here together, and of having the technical means to carry out an agreement which will permit the establishment of technical principles upon which the conference which must meet later can be prepared as far as possible. We are therefore agreed in principle upon the proposal of the United States to convene the Conference no later than August 25 instead of August 15. This Conference will be responsible for the definition of technical principles; questions of organization will be referred to the Plenipotentiary Conference; the work of all conferences is to be ended no later than September 30.

"But, to achieve success, we must employ our time up to August 25 in a more efficient manner than we have hitherto done. I therefore repeat my proposal to create a Working Group which will take charge of preparing for the High Frequency Broadcasting Conference, which must have a limited agenda. This working group will comprise those delegations who wish to take part; it will make a preliminary study of the different proposals which have already been made to us on broadcasting questions."

The Chairman thanked the Delegate from U.S.S.R. and recognized the representative of the United Nations who made the following statement:

"Mr. Chairman, Gentlemen. Having had no opportunity to participate in the discussion concerning the High Frequency Broadcasting Conference, on the occasion of the last mixed session of the heads of delegations of the Telecommunications and Radiocommunications Conference, the Delegation of the United Nations hereby expresses its appreciation of the opportunity now afforded it to explain its views on the subject in Plenary Session.

"It does not seem necessary to emphasize the fact that the United Nations are deeply and sincerely interested in the High Frequency Broadcasting Conference and its aims, be it only on account of the fact that the United Nations has on its agenda at the General Assembly of September, 1947, the project of a world-wide broadcasting system to be installed and operated independently from any government by its own services.

"In order to legalize its particular position in the telecommunications field, the Delegation of the United Nations presented a statement at the occasion of the fifth meeting of Committee D of the Telecommunications Conference, containing a proposal to insert in the Convention an appropriate article in order to obtain for the United Nations operating service a special status within the Union, permitting it to enjoy all the essential facilities and privileges which are accorded to governments and national administrations. I can refer here to the Annex of Document 185 TR.

"Up to this moment, however, no decision relating to this proposal has been taken; therefore, and this must be emphasized here, the United Nations participates at the Conference of Telecommunications and Radio-communications, only in the capacity of an observer, and as such may not participate in discussions relative to the High Frequency Conference, in which its delegation is deeply and sincerely interested.

"With reference to the High Frequency Broadcasting Conference itself, the situation is rather different. Independently of any decision taken on its status in the Telecommunications Conference, we understand that the United Nations was invited to participate in this Conference as a full member and will therefore have the same privileges at this Conference as all the other delegations.

"The attention of this Plenary Session is especially drawn to this situation in order to avoid any misunderstanding. With great interest, and one may say with a certain concern, the United Nations Delegation has studied Document 199 TR, 683R and the proposals contained in the "Important Notice."

"During the careful study of these two documents, some doubt and questions arose which may be summarized in the following two points:

- 1) Has this Plenipotentiary Session any special or general mandate to take decisions concerning the High Frequency Broadcasting or does the mandate of this Plenipotentiary Session permit it only to limit itself to the formulation of one or more recommendations to be presented to the High Frequency Broadcasting Conference, the latter being considered as an independent and autonomous body?

- 2) In case a recommendation or recommendations are put to the vote, in this Plenary Session, what is the real value of such a vote, in view of the fact that several delegations having the right to vote, will not participate in the High Frequency Broadcasting Conference and that on the other hand, all the participating members of the same High Frequency Broadcasting Conference, are unable to vote in this session?

"It seems that in the minds of some delegations, there is some doubt as to whether the High Frequency Broadcasting Conference should be considered as an administrative conference or as a plenipotentiary conference. In the opinion of the United Nations Delegation there exists only one authority which can give a definite and final answer concerning this matter and that is the inviting government, the government of the United States of America.

"There is no doubt in the minds of the United Nations Delegation, about the character of this new conference. In its opinion it can only be considered as a Plenipotentiary Conference with a complete and definite autonomy.

"Therefore, it is this Conference and only this Conference, and I refer to the High Frequency Broadcasting Conference, which has the right to take up a position concerning its program and proceedings. The Plenary Session of the Telecommunications Conference can therefore only formulate recommendations to be presented in due time and form to the High Frequency Broadcasting Conference. This with regard to the first question.

"With regard to the second question, the Delegation of the United Nations esteems that the result of a vote under the conditions as indicated above, can only have a very relative value.

"The attention of the Plenipotentiary Conference is especially drawn to these two points, as it seems that document No. 199 TR/683R might read, if it is presupposed that the Plenary Session has the full mandate to take decisions, that the questions mentioned in the said document will be put to a vote without any doubt about the absolute value of that vote.

"This remark, I make, Mr. Chairman, and Gentlemen with full respect for the complete autonomy of this Plenary Session within the framework of its own convention, but with the sincere doubt that such an authority can be extended within the framework of another autonomous and independent body, that of the High Frequency Broadcasting Conference.

"With regard to the substance of the question and proposals contained in the document mentioned, and the "Important Notice," the Delegation of the United Nations can inform this session that it has the intention of making the following declaration on the occasion of the official opening of the coming High Frequency Broadcasting Conference:

"The United Nations being sincerely interested in the organization and regulations of high frequency broadcasting and, furthermore, con-

vinced that the present status of High Frequency Broadcasting is very unsatisfactory, expresses its concern towards any measures tending to prolong unnecessarily the actual unsatisfactory situation and recommends that any proposal tending towards the improvement of the present situation should be seriously studied and considered without further delay.

"The United Nations Delegation therefore strongly urges that the High Frequency Broadcasting Conference should start at the earliest possible date and only consider a restricted action in the form of preliminary exploration of the main questions with the view to a future conference, when and if that same conference considers such action unavoidable and necessary.

"We are fully aware that many practical reasons might oblige the High Frequency Broadcasting Conference to accept the recommendations of this Plenary Session. It is the definite opinion of the Delegation of the United Nations that the only regular form of procedure is the one outlined above. This solution seems to be to convene the High Frequency Broadcasting Conference at the earliest possible date after this session, for one full regular meeting with only one point on the agenda, the consideration of the recommendations of this plenary session. These considerations can be discussed, accepted, rejected or modified. At the same time the actual date could be fixed upon which the Conference might begin its work, either on a limited scale, or in its entirety. This latter course is the only regular course that would be legally justified, giving at the same time satisfaction to all parties concerned, and is strongly recommended by the United Nations Delegation."

The Delegate from Denmark, one of the two authors of the proposal submitted in the joint document Nos. 200 TR- /686 R- , deemed it advisable to make a few remarks concerning this document and the reasons justifying it. He felt that the United States which had made similar comments, might find the proposal of Denmark and the United Kingdom acceptable. He would accept, however, the following modification suggested by the United States:

Under 2, (c). replace "shall consider the" by "shall formulate the." On the other hand, he felt that paragraph 2, (e), (2), should not be modified as suggested by the United States, that is, that at this time, it should not be specified that the agenda should include questions of procedure. In his proposal, the Delegate from

Denmark gave September 3, as the date for the beginning of the High Frequency Broadcasting Conference, but he would accept any earlier date which the Conference found it possible to set. Concerning the effective application of the new frequency allocation plan, he was not completely in agreement with the opinion of the Delegate from the U.S.S.R., since technical preparations, technical adjustments of antennae and transmitting stations did not permit consideration of the putting into effect of the new plan before two years. According to the work of Committee 6, it could be stated that to shorten this time limit it was quite impossible, and that the new bands assigned to high frequency broadcasting would not be available until the list was completely established and in effect.

Referring to the remarks of the representative of the United Nations, concerning the autonomy of the High Frequency Broadcasting Conference, the Delegate from Denmark felt the matter to be thorny and delicate, he would prefer to consider it only from a purely technical aspect:

"The High Frequency Broadcasting Conference cannot be autonomous in every respect. It must, naturally, stay within the limits prescribed by the Telecommunication Union. If it were completely autonomous, it could allocate frequencies without consideration for other services. But it must take into account all resolutions adopted by the Telecommunication Union and must respect frequency bands and the time sharing schedule provided for high frequency broadcasting. We should like to see the situation of high frequency broadcasting improved at an earlier date, but I see no possibility of this until wider bands are open to it. Now, according to the consensus of opinion, this will not come about before two years.

"That is why we recommend that the method given in Document Nos.200 TR/686 R be applied."

The Delegate from Egypt believed that the Assembly should limit the discussion to the three following points: the opening date of the High Frequency Broadcasting Conference, its agenda, the closing date of the Conference.

He supported the United States'view concerning the establishment of a High Frequency Broadcasting Board, but he felt that the details of the agenda should not be considered. He was happy to observe that the representative of the United Nations shared his viewpoint concerning the autonomy of the High Frequency Broadcasting Conference. All that this Conference could do, was to submit recommendations to the High Frequency Broadcasting Conference. It was his opinion that this Conference should begin on August 15 in order to constitute a Credentials Committee, a Committee to propose a limited agenda and lastly, to consider proposals or recommendations of .

the present Assembly. The Second Plenary Meeting of the Broadcasting Conference should meet August 25 as proposed by the United States.

Mr. Meyer, member of the French Delegation to the Radio and Plenipotentiary Conferences, spoke as Chairman of the French Delegation for the third Conference, thus establishing a link between the matters raised for the first and second Conferences as well as for the third Conference.

"May I remind the Assembly," he said, - "since I have three points to discuss, and the first is to determine the nature of the third Conference - that, in our opinion, this Conference was, or was to have been a plenipotentiary or administrative conference where the representatives of states delegated thereto would have either full powers or minimum powers authorizing them to sign one set of Regulations -- and, to support this conception, I took as my authority, the text of the telegram which the government of the United States had sent us through the I.T.U. This telegram reads as follows:

"SCE Berne 181 A 8/5/47 15:30 Service Burinterne to Gentel Paris --

"Here follows our telegram of April 26 from the United States government which reads "For the Administrative Conference concerned with the revision of Radio Regulations, full powers are not necessary. Naturally, they will be necessary for the Plenipotentiary Conference which will establish a convention. It is assumed that many delegates to the Radio Conference will also participate in the Plenipotentiary Conference and for the latter full powers will be necessary. As for the short wave Broadcasting Conference, although the United States proposes that only one set of Regulations be prepared by this Conference, it is not certain that other governments will accept this proposal. If it were to be decided that the Act established by this Conference should be a convention, full powers would be necessary. Delegates should be qualified to sign one revised set of Regulations although full powers are not required for this."

"From this fact, governments which accepted the invitation to the third Conference, have in general, I suppose, given full powers to their delegates, which is the case of the Delegate from France. Consequently, today, the question arises whether the Conference - which I shall call Conference 3 for the sake of simplicity - is indeed a plenipotentiary or administrative conference, whether the Delegate from participating states must have full powers or simple powers for an Administrative Conference and, at all events whether - and this seems much more important to me, for it is a question of substance not

of form - this third Conference shall have complete authority over its agenda. As far as we are concerned, we believed that it would be a conference of plenipotentiaries provided with full powers, although we did not attach great importance to this. For, if we come with full powers to sign a document, these powers would be all the more valid for accepting a set of Regulations, or even for accepting nothing whatsoever. What we feel to be of importance, are the conclusions which derive from this very important question of rights. Concerning the matter of the agenda which I shall take up as point 2, it would seem to be asking too much for the Plenipotentiary Conference to decide this today, as for item number 1. It is stated in Document Nos.199 TR/683 R that 17 countries have experts at Atlantic City for the High Frequency Broadcasting Conference and that, moreover, 15 countries will send additional delegates; 31 experts are still expected, that is, they have not yet arrived. If I know how to add, 17 plus 15 = 32 and, to my knowledge, there are more than 70 nations at this Plenipotentiary Conference. Consequently, if we were to decide today the agenda of the next Conference, there would be in fact 40 countries - even constituting a majority - which do not intend to participate, but which would be asked to decide an agenda for a meeting which does not concern them. This would appear strange, to say the least. I shall return to this point in relation to the matter of the agenda.

"I now reach the matter of the agenda which I shall take as point 2. It does not seem to me that we should make any decision upon it. I believe that the Government of the United States which issued an invitation containing rather variable conditions as may be seen from the telegram which I just read, should decide now, as the inviting Government, what the nature of the third Conference should be, and at what date it should meet. For practical reasons I recognize perfectly that it is the prerogative of the inviting power to give this Conference the character it believes the Conference should have. These practical reasons are the date of the completion of work, the availability of rooms and the utilization of the General Secretariat which is at present the I.T.U. although no one has tried to ascertain whether in future the I.T.U. should organize this High Frequency Conference.

"Even if we can accept that, for reasons of convenience of which it is the only judge, the inviting Government sets a certain date for the Conference and desires it to be of a certain nature; if, then, we limit the role and the duration of the Conference in comparison with what was originally planned, it seems to us that Conference 3 must alone have authority to determine its own definitive and detailed agenda, for only Conference 3 will be composed of true participants to the Conference,

are not here. Hence, the detailed agenda of the third Conference, even though limited in its duration and in its own organization, should be considered by Conference 3, which, only at that time, should take whatever document it deems advisable as a basis for its agenda. May I recall that the United States Delegation itself in Document No. 11 Rhf, proposed an agenda, which, in general, is satisfactory and that the United Kingdom also took up the matter of the agenda of Conference 3 (Document No. 2 Rhf) all documents of this kind being numbered Rhf, which indeed proves that this question falls within the competence of the third Conference.

It would be also perfectly acceptable to us that the third Conference should take as a basis of discussion the new Document No. 200 TR/686 R signed by Denmark and the United Kingdom, or any other similar new document, it being understood that Conference 3 should alone take the initiative as to the final decision upon its agenda.

Does this mean that we should do nothing until August 25 or September 3? I do not believe so, and here I come to the program mentioned by the Delegate of the U.S.S.R. He spoke of a Working Group preparing the third Conference, but I do not agree that this Working Group should be formed in the Plenipotentiary Conference. It should be formed in advance by the members of Conference 3 who are already here, and should accept members as they arrive. This group would prepare the work and, unofficially, set up the agenda. But what we want today is that this Conference after fixing such date and such legal status, should agree that the agenda of Conference 3 be accepted by the members thereof. We should, however, accept the directives and not the recommendations bearing on the principles of frequency allocation.

What I shall call my third point is the question of the international organization of broadcasting, of a central broadcasting organization. This question is predominant in all our minds, especially today, on the eve of the third conference. It has been discussed on all sides. It has been discussed in Moscow, in Paris, in informal broadcasting conferences. It is being discussed in the Radio Conference where Working Group C of Committee 3 is talking about an international and central broadcasting organization in connection with the question of the C.C.I.D. A few moments ago, the Delegation from the United States presented a proposal to refer this same question, in its opinion one of great importance, to Committee C of the Telecommunications Conference. As far as it relates to the organization of the I.T.U. - the underlying principles of which are now under consideration by the said

Conference, - we can well understand why this question of a central broadcasting organization has been brought up in Committee C. But we should not consider this a normal procedure unless the future Working Group of Committee C were here and now to be completed by qualified broadcasting representatives in the Working Group which is to prepare for the third Conference. Under these conditions, the work would be effective and efficient.

"We insist, and this will be my final point, that every question peculiar to broadcasting be discussed by Conference 3 which shall make every decision on the future central broadcasting organization, if such an organization is to be formed outside the I.T.U. Let us not forget that, in fact, broadcasting systems have different legal status in every country. There are private, or mixed systems, and sometimes, in certain countries, both systems coexist. Under these conditions, nothing in the past has prevented, and nothing in the future will prevent broadcasting systems in all countries from making agreements on special organizations. It is self-evident, as the Danish Delegate said, that these organizations cannot deal with questions which are not consistent with the decisions of the Plenipotentiaries. It is self-evident that international organizations should not interfere with frequencies and with frequency allocation, outside the framework fixed by the Plenipotentiary Conferences which make the law.

"We believe that, beginning on August 15, a Working Group of this Third Conference must be formed, and that the first Plenary Assembly must be convened on August 25 or September 3."

The Delegate from Chile observed that this Conference was in the same difficult situation as the Madrid Conference of 1932. At Madrid, one of the main difficulties was that it was impossible to satisfy adequately the new and pressing needs resulting from the rapid development of high frequency broadcasting. These difficulties were so great that the Frequency Allocation Table drawn up in Washington was not modified in regard to these bands; in other words, the matter remained unsettled.

"By the time the Cairo Conference convened, the problem had become more serious, for in 1938 there were four hundred and seventy stations. The broadcasting bands were then increased but the congestion was not alleviated. Moreover, the nations did not formally bind themselves to reserve the bands allocated for high frequency broadcasting for these services only.

"As the importance of these services continued to grow and as no technical standards were set up to effect an equitable allocation of frequencies, we now find ourselves with more than one thousand high frequency

broadcasting stations all operating under unsatisfactory conditions because there is a real chaos in the spectrum and this situation is detrimental to all.

"The Atlantic City Radio Conference, considering the imperative need of finding a solution to this grave problem proposes that the high frequency broadcasting bands between 6 and 20 Mc/s, which are generally recognized as the most effective bands for medium and long distance communication, be widened. But this measure would be useless if the entire problem were not solved, for the same situation that arose as a result of the Cairo Conference would recur, but this time the results would lead to the complete failure of high frequency broadcasting, even in those countries which at present have very powerful stations such as the United States, the United Kingdom, Russia, France, Argentina, Brazil and others.

"We would then again have a Frequency Allocation Table which would lose its scientific basis as a result of the continuation and probably the increase in the existing chaos which would affect all the services, especially the fixed, maritime mobile, and aeronautical mobile-services.

"I am certain that no one wishes to assume the responsibility of such consequences.

"But, furthermore, neither could the new Frequency List be drawn up. This means that the very backbone of radio communications systems would remain unimproved and the International Frequency Registration Board would be confronted with an unsolvable problem from the outset.

"All the tremendous work accomplished at the Atlantic City Conferences would be useless since it would be impossible to conclude the very important agreements which have been contemplated here for adoption with the collaboration of all the nations of the world.

"With this gloomy prospect before us, it is not only a necessity but also our duty to face with determination the problem of settling the future of international radiocommunications, all the more so since no conference has, to this date, attained this desirable goal.

"In order to find the exact solution to the problem it would be advisable that the studies carried on by the High Frequency Broadcasting Conference be as extensive as the situation requires in view of their vital importance. Chile considers that it would not be wise to limit the agenda of this Conference for it is quite obvious that certain points will require some time before final clarification.

"On our side, we have experience which has always proved that in order to find the only true solution we must recognize the difficulties involved in a given problem.

"In consequence, it behoves the High Frequency Broadcasting Conference to examine every aspect of the complex subjects with which it is concerned, for since Marconi and Popoff pointed the way towards unlimited horizons for the human race it is only now that engineering is in a position to construct equipment which is noteworthy for the accuracy and stability of frequencies, correct modulation and almost total absence of harmonics, and the technique of propagation shows great promise.

"We have on hand knowledge which will enable the High Frequency Broadcasting Conference - after a well thought-out and intelligent exchange of expert opinions - to determine which problems have to be postponed in order to be solved in the light of better and fuller information.

"In document No. 198 TR, the Egyptian Delegation has suggested the solution by proposing that a Plenipotentiary Conference should meet after a certain interval in order to reach complete agreement on matters which it may be necessary to hold in abeyance. In document No. 200 TR/686 R, the United Kingdom and Denmark propose that a Conference of the same nature be convened for the same purposes.

"These proposals make it possible to accord the High Frequency Broadcasting Conference sufficient latitude to reach agreements itself on the basis of the best engineering principles and in this particular, I am in agreement with the representative of the United Nations.

"At any event, the aforementioned Conference will have to leave certain problems or agreements to be settled once the necessary investigations have been made.

"In order that the Conference proposed by Egypt, the United Kingdom and Denmark be successful, it would be advisable to organize a Committee to compile the pertinent information gathered by the nations represented at this conference. The Committee mentioned above would make preliminary studies on the basis of these results in order to arrive at the desired draft solution. With this prime objective in mind, Chile proposes that the same International Committee which will draw up the new International Frequency List and which will be composed of the most distinguished experts from all countries, should also continue the preliminary work in order to arrive at the formulation of a rational and equitable world-wide plan for the assignment of frequencies in high frequency broadcasting bands."

The Delegate from the Vatican declared that in principle he was in agreement with the arguments and the practical conclusions that had been presented so far. As to the agenda of the Broadcasting Conference, he was of the opinion that the present Conference should limit itself to a mere formulation of directives. He was of the opinion that August 15

would be the most convenient opening date, and that if a Working Group could begin functioning immediately, much time could be gained.

The Delegate from the United Kingdom was happy to learn that the Delegation from the United States now proposed to postpone the High Frequency Broadcasting Conference, and to convene a preparatory Conference in Atlantic City. He said that this proposal, as well as the one to limit the agenda of the preparatory Conference should in no way reflect on the decision made by the United States six months ago to convene such a Conference. It was most urgent to study the high frequency broadcasting problem. If a proposal had been made to convene only a Conference with a limited agenda, it was because we were now in different circumstances. In fact we no longer had the necessary time at our disposal to study a complete program; moreover, the new International Frequency List would only be put into effect in two years time.

As to the proposal of the United States to amend the proposals of Document Nos. 200 TR/686 R, the United Kingdom agreed that the Broadcasting Conference should meet on August 25 if the progress in the two other Conferences permits. Meanwhile, a Working Group could be created, as proposed by the Delegation from the U.S.S.R.

"As no work could be undertaken before the countries had presented the list of their stations and indicated their requirements, he proposed that all countries establish as soon as possible the High Frequency requirements they needed for their broadcasting and suggested that the closing date of all the Conferences be fixed at September 28th."

The Delegation from the United States accepted these suggestions concerning the dates.

The Delegate from the United Kingdom, referring to the proposal by the Delegate from the United States to amend §2 (2) of Document No. 200 TR/686 R, also agreed to substitute for "shall study the principles," "shall formulate the principles." As to the agenda mentioned in § 2, (e), (2), he preferred to maintain the present wording, as proposed by the Delegate from Denmark, but he agreed that the inclusion in the agenda of questions of procedure and methods should be studied and discussed by the High Frequency Broadcasting Conference.

Lastly, he supported the proposal of the United States that the Plenipotentiary Conference should study the question of Broadcasting Organizations. As has been pointed out by the Chairman of the Delegation from the United States, broadcasting is an indivisible part of radio-communications. On the other hand, he could not support the proposal

of the U.S.S.R. to establish a definite assignment of high frequencies during the present Conference. Concerning the remarks made by the Delegate from France and the representative of the United Nations, the United Kingdom was of the opinion that the problem of assignment of frequencies depended upon the Radio Regulations. The High Frequency Broadcasting Conference should therefore derive its authority from the I.T.U. if it had the intention of making frequency assignments. Considering that this Plenipotentiary Conference was a supreme organ of the I.T.U., this Delegation considered that it had all the necessary authority to make recommendations to the inviting Government of the Broadcasting Conference.

The Delegate from Cuba felt that it was possible to convene here in Atlantic City a High Frequency Broadcasting Conference. He shared the view point expressed by the Delegate of U.S.S.R. on the subject. He would therefore accept no compromise. He also believed that since the Plenipotentiary Conference was the supreme authority, it could give directives to other Conferences. Moreover, the Radio Conference should study all the preparatory problems of the High Frequency Broadcasting Conference. The Delegate from Cuba strongly supported proposal 1, of the "Important Notice", namely that the Radio Conference be convened on August 15th (or later date, in August or September, 1947) with a complete and autonomous agenda. He said that it was for this purpose that we were invited to Atlantic City.

He asked that proposal 1 be put to the vote. If rejected, then we should begin a preparatory work within the Radio Conference which had the necessary power to submit recommendations.

The Delegate from the Lebanon made a series of proposals likely to expedite the work of the Atlantic City Conferences. Moreover, he supported the proposals of Egypt and of the United States to limit the work of the High Frequency Broadcasting Conference.

The Delegate from Belgium had heard with great interest the new proposal made at the beginning of the meeting by the Honorable Delegate of the United States of America. He had already formed his opinion before the meeting of the Heads of the Delegations on August 1, and the discussions that took place during that meeting had only strengthened his convictions.

"We have been able to observe", he said, "that the indisputable lack of preparation for the Radio Conference and the Plenipotentiary Conference, due to the undue haste in the meeting of these Conferences has created great difficulties and serious delays in the work of these two Conferences.

"The High Frequency Broadcasting Conference has not been prepared at all in any practical way if one takes into consideration

the very great difficulties of the problems it will have to deal with. We therefore considered long ago that it was not possible to hold at Atlantic City a High Frequency Radio Conference with a complete program.

"Moreover, under the present conditions, since, practically, it is impossible to contemplate putting new frequencies into force before another two years, we therefore feel that it would be perfectly useless at present to prepare a plan for the assignment of broadcasting frequencies which would be entirely out of date when it could be applied.

"However, as many experts who are especially competent in short wave matters are at present gathered in Atlantic City, the Belgium Delegation believes that it would be very desirable to discuss and to establish the basic principles which shall guide the work of a future High Frequency Broadcasting Conference to be held, for instance, at the end of 1948,

"As to the dates, we would be in favor of a first Plenary Meeting on about August 25. We believe in three weeks it should be possible to end the work of this preliminary Conference, and we agree on that point with the proposal of the United Kingdom and of Denmark.

"As to the declaration of the Honorable Delegate from France, I believe it necessary to make the following remarks:

"It is true that according to a statement made last Saturday, 31 experts are to come to Atlantic City for the High Frequency Broadcasting Conference. But it is also true that there is a possibility these experts will not come. Moreover, it is nearly certain that the Heads of the Delegations of the High Frequency Broadcasting Conference are present here, and that they can therefore decide to cable to their countries either to have those experts come, or to stop them from coming.

"We can, I believe, consider that for the great majority of countries, the Head of the Delegation of the High Frequency Broadcasting Conference is the same as for one of the other two Conferences.

"As far as we are concerned we believe that the High Frequency Broadcasting Conference is, in fact, and can only be considered as a Conference subordinate to the Plenipotentiary Conference. I wish to give an example: The Radio Conference wishes to create an International Frequency Registration Board. If the Plenipotentiary Conference should decide to reject the adoption of this measure - and we know very well that this will not be the case - it has full powers to do so because of its plenipotentiary character. If that is so, I see no juridical obstacle preventing the Plenipotentiary Conference, in Plenary Meeting, to limit the scope of the work of the High Frequency Broadcasting Conference."

The Delegate from Bielorussia considered it indispensable to proceed with the assignment of high frequencies and to convene the Broadcasting Conference, provided with a complete agenda, to make collaboration possible in establishing the new frequency list. For his part, he supported the proposal concerning the immediate formation of a working group to prepare for this Conference. As for the question of procedure, he shared the opinion expressed by the representative of the United Nations: namely, that the agenda for the Broadcasting Conference could not be set up at this point.

Since many delegations had referred to the question of the autonomy of the High Frequency Broadcasting Conference to be held here in Atlantic City, the Delegation from China deemed it necessary, first and foremost, for the present Plenary Session of the Plenipotentiary Conference to decide on the nature and status of the High Frequency Broadcasting Conference. The preliminary question to such a decision was whether the High Frequency Broadcasting Conference should come under the aegis of our Union. In our opinion, it should. For, if it did not, the outcome would be new and unsurmountable chaos in the telecommunication field. And as a member of the I.T.U. I consider it inconceivable that there should be any other telecommunication conference besides the I.T.U. Conference.

"If we accept this principle, as I think we shall, since all of us present are members of I.T.U., then the High Frequency Broadcasting Conference should be in the nature of a Special Administrative Conference of I.T.U. The delegates of different delegations may have plenipotentiary powers from their respective governments in attending the High Frequency Broadcasting Conference, but that conference cannot be a Plenipotentiary Conference. There cannot be two kinds of Plenipotentiary Conferences in our Union either from a legal or a practical point of view. Just imagine what would be the outcome if, after we have spent more than three months to decide upon the frequency allocations, the High Frequency Broadcasting Conference of a Plenipotentiary status should decide the work on frequencies outside the broadcasting bands which our Radio Administrative Conference had decided upon. Shall we undermine the achievements attained at the cost of such great efforts on the part of our Radio Administrative Conference?

"Mr. Chairman, in order to clear up any doubt in the minds of delegations here and to facilitate further discussions the Delegation of China now propose a resolution that the High Frequency Broadcasting Conference to be held in Atlantic City should be a special Administrative Conference of the I.T.U."

The Greek Delegation agreed with the viewpoint presented by

the United States, and strongly supported their plans for limiting the agenda of the Broadcasting Conference and for setting a definite date for terminating the work of the three Conferences. The Greek Delegate could not contemplate the possibility of an independent and autonomous High Frequency Broadcasting Conference and organization, without any connection with the I.T.U. We should, he added, make clear that we have no authority from our government to conclude any agreement concerning an organization which does not fall within the framework of the I.T.U. Every reason, whether legal or de facto, requires that the High Frequency Broadcasting Conference should depend upon the Plenipotentiary Telecommunications Conference; and these same reasons urge that a broadcasting agency, of any composition whatever, should be compulsorily dependent upon the principal body of the I.T.U. and should comply with the technical decisions made by the Radio Conference.

"In short, the Greek Delegation supported the proposal of the United States as a whole."

The Delegate from Argentina wished to explain the viewpoint of his Delegation. Broadcasting, he said, was a service which depended upon telecommunications; it was intended for the general public. It was not logical therefore, to consider it as an entity independent of the I.T.U. The Argentine Delegation were of the opinion that telecommunications constituted a whole, and we considered that the I.T.U. had full jurisdiction and every right, over broadcasting. Such being the case, the Argentine Delegation approved the position assumed by the U.S.S.R., the United States and the United Kingdom.

Furthermore, the Argentine Delegate proposed that the High Frequency Broadcasting Conference be carried out in two stages: the first Conference, of a preparatory nature, would take place in Atlantic City at the date set by the present Assembly; the second, which would complete the work of the first, would be convened by the inviting government of the present Conference, and would meet at a date and at a place to be decided upon by the said Government.

As to the opening date of the Preparatory Conference, the speaker believed that it should be left to the inviting government to arrange, at its own convenience, for some date, between August 15 and September 15, dependent upon the progress made by the two other Conferences. At its first Plenary Session, the Preparatory Conference might appoint a committee in charge of the method for studying recommendations submitted to it, and a technical committee to deal with questions of a technical nature. The Delegate from Argentina also approved the idea of forming a working group

before the opening of this Conference, a group in charge of preparing unofficially the details pertaining to the third Conference.

The Chairman stated that several questions had been raised, First, there was the legal aspect of the problem on which there were two opposing opinions: should the High Frequency Broadcasting Conference be a Plenipotentiary Conference, with the right to decide its agenda, or should it be an Administrative Conference, such as the Radio Conference? In the latter case, it could receive directive from the Plenipotentiary Conference relating to its agenda. Viewed from another legal aspect, the present Conference, after having given directives, could present recommendations to the inviting Government and to the Broadcasting Conference. China had submitted a resolution which might throw light on this question. The Chairman added that he deemed it appropriate to learn the views of Members present at the Meeting on the subject of the legal powers possessed by the Assembly. Moreover, he thought it necessary to be informed as to what would constitute the activities of the High Frequency Broadcasting Conference.

The Delegate from Cuba proposed that a vote be taken.

Mr. Laffay, Head of the French Delegation, made the following statement:

"I do not wish to prolong these debates, but I am convinced that we have arrived at zero hour, when the competence of the various committees must be defined. I have the distinct impression that something is puzzling us. What is that something? In my opinion, it is that in each of our minds we feel the need for establishing bonds between broadcasting, which is in the process of evolution as an institution, and the I.T.U., which already exists as an institution. Hence you may conclude that the Plenipotentiary Conference, which all agree to be a sovereign organ, should be informed of the problem and furnish directives to the third Conference. This, in my opinion, is poor reasoning. First and foremost, do not lose sight of the fact that we are here working under the auspices of the Madrid Convention, and that nothing in this Convention endows Plenipotentiary Conferences with the power to set dates, establish agendas, or to terminate the closing dates of Administrative Conferences. In our present status, complete autonomy for these different Conferences exists, and this may be easily understood. They have neither the same composition nor the same functions. How should matters be brought before the Plenipotentiary Conference? The method strikes me as being very simple. The I.T.U., and broadcasting, very obviously, have one point of common interest: the problem of frequencies. This is solved in the first stage at the Radio Conference. Then, the Broadcasting Conference is obliged to take up another problem, the assignment of frequencies, which is proper to it.

"The value of Administrative Conference autonomy is a certainty. We of the Plenipotentiary Conference are not capable of deliberating on the allocations to be made by the Broadcasting Conference, except when the delegations are common to both Conferences. Nevertheless, with respect to broadcasting, this organization can be incorporated in the I.T.U., in a certain way; but it is possible that broadcasting at the same time feels the need of having its own organization to deal with its own peculiar problems, and perhaps, as well, regional or continental organizations. There is therefore, no present need for the Plenipotentiary Conference to outline the directives for the Broadcasting Conference, the more so since from a purely legal point of view, we have among us delegates whose powers equal our own.

"Let us not become confused, let us not involve the responsibility of the Plenipotentiary Conference in a field foreign to it. Let us make no recommendations to the government of the United States. This government has called a Conference, and it has sufficient authority to postpone it or not as it sees fit, and speaking for myself, I shall not hide the fact that I am moved by reasons of courtesy to say that we have no right to recommend to a Government such as that of the United States to make such and such arrangements.

"I shall say no more on this subject. The French Delegation is absolutely convinced that we need assume no responsibility in this field, that the Broadcasting Conference has sufficient power to enjoy complete autonomy, and may I add, that for the moment, the I.T.U. is not concerned."

The Delegate from Guatemala was of the opinion that the Plenipotentiary Conference had sufficient authority to decide about the fate of the High Frequency Broadcasting Conference. But, the latter should be given complete freedom of action, which did not mean that it was not to accept directives.

The Chairman, before proceeding to a vote, asked the Delegation from China to repeat its resolution. In addition, he asked the Delegation from the United States to express its views on this resolution, as well as on the recommendations which would be eventually submitted to the inviting Government.

The Delegate from China submitted the following resolution to the Assembly:

"That the High Frequency Broadcasting Conference to be held in Atlantic City be a special Administrative Conference of the I.T.U."

The Delegation from the United States was now of the opinion that the High Frequency Broadcasting Conference should be an Administrative

Conference. However, it realized that the Plenipotentiary Conference which also had the right to submit recommendations to the Inviting Government, was the one to make the decision in this matter.

The Chairman then put the resolution of China to a vote by roll call. The Delegates who were of the opinion that the present Conference had the right to give directives to the coming Broadcasting Conference were requested to vote "yes". A negative vote would mean that the power of the Plenipotentiary Conference should be limited to the giving of recommendations.

The resolution of China was accepted by 5 votes against 9. Eleven delegations were absent.

Voted for: Afghanistan; Union of South Africa and the mandated territory of South-West Africa; Argentina; Australia; Austria; Belgium; Belgian Congo and territories under mandate of Ruanda Urundi; Burma; Brazil; Canada; Chile; China; Colombia; Cuba; Denmark; Dominican Republic; Egypt; El Salvador; Ecuador; United States of America; Territories of the United States; Ethiopia; Finland; United Kingdom of Great Britain and Northern Ireland; the Colonies, Protectorates, Overseas Territories and Territories under Sovereignty or Mandate of Great Britain; Southern Rhodesia; Greece; Guatemala; Honduras; India; Iraq; Iran; Ireland; Iceland; Italy; Lebanon; Luxembourg; Mexico; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Peru; Philippines; Portuguese Colonies; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Ukraine; U.S.S.R.; Uruguay; Venezuela and Yugoslavia.

Voted against: Bielorussia; Vatican City; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Haiti; Monaco; Poland and Portugal.

Absent: Albania; Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Hungary; Liberia; Paraguay; Roumania; Syria and Yemen.

Abstentions: none

The Chairman then submitted to the Assembly the proposal presented by the Delegation from Cuba which was identical to proposal I mentioned in the fourth paragraph of the present minutes.

This proposal was rejected by a roll call vote, 49 votes against 11. There were 6 abstentions; 11 delegations were absent.

Voted for: Bielorussia; Canada; Colombia; Cuba; Dominican Republic; Ecuador; Mexico; Peru; Poland; U.S.S.R. and Yugoslavia.

Voted against: Afghanistan; Union of South Africa and the Mandated territory of South-West Africa; Argentina; Australia; Austria; Belgium; Belgian Congo and Territories under mandate of Ruanda Urundi;

Burma; Brazil; Chile; China; Denmark; Egypt; United States of America; Territories of the United States; Ethiopia; Finland; Colonies, Protectorates and Overseas Territories under French Mandate; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under Sovereignty or Mandate of Great Britain; Southern Rhodesia; Greece; Honduras; India; Iraq; Iran; Ireland; Iceland; Italy; Lebanon; Luxembourg; Monaco; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Philippines; Portugal; Portuguese Colonies; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Ukraine; Uruguay and Venezuela.

Abstentions: Vatican City; El Salvador; France; French Protectorates of Morocco and Tunisia; Guatemala; Haiti.

Absent: Albania; Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Hungary; Liberia; Paraguay; Roumania; Syria; and Yemen.

The Chairman asked the Assembly to come to a decision on the proposal of the Delegation from the United States. This proposal was accepted by a roll call vote of 56 votes against 3. There were 7 abstentions; 11 delegations were absent.

Voted for: Afghanistan; Union of South Africa and Mandated territory of Southwest Africa; Argentina; Australia; Austria; Belgium; Belgian Congo and territories under Mandate of Ruanda Urundi; Burma; Brazil; Canada; Chile; China; Denmark; Dominican Republic; Egypt; El Salvador; Ecuador; United States of America; Territories of the United States; Ethiopia; Finland; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under Sovereignty or Mandate of Great Britain; Southern Rhodesia; Greece; Guatemala; Haiti; Mexico; Monaco; Nicaragua; Norway; New Zealand; Netherlands; Netherlands Indies; Philippines; Portugal; Portuguese Colonies; Siam; Sweden; Switzerland; Czechoslovakia; Turkey; Ukraine; U.S.S.R.; Uruguay; Venezuela and Yugoslavia.

Voted against: Colombia; Cuba and Peru.

Abstentions: Bielorussia; Vatican City; France; Colonies; Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Panama and Poland.

Absent: Albania; Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Hungary; Liberia; Paraguay; Rumania; Syria and Yemen.

The Irish Delegation proposed as the first item on the agenda of the High Frequency Broadcasting Conference the following:

"The Conference shall give thorough consideration to every decision or recommendation of the Plenipotentiary Conference as well as every recommendation of the Broadcasting Conference which may be of interest to it."

This proposal was adopted.

After a discussion in which the Delegations from Egypt, the United Kingdom and the Chairman took part, the Assembly was called upon to decide whether it wished that the opening date of the High Frequency Broadcasting Conference be fixed on August 15 or 26.

The result of the roll call vote was as follows:

41 delegations favored the date , August 15;

23 delegations, August 26;

Abstentions: 2 ; Absent:11.

For August 15: Argentina; Australia; Austria; Belgian Congo and Mandated Territories of Ruanda Urundi; Bielorussia; Burma; Brazil; Canada; China; Vatican City; Denmark; Egypt; United States of America; Territories of the United States; Ethiopia; Finland; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Haiti, Iraq; Iran; Iceland; Lebanon; Luxembourg; Monaco; Norway; Netherlands Indies; Peru; Philippines; Poland; Portugal; Portuguese Colonies; Siam; Switzerland; Czechoslovakia; Ukraine; U.S.S.R.; Uruguay; Venezuela and Yugoslavia.

For August 26: Afghanistan; Union of South Africa; and the mandated territory of Southwest Africa; Belgium; Chile; Dominican Republic, El Salvador, Ecuador; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories under Sovereignty or Mandate of Great Britain; Southern Rhodesia; Greece; Guatemala; Honduras; India; Ireland; Italy; Mexico; Nicaragua; New Zealand; Panama; Netherlands; Sweden and Turkey.

Abstentions: Colombia and Cuba.

Absent: Albania; Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Hungary; Liberia; Paraguay; Roumania; Syria and Yemen.

The Chairman stipulated that meeting of Heads of Delegations should take place on August 15 and the first Plenary Assembly, the opening Meeting, on August 16. It was agreed that until August 26, date of the second Plenary Assembly, there would only be meetings of a Working Group, and that September 28 would be considered as the closing date of these Conferences.

The Delegate from the U.S.S.R. proposed that the contemplated

Working Group be formed, and that it should immediately begin its work in preparation for the Broadcasting Conference. It would be composed of delegates of all the countries who desired to participate therein.

The Belgian Delegation pointed out that it would not have sufficient personnel to take part in the Working Group.

The proposal of the U.S.S.R., put to vote by roll call, was rejected by 32 votes against 20. There were 13 abstentions and 12 delegations were absent.

Voted in Favor: Australia; Bielorussia; Canada; China; Vatican City; Egypt; Ethiopia; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Iraq; Italy; Monaco; Poland; Portugal; Portuguese Colonies; Czechoslovakia; Ukraine; U.S.S.R. and Yugoslavia.

Voted Against: Union of South Africa and the territory under mandate of Southwest Africa; Argentina; Belgium; Burma; Brazil; Chile; Colombia; Denmark; Dominican Republic; Ecuador; United States of America; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; Colonies; Protectorates, Over-seas Territories and Territories under sovereignty or mandate of Great Britain; Southern Rhodesia; Greece; Honduras; India; Ireland; Iceland; Mexico; Nicaragua; Norway; New Zealand; Panama; Netherlands; Netherlands Indies; Peru; Sweden; Switzerland; Turkey and Uruguay.

Abstentions: Afghanistan; Austria; Belgian Congo and Mandated Territories of Ruanda Urundi; Cuba; El Salvador; Finland; Guatemala; Haiti; Iran; Lebanon; Philippines; Siam and Venezuela.

Absent: Albania; Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Hungary; Liberia; Luxembourg; Paraguay; Rumania; Syria and Yemen.

The Chairman stated that the preparatory work would take place after the opening meeting of August 16. The Heads of Delegations would meet on August 15 at 3:30 p.m.

He reminded the meeting that during the discussion which had just taken place, the Delegate from Denmark had expressed the opinion that the proposal of the United States went into too great detail in recommending that the agenda should contain questions of procedure and of programs, and that he felt that it was desirable to give the Broadcasting Conference complete liberty on this subject.

The Delegation from the United States accepted this viewpoint, which was ratified by the Assembly.

The Delegation from Argentina recalled that he had proposed a slight amendment to the United States proposal. We were all agreed, he said, that the High Frequency Broadcasting Conference should be subdivided into two stages: A preparatory stage and a complementary stage.

The first stage would begin on August 15. We hoped to arrange the second stage, which would be under the jurisdiction and the authority of the inviting government. This Government would be responsible for fixing the date and place of the next conference. Consequently two stages of the same conference were in question.

The Delegate from the United States replied that his Government would certainly be most happy to convene this second conference, but felt it advisable to postpone the decision to be made on this matter.

The Chairman was of the opinion that this question should be left to the consideration of the Broadcasting Conference.

The Argentina Delegation expressed its approval.

The Delegate from Portugal proposed to amend paragraph (b) of number 2 of the directives appearing in Document No. 200 TR-E/686 R-E, a document included in the proposal of the United States with the amendments made thereto. The new wording of this paragraph would be as follows:

(b) Will give preliminary consideration to the attainment of economy of high frequency broadcasting frequencies by different means.

By a vote by show of hands, this amendment was rejected by 15 votes against 12.

The Delegate from the Lebanon pointed out that the United States had asked that the duties of the Broadcasting Conference be limited to preparatory work. It would then be incumbent upon this same Conference before the end of its work, to indicate the place and date of the next broadcasting conference.

The Chairman replied that this question would be examined by the Broadcasting Conference.

At a request from the Delegate from the United Kingdom, the Assembly agreed to replace in paragraph (a) of number 2 of Document No. 200 TR-E/686 TR-E, the words "frequency requirements" by "total frequency requirements".

Mr. Meyer (France) acknowledged that Document No. 200 TR-E/686 R-E was the document for general directives and that the Plenary Assembly of August 16 would have the right to consider suggestions filed, or to be filed, from now on until that date.

The Chairman replied that the Plenipotentiary Conference had given sufficiently detailed directives to the Broadcasting Conference. The latter could therefore examine proposals which came within the frame-work of these directives.

Mr. Meyer (France) asked whether all the documents already filed or to be filed, would be used in as far as they were not inconsistent with those which had been adopted.

In view of the directives amended by this Assembly, the Chairman felt that the proposals already made should be restudied, in order to permit drawing up modified proposals consistent with the directives.

Mr. Meyer (France) then agreed that the documents filed could serve again and that the delegations would have the right to make proposals for definitive agreements.

The Chairman announced that the Delegate of the Outer Mongolian Peoples Republic had requested authorization to make a statement before this Assembly.

This request was seconded by the Delegation from the U.S.S.R., and as no objection had been raised, the Chairman recognized the Delegate from the Mongolian People's Republic who read the following speech:

"Mr. Chairman, Gentlemen:

Excuse me for asking to be recognized, but I am forced to do so. In view of the rapid development of communication facilities, and especially of radiocommunication, in the Mongolian People's Republic during the years of its independent existence, this Republic is highly interested in the work of all the Telecommunications, Radio and High Frequency Conferences as well as the Plenipotentiary Conference, taking place in Atlantic City. Although the last Plenary Assembly rejected, for no good reason, the request of the Mongolian People's Republic to participate in the work of the Plenipotentiary Conference, the Delegation from the Mongolian People's Republic requests the Plenary Assembly of the Plenipotentiary Conference for authorization to take part in its work at least in a consultative capacity, without vote."

In view of the lateness of the hour, the Chairman thought that it would be desirable to postpone the study of this question.

The Delegate from the Mongolian People's Republic agreed.

The meeting was adjourned at 3 o'clock.

Secretaries General:

L. Mulatier
Gerald C. Gross

Secretaries:

H. Egli
H. Voutaz

Read:

Chairman:
Charles R. Denny.

ANNEX

Note: This text sets forth the schedule and directive agreed upon for the High Frequency Broadcasting Conference of Atlantic City, as determined by the Fourth Plenary Session of the International Telecommunications Conference. The text is based on a proposal presented by the United States Delegation which incorporated a joint proposal of Denmark and the United Kingdom (Document Nos. 200 TR-E, 686 R-E) with amendments proposed by the Delegations of Egypt, Ireland, and other delegations.

1. The High Frequency Broadcasting Conference to be held in Atlantic City is an administrative conference of the International Telecommunication Union. It shall give full consideration to decisions and recommendations of the International Telecommunication Conference and the International Radio Conference on matters relating to the work of the High Frequency Broadcasting conference.
2. The High Frequency Broadcasting Conference shall convene with an opening Plenary Session on August 16, 1947, following a meeting of Heads of Delegations to this Conference, on August 15, 1947. At this opening Plenary Session, the Conference shall create a Credentials Committee and a Working Group. The Working Group shall, between August 16 and August 26, plan the work of the High Frequency Broadcasting Conference of Atlantic City, and shall present to the Second Plenary Session of the Conference to be held on August 26, 1947, proposals for a limited agenda within the framework of the directives below, together with proposals for committee structure and relevant preliminary matters.
3. The High Frequency Broadcasting Conference of Atlantic City shall devote itself primarily to the formulation of engineering principles which would underlie a frequency plan to be prepared in the future, and shall plan in detail the agenda and preparations for the next High Frequency Broadcasting Conference. Matters relating to High Frequency Broadcasting organization should be considered by the Atlantic City International Telecommunication Conference before being examined by the Atlantic City High Frequency Broadcasting Conference.
4. Specifically, the Atlantic City High Frequency Broadcasting Conference shall:
 - (a) give preliminary consideration to the total frequency requirements of all countries for high frequency broadcasting services in relation to the bands which will become available under the Atlantic City frequency

allocation plan for high frequency broadcasting;

- (b) give preliminary consideration to the question of how economy of high frequency 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) formulate the broad engineering principles on which a new frequency assignment plan for high frequency 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 High Frequency Broadcasting Conference;
- (e) in the light of the conclusions reached in respect of (a) to (d) above,
 - (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

5. High frequency broadcasting proposals already distributed by the Conference Secretariat shall be considered by the High Frequency Broadcasting Conference only to the extent that they deal with matters coming within the framework of the foregoing directive to the High Frequency Broadcasting Conference. The other proposals should be revised so as to present only those matters coming within such framework.

6. The High Frequency Broadcasting Conference of Atlantic City shall not remain in session beyond September 28, 1947, which has been fixed as the final date on which departures from Atlantic City may be planned by all delegations to the Atlantic City Telecommunication Conferences.

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Document 231 TR
9 August 1947

M I N U T E S

of the Fifth Plenary Meeting

August 8, 1947

The meeting was called to order at 9:15 P.M., by Mr. Charles R. Denny, Chairman.

The Chairman announced that this Plenary Meeting had been called to study the recommendations of Committee D (Document 227 TR-E) on the subject of the Draft Agreement to be used as the basis of the negotiations to take place between the I.T.U. and the United Nations.

The Chairman proposed, and the Assembly agreed, to examine paragraph by paragraph, the provisions of the Draft Agreement prepared by that Committee.

Preamble.

The South African Delegate raised a question as to whether a passage had not been omitted from the Preamble. He understood that following the phrase "in consideration of the," the following should have been inserted: "obligations incumbent upon the United Nations in accordance with the"

The Delegate of the United States stated that the Committee had deliberately omitted the phrase as unnecessary.

The Delegate from South Africa had no objection to this but pointed out that in view of the elimination, the text of the preamble should be corrected by adding the underlined words:

"and in consideration of the provisions of Article 15
of the Charter of the United Nations."

The change was approved without objection.

There were no comments with respect to Article I.

With respect to Article II, the Canadian Delegation believed that the question of the I.T.U. - U.N. Agreement and the question of membership in the Union were inseparably bound together.

"You will recall," the Delegate said, "that at the Congress of the Universal Postal Union, recently held in Paris, the clause on membership was dropped from the original draft agreement. The United Nations, however, only accepted the deletion of this Article after they were given specific assurances that suitable provisions on membership would be included in the Postal Convention, and the United Nations' approval of the Agreement was conditional on such provisions being included in the Convention. It is therefore extremely unlikely that the United Nations would accept the present Agreement with I.T.U."

in which there is no clause on membership, unless they were given similar assurances on this point.

The Canadian Delegation feels very strongly that the question of membership should be dealt with by suitable provisions either in the present agreement or in the International Telecommunications Convention itself.

If a suitable article on membership is not included in the present Agreement with the United Nations, the only alternative solution which would be acceptable to the Canadian Delegation would be that specific conditions be made in the Convention that new membership be determined as follows:

- 1° New membership, not necessarily including the right to vote, should upon application, be conferred upon the following:
 - (a) All Members of the United Nations.
 - (b) Non-Members of the United Nations admitted by a two-thirds vote.
- 2° The right to vote should only be granted to Members who have complete control over their telecommunication services.
- 3° Membership should not be granted to states who have been specifically banned from membership in a specialized agency by a vote of censure of the United Nations General Assembly.

The Canadian Delegation feels very strongly that either a clause on membership in the present Agreement, or suitable provisions in the Convention should be adopted by this Conference. Moreover, since the question of membership is integrally bound to the agreement with the United Nations, the Canadian Delegation will not be able to give its final approval to this Agreement until such time as a decision has been taken to embody its alternative proposal in the I.T.U. Convention."

The Canadian Delegation wished to have its statement inserted in the minutes.

The Chairman stated that this would be done.

In connection with Article III, paragraph I, the Delegate from Belgium made the following statement:

"I have spoken in Committee D of all the deep sympathy of Belgium for the United Nations, which is not purely in word but on the contrary, indeed, as the role of Belgium in the United Nations will demonstrate, as will the fact that its present Prime Minister, Mr. Paul Henri Spaak, is the first Chairman of the General Assembly.

But in regard to the I.T.U., the position of Belgium is based upon the primary consideration that our Union is an essentially technical and administrative body and that, as a result, international politics must continue to be excluded from its discussions.

Belgium is favorable to our Union being connected with the United Nations, but under the formal stipulation that the complete independence of the Union shall be maintained.

The I.T.U. is an organization which has existed for 80 years and has given brilliant proof of its ability; it is of primary interest to all countries and must be preserved from any schisms.

With these considerations in mind, the Delegation from Belgium, in Committee D, expressed its opposition to the presence of representatives of the United Nations in the purely technical bodies of the Union, the International Frequency Registration Board and the various International Consultative Committees.

Let it be well understood; it is in this case a question of representatives of the United Nations in the capacity of an international political organization.

But if, as is very probable, the Conference should decide to consider the United Nations, from another point of view, as the operator of a telecommunications network, we should, of course, agree to admit "the United Nations operator" on the same footing as the other operators.

I realize that the Working Group has been careful to say that the United Nations might be invited ... but we are well aware that this "possibility" will speedily become a custom.

There is one point especially which we consider extremely dangerous. It is the fact that the proposed text permits inviting the United Nations to the International Consultative Committees "and to other meetings."

This clearly opens the door to the intrusion of the United Nations in the Administrative Council, that is to say, in the very management of the Union.

The Delegation from Australia has submitted to the Working Group a text which allowed the admission of the United Nations to the Administrative Council.

This text was not adopted, but it became evident from the discussion that the possibility of an invitation to the United Nations by the Administrative Council was contemplated.

I repeat that this means the danger of the intrusion of international politics in our Union and the danger of causing schisms in our organization.

I should like, Mr. Chairman, to ask the Plenary Assembly to discuss this question."

The Delegate from India, speaking in his capacity as Chairman of Subcommittee D, said he did not believe that the apprehensions of the Belgian Delegate were entirely justified, and that he thought he could say that the majority of the committee members shared his viewpoint. He called attention to the fact that the directives suggested by Committee D stipulated that the Negotiating Committee shall make every effort to obtain guarantees of independent status for the I.T.U. similar to those obtained by the U.P.U. in its negotiations with the U.N. As a matter of fact, it was perfectly apparent from the minutes of the negotiations which took place between the U.P.U. and the United Nations that the latter recognized the complete autonomy of the U.P.U. as a specialized agency. It might, perhaps, be possible to obtain a similar assurance in this case if the Plenary Assembly deemed it advisable. "It is our intention to use to the

utmost all that the United Nations and their agencies have to offer to increase the efficiency of the I.T.U. In return, we should put at their disposal all the documents and all our resources which may be of service or of interest to them. What we are seeking is full collaboration. As for the danger foreseen by the Belgian Delegate in the fact that the United Nations 'may' be invited to attend meetings of the International Consultative Committees and other meetings convened by the Union, the Chairman of Committee D thinks that this question is left to the discretion of the Union itself. It is, furthermore, a matter of reciprocity."

The Chairman said he hoped that the minutes of this session would fully reflect the opinions expressed both by the Delegate from Belgium and by the Chairman of Committee D, to the satisfaction of the Delegate from Belgium.

The Assembly approved.

The Delegate from South Africa said he shared some of the apprehensions expressed by the Belgian Delegation. He pointed out that the exclusion of Spain from this conference, for instance, had been caused by political reasons, influenced by the rulings of the United Nations. Now, this exclusion might give rise to serious consequences for telecommunication services when the time came to apply the new provisions of the Convention and the Regulations.

Thus, in agreement with the Belgian delegation, the Delegate from South Africa thought that the Committee entrusted with negotiations should endeavor to maintain the technical independence of the I.T.U. In conclusion, he proposed that the Delegate from Belgium, who had made himself the ardent champion of our independence, should be nominated to take part in the Negotiating Committee.

The Chairman announced that the statement which has just been made would be entered in the minutes, so that the Negotiating Committee might be officially informed thereon.

The proposal for including Belgium in the Negotiating Committee would be examined shortly.

Articles IV, V and VI did not give rise to any comment.

Article VII

The Delegate from Canada made the following statement:

"The Canadian Delegation believes that for Members of the United Nations there should be no conflict between the obligations of the United Nations Charter and other obligations into which these countries may have entered. There should not be conflict between a country as a Member of the United Nations and the same country as a Member of the I.T.U. I would therefore suggest that paragraph 1 of Article 7 be amended in such a way that the two sets of obligations would be read as one. This could be accomplished by inserting after the word 'provisions' in line 3 of paragraph 1, the words 'of the Charter of the United Nations' so that the paragraph would read as follows:

"The Union agrees to cooperate with, and to give assistance to, the principal and subsidiary organs of the United Nations so far as is consistent with the provisions of the Charter of the United Nations and of the International Telecommunications Convention and without prejudice to the sovereign position of individual Members of the Union who are not Members of the United Nations."

Paragraph 2 of this Article clearly recognizes that for Members of the United Nations in cases of conflict between the obligations under the Charter and the obligations under the Convention, the obligations under the Charter shall prevail. In order, therefore, that paragraph 1 shall be consistent with paragraph 2 it is essential that the first paragraph be amended in such a way that obligations under the Charter and obligations under the Convention be read as one.

In case there should be any objection to the Canadian amendment on the ground that it would affect the position of the Members of the I.T.U. who are not Members of the U.N., I should like to point out that their position is amply safeguarded by the phrase at the end of paragraph 1, which reads, without prejudice to the sovereign position of individual members of the Union who are not Members of the U.N.O." While the Canadian Delegation will abide by the position of this assembly on this question, we would strongly urge that paragraph 1 be amended to make the obligations of the Charter and the obligations of the Convention read as one."

The Delegate from Uruguay spoke as follows:

"In order to clarify the scope of Article VII of the draft agreement, the Delegation from Uruguay proposed to insert in the final portion a detailed reference to Article 41 of the Charter of the United Nations, expressing the paragraph in the following words:

'As far as Members of the United Nations are concerned, the Union acknowledges that, in conformity with the provisions of the Article 103 of the Charter, no provision of the International Telecommunications Convention or of the agreements related thereto can be invoked as an obstacle or any kind of limitation whatsoever to the fulfilment by any State of its obligations towards the United Nations, or the adoption of the measures to which reference is made in Article 41 of the Charter.'

Article VII of the draft agreement acknowledges that, as far as Members of the United Nations are concerned, their obligations to the Charter prevail over those of the Telecommunications Convention, and that the latter cannot prevent the execution of the provisions of the Charter.

Uruguay, as a Member of both organizations, wishes to make its situation in the future clear in regard to the fulfilment of her obligations on a question as important as the coercive and preventative action provided in Article 41, which should be clearly defined by a reference

to this precise text. It must not be subject to a general provision such as that set forth in Article VII, which could raise problems of interpretation based on the legal nature of the provisions of the Charter as to its primary authority in relation to the International Telecommunications Convention.

In substance, we desire to avoid that in future, if a Member of the U.N. calls upon the Security Council for a possible decision by virtue of the provisions of Article 41, against another State which is not party to the U.N., the latter cannot appeal to the provisions of the Convention to demand the application thereof.

It is only for the purpose of clarifying Article VII on so delicate a point that we take the liberty of suggesting this addition to the text of this article and that we ask the Chair to submit it to the consideration of the Assembly."

The Delegate from Lebanon said that he preferred the text as submitted, without the proposed amendments.

The Delegate from India, in his capacity as Chairman of Subcommittee of Committee D, reported that his Subcommittee had not deemed it expedient to insert a reference to the Charter of the United Nations, as the Delegate from Canada had proposed, inasmuch as no mention thereof is made in the corresponding article in the draft agreement between the U.P.U. and the U.N., which served as a basis for the work of the Subcommittee.

The Delegate from Argentina supported the Chairman of the Subcommittee by pointing out that the said Subcommittee had felt that, in general, it was necessary to refer to the Charter of the United Nations, because all the obligations of the Union, as an international body were determined by its own Convention.

The Chairman put the amendment proposed by the Canadian Delegation to a vote by a show of hands.

The amendment was rejected.

The Delegate from Belgium stated that he could not accept the amendment proposed by the Delegation from Uruguay, which had already encountered almost unanimous opposition by the Committee. Mention of Article 41 of the United Nations Charter would furnish grounds for the belief that it was desirable to call particular attention to this article of a political nature; this would constitute a danger for the Union.

The Delegations from Argentina, the United States and the United Kingdom concurred in thinking that any reference in this article to the United Nations Charter was superfluous.

Put to a vote, the amendment proposed by Uruguay was rejected by a show of hands.

Article VIII.

The Belgian Delegate was anxious to explain to the Plenary Assembly his

reasons for requesting, in the Committee meeting, the addition of the words:

".... taking into account the specific conditions of their employment, in particular the location of their functions." In fact, he said, without this addition, Article VIII could mean that the United Nations Organization, whose seat is in the United States, and the Telecommunications Union, whose seat could be, as up to now, in Switzerland, should pay the same salaries to officials who are living under different economic conditions. This was certainly not the idea of those who drafted this article. On the other hand, it was also possible, and even probable, that in the two organizations there might be employment of a quite different nature, for which a corresponding scale of salaries could not be found.

The Chairman stated that these remarks would also be entered in the minutes.

Articles IX to XVII were adopted without comment.

The Chairman stated that the draft agreement was adopted and that at present the Members of the Negotiating Committee should be nominated. He gave the list of countries recommended by Committee D, to which Belgium would be added, in accordance with the proposal of South Africa, supported by the Egyptian Delegation.

Mr. Corteil, Head of the Belgian Delegation, wished to express his sincere thanks to the Delegates from South Africa and Egypt for the proposal which concerned him and for the compliments addressed to him. However, as the Belgian Delegation had only two Members attending the Conferences, he would not be able to leave to take part in the negotiations which were to take place at Lake Success. He proposed nominating in his stead Mr. Arboleda, Head of the Colombian Delegation, who took a very active part in Committee D when the draft agreement was studied.

This proposal was supported by the Delegations from Cuba and Argentina, and the Assembly approved this choice.

Colombia would therefore take part in the Negotiating Committee.

The Delegate from Colombia expressed thanks for the honour conferred upon his delegation, and said he would endeavour to fulfill his task to the best of his ability.

The Chairman informed the Assembly that the directives recommended by Committee D had now to be approved (Document 227 TR, number 4).

The Delegate from the Vatican wished to draw attention to three points:

1. In our Union, no distinction shall be made between Members and non-Members of the United Nations;
2. The conditions laid down by the United Nations for membership in our Union cannot require the exclusion of Members now parties to the Convention; they

must bear exclusively upon the admission of new Members. Articles VII establishes the obligations of the present Members of the Union;

3. The relationship between the I.T.U. and the U.N. must be such that the obligations of the U.N. cannot be imposed upon Members of the I.T.U. who are not Members of the former body.

The Delegate from the Vatican stressed the fact that his comments did not at all mean that he did not realize the duty to society incumbent on the United Nations. His only concern was to safeguard the non-political character of the Union and to ensure for the Vatican the possibility of being a Member of the Union while avoiding any political rivalry.

The Chairman thanked the Delegate from the Vatican for his statement which would be mentioned in the minutes.

He believed that the draft agreement just approved took into account the views stated by the Delegate from the Vatican, since Article VII likewise said that the Union agreed to collaborate "as far as is consistent with the provisions of the Convention, without prejudice to the sovereign position of Members of the Union who are not Members of the United Nations."

Furthermore, a recommendation had been made to the Plenary Session that the Negotiating Committee be instructed to "make every possible effort with a view to maintenance of the clause:... without prejudice to the sovereign rights of individual Members of the Union who are not Members of the United Nations Organization."

The Chairman added: "If, contrary to all expectations, agreement on this passage proved impossible, the Negotiating Committee would see that the report on this point was entered in the minutes of the negotiations."

The Delegate from Belgium pointed out that under a) of number 4 the Negotiating Committee was instructed to obtain for the I.T.U. guarantees of independent status similar to the guarantees obtained by the U.P.U. The word "similar" seemed too vague to him. Telecommunications were more important than the postal service from an international and political standpoint. He proposed replacing the word "similar" by the words "at least equivalent." Furthermore, he recalled that, at the last meeting of Committee D, he had pointed out that the Union should retain full independence, especially in regard to rates, and that the Committee had agreed to insert a recommendation to this effect. This meant that the negotiators should try to obtain all the desired guarantees so that this matter might remain under the exclusive jurisdiction of the I.T.U.

The Delegate from Lebanon deemed it unnecessary to add a recommendation of this nature, as the United Nations had never asked to take part in technical meetings nor did they wish to interfere in questions of rates. The United Nations only wished economic and social collaboration with the

Union. Consequently he requested that the Chairman make a recommendation to the negotiators to hold no discussions on questions which had not been raised by the United Nations.

The Delegate from Argentina made the following statement:

"To guarantee the unity of action necessary to the Negotiating Committee, with reference to the United Nations, the Delegation from Argentina proposed the following procedure to reconcile any possible differences of opinion which might arise in connection with the terms of the draft or the scope of the instructions received:

"That such differences of opinion be submitted to study by the Plenary Assembly, the supreme organ of the Union."

The Chairman thought that everyone was agreed that the Negotiating Committee should have full jurisdiction to draw up the agreement under the directives received, but that it was likewise understood that the Committee would be entirely free to come before the Plenary Assembly again, if it deemed proper.

In regard to the second proposal of the Delegation from Belgium to insert d) in the directives on the question of rates, the Delegates from Egypt, supported by the Delegate from the United Kingdom, was of the opinion that it would be sufficient to mention it in the minutes.

The Chairman then submitted to the vote by a show of hands the first proposal of the Delegation from Belgium, namely, replacing the word "similar" by the words "at least equivalent" under a) of number 4.

This proposal was adopted.

The Delegate from Belgium, after explaining again the reason for his fear of interference on the part of the U.N. or its specialized agencies in questions of I.T.U. rate-fixing, said that he agreed in any case to the suggestion of the Delegate from Egypt that the matter should be entered in the minutes.

The Delegate from Ireland wishing to reinforce the provision in the second paragraph of b) under number 4, proposed the following wording:

If, however, agreement on the maintenance of this passage proved impossible, the Negotiating Committee should press for a satisfactory alternative provision, and, in any case, make sure that the report of the discussions on this point be entered in the minutes of these negotiations.

Seconded by the Delegation from the United States, this proposal was adopted by a show of hands.

The directive recommended in Document 227 Tr as amended, was approved by the Session.

The Chairman asked the delegations represented on the Negotiating Committee to name the persons who would take part in the negotiations.

The list of these delegates appears below:

Chairman: Sir Harold Shoobert (India);

Members: Dr. Mayo (Argentina), Mr. Mohamed Shoucry Hussein Bey Abaza* (Egypt); Mr. Jacques Meyer (France); Mr. Leon O'Broin (Ireland); Dr. Victor Neff (Switzerland); Mr. Nikelai Nikitin (U.S.S.R.); Mr. Harold W.A. Freese-Pennefather (United Kingdom); Mr. Harvey B. Otterman (United States of America); Colonel Milans (Uruguay); Mr. Carlos E. Arboleda (Colombia).

The Chairman proposed that, inasmuch as it was a question of a special mission of the Union, travelling expenses and actual expenses of subsistence of the Members of the Negotiating Committee be reimbursed by the Bureau of the Union. It was estimated that the negotiation would be in progress for two days.

The Assembly concurred.

MISCELLANEOUS

The Chairman, after observing that the agenda had been covered, wished to submit a few minor matters to the consideration of the Assembly. First to be considered was the case of Curacao and Surinam. The question had been raised by Dr. van der Veen, Head of the Netherlands Indies Delegation (Surinam and Curacao). The Credentials Committee had not examined the credentials of Curacao and Surinam, because these countries were not enumerated in the list of Article 18 of the Rules of Procedure of this Conference. The Head of the Netherlands Indies Delegation had suggested that Curacao and Surinam should be grouped together in this list with the Netherlands, in the two Conferences. This should not affect in any way voting rights, as a single vote could be assigned to the group: "Netherlands, Curacao and Surinam."

Dr. van der Veen explained that if this procedure were admitted, the Credentials Committee could then examine the credentials of Curacao and Surinam, who had long been Members of the Union.

He said: "It is my understanding that the United States of America in its capacity as host country to the conference, in inviting the Members of the Union consulted only what Mr. Colt de Wolf in our first plenary session called "the parent countries," instead of all the Members of the Union individually. On page 19 of document 57 TR we find the list F of Members who were not directly consulted, but from whom or on whose behalf nevertheless replies were received. This list contains the names of Surinam and Curacao. This is correct. Both territories in the American zone are Members in good standing of the I.T.U.; the territory of Surinam since 1925 and the territory of Curacao ever since 1910.

*Or an alternate

The Credentials Committee did not consider it within its terms of reference to examine the credentials of any Member of the Union not included in the list of article 18 of the Rules of Procedure. This article deals primarily with the voting rights of the Members. At Madrid it had been agreed that certain countries, including the Netherlands, would receive one vote for the parent country and one or more for territories maintaining close ties with the parent country. In order to demonstrate the complete autonomy of its overseas territories, as laid down in the revised Constitution of the Netherlands of 1922, this country renounced its own use of this second vote in favor of the largest of its overseas territories, that is in favor of the Netherlands Indies. This, however, does not mean that the other two overseas territories of Surinam and of Curacao had ceased to be Members of the I.T.U., nor does it mean that they do not desire to have a voice in the proceedings of this conference.

At the present stage of our deliberations I do not think it would be advisable to make any statements on the voting rights of the Members of the Union at future conferences. This question is connected with the future organization of the I.T.U. which will be decided upon at a later stage of our work. But I think it appropriate that the validity of the representation of Surinam and Curacao should be established and that their names should be removed from annex 4 of document 107 TR. Neither the credentials of the Netherlands delegates, nor those of the Netherlands Indies delegation cover their representation. Conceding that at Madrid it was agreed that two votes only would be available to this group of four countries who in the very near future will be completely independent, except possibly for common ties to the Crown, I should like to suggest that for this Plenipotentiary Conference, as well as for the Radio Conference, and without prejudice to future arrangements, the names be added to the lists in the Rules of Procedure in the following manner:

In article 18 of the Rules of Procedure after "58. Netherlands" should be added, "and Surinam and Curacao." This last addition could also be made after "59. Netherlands" in article 19 of the Rules of Procedure of the Radio Conference. I understand that this is agreeable to the head of the Netherlands delegation. It would enable the Credentials Committee to examine the papers submitted for the territories mentioned. Since, however, the conditions prevailing in the Netherlands differ substantially from those prevailing in Surinam and Curacao especially with regard to the work in which the Radio Conference is engaged, this change does not mean that the delegations have been merged.

This procedure does not alter the voting structure of the two conferences, while it does recognize that two Members in good standing of the I.T.U. can participate in the deliberations. I trust, therefore, that this procedure will be acceptable to you and to the conferences."

The Delegation from the Netherlands pointed out that its own credentials had been issued on the basis of the Madrid Convention

and extended only over the Metropolitan area. Separate credentials had been established for Curaçao and Surinam. As far as the signature of Acts was concerned, the two delegations could affix it under the title of "Netherlands, Curaçao and Surinam."

On being consulted, the Assembly raised no objection. The lists of countries appearing in Article 19 of the Rules of Procedure of the Radio Conference and in Article 18 of the Telecommunications Conference would be completed by replacing the wording "Netherlands" by "Netherlands, Curaçao and Surinam."

Another question raised by the Chair was the coordination of the work of Committee 3 of the Radio Conference and the work of Committee C of the Telecommunications Conference, on items relating to the future organization of the Union. "As you know," said the Chairman, "Committee 3 must examine various articles of the Radio Regulations which deal with the I.F.R.B., the C.C.I.R. and other bodies. The Telecommunications Conference is also interested in the questions of structure being studied by Committee C, which especially concern the financial aspect. To facilitate coordination and to expedite the work, the Chairman suggested the following procedure: Committee 3, each time it has completed its work concerning a specified body, shall immediately submit the text of such organization to Committee C. Committee C will examine the texts and give priority to those which concern the I.F.R.B., which are particularly urgent and will be delivered by Committee 3 towards August 16th. When Committee C has in turn completed its work, it will send the texts to the drafting Committee of the Radio Conference, which will prepare them for a first reading in the Plenary Session of the said Conference. If Committee C deems it advisable, it will come to an agreement with Committee 3. Finally, the Plenary Assembly of the Radio Conference will incorporate the texts in the Radio Regulations, and a Plenary Assembly of the Telecommunications Conference will examine the question of principle. A Common Plenary Assembly might even be contemplated. Such a procedure would be applied to texts relating to the C.C.I.R."

The Chairman of Committee C said he felt this procedure to be judicious and entirely satisfactory. He was delighted to be able to announce that the important matter of the organization of the I.F.R.B. had already been taken under consideration by Committee C along lines similar to those followed by the Radio Conference. The above mentioned committee was agreed on the principle of the organization of the I.F.R.B. and it did not therefore appear necessary that a second Plenary Session would make as detailed a study of the statutes of the I.F.R.B. as the Radio Conference had done.

He considered that the Telecommunications Conference should approve the principles of the organization of the body in question, and that the details should be settled by the Radio Conference.

The case of the C.C.I.R. was somewhat more complex, for the consensus of opinion seemed to be that all the Consultative Committees be organized on similar lines. It would therefore be advisable that Committee C examine in greater detail the questions pertaining to the C.C.I.R.

The Chairman thanked the Committee.

The Delegation from the United Kingdom concurred in the opinion of the two preceding speakers, and asked that the contemplated procedure be applied also to all similar questions with respect to organizational matters. The Chairman agreed.

The Secretary General then read a letter from the Hungarian Delegation, dated August 2, 1947, as follows:

"Mr. Chairman,

The three-year economic plan for final reconstruction of Hungary, which is being put into effect by the Hungarian Government, was initiated on August 1st. The Hungarian Delegation to the International Telecommunications Conferences at Atlantic City is also scheduled to participate in this reconstruction work in the field of Hungarian postal and telecommunications services, and will therefore be obliged to return to its country before the close of these Conferences.

Under these circumstances, on the basis of the provisions of § 2 of Article 18 of the Rules of Procedure, I have the honour to inform you that with the consent of Mr. Krapka, Head of the Czechoslovak Delegation, I have authorized the Czechoslovak Delegation to vote by proxy for the Hungarian Delegation during the remainder of the International Radio and Telecommunications Conferences now being held in Atlantic City.

I should like to point out that this authorization does not relate to the signing of the Acts resulting from the deliberations of the Conferences.

At the same time, I take the liberty of informing you that the Hungarian Delegation most regretfully resigns from the Vice-Chairmanship of the Drafting Committee, which post was entrusted to it by the Plenary Assembly of the Plenipotentiary Conference. The Hungarian Delegation wishes to repeat that it is extremely grateful for the honour accorded its country by this assignment.

I take this opportunity to ask you, Mr. Chairman, to be good enough to handle the affairs of Hungary with consideration in the absence of its Delegation, which is forced to leave before the close of the Conference.

Thanking you most sincerely on behalf of my Delegation for the splendid reception and kind hospitality accorded to us, I beg to remain

Very sincerely yours,

Signed: O. Udvarhelyi
Director General of Posts,
Head of the Hungarian Delegation
at the International Tele-
communications Conferences at
Atlantic City."

On behalf of the Conference the Chairman thanked the Hungarian Delegation for its participation in the Atlantic City

Conference, and said that all the Delegations regretted the departure of the Delegation of this country. He said that he understood that the Acts would be signed on behalf of Hungary by the diplomatic representative of that country in the United States. Further, he asked for nominations for the vice-chairmanship now left vacant.

Mr. Laffay, Chairman of the Drafting Committee, suggested Czechoslovakia for this post.

The Head of the Czechoslovakian Delegation expressed his thanks but said he would have to decline the honour, because the Czechoslovakian Delegation comprised only three Members, all of whom were exceedingly engrossed in their work.

The Egyptian Delegation then suggested Lebanon.

The Delegate from Lebanon, expressed his thanks, but said that he too was obliged to decline the honour, because he was the sole representative from Lebanon at this Conference.

Upon a proposal by the Delegation from the United States, the Delegation from the Argentine Republic consented to fill the post, and appointed Dr. Mayo as the new Vice-Chairman of the Drafting Committee.

The Chairman expressed his appreciation.

Proceeding to the question of the return of the Delegates to their respective countries, the Chairman reminded the meeting that forms had been distributed a short time before for the convenience of delegates who might desire assistance, for example, in making reservations. Those interested and who had not yet filled out this form were requested to do so and to return them not later than August 12.

The Delegate from Lebanon expressed his apprehension with regard to the final closing date of the Conferences. He insisted that signing take place not later than September 15, as had been scheduled. Further, he said, in his opinion, that Chairmen of the different committees should be requested to expedite their work.

The Chairman said that he had already appealed to all concerned to do their utmost in this respect. He renewed his recommendations, asking the Delegates to be as brief as possible in their speeches in order that the Acts might be effectively signed on September 15.

The Head of the Belgian Delegation pointed out that certain Delegations were having difficulty in obtaining their exit visas.

The Chairman stated that Mr. Reginald Johnson would be at the disposal of the Delegates here in Atlantic City next week in order to facilitate their exit formalities.

The meeting was adjourned at 11:35 a.m.

The Secretaries-General:

L. Mulatier
G. C. Gross

The Secretaries:

E. Rusillon
A. Auberson
P. Oulevey
H. Voutaz

Approved:

The Chairman:
C.R. Denny

Document No. 266 TR-E

August 15, 1947

M I N U T E S

of the First Joint Plenary Meeting of the Telecommunications
Conference and the Radio Conference

of Atlantic City

August 15, 1947

The session was opened at 9:25 A.M. under the Chairmanship of Mr. Charles Denny, Chairman of the Conferences.

The Chairman made the following address:

"Ladies and Gentlemen:

"This Assembly of delegates to all three of our Telecommunication Conference has been called for one very special purpose. Today, August 15, 1947, marks the emergence of India and Pakistan as sovereign independent states, equal members in the world family of nations. Therefore, it seems fitting that we should pause in our work to extend to them in their new and enhanced status the sincere best wishes of the Members of the International Telecommunication Union.

"We all know, and they too realize, that in their new and independent position, India and Pakistan will be confronted with many problems of which telecommunications will form a part. It is in this phase of their activities that we here can pledge ourselves to be of assistance to them. We have had occasion during these Conferences to observe the active part which the Indian Delegation has taken, and I feel confident that the men composing that Delegation - some of whom today become citizens of the Dominion of India and others of whom become citizens of the Dominion of Pakistan - will be equal to the even greater tasks ahead. As Delegates at future Conferences, we shall expect that they will participate even more fruitfully in all the activities of our Union.

"While the new Dominion of India will continue to be a Member of our Union, Pakistan will apply for admission as a new Member. I am sure I express the feeling of everyone present in assuring her that we will welcome her admission as soon as possible and that we will benefit by her participation in our work.

"In closing, I would like to assure Mr. Banerji of India and Mr. Kari of Pakistan and all the Members of their Delegation that I am glad that the occasion of the independence of their countries has come during the meeting of our Conferences, since it has given us all the opportunity as Delegates to these

Conferences personally to participate in an event of such great historical importance. We rejoice with them on this happy occasion."

(Applause)

The Chairman gave the floor to Mr. Townshend, Chairman of the United Kingdom Delegation who spoke as follows:

"Mr. Chairman, I am grateful to you for giving me an opportunity of expressing the feelings of the United Kingdom Delegation on this very special occasion.

"Our Conferences of the International Telecommunication Union do not purport, of course, to be political Conferences, but we work, though in our specialized field, on a fully international basis, as the Membership of the Atlantic City Conferences witnesses; and it is inevitable that our work shall be conducted within the framework of the developing political institutions, both of our individual countries, and of the world. The emergence of two new States, each already provided with important telecommunication systems, both internal and external, is an event of great importance, even if we look at it from the strictly specialized point of view of our Union. The United Kingdom Delegation cordially joins in the expression of goodwill which you, Mr. Chairman, have voiced. We look forward to continued collaboration with our old colleagues of the Indian Delegation in their future - shall I say renewed - capacities. I feel sure that this feeling will be shared by all the Delegations present at this meeting.

"But this occasion has, of course, a special significance for the United Kingdom. Today, one of the great communities of the British Commonwealth freely assumes within that Commonwealth the position of two Dominions, fully independent in their international relations. Since this event has taken place during our Conferences here, I hope that the representatives of the Dominions of India and of Pakistan who are present at this meeting, will feel it fitting that I should, as I do most sincerely, express to them our warm good wishes for the future and our confident belief that it will justify the hopes we hold in common."

(Loud Applause)

Mr. Banerji, head of the Indian Delegation to the Radio Conference, made the following address:

"Mr. Chairman, friends:

"This is a memorable moment, unique in the history of mankind, when nearly one-fifth of the population of this planet of ours, is going to breathe the exhilarating air of freedom and independence. For me, this moment is one of deep emotion,

particularly as I find myself surrounded by members of seventy-seven countries, who are unanimous in their good wishes towards India. I am overwhelmed by the warm greetings you have offered us, and can scarcely find adequate words in which to thank you and the delegates assembled here.

"This occasion is unique also in that it marks the success of a new method of settlement of differences between nations. I refer to the non-violent method, which has been devised and perfected by our Great Leader, Mahatma Gandhi. Much credit for the success of this method is also due to the United Kingdom, and we are fully conscious of this.

"India now moves forward into the international sphere in her own right and brings to you her culture of the centuries gone by and this latest instrument of non-violence, which has stood the test of many a storm. She hopes that, with your co-operation and understanding, she may contribute much towards the building of a better, happier and more peaceful world.

"I know of no occasion when seventy-seven countries have gathered together to welcome the independence of a country. Even at Lake Success, only fifty-five countries are assembled. The International Telecommunications Union has thus done us a great honour, which we will remember forever.

"Let me, Sir, once more, thank you and the delegates assembled here. I sincerely hope that all our future Plenary Meetings will be as unanimous as this one so as to lighten your task and, above all, to hasten our return home to see again the fair face of India, which must now be flushed with the glow of independence."

(Prolonged Applause)

Mr. Kari, in the name of the Government of Pakistan, made the following address:

"Mr. Denny, Mr. Townshend, Ladies and Gentlemen:

"I convey to you, on behalf of the Government of Pakistan, our thanks for your kind expressions of goodwill on this memorable occasion of Pakistan's independence. We are grateful to the Conference for arranging this occasion to provide us with the opportunity to express our feelings of gratification and joy at this historical moment.

"Today we see the dawn of a new era. The granting of independence to any people is always a moment of greatest significance to them. But this occasion of the independence of a hundred million people occupying a strategic position in the Eastern Hemisphere is not without significance, even in the international field.

"This day brings to us the attainment of our goal. It heralds the culmination of the greatest experiment in the political history of the world, the silent struggle of a people achieving its objective.

"We begin a new chapter in our history with the greatest rejoicing and pride.

"Pakistan will be shaped as a model of the Moslem culture, a culture which stands for universal brotherhood, fraternity and equality; a culture which knows no distinctions of caste or creed or color, a culture which was first in the history of man to recognize the equal rights of women. Pakistan will thus have the friendliest relations with all nations the world over, and it extends the hand of friendship to all. We believe that for the greater happiness of mankind close cooperation, mutual understanding and toleration amongst the nations of the world are essential. Pakistan will strive to live up to those ideals.

"Today as we look into the future and pause to appreciate the responsibilities of our task, we are impressed by the magnitude of our assignment. We have before us huge projects and plans of development, the harnessing of hydroelectric power, the exploitation of natural resources in minerals and in forests and the development of industries. Pakistan, as you know, has oil resources in the northwest and the greatest jute production in the East. She has some of the most fertile areas in the world. It is our earnest hope that the emergence of Pakistan as an independent sovereign state will forge the strongest ties with the outside world, both commercially and politically.

"Today my Government is dispatching to the Berne Bureau and the Swiss Government the notification of our accession to the Madrid Convention and the Radio and Telegraph Regulations. I sincerely appreciate Mr. Denny's assurance that you will welcome Pakistan as a Member of the Telecommunications Union.

"I thank you once again, ladies and gentlemen, for affording me this opportunity of conveying to you the appreciation of the Government of Pakistan for your good wishes."

(Prolonged Applause)

The Chairman informed the gathering that, during a similar ceremony held in Washington, His Excellency the Ambassador of India to the United States of America made an address that was read to those present. This address was as follows:

"Your Excellencies, Ladies and Gentlemen:

"You have just now witnessed here a simple but historical ceremony. The tri-coloured flag which has been unfurled before you is emblematic of the rebirth of India and it symbolises the independence and sovereignty of the people. It heralds a new era of renaissance in that Ancient Land in the checkered history of India, which for thousands of years presented many thrilling chapters of material and intellectual achievements. For many

long centuries while the ancient world, consisting of China, Persia and Egypt, was engaged in constructing the fabric of civilization, India girthed by the ocean and her perpetually snow turbaned mountains lay wrapped in peaceful dreams, developing a highly sensitive mind, which pulsed to the finer rhythm of life based on the noblest conceptions of ethical integrity. Her philosophy, religions and arts went to the east and west, north and south, and one of her great religions, Buddhism, spread far and wide into China, South-Eastern, Central and Middle Western Asia and still continues to hold its spiritual sway over millions of hearts. Never throughout her history has India yielded to the temptation of being an aggressor.

"By the end of the 15th Century of the Christian era, India became acquainted with European traders from Portugal, France and England, and before the 18th Century had run a little over half way, by a strange process of history, England's traders assumed the role of rulers. After the last battle of independence which India fought in 1857 against the British, England became the suzerain and sovereign of the entire country. In 1885 a new chapter of history began to unroll itself when the Indian National Congress was founded for securing what was regarded as the due share of the original inhabitants and potential masters of the country. After 30 years the new spirit of India found an ideal leader in Mahatma Gandhi, whose burning faith in moral values fired the hearts of millions with self confidence and converted the unarmed millions of India into a vital revolutionary force. It was a new experiment in history, for a peaceful and entirely unarmed people were inoculated with a faith which after 27 years of continuous application to hard and often very discouraging realities has produced the new India of to-day. The dynamic urge which he aroused in the minds of the people in 1920, aimed at nothing short of complete independence of the country.

"The most powerful weapon in the armory of the revolutionaries who dedicated themselves to this movement was none other than peaceful and non-violent non-cooperation. It meant the withdrawal of all support and cooperation to the alien rulers and their governmental organizations. The new revolutionary movement of India was intended to enable the people of the country to redeem their birthright of self-determination and to establish the sovereignty of the people. It may be of interest to you to know that many of the younger intellectuals who threw themselves heart and soul into this movement had imbibed the political principles which had been evolved by the French encyclopaedists and British thinkers, and they had drawn inspiration in a generous measure from the history of the French and American revolutions. Faurrell's Doctrine of civil disobedience also contributed to the political philosophy of non-cooperation, which was intended in its final stage to end foreign rule by universal refusal of financial supplies or taxes. The battle cry of India's revolutionaries was also curiously enough Abraham Lincoln's everlasting and inspiring dictum "Government of the people for the people and by the people." This struggle, titanic in its scope, radically ef-

ficacious in its general effect and instantaneous in its appeal, gripped the imagination of the unarmed masses of India and progressed with varying fortune from decade to decade in a tidal wave. Whenever the full history of the movement, disentangled from the transient and divergent events of the present, comes to be written by an historian of vision, it will form one of the most inspiring chapters of human history which will reveal the unerring potency of mass will. It will prove too that while force can suppress human freedom for a while, it cannot do so for long, once mass consciousness is fully awake and human beings revolt against their own enslavement.

"In a little over a quarter of a century this movement has achieved a success, the magnitude of which will come to be recognized in its correct perspective only after the dark shadows of prejudice, suspicion and distrust which still overhang the postwar world, have yielded to a saner frame of mind and peace has been established on this planet. This is but only one side of the medal. The other side bears an equally indelible imprint of British history. This day should go down in the annals of Great Britain as perhaps the greatest, marking as it does, an epoch of great significance to the human race, as the turning point in the free relationship between free human beings. The U.S.A. undoubtedly led the way by voluntarily withdrawing its rule from the Philippines last year and recognizing the sovereignty of the people of the Philippines Republic. In view, however, of Great Britain's history as an imperialist power, three-fourths of whose empire consisted of India alone, the credit for allowing one-fifth of the entire human race, and that without the arbitration of the sword, to resume their birthright of freedom, must be recognized as a great act of far reaching political wisdom. It was one of those noble gestures which never failed to evoke an equally noble response and which are capable of cementing lasting friendship between the bitterest of opponents. Today British Rule in India is a chapter of past history and free India embarks on her own career of people's sovereignty. It is true that geographically India presents herself today in the form of two free and equally sovereign states; but it should not be forgotten that these two sister dominions of India are bound together by the closest ties of vitally common interests. India with her vast millions and moral and material resources, advances towards all the peoples of this globe in a spirit of the most cordial friendship and offers to all her fullest co-operation in establishing and maintaining peace and freedom and promoting the prosperity of mankind."

After this address, which was warmly applauded, the Delegates gathered around the representatives of India and Pakistan, to present their personal congratulations.

The meeting was adjourned at 9:55 A.M.

The Secretaries General:	Secretaries:	Seen by the Chairman:
L. Mulatier	Oulevey	C. R. Denny
Gerald C. Gross	Meyer	
	Voutaz	

Document No. 361 TR-E

September 7, 1947

MINUTES
of
6th Plenary Session
September 4, 1947

AGENDA

- 1) Approval of minutes of 4th and 5th Plenary Sessions and the 1st Joint Plenary Session (Doc. 230 TR, 234 TR and 266 TR).
- 2) Confirmation of the action of Committee C with respect to the Seat of the Union (Doc. 327 TR).
- 3) Transitional arrangements (Doc. 328 TR).
- 4) Schedule of future conferences (See Work Sheet annexed to Agenda, Meeting of Heads of Delegations - Doc. 857 R and 337 TR).
- 5) Work of C.C.I.R. (Doc. 305 TR and 326 TR).
- 6) Report of Negotiating Committee on relations between U.N. and I.T.U. (Doc. 335 TR).
- 7) Admission of Pakistan.
- 8) Continuation of discussion on the admission of Outer Mongolia (See Doc. 230 TR).
- 9) Miscellaneous Correspondence.

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The meeting was opened at 10:15 A.M. by Mr. Charles R. Denny, Chairman.

The minutes of the Plenary Sessions were adopted without comment:

Fourth Plenary Session, of August 5, 1947 (Document 230 TR).

Fifth Plenary Session, of August 9, 1947 (Documents 231 TR and 264 TR).

First Joint Plenary Session of the Plenipotentiary Conference and the Radio Conference, of August 15, 1947, convened to celebrate the independence of India and Pakistan (Document 266 TR).

The second item on the Agenda called for the confirmation in a Plenary Session of the decisions taken with regard to the seat of the Union (Document 327 TR).

The Chairman explained that Committee C had unanimously adopted a proposal, according to the terms of which the seat of the Union would remain in Switzerland, but would be transferred to Geneva. The Committee had also approved a resolution providing for the creation in a short time of a Bureau of the Union in Geneva, which would be used for the work of the P.F.B. and providing also for an authorization to transfer the present Bern Bureau to Geneva as soon as possible. The Heads of Delegations approved this decision and recommended that the present Plenary Assembly adopt a resolution which would appear in the form indicated below. This resolution is a slight modification of the resolution examined by Committee C concerning the form of the authorization. The resolution recommended by the Heads of Delegations is as follows:

"Whereas, for administrative reasons, the headquarters of the International Telecommunications Union must be moved from its present location at Bern, Switzerland, to Geneva, Switzerland,

It is resolved by the International Telecommunications Conference of Atlantic City that the Director of the Bureau of the Union shall be entrusted with the undertaking of negotiations with the competent Swiss government authorities in order that the necessary arrangements may be made with a view to the establishment of a Bureau of the Union at Geneva (Switzerland) not later than January 1, 1948, in the service of the Provisional Frequency Board, and shall take immediate steps to transfer the existing Bureau from Bern to Geneva as soon as possible."

This resolution raised no objection. It was therefore adopted unanimously.

The Head of the Delegation from Switzerland then made the following statement:

"Mr. Chairman, Gentlemen,

"By the adoption of this resolution, the fate of the seat of the International Telecommunication Union has been decided. Between the 1946 Moscow Conference and the beginning of the Atlantic City Conference, the Swiss Delegation has followed the development of this important question with the closest attention,

and it is with deep emotion that we now see it settled in favor of the Swiss Confederation. I wish to express, on behalf of my government and the Swiss Delegation, our most warm and sincere thanks as well as our deep emotion that you have arrived at this happy solution which confers so great an honor on my government and on my country. May I take the liberty also of adding my personal gratitude, which is all the greater because the proposal originated with the Delegation of the United States, the great sister republic to which we as a people, and I as an individual, are so closely bound by ties of history and of friendship.

"I hope I may also be permitted to take this opportunity of expressing not only the wish but also the assurance that you will never regret this decision and that the future will prove that this is not only a wise solution, but also that it is in the best interests of our Union as well as all its individual members.

"It is true that ever since the foundation of the Union, the Berne Bureau, which will doubtless be known henceforth as the Geneva Bureau, has always been domiciled in Switzerland, as have also the Universal Postal Union and many other International bureaus such as the Bureau of the International Committee of the Red Cross, the International Railroad Bureau, the International Copyright Bureau, the International Labor Bureau, the European headquarters of the U.N.O., and many other specialized agencies. If time permitted, I could add many other bureaus.

"Our constant and firm exercise of neutrality, our federalist system, our uninterrupted democracy of more than 650 years, the rule of equality and liberty, as well as tolerance, have certainly been favorable to the establishment and maintenance of international offices in Switzerland, without adding that economic and financial conditions there have remained extremely stable.

"Furthermore, I feel that the question of expenses has played a great part in the matter and on this subject I would like to point out that not only the Swiss Government but also the high officials and personnel of the Bureau, by their experience, by their good judgment and their devotion have succeeded in keeping the overhead and actual expenses to a minimum. Consequently, I do not doubt that the maintenance of these headquarters in Berne will be a favorable factor in this respect also.

"Gentlemen, I can assure you that the Swiss Federal Government, as well as the Government of the Canton and the Republic of Geneva, will willingly collaborate with such a Bureau as ours and will always feel for it the utmost understanding and interest. Moreover, I am glad to believe that these considerations have contributed to the decision which you have just made.

"As for the substance of the resolution which we have just adopted, you will note that the competent authorities

in Switzerland are requested to collaborate with the Bureau in order to take the necessary measures to establish the Bureau of the Union in Geneva. I am happy to be able to tell you in the name of my Government, which I have consulted on this subject, that the Government will willingly give every assistance which lies within its power in order to facilitate the transfer from Berne to Geneva.

"In conclusion, I wish to inform you that all departments of the Swiss Government, especially the Telegraph and Telephone Administration, will make every effort to facilitate the installation of the new Bureau by putting at its disposal the most modern technical improvements which we now possess.

"I thank you, Mr. Chairman and Gentlemen."

The Chairman thanked Minister Nef, Delegate from Switzerland.

"For almost 80 years," he said, "the seat of the Union has been in Switzerland, and I am sure that I am speaking in the name of all the delegates here present when I tell the honorable delegate from Switzerland that we are very glad that the seat of the Union will remain in Switzerland and that we shall continue to enjoy the close collaboration of the Federal Government. I imagine that all the delegates here present are eager to express to the Swiss Delegate how delighted we are with the unanimous decision which has just been reached."

(Loud applause)

3. Transitional Arrangements

The Plenary Assembly then proceeded to the examination of the Proposals for Transitional Arrangements appearing in Document No. 328 TR-E.

The Chairman reminded the Assembly that this question had been examined by the meeting of the Heads of Delegations who suggested that the following decisions be made:

1. that the plan proposed in Document No. 328 TR-E be adopted in principle;
2. that Subcommittee C1 of Committee C be asked to prepare a report on the future budget, availing itself of data which will be supplied to it by the Director of the Bureau of the Union, with the assistance of his Vice-Directors. Committee C will then examine this report and draw up a resolution based both on Document No. 328 TR-E and on the Report of Subcommittee C1 in order to permit this program to be implemented.

This resolution will then be submitted to a Plenary Session of the Conference.

This procedure was adopted without comment.

- The Delegate from Ethiopia then made the following statement:
- (1) Note from the B.U.: The text of this statement has been modified at the request of the Delegate from Ethiopia. See the end of the minutes of the 7th meeting.

"Mr. Chairman:

"I regret very much to raise this matter at this stage.

"Normally, International treaties come into force after their ratification by the signatory powers, parties to such treaties. It is only in certain exceptional or minor cases that they become effective without awaiting ratification; even in these cases the signatory powers have to give their express consent in advance to the effect that such treaties do not need ratification.

"However, in the present case, I do not believe that we all have this formal consent in advance on the part of our governments.

"With regard to the Ethiopian Delegation, its powers are purposely limited in this respect and its signature is subject to ratification.

"Under these circumstances, the Ethiopian Delegation desires to reserve its rights in the matter and wishes its statement to be included in the minutes."

The Chairman stated that this would be done and that the Ethiopian Delegation could sign the Act subject to ratification.

The Chairman added that there would be certain details of a purely practical nature to be examined after Committee C had come to a decision with regard to the composition of the Administrative Council and the salaries of the members of the I.F.R.B. If the assembly had no objection, the Chairman would call the necessary meetings to enable the different regions to select their candidates.

The Assembly agreed.

4. Schedule of Future Conferences.

The Chairman reminded the assembly that, at their meeting on September 5, the Heads of Delegations had examined a list of various conferences concerning telecommunications which would take place in the near future. This list formed the annex to Document No. 337 TR-E.

Certain changes in this list had been proposed. The Chairman cited them:

The conference listed under 1: the title is to be modified as follows: "Meeting of the Preparatory Group on European Broadcasting." The date should also be changed from November 1947 to January 1948.

No. 8: High Frequency Broadcasting. The date should be left blank since Committee 14 of the Radio Conference is now studying the question of this date. The place, instead of "Western Hemisphere" should be: "Mexico".

No. 11: European Broadcasting. We have received invitations from Denmark and Czechoslovakia; last evening it was suggested that the Delegates from European Countries meet and make a choice. The place shall, therefore, be left blank

until this meeting has been held.

No. 16: The title should be changed to read: "European Conference on the 1605 to 2850 kc/s frequency band." The date should be: June 1949.

Further, two other conferences should be added to this list. The first is "European Maritime Broadcasting Conference", the date and the place not yet having been fixed. It may take place simultaneously with the European Broadcasting Conference, but the final decision will be made only when the European group meets.

The second is the "South American Broadcasting Conference" which would be held in January 1949 at Lima, Peru.

On this last item, the Delegate from Peru requested that the date be left blank. This date would be fixed at the time of the Inter-American Conference at Bogota.

The Chairman approved and said that a list incorporating these modifications would be printed and distributed by the Secretariat.

5. Work of the C.C.I.R.

The Chair pointed out that we had a recommendation from the meeting of Heads of Delegations. It was based on Documents Nos. 305 TR-E and 326 TR-E, which were drawn up with the close cooperation of the Delegates from Sweden and the United States. No final decision would be made until those directly concerned in the C.C.I.R. had held a preliminary meeting here in Atlantic City on September 9. The Plenary Assembly would then act.

6. Relationship between the U.N. and the I.T.U.

The Chairman called the attention of the Assembly to Document No. 335 TR-E, and emphasized that the Committee on Negotiations had submitted an excellent report, in the form of an exceedingly helpful synopsis. The Committee deserved the highest praise for its achievement. The Chairman of the Committee was given the floor so that he might comment on the main points.

Sir Harold Shoobert took the floor:

"At its Fifth Plenary Session held on August 8th, this Conference authorized the Committee of which I have had the privilege to be Spokesman to carry on negotiations with a group representing the United Nations, on the basis of the draft agreement prepared by Committee D (Document No. 227 TR).

"1. Three additional directives were given to my Committee:

"1) We were to obtain assurances of the independent status of the I.T.U., at least equivalent to the assurances obtained by the U.P.U. in its negotiations with the U.N.O.

"2) We were to make every effort to obtain agreement upon the retention of the following provision which appears in Article VII of the attached draft agreement: I quote:

'without prejudice to the sovereign position of individual members of the Union who are not members of the United Nations.' If, however, agreement on the maintenance of this passage were to prove impossible, we were to insist upon a satisfactory alternative, and in any case to make sure that the report of the discussions on this point was entered in the minutes of the negotiations.

"3) We were to obtain assurances that the International Telecommunications Union would retain its freedom to publish any documents which it may choose within its own sphere (with special reference to Article IX of the I.T.U. draft).

"2. The Document (TR 335) now before the Conference contains a very brief report upon our negotiations, (which proved by no means easy) and includes the text of the draft agreement emerging from these negotiations. This, Mr. Chairman, we now submit to the Conference. With your permission I propose to go through it Article by Article explaining any variations from the text of the draft originally approved by this Conference - and giving the reasons for them. I shall particularly advert to any matter of which special mention has been made in the summary record of proceedings either at the request of the I.T.U. negotiators or at the request of the U.N. group. We hope that when delegates have studied the drafts and heard my report, they will be satisfied that the I.T.U. Negotiating Committee has faithfully carried out the directives given to it.

"3. On scrutiny of the statement which forms Appendix I of Document No. TR 335, it will be noticed that in certain Articles, although the wording of the English draft prepared by the I.T.U. and appearing in column 1 of the statement is identical with that of the agreed draft in column 3, there are some differences in the two French texts. The explanation is that our translators consider that column 3 presents a more faithful rendering of the English text.

"4. I have to preface my review of the draft by stating that, although the highest tribute must be paid to the great courtesy and to the consistently helpful and reasonable attitude shown by Mr. Kotschnig, Spokesman of the U.N. negotiators, and his colleagues, the form in which many of the Articles should appear was warmly contested, and discussion was protracted. The I.T.U. representatives, however, contrived to get their own way on most issues. The few points which we conceded to the opposite group, were generally conceded as a matter of tactics or because it seemed reasonable to compromise. Throughout, the I.T.U. group gained far more than they gave. This is fairly evident from the texts as they have been presented to you. Although our negotiating group had to adjourn for discussion upon several occasions, there was always complete unanimity in regard to the course finally followed in each case. In fact, Mr. Chairman, as I have already informed you personally, at the end of four days spent in constant com-

munion with them in New York and Lake Success, I suddenly awoke with considerable surprise to the realization that our negotiating group consisted of delegates from eleven different nations and speaking various languages. This group worked in such complete unison and amity and with such enthusiasm, as a team representing - and honoured to represent - the I.T.U. that during those few days I myself quite lost sight of the fact that they had any other function except that of members of the I.T.U. side. Indeed somebody said that this team-work might well be regarded as an example to the United Nations as an organization. May I, Mr. Chairman, following English tradition express the hope that if the Conference decides that the side played a good game, you as our President will decree that all members of the XI be awarded their "Colours."

"I now pass to the actual draft agreement. But at the outset Delegates will wish to know what has been done in regard to the initial and most important directive given by this Conference. At the beginning of the U.N. summary record of the first meeting of the negotiating groups giving a precis of the opening remarks of the Chairman of the U.N. Negotiating Committee and the Chairman of the I.T.U. Committee, the following passage is to appear:

"Sir Harold Shoobert in his opening remarks emphasized the insistence of the I.T.U. upon an assurance that conclusion of the projected agreement between the I.T.U. and the U.N. did not constitute any derogation of the autonomy of the I.T.U. Mr. Kotschnig gave the assurance requested."

"This and other statements made by Mr. Kotschnig, the Chairman of the U.N. Committee, during discussions of different Articles of the draft are considered satisfactory by the I.T.U. Group.

"PREAMBLE:

The contents of the Preamble in the I.T.U. text and the U.N. text are essentially the same, but it was decided that it was appropriate to adopt the wording of the U.N. text.

"ARTICLE I:

In the text prepared by the U.N., the expression "A Specialized Agency" was used whereas "The Specialized Agency" appeared in the I.T.U. text. It is on record that I informed the Chairman of the U.N. group that I would find it difficult to accept a change because I could not contemplate that any other Specialized Agency would act in the field of Telecommunications. Mr. Kotschnig asked whether insistence upon the word "The" would debar an Agency such as I.C.A.O. from any kind of work touching upon Telecommunications. I replied in the negative and on that understanding Mr. Kotschnig agreed to replace "A" by "The."

"MEMBERSHIP ARTICLE:

We objected to inclusion of a Membership Article because the directive from the I.T.U. Plenary Session did not cover

this question and it was felt to be a purely domestic matter. It was pointed out that there was no membership clause in the U.P.U. agreement. Mr. Kotschnig for the United Nations explained that the Article was omitted in the U.P.U. draft on the understanding that in future the membership of the U.P.U. would be determined by a 2/3 majority of the existing members, and called attention to the General Assembly resolution on Franco Spain. I emphasized that the problem of Spain was an extraneous matter on which our negotiators had no directive from the Conference. When questioned upon the subject, I gave a factual statement of the action taken by this Conference in regard to the Franco Government in Spain, but refused to discuss the main issue. When the Spokesman of the U.N. stated that omission of the membership clause might involve a recommendation by the Economic and Social Council for adoption of the agreement conditional upon a decision of the I.T.U. in consonance with the U.N. General Assembly's resolution regarding Franco Spain, I very emphatically advised him against such tactics. The recommendation made by the Economic and Social Council was, however, conditional as will be seen from TR 335, Appendix III.

"The Negotiating Committee does not consider that it is within its functions to comment upon the Economic and Social Council's resolution.

"Our view is that we have brought an agreement to this Conference, which we consider suitable in every respect.

"Any reservation made by the Economic and Social Council should not influence the judgment of this Conference upon the merits of this draft agreement in its present form for the achievement of the purpose for which it has been framed.

"The question of Spain has been - or will be - considered in the appropriate Committee or in Plenary Conference at the appropriate time. And the U.N. will be informed as to the attitude of the I.T.U. to the question in due course.

"ARTICLE II: Reciprocal Representation:

"This Article was the subject of prolonged discussion. It was agreed that there should be no mention of the Administrative Council in para 1 although such mention appeared in the U.N. draft. I stated that "Other meetings of the Union" would be taken to include meetings of the Administrative Council and this will appear on the record.

"The United Nations group pressed for the use of the expression "shall be invited" instead of "may be invited" in the 2nd part of this paragraph, arguing that otherwise the principle of reciprocity would not be fully established. It was suggested that failure by the I.T.U. to concede this point would weaken mutual confidence and that the Secretary-General of the United Nations should be trusted not to send representa-

tives when it was unnecessary to do so. In reply to my request for an assurance that the United Nations did not intend to take part in meetings which did not concern it, Mr. Kotschnig affirmed that the U.N. had no such intention, and that it had sent representatives to about five per cent of the I.C.A.O. meetings to which it had been invited. It was suggested that the words "may be invited" here as against "shall be invited" throughout the rest of the Article, "stuck out like a sore thumb." Finally after private discussion our group agreed that it would appear impolitic and churlish to press this point further and with the insertion of the words "after appropriate consultation," agreed to the paragraph in its present form.

"Paragraphs 2 and 4 of the agreed text reproduce in essence paragraph 3 of the original I.T.U. text, but paragraph 2 actually grants a little more authority to the I.T.U. Paragraph 3 is identical with paragraph 2 of the I.T.U. text, and paragraph 5 is identical with paragraph 4 of the I.T.U. text.

"Before leaving this Article I must inform the Conference of another statement made by Mr. Kotschnig which has been brought onto the record of proceedings. This is with respect to the I.F.R.B. Mr. Kotschnig stated that the I.F.R.B. is concerned with highly technical matters of a kind not of interest to the United Nations and that therefore the U.N. would not be likely to attend these meetings."

"ARTICLE III: Proposal of Agenda Items:

"The words in the I.T.U. text 'or shall otherwise appropriately inform its members of such items for their consideration' have now been omitted because the U.N. felt that there had been a mistake in the U.P.U. agreement from which these words were originally taken, with respect to this matter, inasmuch as the term "agenda items" had been confused with "recommendations." The passage was in fact superfluous and requirements were covered by the following Article.

"The proposal of the U.N. to include a specific mention of the Administrative Council in this Article was rejected, but the Article was made somewhat more elastic by reference to "meetings of other organs of the Union" instead of "consultative committee or other meetings."

"ARTICLE IV: Recommendations of the United Nations:

"At the beginning of paragraph 1, mention has been made, at the request of the United Nations, of the relevant Articles of the Charter. This renders the paragraph somewhat more precise than that in our original draft. The words "for such action as may seem proper" were omitted because they were considered superfluous in the agreement.

"Paragraphs 2 and 3 are identical with the original I.T.U. draft.

"ARTICLE V: Exchange of Information and Documents:

This Article which was identical in both the drafts (sub-

mitted by the I.T.U. and the U.N.) was accepted without discussion.

"ARTICLE VI: Assistance to the United Nations:

"This is a most important Article and is one of those in regard to which a special directive was given to our Negotiating Committee by the Conference. The argument for the United Nations' draft was that it already represented a compromise. Various members of the United Nations' Committee would have preferred inclusion of Articles dealing separately with the Security Council, Trusteeship Council and non-self-governing territories. It is important to note that on the record of the discussions there is a statement of Mr. Kotschnig that "recommendations to the I.T.U. for assistance and cooperation would be made to the organization itself and not to its individual members." The I.T.U. would then make its decision. The United Nations could not issue directives; it merely made recommendations. The sovereign rights of the members of the I.T.U. would thus be fully safeguarded. After protracted discussion the Article as it now appears in column 3 of the statement contained in Appendix I was adopted. The wording was considered satisfactory by our negotiating group. The second paragraph of the original I.T.U. draft article has been omitted. This contained a specific reference to the U.N. Charter, and, as the United Nations did not wish to retain it, the I.T.U. was not interested to do so.

"ARTICLE VII: Relations with the International Court of Justice:

This Article, which grants the I.T.U. access to the International Court of Justice, was inserted in the draft provisionally pending a decision of the Plenary Session of the Conference. The Spokesman of the U.N. explained to us that it was included purely in the interest of the I.T.U. In view of the provision for an Arbitration Board in the I.T.U. Convention and the infrequent occasions on which recourse has been had to that Board, there was some question as to whether there would be any advantage to the I.T.U. in the inclusion of the Article. Our Committee felt, however, that on the whole there would be something to gain by having it in and nothing to lose. It was therefore decided to submit the matter of decision to this Conference.

"ARTICLE ON HEADQUARTERS AND REGIONAL OFFICES:

"At our request it was agreed to delete this Article proposed by the U.N. with the informal understanding that if the I.T.U. should contemplate a transfer of its permanent headquarters, the appropriate officers of the I.T.U. would consult with the Secretary General in regard to pertinent arrangements. This is on record.

"PERSONNEL ARRANGEMENTS:

"I was constrained to observe that the U.N. draft of this Article and of those dealing with statistical services

and Budgetary arrangements were far more detailed than would be appropriate for an agreement of this kind, and in fact rendered the appearance of the draft ill-balanced. The U.N. draft for this Article and the next appeared to contain matter which might more suitably find a place in a departmental handbook of instructions.

"The agreed draft includes all essential points from the I.T.U. draft - and the following passage has been inserted in the summary record:

"Sir Harold Shoobert requested and it was agreed that the record would indicate that in making personnel arrangements the specific circumstances of the employment and the location of functions of I.T.U. personnel would be taken into consideration."

"Before he left, I brought this to the notice of M. Cortell, the Delegate of Belgium, on whose motion the mention of specific circumstances of employment and location of functions had been included in our draft article. He expressed himself satisfied.

STATISTICAL SERVICES:

"The I.T.U. Committee accepted paragraph 1 of the U.N. draft which was considered clearer and more comprehensive than our own.

"Paragraph 2 is identical with the U.N. draft, and varies from ours only by addition of the word "dissemination."

"For paragraph 3 also the U.N. version was accepted, with the very important addition of the last sentence. I quote:

"'All decisions as to the form in which its service documents are compiled rest with the Union.'"

"By securing this addition we effected compliance with the third directive given to us by this Conference.

"In regard to this paragraph 3, I requested that the U.N. Committee's explanation for the substitution of the expression 'concern itself' for 'make use of' should be entered on the record. The explanation (as stated in the summary of the proceedings) is found in the general responsibilities of the U.N. for the development of international comparability in statistics. In furtherance of this responsibility, all phases of statistics including those special fields of primary concern to the I.T.U., could be of interest to the U.N. In this respect, the U.N. would not only 'make use of' I.T.U. statistics but might be concerned with the possible usefulness of such statistics in the general development of statistical data and methodology.

"Paragraphs 4 and 5 of the U.N. draft were rejected.

"Paragraphs 6 and 7 were accepted after consultation in our Committee but with the addition of the words 'upon request' at the end of each paragraph.

"ARTICLE ON ADMINISTRATIVE AND TECHNICAL SERVICES:

"This Article was the same in both the U.N. and the I.T.U. drafts and was accepted without change.

"ARTICLE ON BUDGETARY AND FINANCIAL ARRANGEMENTS:

"The negotiations in regard to this Article were difficult, and several pages of the summary record of the proceedings were devoted to them. Fortunately the draft upon which agreement was eventually reached is such that I need not ask delegates to do much more than refer to the statement in Appendix I of TR 335, Article XI (X). I hope the staunch representative of France on our Committee will not mind me quoting him. He was unavoidably absent at the last meeting of the negotiating groups when this draft Budget Article was adopted. When he saw it he said: 'It was a great victory.'

"Although the Article as it now stands does not appear to call for comment, it is only proper to mention that the Spokesman of the United Nations explained that in preparing their budgetary Article the U.N. had been influenced not only by previous agreements but also by the knowledge that during the next few years quite a number of governments might find it difficult to discharge their financial obligations to international organizations. He mentioned that a number of smaller countries were already growing apprehensive about their load. He pointed out that some of the expansion programme of the Union might be hampered by financial difficulties and that the specialized agencies might benefit from the kind of discussion provided for in paragraph 3 of the U.N. draft.

"He concluded these remarks by stating that the U.N. budget article would in no way establish control over the budget of the Union. Later he suggested consultation between the Secretaries General of the U.N. and the I.T.U. on the preparation of the Budget. In the long tussle over this draft, the reasonable and helpful attitude of Mr. Kotschnig and his colleagues must again be acknowledged.

"FINANCING OF SPECIAL SERVICES:

"This Article is identical with the U.N. draft and varies from the I.T.U. draft only in substitution of the word "assistance" for "information" in paragraph 1. This expression is more appropriate to the intention of the Article.

"INTER-AGENCY AGREEMENTS:

"In paragraph 1 the wording adopted is that of the I.T.U. draft with the addition of 'or international non-government organization.' The Spokesman of the U.N. pointed out the possibility that the I.T.U. might wish to enter into an agreement with a non-governmental organization - for example, in the field of radio research, that U.N.E.S.C.O. might enter

into an agreement with the same organization and that all organizations should therefore be so informed. We therefore accepted the inclusion of 'non-governmental organizations' but on condition that the word 'international' should be added.

"The U.N. negotiators were very reluctant to accept the I.T.U. 2nd paragraph, but eventually did so after slight alterations to meet their difficulties.

"LIAISON:

"This Article has undergone no change and is identical in the three drafts.

"UNITED NATIONS TELECOMMUNICATION SERVICE:

"This replaces Article II of the I.T.U. draft and Article XVII of the U.N. draft. It was drafted by the I.T.U. negotiating group. The arrangements contemplated in paragraph 3 have actually been referred to Committee C.

"IMPLEMENTATION OF AGREEMENT:

"The concluding words of the I.T.U. draft have been omitted as it was agreed that they were superfluous.

"REVISION:

"After some discussion the I.T.U. draft was accepted.

"ENTRY INTO FORCE:

"With regard to this Article the Spokesman of the U.N. asked whether it would not be possible to obtain approval of the agreement by our Plenipotentiary Conference at Atlantic City in order that it might enter into force after approval by the General Assembly. He informed us that with the exception of the U.P.U., the appropriate bodies of all specialized agencies had approved their respective agreements and their approval was not subject to ratification by Governments. We all felt that if possible it would be desirable to have an agreement which could come into force at least provisionally without waiting for ratification of the I.T. Convention 1947. The draft which has been adopted was framed by members of our group and we were assured that it was well worded by the Senior Legal Adviser to the British Foreign Office who happened to be in Lake Success at the same time as we were.

"That, Mr. Chairman, concludes the review of our work and I must apologize for having taken so much of the valuable time of the Conference. Since the return of our Committee from Lake Success we have received a reference regarding the advisability of including in our agreement an Article similar to paragraph 4 Article IX of the agreement of the U.N. with the International Bank for Reconstruction and Development to secure for officials of the I.T.U. the right to use the laissez passer of the U.N. We have also received a reference regarding a con-

vention on the privileges and immunities of the specialized agencies. It seemed proper to mention these matters here but our Committee considers that they should be the subject of arrangements entirely separate from the agreement now under consideration.

"In conclusion, Mr. Chairman and Ladies and Gentlemen, I would like once more to acknowledge the courtesy and reasonable attitude of the U.N. Committee on Negotiations, and the fine team work of my colleagues and also to express our appreciation of the assistance given to us by the group's Secretary, Miss Elizabeth Fox, and the interpreter, Mr. Gutmans. While we were engaged as a working group Miss Jessica Lambert gave us most valuable assistance.

"Finally, I have to revert to two points:

"Firstly, I must remind the Conference that a decision is required regarding the question of including the Article regarding the International Court of Justice.

"Secondly, with regard to the reservation made by the E.C.O.S.O.C. in recommending acceptance of the agreement by the General Assembly, I would again repeat that in our view this is an extraneous matter which should emphatically not affect the decision of the I.T.U. Conference or the agreement as such. Thank you, Mr. Chairman."

Lastly, Sir Harold Shoobert pointed out an error in Article 2, paragraph 1, which should be corrected to read: "...they shall also be invited..." instead of "... they may also be invited."

The Chairman:

"Your Negotiating Committee has recommended that this Conference approve the Draft Agreement emanating from the two Negotiating Committees which appears in the right-hand column of Document 335 TR-E.

"If we follow this recommendation, it will imply the adoption of the two specific points which have been mentioned.

"Can we obtain unanimous agreement and approve in toto the agreement which has been negotiated?

"Are there any objections?

"No objection? The wording is therefore approved unanimously.

(Applause)

"I should like to suggest that the minutes of this meeting make special mention of the fact that our Assembly expressed its most sincere thanks to Sir Harold Shoobert and to each of the members of the Negotiating Committee, who have accomplished such efficient and brilliant work in arriving at the agreement which we have just approved.

"I am quite certain that I speak for all the delegates here present in expressing our hearty thanks to our colleagues."

(Loud applause)

Sir Harold Shoobert expressed his thanks on behalf of the entire Committee and stated that the reward most appreciated by the negotiators was the reception given by the present Assembly to the draft agreement.

7. ADMISSION OF PAKISTAN

The Chairman recalled that Pakistan had already been admitted to the High Frequency Radio Conference. The Government of Pakistan had telegraphed to request the formal admission of its Delegation to the two other Atlantic City Conferences. He inquired whether anyone wished the floor on this subject.

The Argentine Delegation made the following statement:

"We have not asked for recognition at this time to raise an objection. Quite the reverse. The point which we are about to discuss deals with the incorporation of Pakistan, and above all, the Argentine Delegation rejoices in the pleasant fact that a new free country is being added to the group of old Members of the International Telecommunications Union. And for that reason, and for the real esteem which Pakistan as a new country deserves, the Argentine Delegation feels compelled to call the attention of this assembly to a criterion of procedure, the so-called 'admissions,' which it is vital to clarify once and for all.

"The order of the day which we have before us, speaks, in fact, of the 'admission' of Pakistan. The Argentine Delegation deems it necessary to stress the fact that a perceptible error of concept has crept into the idea of 'admission'.

"The present conference - it has been repeated to the point of exhaustion - is regulated exclusively by the Madrid Convention, which concretely establishes the necessary criteria which must be expressly satisfied in order to acquire Membership in the Union; that is to say, signature of the Convention itself on the one hand, or formal adherence on the other. In effect, Article 3 establishes the procedure of adherence for all new members who have not signed the Madrid Convention, and this adherence, when duly effected, automatically carries with it Membership in the International Telecommunications Union at once, under normal conditions, without need of any further process of 'admission'. 'Admission', then, has nothing to do with Membership and must normally be limited to those cases contemplated by all the rules of procedure which we have hitherto known.

"However, we do not wish to imply - and we wish to make this clear - that Pakistan should go through the process of admission in order to become a member of the Union. It is obvious, from even slight survey of the case, that the process of adherence is not applicable to Pakistan. The case of Pakis-

tan is 'sui generis', which we repeat, in our judgment, does not imply the necessity of a formal 'admission' apart from the Madrid Convention, or, still less, the necessity of a precise and prescribed 'adherence'. On the contrary, the fact we must face is this: a Member of the International Telecommunication Union, British India, has been divided into two neighboring states which today form part of the 'Commonwealth' of British nations under conditions of absolute legal equality. One of these dominions, India, retains its old constitutional and political name; the other acquires a new designation: Pakistan. But the two states are, in reality, the legitimate successors to the rights and commitments acquired by British India within the International Telecommunication Union when it signed the Madrid Convention. Therefore, it is not fitting to bring up the question of an 'admission' which is apart from the Madrid Convention, and still less, to limit the process of admission to only one of the two successors. On the contrary, what is fitting, purely and simply, is to 'recognize' that both these new states are equally the lawful successors of the old Member of the Union which was called British India, and nothing more.

"We move, therefore, that these two new states which today have become part of 'commonwealth' of British nations, India and Pakistan, be 'recognized' as Members of the International Telecommunication Union in their capacity as successors of the British India, without subjecting them to any process of 'admission' which, inasfar as Membership is concerned, is not authorized under normal conditions by the Madrid Convention, and for that very reason should not be adopted nor imposed."

The Chairman observed that the opinion expressed by the Argentine Delegation had given rise to no objection, and that Pakistan should be considered as admitted to the Telecommunications Conference. He stated, on behalf of the whole Assembly, that the Delegates of that country were very welcome.

Mr. Kari, Head of the Delegation from Pakistan, replied that his country would greatly appreciate their reception here on a footing of equality. He desired to express his sincere thanks to the Assembly and to Committee C.

(Very loud applause)

Mr. Harold Shoobert: "Speaking for myself, I scarcely know how to express how much I appreciate the fact that Pakistan has been admitted to this Assembly in such a spirit of cordiality.

"After spending twenty-seven years in India, and after serving under Hindu Administrators, I feel that India and Pakistan are both very close to my British heart, and today I am very happy."

The Chairman gave a cordial welcome to the Delegate from Saudi Arabia, whom he greeted for the first time.

The latter, who had arrived sometime ago, thanked the Chairman warmly.

(Loud applause)

8. CONTINUATION OF THE DISCUSSION ON THE SUBJECT OF OUTER MONGOLIA (Document 230 TR-E)

The Chairman:

"You will remember that at the 4th Plenary Session, held on August 5, 1947, the Delegate from Outer Mongolia presented a request for the purpose of obtaining for Outer Mongolia the right to participate in the work of the Plenipotentiary Conference. This request given on page 35 of the minutes of the above-mentioned meeting was worded as follows:

"'....the Delegation from the Mongolian People's Republic requests the Plenary Assembly of the Plenipotentiary Conference for authorization to take part in its work at least in a consultative capacity, without vote.'

"This motion was presented at the end of a long session which began at 10 o'clock in the morning and was adjourned at 3 o'clock. Considering the lateness of the hour and the possibility that debates on this question would be inordinately prolonged, thus preventing the normal meetings of committees from taking place according to schedule, in the afternoon I asked the Delegate from the Mongolian People's Republic if he would be good enough to agree to the postponement of this question until the next favorable opportunity. He agreed to my suggestion, and as our present session is the first opportunity we have had to study the question, it was placed on the agenda.

"The discussion is open."

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

"Realize, Gentlemen, that I have taken upon myself the functions of an advocate for the Republic of Outer Mongolia. I should now like to avail myself of the opportunity and once more address the delegates here present, asking them to give favorable reception to the request of the Mongolian Republic and to admit it to participation in the Conference. I should like to have you admit it not simply in a consultative capacity but as a full Member entitled to vote as a sovereign state.

"I have great hopes, Gentlemen, that today we may at last reach an agreement on this subject.

"My hope is founded upon the following fact: you have all had the opportunity of becoming personally acquainted with the Delegates from Mongolia who have already been taking part in the two other Conferences at Atlantic City. My hope is also founded on the fact that the High Frequency Broadcasting Conference unanimously decided on August 16 to admit the Delegation from the Mongolian Republic on a footing of equality with the other participants in this Conference.

"It is with the greatest pleasure that I wish to stress

the fact that those who have spoken in favor of the admission of the Mongolian Republic include not only myself but also the Delegates from Colombia and Cuba, following the brilliant address made today by the Delegate from Argentina himself, Dr. Mayo, who asserted that the topic for discussion must be the recognition, not the admission of Pakistan, since it is a sovereign state, and hence the question was that of its admission to the Union, not to the Conference. I wish to endorse the words spoken by Dr. Mayo, and I feel that the reasons he adduced can be applied with equal force to the case of Mongolia.

"I must remind you, Gentlemen, that in 1946 the Chinese Republic signed an official act recognizing the complete independence of the Mongolian People's Republic and, consequently, there can be no real doubt on the subject of the complete independence and sovereignty of the Mongolian People's Republic.

"I wish to remind you also, Gentlemen, that at the last Plenipotentiary Conference 32 delegations voted in favor, 25 against, with 18 abstentions.

"Thus, you see that the majority opinion was in favor of an act of justice with respect to this sovereign state. It seems to me that if the delegations which are not wholly convinced of the rights of the Mongolian Republic wished to abstain from voting, and if the delegations which had previously abstained consented to cast their votes for a just cause, the Atlantic City Conference could congratulate itself on having made one more great step forward."

The Chairman said he felt that the U.S.S.R. had presented a different proposal from the one submitted on August 5, namely, that Mongolia be admitted now as a Member entitled to full voting rights.

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

The Chairman hoped that if the question were reviewed, Membership qualifications would not again be the subject of long discussions. This was a topic which had already been studied on several occasions. He asked delegates who wished to be recognized to limit their speeches to the shortest possible time.

He asked whether anyone wished to second the proposal of the U.S.S.R.

It was supported, in particular, by Bielorussia, the Ukraine, Egypt and France.

The Chairman opened the discussion by explaining that the question before the meeting was to ascertain whether the Assembly wished to take up the study of the "admission" of Mongolia again or whether it wanted "recognition" of Mongolia as a Member entitled to full voting rights.

The Delegate from the United Kingdom:

"I sincerely regret that I am obliged to speak. I shall only do so upon a point of procedure, which is as you have put it. the position in which we now stand. The question is

as follows:

"Do we or do we not wish to reopen discussion on a decision which was made after long study? There is no necessity for me to go into the details of this question. We remember them very well. I feel that everyone in this room will agree with me in saying that we should not again take up the study of this question without valid reasons for so doing.

"As far as I know, Gentlemen, no reason whatever has been brought forward in favor of reopening this question.

"The Delegate from the Soviet Union has made one observation, which is that we have become acquainted with the delegates from this country; this is the reason. I wish to emphasize that admission of a Member with the right to vote should not be decided on the basis of personal questions. I have no personal motive, nor has anyone else. I repeat that no reason has been brought forward for reverting to the question and repudiating a decision which we have made. In the absence of such a reason, we should not reopen this question."

The Delegate from Cuba:

"I think we are now facing a problem of pure procedure, and it seems indispensable that we should reopen the discussion on the question of Mongolia. We are confronted by an exceptional case. Are we going to continue to follow illogical procedures? We have allowed Mongolia to be present at the Radio Administrative Conference, and have admitted it to the High Frequency Broadcasting Conference. The Madrid Convention, which is still in force, and the Convention which we are now drafting, both provide that a country cannot be a party to a Regulation if it is not a party to the Convention. As we have admitted Mongolia to participate in the drawing up of the Radio Regulations and to sign this Act, I fail to understand how anyone can withdraw its recognized rights by refusing to allow it to participate in the work of the Plenipotentiary Conference."

The Delegate from Belorussia:

"Since the meeting of August 5th, when the question of Mongolia was again raised, certain new events have occurred which justify the reconsideration of the question of the admission of Mongolia as a Member with full rights at the Plenipotentiary Conference.

"This question can be favorably resolved by us in view of the unanimous decision taken by the High Frequency Broadcasting Conference. I repeat that the decision was unanimous. I am in complete agreement with the Delegate from Cuba who has just stated that the situation would be exceptional if Mongolia were a party to the Regulations and could not be a party to the Convention. Inasmuch as Mongolia is a sovereign state, its participation in all the work of the Union is not only desirable but would be very useful, and it would indeed be desirable for the Republic of Mongolia to be included among the countries taking part in such work.

It seems to me that this is one of the essential aims of our Union. The fact that Mongolia has fulfilled all the necessary formalities in accordance with the Madrid Convention must also be taken into account. The question of the Republic of Mongolia must be settled and should be in line with what we have already done regarding Pakistan. I believe that this question, which has been deferred several times, can now be favourably resolved; in this way the principles of justice will triumph, and the high principles on which our Union is founded will win an overwhelming victory. We support the proposal of Cuba tending to settle this question now, so that the irregular situation involving this sovereign state may now be settled once and for all."

The Delegate from Colombia:

"We have been asked to present a new argument to justify reopening discussion. The argument is very simple: errare humanum est. An error has been made, as the Cuban Delegation has just remarked. It is the privilege of men to make mistakes and to rectify the mistakes which they have made. Every time that we make a mistake we should reopen the procedure and the line of conduct of the Union has always been to rectify at the right moment any mistakes which it may have made.

The Delegate from Argentina:

"The Argentine Delegation does not entirely share the viewpoint which maintains that the case of Mongolia is similar in all points to that of Pakistan. As we have observed, in the case of Pakistan, it is a question of two countries succeeding a country with vested rights, whereas in the case of Mongolia, it is a question of a country whose independence has been recognized by China, but which has not the same recognized rights as China. Under these conditions, we recognize the fairness of the argument which has been advocated by the Delegate from Cuba, and we approve the statements of the Delegate from Colombia, which we fully endorse.

"Moreover, I should like to introduce a new element which might perhaps place the Republic of Mongolia in a special position. This concerns the method of election of the members of the Frequency Registration Board. When this election procedure was formulated, it was decided to provide for four geographical regions, and to assign Membership qualification to each of the participants; we have provided for a region C extending eastward from Meridian 90° and northward from parallel 40°. We considered at that time that Mongolia could be included in the candidate countries, subject to the examination of the Assembly.

"For this reason the Delegation from Argentina reaffirms its viewpoint, outlined at the time we examined the case of Mongolia, and sustains the proposal of Colombia and that of Cuba. We would like to see discussion reopened with respect

to the admission of Mongolia."

The Egyptian Delegation believed that after the discussions in Committee C and in the light of what had just been said, there were sufficient reasons to justify a new examination of the question.

The Chairman wished to put the question to a vote.

The Delegation from the United Kingdom took the floor and stated:

"All the arguments advanced are, in my opinion, hardly rational. The first argument for reviewing the question is that Mongolia has obtained the right to vote in the Radio Conference. This happened before our Plenipotentiary Conference had taken a position. In the second place, the fact has been noted that Mongolia has obtained the right to vote at the High Frequency Radio Conference. This argument is of no value. The Conference referred to and the Radio Conference are administrative Conferences.

"The fact that outer Mongolia has obtained the right to vote in another Conference is not an argument for giving it the right to vote in the Plenipotentiary Conference. Another argument that was advanced was that we should reopen the question because no objection was made on August 5. No objection was raised on August 5 because we did not have time. The United Kingdom is opposed to giving Mongolia the right to vote in this Conference. The argument that there is a parallel between the situation of Mongolia and that of Pakistan is also without foundation. This parallel does not exist; it is false. Pakistan has been admitted as a member of the United Nations on the decision of the Security Council. Mongolia, at the same meeting, perhaps on the same day, was refused by this same Council of the United Nations. It has also been advocated that we reopen the debate on this question because we made a mistake in taking this decision. If there has been an error, it has not been in refusing outer Mongolia a vote in this Plenipotentiary Conference, but in granting her votes in the Radio and High Frequency Broadcasting Conferences. It has also been stated that Mongolia should have the right to vote in view of its independence having been recognized by China. The situation existing between Mongolia and China has not changed since our previous decisions. It existed at that time, and there can be no reason for this state of affairs being altered. It has been maintained, and I think this is one of the most amazing arguments presented, that for certain reasons relating to admission to the Frequency Registration Board, Mongolia should be given the right to vote in the Plenipotentiary Conference. It is inadmissible that questions discussed in committee should have a bearing on decisions of the Plenipotentiary Conference.

"Lastly, I think that the Delegate from Egypt alluded to a discussion in Committee C. The fact is that the conditions

of admissions of new Members have not yet been dealt with in Committee C. I repeat that no reasonable and valid argument has been presented for reopening a question which we have already fully decided upon."

The Delegate from Vatican City:

"I have observed that reference has been made here to various motives bearing on the admission of Members. I cannot share all the opinions which have been expressed on this subject, but without going into detail, principles remain: general principles govern the admission of Members, and these general principles can and must permit reopening a question which has already been settled. Insofar as the principle of membership itself is concerned, I believe that we should still at this time abide by the Madrid Convention. As I stated the first time the Membership question came up, the following principles should govern the discussion:

"In the first place, we must determine whether or not a country is a Member of the Union under the terms of the Madrid Convention. If it is a Member, we have no authority to exclude it. If it is not a Member, we have no authority to make it a Member under the Madrid Convention. With regard to the procedure, it has been said that *errare humanum est*. But if one perceives that one has erred, one's duty is to correct that error. I have no intention of stressing this statement in connection with any specific error, but, referring back to the principles which I have set forth, I am convinced that our Conference has erred. That is why I am embarrassed now, because I personally, am very anxious to abide by principles, whether they are the principles which govern Membership at the present time, or the principles of review of an erroneous decision. And that would make it necessary for me to be consistent, to point out other errors, and I would therefore strengthen my argument to show that it would be in the interest of the Conference to review this question. I am sure a discussion would ensue which would embarrass the Conference. In order to avoid embarrassing you, I believe that the best solution on my part is to abstain from voting on this question.

"I beg you to take my abstention as proof of my desire not to embarrass the Conference with another allied question. In conclusion, I say to you: 'Fear not.'"

The Delegate from South Africa:

"I should merely like to call the attention of the Conference to the fact that Outer Mongolia was admitted to the Radio Conference as the result of a vote, and that, subsequently, when the question came up for discussion again at the Plenary Session of the High Frequency Broadcasting Conference, it was decided that, in this matter, the High Frequency Broadcasting Conference could be considered as an extension of the Radio Conference. Later, when these questions were discussed at our Plenipotentiary Conference,

we ruled that admission to the Union should be determined by a two-thirds majority vote.

"Mongolia did not obtain this two-thirds majority, and all the arguments submitted this morning have already been submitted. I therefore second the motion of the United Kingdom; this question should not be reopened.

The Delegate from Cuba:

"I gather that my previous statements were not clearly understood by all the members of the Conference. I can assure you, Gentlemen, that we did not base the principle of the admission of Outer Mongolia to the Plenipotentiary Conference on the fact that it had been admitted to the Radio Administrative Conference. In my statement, I confined myself to pointing out one fact: it is the obvious fact that the Outer Mongolian Republic was admitted to the Radio Conference as a voting Member; that is a fact which we are not called upon to discuss, it is an obvious fact as every one knows. Mongolia, therefore, has the right to sign the Radio Regulations. That is another fact, and another right, and I do not see how it can be denied to her. To exclude the Outer Mongolian Republic from the Plenipotentiary Conference is to prevent her from fulfilling a condition necessary to the signing of the Regulations; it is, moreover, resorting to a legal subterfuge to deprive her of rights which have already been recognized and established. Nevertheless, I agree absolutely with the Delegate from the United Kingdom that the time has come for this assembly to decide by a vote whether or not it has sufficient legal authority and motives to warrant reconsideration of the decision previously reached. Under these circumstances, Mr. Chairman, I request you to carry out your plan of reopening this question of procedure."

The Chairman remarked that questions of procedure must be settled by the Assembly. He recognized the Delegation from the United Kingdom, which made the following statement:

"I wish to reply to the new argument presented by the Delegates from the Vatican and from Cuba. It is based on the fact that Mongolia is a Member of the Union under the terms of the Madrid Convention. It is not necessary to discuss this question; on this point, as far as I know, there is no parallel with any other case. There is no provision in the Madrid Convention authorizing any agency whatsoever to vote in the Plenipotentiary Conference. Under the terms of the Madrid Convention, each Plenipotentiary Conference must make new rulings in order to determine which members shall have the right to vote and which ones shall not. It has been decided that Mongolia is not entitled to vote. There can be no further discussion on this point. If the Delegates concerned will be good enough to study the Convention, they will see that the question of rights must be eliminated. I regret to say that no valid argument on this subject has been advanced."

The Chairman then had a roll-call vote taken to determine whether it was the desire of the Assembly to reopen the discussion on the case of Mongolia.

The results of the vote were as follows:

For: 40; Against: 17; Abstentions: 13; (8 delegations were absent)

Voted for: Albania; Saudi Arabia; Argentina; Austria; Belgium; Belgian Congo and Territories under Mandate of Ruanda Urundi; Bielorussia; Burma; Brazil; Bulgaria; Colombia; Cuba; Denmark; Egypt; Ecuador; Ethiopia; Finland; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and of Tunisia; Hungary; India; Iran; Lebanon; Luxembourg; Monaco; New Zealand; Pakistan; Netherlands; Curacao and Surinam; Netherlands Indies; Philippines; Poland; Portuguese Colonies; Sweden; Syria; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Venezuela; Yugoslavia.

Voted against: Union of South Africa and Territory under Mandate of South West Africa; Australia; Canada; Chile; United States of America; Territories of the United States; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates, Overseas Territories and Territories under Sovereignty or Mandate of Great Britain; Southern Rhodesia; Greece; Honduras; Ireland; Iceland; Mexico; Peru; Portugal; Uruguay.

Abstentions: Afghanistan; China; Vatican City; El Salvador; Guatemala; Haiti; Iraq; Italy; Norway; Panama; Siam; Switzerland; and Turkey.

Absentees: Bolivia; Costa Rica; Dominican Republic; Liberia; Nicaragua; Paraguay; Rumania; Yemen.

The Chairman stated that the Assembly had decided to examine the proposal of the U.S.S.R. Delegation to admit Mongolia. He believed that one could abstain from reopening the question in the main as it had already been examined at great length, and he proposed to put the question to a vote without delay.

The Delegate from the United Kingdom regretted that he was unable to give his agreement. The result of the vote, he said, showed that a strong majority believed there were sufficient reasons to review the question, but we had not yet reconsidered it at all. Under these circumstances, we could not put the question to a vote without discussion.

The Chairman did not intend to limit the rights of Delegations to explain their points of view but since a matter which had been examined at length was involved, he would like the discussions to be as limited as possible, and the speeches brief with not too many speakers. He hoped that the Delegation

tion from the United Kingdom would share this opinion.

The Delegate from the United Kingdom stated that he had been caught unawares and was therefore in a disadvantageous position. The initial question had been to admit Mongolia in a consultative capacity. Although time was precious, he asked permission to reflect a little on this new situation, and proposed that the debate should be postponed.

The Chairman asked whether any Delegation wanted to take the floor regarding this proposal.

The Delegation from Colombia, noting that the "time" factor was most precious, and that the Conference was familiar with every detail of the question, made a counter proposal to take an immediate vote.

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

"I sincerely regret that the very distinguished Delegate from the United Kingdom tenaciously insists on preventing the People's Republic of Outer Mongolia from being admitted, and that he is even opposed to what has already been adopted by the majority at this meeting. I must admit that I fail to understand the motives behind Mr. Townshend's action in so insisting against this admission. Perhaps it is a personal matter on his part, and I do not want to investigate it, but in any case we have just now voted, and the majority has expressed the opinion that the question must be re-examined immediately. I must again confess that I can see no reason whatsoever why we should not accede now to the wishes of the majority. I therefore believe that the only procedure to follow is to act in accordance with the decision which has just been taken."

The Delegate from Lebanon believed that the decision of the majority must be applied, and, opening the debate, asked whether the Chinese Delegation was in a position to tell us the degree of independence and economy which the legal Government of China had accorded to Outer Mongolia.

The Chairman thought that the question of possible postponement should be settled first.

The Argentine Delegation supported the counter-proposal of Colombia and added: "We believe that the discussion concerning Mongolia may be considered as exhausted. If we were to make a balance sheet of the reasons which have been presented to admit Mongolia, we could divide them in two parts: The reasons which are known by all and those that no one knows.

"Concerning the known reasons, we believe that these have been discussed sufficiently and that the question is exhausted. As for the unknown reasons, the Argentine Delegation has doubts that by delaying today's decision, such reasons can be known in time for the next meeting. We therefore support the counter-proposal of Colombia to proceed with the vote today and settle

finally the position of Mongolia.

The meeting then proceeded to a vote by a show of hands.

The motion to adjourn was rejected by a large majority.

The Chairman opened the discussion and renewed his appeal for brevity. He recognized the Delegate from the United Kingdom, who spoke as follows:

"This question is obviously of the greatest importance, and we are here to discuss it as plenipotentiaries of our respective governments which are, for the most part, Members of the United Nations.

"However, we are not Members of our respective Foreign Ministries but of the telecommunications service. This is our position; we are specialists in the field of telecommunications we are not specialists in questions of foreign policy. We cannot insist too strongly that so important a question must not be settled until we have had time to consult our respective governments, and to obtain information on questions such as those raised by the Delegate from Lebanon on the underlying relations between Mongolia and China. I am no expert, and the majority of the delegates to this conference are probably unable to come to a decision on these political questions and on questions which have been discussed in the United Nations. I stated, when I was endeavoring to convince you that no reasons existed for repudiating an earlier decision, that nothing new had developed since then to warrant reverting to this point. One thing which I omitted, has, however, arisen since that time, which is that, for the second time, the Government of Outer Mongolia has applied for admission to the United Nations. Its application was rejected by the Security Council. I believe that we shall be guilty of frivolity; yes, I said frivolity, of culpable irresponsibility, if we do not in some manner obtain information on the reasons underlying this decision and on the aspects of broader policy which concern the United Nations and the specialized agencies. We have not had an opportunity to study this particular question of the Security Council, and it is six weeks since we carried out the studies which were made. Since then, we have not had an opportunity to refresh our memories. Hence, I can only say that if this decision be made now after the statement which I have just made without being able to prepare it; if, I repeat, this decision is made, we shall have no alternative but to vote against the admission of Mongolia. In fact, we are of the opinion that, at the present time, Outer Mongolia is not generally recognized as an independent country in its foreign relations. That completes my statement."

The Delegate from Lebanon said he would like to ask the Chinese Delegation to reply to the question he had put. There might be circumstances, he said, which would militate for Mongolia, or against it.

The Chairman asked the Delegation in question if it wished to reply.

The Delegate from China said that he could not make a precise statement. Newspapers and broadcasts have made it known that, in the Security Council, China was one of the countries which opposed the admission of Outer Mongolia. He said that he could not give a very definite answer.

The Chairman asked whether a secret ballot was desired. Six delegations requested the secret ballot.

After obtaining recognition, the Delegate from the U.S.S.R. spoke as follows:

"I raised my hand only to add two words with a view to clarifying the question put by the Delegate from Lebanon, a question to which the Delegate from China was not in a position to reply. I officially state that the Republic of China signed the act which is generally known, recognizing the complete independence of the People's Republic of Outer Mongolia. The fact that, in the Security Council of the United Nations, the Delegate from China opposed the admission of Mongolia to the United Nations is obviously not based upon the fact that the Delegate from China at the Security Council had any doubts as to the independence and sovereignty of Mongolia, the question was put in another manner. Between the Republic of China and that of Mongolia, there are several questions which have not yet been solved, questions of frontiers. For this reason there have been several frontier incidents. I do not intend to go into details and try to ascertain who is guilty of these frontier incidents, but I believe that this is a fact which might have an influence on the question of the admission of Mongolia to the United Nations. However, this is a reason which can have no influence whatever on the decision we must make here in the International Telecommunication Union."

The Delegate from the United Kingdom: "I think it would be unfair not to give me an opportunity to reply to the statement which has just been made by the Delegate from the Soviet Union. The facts and motives which led the Security Council to take this step have been mentioned, but we have been given no time to obtain authoritative information from our respective governments. Mr. Fortoushenko has pointed out that these facts could have no bearing on our decisions.

"How can we make a decision without having time to contact our governments? The Delegate from China said that he did not have this documentation. Mr. Chairman, may I ask you to take this point into consideration in connection with the procedure."

The Chairman again consulted the Assembly concerning the eventual postponing of the discussion.

By a strong majority the Assembly voted a second time against postponement.

The Delegation from the United Kingdom understood that the question raised was whether Mongolia would be admitted as a Member with the right to vote at the Plenipotentiary Conference, and that a positive result could be obtained only by a two-thirds majority vote.

The Chairman confirmed this interpretation and proceeded to a vote by secret ballot.

This vote gave the following results:

For: 32; against: 28; abstentions: 9.

The Chairman indicated that 60 votes had been cast, and that since two-thirds of 60 is 40, the required majority had not been obtained, and that the proposal was therefore rejected.

The United Kingdom Delegation, in spite of the result of this vote, wished it to be placed formally on record that in their view

(1) decisions of major importance should not be taken by the Plenary Assembly on disputed issues which have not been placed on the agenda, and

(2) in the event of such matters being raised in the course of debate, delegations should be allowed the opportunity, by adjournment of the debate for a reasonable time, of obtaining readily available authoritative information relating thereto and of seeking instructions from their Governments, if they so desire.

The Chairman: "This statement will be included in the minutes."

The Delegate from Bielorussia reminded the assembly that the original proposal to admit Mongolia in an advisory capacity remained to be examined, and he asked that this proposal be put to the vote.

The Chairman pointed out that the Rules of Procedure do not provide for participation of this sort, but that on the other hand, they provide that the meetings are, in general, to be public. The Rules of Procedure should be completed, but no proposal had as yet been brought forward in this connection.

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

"Mr. Chairman:

"I am in complete agreement with the point which you have just explained. As a matter of fact, no regulations of the conferences and still less of the Plenipotentiary Conference contain any provisions allowing any State to take part in a conference in an advisory capacity as an observer. Such a rule can only apply to certain international organizations or private operating agencies.

"Consequently, speaking for myself, I am not in a position to support the proposal made by the Delegate from Bielorussia since I believe that any sovereign state, and, in particular, the Republic of Outer Mongolia, cannot accept such a situation: that is to say, to be present at plenipotentiary conferences such as ours in the capacity of a simple observer.

"On the other hand, I should like the minutes of the present Session to record the expression of our emphatic protest. We are, in fact, deeply moved, and we protest very strongly, and we insist that the minutes should repeat our protest. The decision which has been made is unjust towards a sovereign state.

"I desire that this should appear in the minutes as a very strong protest, Mr. Chairman, to go down in History, since in future days History will study and will judge, and such a case, without any precedent, will find its reflection in History. I therefore demand once more that my declaration should appear in the minutes."

The Chairman said that this would be done.

He asked the Delegate from Bielorussia whether they wished to pursue the matter.

In view of the explanations which had been given, the latter replied in the negative.

9. Miscellaneous.

The Delegate from Lebanon recalled that the date for the signature of the Acts had been fixed for September 15. In view of the difficulties in making reservations on steamships, planes he asked whether it was possible definitely to count upon this date.

The Chairman pointed out that the Conference had set September 15 as the approximate date for signing the Radio Regulations and possibly the Convention, and September 28 as the deadline for the departure of the Delegations. This final date could be observed. On the other hand, on September 15 (September 16) it would be possible to sign only the Radio Regulations.

With the way thus cleared, the work of the Telecommunications and the High Frequency Broadcasting Conferences could be expedited.

The Convention could in all probability be signed on September 22 or 23, and the last documents could be finished about September 27. In order to observe these dates, it would be necessary to take appropriate steps (detailed day by day schedules, six meeting days a week) - steps which the Assembly tacitly approved.

Lastly, it would be necessary, the Chairman added, for us to follow the example set at today's meeting, and reduce all statements to a minimum.

In this connection, he drew attention to a very commendable note drawn up by the United Kingdom Delegation and distributed to the Heads of Delegations. Several copies of this

note were still available.

The Chairman pointed out that the Polish Delegation had requested that this country be exempt from paying its contribution to the Union during the Occupation period (1940-1944). Yesterday's meeting of the Heads of Delegations had recommended that this question and questions connected with it be referred to Committee C.

This recommendation was approved.

The Secretary General then read the following two communications:

1) Letter from the Delegation from Lebanon:

"Atlantic City, August 30, 1947

The Chairman of the Telecommunications
Conferences
Atlantic City.

Mr. Chairman,

I beg to advise you that I have entrusted the Egyptian Delegation with the task of representing me in the various Radio and High Frequency Committees. This Delegation shall thus be empowered to take part in all discussions on behalf of Lebanon and to vote on its behalf.

Yours very truly,

The Delegate from Lebanon

(sgd.) G. Nammour."

2) Telegram from Tirane (Albania):

"In the name of the Government of the People's Republic of Albania, we name Mr. Josif Guljet, Delegate of the Yugoslav Government, as Delegate of the Albanian Government to the Telecommunications, Radio, and Broadcasting Conferences. Credentials for the signature of the Telecommunications Convention follow by mail.

The Prime Minister and Minister of Inculture

Nako Spiru."

A record was made of these two communications.

Since there was nothing further on the agenda and no one asked for the floor, the meeting was adjourned at 1:30 p.m.

The Secretaries-General:	The Secretaries:	Approved:
L. Mulatier	E. Rusillon	The Chairman
Gerald C. Gross	P. Oulevey	Charles R. Denny
	G. Corbaz	

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Document No. 458 TR-E
September 21, 1947

M I N U T E S

of the Seventh Plenary Meeting

September 17, 1947

First Part

The meeting was called to order at 6. p.m. by Mr. Charles R. Denny, Chairman.

The Chairman informed the Assembly that the Director of the Bureau of the Union and also the two Secretary Generals would not be present at this meeting, since the agenda included the fixing of salaries of Members of the I.F.R.B. and highly placed officials of the Union. He proposed that Mr. Adams of the United States Delegation be designated as provisional Secretary-General.

Adopted.

The minutes of the Sixth Plenary Meeting (document 361 TR-E) were adopted, with due consideration to the change requested in Document 414 Tr-E(1)

The Chairman stated that the two following points were to be submitted for consideration by the Assembly:

- 1) fixing of the salaries of Members of the I.F.R.B., and highly placed officials of the Union.
- 2) planning of the work of the Conferences and procedures for completing this work.

In regard to point 1,

The Chairman announced that, at two recent meetings, Committee C had made decisions on the question of salaries for various officials of the Union. It was particularly urgent that these salaries be settled because they would affect the formulation of budget estimates and the position of various countries in the regional elections to be held the following day. That was why a final decision should be arrived at promptly, that very day.

The United States had submitted a new proposal regarding salaries, which appears in Document 415 TR-E. In order to save time, Mr. Denny suggested to the Assembly that he would present the proposal himself, as Head of the

(1) Note of the B.U.: The appropriate correction has been made to the minutes of the 6th Plenary Meeting.

United States Delegation.

With the consent of the Assembly, he made a statement which may be summarized as follows:

"The United States originally emphasized the importance of the question of salaries for Members of the I.F.R.B. and other Members of the Union based on a scale which could attract the personnel we need to fill the positions provided. We still think our original proposal answered this need. But we have realized that several delegations cannot accept the figures we set in the beginning. We have therefore drafted a new compromise proposal which included the following salaries:

- 12,000 dollars, or 51,600 Swiss francs for Members of the I.F.R.B., the Secretary General, and the Directors of the C.C.I.'s.

- 10,500 dollars, or 45,150 Swiss francs for Deputy Secretaries General and the Vice-Director of the C.C.I.R.

- 9,000 dollars, or 38,000 Swiss francs, and 7,500 dollars, or 32,000 Swiss francs, for officials of classes C and D, respectively.

"Before telling you why such salaries are necessary, in our opinion, I would like to point out that the difference in the salaries we propose will play but a negligible part in the contributions to be made by each country. In return, the advantages are so great that we must certainly agree upon higher figures than those allowed by Committee C. For countries contributing in the first category, i.e., 30 units, the difference between the total costs of the two proposals which have been submitted to you would be only \$2,500 a year. For a country in the lowest category, this difference would be \$83 a year. Such would be the financial consequences of a decision which would permit our organization to be staffed by the best men available.

"Speaking of the advantages, the I.F.R.B., for example, cannot perform its tasks unless it is made up of experts who have the necessary background and experience to be able to deal with questions of frequency assignments on an international scale. The I.F.R.B. must have full authority and its recommendations must be respected and followed.

"These advantages will not be assured unless we have experts of international reputation in their respective fields.

"I do not wish to embarrass certain delegates by mentioning their names. However, can there be any shadow of doubt that Dr. van der Pol would make an ideal candidate for the I.F.R.B.? And further is there any one here who would seriously expect Dr. van der Pol to leave his home, work, and associations, to accept a position in Geneva at the salary proposed by Committee C?

"Let us remember that we are setting up an organization to administer one of the world's most valuable resources. The value of the spectrum cannot be calculated; each country spends millions and millions of dollars annually for technical developments towards a better utilization of the spectrum, and many millions of these dollars are

wasted because of the present chaos in the spectrum. Hence, we would have for the I.F.R.B. Members who would handle questions concerning utilization of the spectrum, an annual expense of \$102,000 according to the proposal of Committee E, and, an expense of \$132,000, according to the United States proposal.

"In our opinion this total difference of \$ 30,000 is really not considerable. It certainly would be justified by the difference between an I.F.R.B. whose work would be crowned with success, and a mediocre I.F.R.B., and we cannot hesitate. This difference of \$ 30,000 spread over 77 countries, is truly insignificant. The Members of the I.F.R.B. will in most cases be giving up secure permanent positions in their home countries; they will undertake a task and assume responsibilities of the greatest importance. They cannot count on returning to their former positions, they must be free of any affiliation with their respective administrations, and their term is for five years. When it comes to the question of determining their salary, we should take this lack of security into account, and we must not take as our guide national salaries which are in general much too low, even with government security - a security which I.F.R.B. Members will not have.

"It is perfectly conceivable that the individual who will be working in the I.F.R.B. may receive a higher salary than that of the Delegation Head who appointed him, but in this connection, we must take into consideration the responsibilities involved in this situation, and the very special conditions under which any international organization is founded.

"I beg you, Gentlemen, not to think in terms of national salaries, when you determine the salaries of the upper bracket officials of the new international organization. Similar considerations must be kept in mind for the other leading officials of the Union. In my opinion, Mr. von Ernst, Mr. Mulatier, and Mr. Gross are relatively very much underpaid. They have responsibilities and perform services which, in other fields, would provide them with salaries very much larger than \$12,000 we are proposing for the Secretaries-General and the \$ 10,500 we are proposing for the two Assistant Secretaries-General.

"The services performed by them at these Conferences are indication enough of their extreme competence and devotion to duty.

"Now, we cannot decently hold men of first-class caliber at second-rate salaries, particularly in view of the increasing cost of living. We want the staff of the Union to be recruited from all the countries in the world, so that our organization may be truly international. This is not true of our present secretariat, which has a staff of 30, 28 of whom are Swiss.

"We have made plans to revitalize our Union, to inject new blood in it. This step is indispensable, particularly in our field of telecommunications where increasingly difficult problems must be solved.

"If we compare our Organization with other international organizations, we must admit that the salary scales of the latter are much higher than those we propose. The Chairman of I.C.A.O. - the most pertinent

example -receives \$ 27,000 per annum and the Secretary-General over \$ 19,000. We are proposing \$ 12,000 for the Secretary-General and the Members of the I.F.R.B., and \$ 10,500 for the Assistant Secretaries-General of the Union. Like our Union, I.C.A.O. is an organization dealing with highly technical questions, but in the field of aviation. It is the same type of organization as our own, and offers a logical basis for comparison. I believe that this comparison is far preferable to that which has been made with the U.P.U. which is not developing in an expanding field like that of telecommunications or of aviation.

"Before I close, I want you to think again about the figures I mentioned earlier in my remarks. \$ 2,500 a year for a country of the highest classification, and \$ 83 a year for a country of the latter class are insignificant amounts in a national budget.

"I ask you to consider favorably the American proposal, and venture to hope that it will meet with your unanimous approval."

The Delegate from the United Kingdom, comparing the salary scale proposed by Committee C with that set forth in the American proposal, repeated that he had always been in favor of high salaries for the highly qualified specialists who would be appointed as Members of the I.F.R.B. They must have the confidence and respect of all the Members of the Union, if the Union was not to be jeopardized.

He said that he was in agreement with the principle laid down in both proposals, which provided for the same salaries on the one hand for the Members of the I.F.R.B., the Secretary-General and the Directors of the C.C.I. (Class A) and on the other hand, for the Assistant Secretaries-General and the Vice Director of the C.C.I.R., who must be a specialist in technical broadcasting matters (Class B). But he wanted to know whether the expatriation allowances in the proposal of Committee C were also included in the United States proposal. Eventually, he would like to see them applied to the salary scale as a whole.

The Chairman replied that, in his opinion, the expatriation allowances provided for in the Regulations annexed to the statute of the International Bureaus established in Switzerland, should be retained, although the United States proposal made no mention of them.

At the present time, these allowances were as follows:

Class A.	5,000 Swiss francs
Class B.	2,600 Swiss francs
Classes C. and D	2,200 Swiss francs

In order to avoid any misunderstanding, he asked that a note be added at the bottom of Page 2 of Document 415 TR-E, specifying that the above-mentioned allowances were to be paid in addition to the proposed salaries.

The Delegate from Lebanon called the attention of the Chairman to his proposal (Document 372 TR-E), which dealt with excessive expenses

of the Union, and in particular, with the composition of the I.F.R.B. It seemed to him that this proposal involved a question of principle which should be settled before everything else. He agreed with the Chairman with regard to the salaries of the officials of the Union, but he said that he was opposed to the formation of an eleven Member I.F.R.B. In particular, he feared that political and economic questions might arise. It would seem to him that his proposal involved a question of principle which should be settled at the outset, and he asked the Chairman to authorize him to explain his point of view.

The Chairman believed that the proposal of Lebanon could be discussed later, during the general discussions on finances.

Since the Delegate from Lebanon did not agree with this opinion, the Chairman read the document in question and asked whether the proposal was seconded.

As this was not the case, the proposal was considered as rejected, and the discussion of the salaries of the Members of the I.F.R.B. continued.

The Delegate from the U.S.S.R., speaking first as Chairman of Committee C, pointed out that this Committee had arrived at the proposed figures after long discussions, and that these figures represented a compromise which had been voted by a strong majority.

Then speaking as Head of the Delegation from the U.S.S.R., Mr. Fortoushenko stated that the Members of the I.F.R.B. did not necessarily have to be men of exceptional ability such as for instance Professor van der Pol, mentioned by the Chairman, with highly scientific problems to solve. According to several of the delegates present as well as certain documents published at the Conference, it appeared that the task assigned to the I.F.R.B. would rather be of secondary importance, because at the time when it began its functions, the frequency list, which was the main task, would have been drawn up. He would gladly have agreed to the payment of high salaries for Members of the I.F.R.B. if they had been assigned more important tasks, as, for instance, the drafting of proposals for the next Frequency Broadcasting Conference. Since this was not the case, he regretted that he was unable to support the proposal of the United States, and recommended that the Assembly approve the proposal of Committee C.

The Delegate from Mexico had been very pleased at the draft constitution of the I.F.R.B., because he had always been a staunch defender of this new agency. He had a very high opinion of the tasks which would be assigned to this Board; that was why he considered that the Members of the I.F.R.B. should be placed on a very high level and that the salaries should correspond to the important tasks with which they would be entrusted. Therefore, he supported the proposal of the United States.

The Delegate from Australia also supported the compromise proposal of the United States, and emphasized that it would not involve any considerable extra expenses for the Union.

Although alarmed by the substantial increase in the expenses of the Union, the Delegate from Greece did not believe that the difference between the proposal of Committee C and the proposal of the United States was very great. The new employees of the Union, as well as those who were already permanent members of the staff of the Berne Bureau must not be dissatisfied from the outset by salaries that are set at too low a level. He supported the United States proposal, but felt that the figures contained therein were ceiling figures to which no further allowances should be added. He asked the Chairman if the United States Delegation would agree to modify its proposal by deleting the note concerning expatriation allowances.

The Chairman replied that he would prefer to have the entire proposal of the United States put to a vote, and if necessary, to take another vote on this same proposal with the Greek amendment.

Mr. Laffay, Head of the French Delegation, stated that his Delegation was one of the Delegations which were dissatisfied with the decision made by Committee C. Why? Because his Delegation considered that the decision of this Committee did not correspond to a logical order in the scale of positions, and when this scale of positions is not respected, it follows inevitably that the salary scale is not respected either.

He cited a concrete example which proved beyond a doubt that we had reached a situation bordering on the absurd. If we considered the present position of the Director of the Bureau, the two Vice-Directors and an Adviser, taking into account the tax exemption granted a foreign official in Switzerland, we should see that the Director of the Bureau received at present 40,000 Swiss francs, that is, after deduction of taxes amounting to 9,000 francs, a net salary of 31,000 francs. Two Vice-Directors now received 32,000 francs; in the future they would receive 35,000 francs. Inasmuch as they had no taxes to pay, this salary remained at 35,000 francs, that is, 4,000 francs more than the salary of the Director. The Adviser now received 24,000 francs; in the future he would receive 32,000 francs. If he was not Swiss, he would therefore, receive 32,000 francs - that is, 1,000 francs more than the Director. This proved that by refusing to respect the scale of positions, we had upset the salary scale.

The fact that the Bureau was to be transferred to Geneva, and the additional fact that the Secretary-General would be in contact with new colleagues from other international organizations would make it essential for him to be a man of culture and refinement with vast knowledge and experience. If he was to represent the Union suitably, obliged as he would be to attend receptions - for he would receive invitations and would have to issue invitations in his turn - the Secretary-General must be at the top of the scale within the Union.

After him, came the Directors of the various C.C.I.'s the two Vice-Directors and the Members of the I.F.R.B.

The French Delegate was not opposed to granting the Chairman of the I.F.R.B. a special service allowance to distinguish him from the other Members. On examining the question of salaries and expenses, he noted that international affairs were becoming more and more

diversified that countries must meet the obligation of paying contributions to the United Nations and to all the auxiliary organizations.

"It is agreed", he said, - and rightly so - that high moral and technical qualifications should be required for the I.F.R.B. I stress the former, "he said," and I rank them above all others. But these moral qualifications are independent of salaries, and the man who possesses them cannot generally be bought at any price.

"It is obvious that, in the United States, the salaries proposed by Committee C, perhaps even the salaries suggested in the American proposal, would not be adequate to attract the outstanding men whom we should like to see on the I.F.R.B. But the United States will send only one representative; the other Members will be furnished by the Administrations of the countries here represented. I have taken the trouble to consult some of them regarding possible candidates, and the replies were far less satisfactory than I had hoped. I am very much afraid that we shall not find eleven men with the required qualifications. Should we then offer salaries which are out of proportion with the technical abilities of the men we shall appoint to the I.F.R.B.? For a good many countries, I believe that the figures adopted by Committee C will make it possible to recruit the best men. I can promise it for a country like France and for many others, for, it must not be forgotten that aside from their salaries, foreigners enjoy tax exemption.

"In Committee C, more attention was paid to the Members of the I.F.R.B. than to the Secretary-General and his Deputies. Now, the Secretary-General will have to be replaced some day, and it is possible that one of his Deputies may succeed him. We have no right to disregard the recruiting of the future Secretary-General by refusing to give his two Deputies the material security they have a right to claim

"The French Delegation is surprised that the considerable amount of work done by the Working Group which submitted Document 386 TR-E was not taken into account purely and simply.

"In Annex II, this document contains a table which respects the present scale of positions. It proposes a return to this solution."

The Chairman thanked Mr. Laffay for the analysis he had just given. With regard to the unfavorable position of the Director of the Bureau of the Union, arising from the taxes levied on his salary, the Chairman suggested that a second note, which might be worded as follows, be added to the United States proposal:

"In case officials of Swiss nationality are nominated to a position in Class A or in Class B they will receive a compensatory allowance equivalent to the income tax on their salaries levied by the fiscal authorities of the Swiss Government."

The Delegate from the Vatican explained the reasons why he would abstain from voting. He noted that, on the one hand, the small countries were alarmed by the increase in expenses, and that on the other hand, the division of expenses was unfavorable to these countries. It would be preferable, according to him, for the question of the division of expenses to be settled first.

The Delegate from Morocco pointed out that the American proposal especially dwelled on the very small increase for each of the Member countries of the Union. He thought that this argument had little value, as it could be invoked for any new expense. It would be necessary to take into account the living conditions of the country where one must live. If it was realized that the Director of the Swiss Postal, telegraph and Telephone Administration received a salary of 35,000 frs and that he was subject to income tax, it might be asked what his attitude would be if he were called on to designate an engineer as Member of the I.F.R.B. In view of the fact this official would be receiving a higher salary than his own, would he not select this official from outside his own administration, without worrying as to his ability?

What we needed were intelligent and active engineers, familiar with the works of scientists, but not such scientists themselves.

He did not believe that it should be necessary to refer again to the subject of the salary scales fixed by Committee C, but he would very much like to get some information regarding the expatriation allowance, as well as about pension rights, and the social security insurance fund, which now existed for the benefit of the officials of the Bureau.

The Delegate from Chile also gave his support to the United States proposal.

The Delegate from the United Kingdom noted that the agreement with the United Nations opposed any reimbursement of taxes to officials of Swiss nationality. The United Nations and the I.T.U. had agreed to establish, for the personnel, standards, methods and mutual arrangements. The Delegation from the United Kingdom believed that it was preferable not to make any decision on the matter at this time, in order not to conflict with any agreed upon arrangements. It would support the proposal of the United States if the amendment relating to this reimbursement were withdrawn.

The Chairman stated that he was in agreement with respect to deleting the second note he had proposed, but reserved the right to return to this point again, in the light of the usual practice in other international organizations.

The Delegate from Pakistan pointed out that, with reference to the expenses of the I.F.R.B., the agreement was only binding for the next five years. This period would furnish a basis for the fixing of salaries for the ensuing years.

The Chairman then proceeded to a vote, by roll call, on the proposal of the United States, completed by the note relating to expatriation allowances.

The vote gave the following results:

In favor of the proposal: 29 votes.
Against the proposal: 27 votes.
Abstentions: 9 — Absentees: 13.

Voted for: Union of South Africa and Territories under Mandate of South-West Africa; Argentina; Australia; Brazil; Canada; Chile; China; Colombia; Cuba; the Dominican Republic; El Salvador; the United States of America; Territories of the United States of America; Finland; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates,

Overseas Territories and Territories under Sovereignty or Mandate of Great Britain; Southern Rhodesia; Guatemala; Haiti; Ireland; Italy; Mexico; Norway; Panama; Peru; Philippines; Switzerland; Uruguay; Venezuela.

Voted against: Albania; Belgium; Belgian Congo and the Territories under Mandate of Ruanda Urundi; Bielorussia; Burma; Egypt; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Hungary; India; Iraq; Luxembourg; Monaco; New Zealand; Netherlands; Netherlands Indies; Poland; Portugal; Portugese Colonies; Siam; Sweden; Syria; Czechoslovakia; Ukraine; Union of Soviet Socialist Republics; Yugoslavia.

Abstained: Afghanistan; Austria; Vatican City; Denmark; Greece; Iran; Lebanon; Pakistan and Turkey.

Absentees: Saudi Arabia; Bolivia; Bulgaria; Costa Rica; Ecuador; Ethiopia; Honduras; Iceland; Liberia; Nicaragua; Paraguay; Rumania; Yemen.

The Chairman noted the fact that the United States proposal was accepted.

The first item on the agenda having been settled, he asked the Director of the Bureau of the Union, as well as both Secretaries-General to resume their seats.

The Secretary-General
ad interim:

David C. Adams

The Secretaries:

P. Oulevey
H.Voutaz

The Chairman:

Charles R. Denny

Part II

When Messrs. von Ernst, Mulatier, and Gross had returned to their seats, the meeting continued.

As regards the second point on the agenda, the Chairman made a statement on the status of the work of the Conferences and the procedures for completing this work.

The texts of the Radio Conference were now in the hands of the printer and the signing of the acts of this Conference could take place on September 28.

As far as the Plenipotentiary Conference was concerned, certain Committees had already completed their work. Committee C entrusted with a very heavy task, and Committee E, were in charge of the texts of the Convention. Committee E had almost finished its work, and Committee C was working as rapidly as possible, but the difficulty and the importance of the problems to be solved, required long and detailed discussions. The Drafting Committee would meet every day, if necessary, to revise the texts submitted to it. In this way it was hoped that the main work regarding the Convention would be completed by the end of the week.

Every effort was being made to try to terminate this Conference also by September 28, as scheduled, but no assurance could be given that this goal would be reached. The Chairman proposed that the Assembly forego signing printed copies of the text of the Convention this time, as had already been done at international conferences, and sign a mimeographed or typewritten copy.

Moreover, he requested authorization to form a small group of 5 people, composed of the Chairman and Vice-Chairmen of Committees C, E, and G. with whom he would take every practicable measure likely to accelerate in an orderly fashion, the completion of the work of the Conference. If, in spite of all these efforts, the work of the Conference could not be completed by September 28, the Chairman suggested that each Delegation designate a representative to remain until October 15 in order to sign the acts in the name of his Delegation, unless the signature had already been filed with the Secretary General, in accordance with the usual procedure.

The Assembly approved the proposal of the Chairman.

The Delegate from Lebanon stated that he was fully confident that the work would be completed by September 28. In order to allow the Delegates who had booked return passages for the end of the month to sign earlier, he requested that a Plenary Session be called at the beginning of the following week, in order to discuss the expenses and the election of the Members of the Administrative Council.

The Chairman requested that the following statement (1) from the Delegate from Ethiopia be read, which replaces that which appears in the minutes of the Sixth Meeting under item 3.

"Mr. Chairman,

I beg to apologize for raising this question now but as the question to be studied is of fundamental importance, I would ask you, Mr. Chairman, Gentlemen, to kindly allow me to clarify the position of my delegation on this subject.

Ordinarily, international treaties come into force after their ratification by the signatory powers, parties to such treaties. It is only in certain exceptional or unimportant cases that they come into force without being ratified. Even in these exceptional cases, the signatory powers must give their formal consent in advance, so that such treaties may not have to be ratified.

But I do not think that we all possess the advance consent of our respective governments which is necessary in order for the Treaty to come into force without being ratified.

As far as the Ethiopian Delegation is concerned its powers are expressly limited to the effect that all signatures affixed by it at the end of the documents issued from Atlantic City Conferences are subject to ratification.

Under these conditions, I wish to state clearly that the government of Ethiopia is not by any means bound by the signatures which the Ethiopian Delegation will have affixed to the Convention, the General Regulations, and / or any additional protocol resulting from the Conferences now being held at Atlantic City, before such documents have been duly ratified by the competent authorities of the Ethiopian Government.

I therefore request, Mr. Chairman, that you kindly insert the present statement in the minutes of the Plenary Meeting."

The Chairman advised that he had received a letter from the group of countries of the European region requesting him to give his opinion on the question of whether the next European Broadcasting Conference would be a Plenipotentiary Conference or an Administrative Conference.

He proposed that the question be submitted at the next Plenary Assembly, and he then adjourned the meeting at 8:15 p.m.

Secretaries-General:

Secretaries:

Chairman:

L. Mulatier
Gerald C. Gross

P. Oulevey
H. Voutaz

Charles R. Denny

(1) Note of the B.U. : This statement formed the subject of a final explanation by the Ethiopian Delegate (See minutes of the 14th Plenary Meeting, Doc.554, page 314.)

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Document No. 522 TR-E
September 26, 1947

M I N U T E S
of the 8th Plenary Meeting
September 22 - 23, 1947

The agenda was as follows:

1. Election of the Administrative Council
2. First reading of all the available blue texts of the Convention
3. Resolution on the work of the C.C.I.R. (Document 381 TR-E)
4. Approval of the appointment by the Radio Conference of certain experts instructed to attend the preparatory meeting on the coordination of questions relating to national navigation, international aviation and telecommunications.
5. Discussion on the status (administrative or plenipotentiary) of the coming European Broadcasting Conference.

The meeting was called to order at 3:40 p.m. by Mr. Charles R. Denny, Chairman.

The Chairman proposed that, between items 4 and 5 of the agenda, the Assembly add the discussion of a question studied by Committee C concerning Membership in the Union.

The Assembly agreed.

The minutes of the Seventh Plenary Meeting (Document 458 TR-E) were adopted without comment.

1. Election of the Administrative Council

Turning to Item 1 of the Agenda: "Election of the Administrative Council", the Chairman announced that the Secretariat had prepared ballots which would simplify the procedure. Each Delegation would receive four sheets of different colors. Each color represented a region and showed the countries which had been proposed at the time of the preparatory regional meetings:

- a) the white sheet, for Region A (the Americas) including 8 countries: (Argentina, Brazil, Canada, Chile, Colombia, the United States of America, Guatemala, and Uruguay), five of which were to be nominated for the Administrative Council;
- b) the yellow sheet, for Region B (Western Europe and Africa), listing 8 countries (Belgium, Denmark, France, Italy, the Netherlands, Portugal, the United Kingdom and Switzerland), 5 of which were to be selected;
- c) the blue sheet, for Region C (Eastern Europe and Northern Asia

listing 4 countries (Albania, Poland, the U.S.S.R. and Yugoslavia), 3 of which were to be appointed;

- d) the red sheet, for Region D (other countries) containing the names of 8 countries (Afghanistan, Saudi Arabia, China, Egypt, Iran, Lebanon, Pakistan, and Turkey), 5 of which were to be represented on the Administrative Council.

In the case of Regions A, B and D, any delegation might vote for 5 countries or less and in Region C, for 3 countries or less.

Any ballot containing more than 5 votes for Regions A, B and D, and more than 3 votes for Region C, would be null and void. Each Delegation was asked, as its name was called, to deposit its four ballots in the ballot-box. During the counting of the votes, the Assembly would consider the following item on the agenda.

This procedure was approved.

The Delegate from New Zealand made the following statement:

"The Delegation of New Zealand desires to draw the attention of this Plenary Assembly to a serious deficiency in the nominations from Region "D" for the Administrative Council of the Union, in that the nominations are not equitably distributed amongst the countries in the region.

"In analyzing the nominations we find that there are 5 from the North-Western corner of the region and 3 from the Central Asiatic group of countries. There are no nominations to represent the very extensive area of India, South-East Asia, Australia, New Zealand and the South Pacific. This part of Region "D" forms a very important section of the world's telecommunication system.

"We consider that the regional pre-selection procedure has not proved entirely satisfactory as far as Region "D" is concerned. The result does not appear to be in the best interests of the Union and is certainly not in conformity with the principle established in Paragraph 1 (b) of Article 4-bis contained in Document 446 TR-E which states that in the election of Member of countries to the Administrative Council, due regard shall be paid to the need for equitable representation for all parts of the world."

The Delegation from the Netherlands Indies fully supported the statement just made by the Delegate from New Zealand. He also thought that, among the present eight candidates of Region D, none would represent this region in the equitable manner prescribed by Article 4bis of Document 446 TR-E, which was adopted by Committee C and which insisted on the need for equitable representation for all parts of the world. He requested the Chairman to include this statement in the minutes.

The Chairman said that this would be done, and then requested the delegations to deposit their ballots. The following were absent: Afghanistan, Saudi Arabia, Austria, Bolivia, Costa Rica, Iceland, Liberia, Paraguay, Rumania and Yemen. The counting of the votes was to be done by regional representative of each of the following countries:

the Dominican Republic, the Belgian Congo, the U.S.S.R. and China, with the assistance of Miss B. DePuy and Mr. McGloin of the General Secretariat.

The Delegate from Egypt wanted to have the following statement inserted in the minutes: "We shall abide by these elections, even if the outcome is not in our favor, just as we respected the elections of the I.F.R.B. In regard to the statement made by the Delegations from New Zealand and the Netherlands Indies, we affirm that the same mistake has been committed in the case of the I.F.R.B. as in that of the Administrative Council in choosing the countries to represent this region."

The meeting then turned to the study of the texts prepared by the Drafting Committee (Series Nos. 1, 2 and 3).

Mr. Laffay, Chairman of the Drafting Committee, pointed out that the texts under consideration contained some defects due, in particular, to the fact that the competent committees had been unable to coordinate their work. These defects, as well as some minor errors in transcription, would be eliminated between the first and second readings.

The following changes were made in the English texts (those relating to the French texts are given in the French Minutes).

Series No. 1:

Article 35, heading, read: Harmful Interference.

Article 39, paragraph 2, read: ".... to the measures to be taken to prevent harmful interference and the provisions of the Regulations concerning types of emissions....."

Annex Definition of "Harmful Interference", read....of a safety service, or which repeatedly interferes with or interrupts a radio service operating in accordance with the Radio Regulations.

Series No. 2:

Article 22, strike out the word "telegraphic" in the last sentence.

Article 33, paragraph 1, delete the words "by them and"

Resolution, read:....."immediate assistance to the countries of the Members and Associate Members of the Union, that were devastated by the Second World War in order to"

Article(Relations with the United Nations), paragraph 2, second sentence, delete the words "and the Provisional Frequency Board."

Series No. 3:

Article 28, read: "Official statements to the press about the work of the Conference..."

In regard to Article 23 (Series 1) "Responsibility" the Delegate from France drew the attention of the Assembly to the consequences which, in his opinion, might arise from the addition of the words "particularly as regards claims for damages" made by the Conference to the Madrid text. This addition might give rise to the assumption that the administrations might be held responsible in certain cases.

However, he did not insist upon any change, as the text seemed satisfactory to the Assembly.

In regard to Article 32 (Series 1) "monetary unit", the Delegate from Cuba pointed out that this article as drafted had an obligatory implication which had not been intended. He suggested following the procedure with regard to Article 33, § 2 and adding the words: "unless special arrangements have been concluded between the parties concerned."

The Delegates from Italy and France were opposed to this addition, which they considered unnecessary inasmuch as Article 13, in a very general sense, authorized the conclusion of any special arrangements which were not of general concern to Members of the Union. Further, the adoption of this proposal would necessitate the revision of many articles of the Convention in which the same addition would have to be included.

Put to a vote by a show of hands, the proposal was rejected by 31 votes as against 23.

The Delegate from the United Kingdom said that he could not interpret the provision of Article 32 as making the conclusion of special arrangements possible. He asked that this statement should appear in the minutes of the meeting.

The Chairman replied that this would be done, and that the minutes would likewise mention that the Assembly agreed to grant that the provision of Article 13 authorized the conclusion of special arrangements with regard to the monetary unit, notwithstanding the provision contained in § 2 of Article 33.

When the count of the ballots for the nomination of the countries which would send Members to the Administrative Council had been completed, the Secretary General read the results of the vote.

They were as follows:

Region A: 5 countries to be designated:

Number of votes cast:	69
Number of valid ballots:	69
Argentina	35
Brazil	41
Canada	55
Chile	27
Colombia	46
United States	65
of America	
Guatemala	33
Uruguay	28

In alphabetical order, the following countries were elected:

Argentina, Brazil, Canada, Colombia, the United States of America.

Region B: 5 countries to be designated:

Number of votes cast:	69
Number of valid votes :	69

Belgium	28
Denmark	23
France	65
Italy	41
The Netherlands	33
Portugal	42
The United Kingdom	42
Switzerland	65

Elected: France, Italy, Portugal, the United Kingdom, Switzerland.

Region C: 3 countries to be designated:

Number of ballots cast: 69
Number of invalid ballots 5
Number of valid ballots: 64

Albania	11
Poland	55
U.S.S.R.	58
Yugoslavia	54

Elected: Poland, U.S.S.R., Yugoslavia

Region D 5 countries to be designated:

Number of ballots cast: 69
Number of valid ballots 69

Afghanistan	20
Saudi Arabia	12
China	59
Egypt	52
Iran	26
Lebanon	35
Pakistan	64
Turkey	50

Elected: China, Egypt, Lebanon, Pakistan, Turkey.

The Chairman said that, now that the names of the countries which were to appoint Members to the I.F.R.B. and to the Administrative Council were known, it was essential that the men who would fill these positions be designated as soon as possible, since it had been suggested that two organizational meetings be held here in Atlantic City: one of the I.F.R.B. and one of the Administrative Council. There would be cases where the individuals appointed would not be here, but it would doubtless always be possible in such cases for the Head of the Delegation of the country in question to replace, temporarily, in Atlantic City, the man who would be named to fill the position devolving upon his country.

The Chairman asked the Heads of Delegations whose countries had been elected to the I.F.R.B. or to the Administrative Council, to give the Secretary General the names of the officials appointed before midday on Friday, September 26, if possible.

3. Resolution concerning the work of the C.C.I.R.

Taking up item 3 on the agenda, the Chairman said that he was not certain that the Plenipotentiary Conference should handle this question. As a matter of fact, the Radio Conference had already found a reasonable solution for this question, but felt it was advisable to submit the problem to us in order to clear up the legal situation and come to a mutual decision as to the steps to be taken. He thought it would be wise to examine this Resolution and obtain an expression of opinion, in case there was any doubt about the matter from a legal point of view.

Mr. de Wolf of the United States Delegation suggested that under b) 1. the words ".... taking into account the proposals appearing in the Appendix to this Resolution," be replaced by "....taking into account the discussions and decisions of the Atlantic City Conferences", inasmuch as the Appendix in question was not ready, and would not be ready before the end of the Conference.

With this modification the Resolution was approved by the Assembly. The Delegate from Sweden thanked the Assembly for the great honor and confidence it had shown in the Swedish Administration by entrusting it with the task of coordinating the work of the C.C.I.R. during the interim period from now until the C.C.I.R. meeting at Stockholm next year.

The Chairman expressed the gratitude of the Assembly to the Swedish Government.

4. Preparatory Meeting of Experts in London

With regard to this item of the agenda, the Chairman announced that the Radio Conference had adopted without change a resolution which had been submitted to it by Committee 8 (Document 759 R-E).

The experts mentioned in this resolution would go to London and work out coordination in the fields of international navigation, aviation and telecommunications. The Radio Conference handed this resolution to the Plenipotentiary Conference in order to give it full authority from a legal point of view.

No objections were made to this resolution which was adopted.

4.a) Membership

An exceedingly important question, which had been added to the Agenda as Item 4 a), was then opened for discussion. It concerned "Membership" in the Union. A draft had been submitted by Committee C. It appeared in Document 474 TR-E and included:

- a) a Protocol concerning Germany and Japan,
- b) a Protocol concerning Spain,
- c) an Alternative Proposal for Convention Articles concerning Spain (Document 396 TR-E Article 1, paragraph 6)
- d) an Alternative Proposal submitted by the Delegation from Argentina and appearing in Document 461 TR-E.

In addition, the Chairman of Committee C submitted a proposal on Membership in the Union. (Document 463 TR-E), and lastly, Document 475 TR-E contained the Draft of Annex 1 (list of countries) referred to in Documents 396 TR-E (Article 1, Section 2), 461 TR-E and 463 TR-E.

The Chairman proposed that the different questions be taken up separately, and that the status of Spain - the draft text for which appeared in Document 474 TR-E - be considered first. This question, he said, as well as those bearing on other countries, had been discussed at great length during this Conference. It must therefore, be settled that evening if we intended to keep our promise to terminate the work of the Conference the first of next week, and sign the Convention, if possible, on September 30.

The draft Protocol concerning Spain contained three alternative solutions. It was, therefore, a question of deciding which of these three solutions should be adopted.

The Delegate from the United Kingdom was in favor of adopting the following text, appearing in Paragraph 3, Section 6 of Document 474 TR-E:

"No country or territory may become or remain a Member or Associate Member of the Union contrary to a resolution of the General Assembly of the United Nations applicable to all specialized agencies brought into relationship with the United Nations."

This formula would have three advantages: 1) It was very general and mentioned no specific country; 2) it would apply to Spain, and could serve for any other country which might find itself in a similar position. It would be possible to refer the matter to the General Assembly of the United Nations, which was qualified to deal with questions of general public interest and so avoid prolonged discussions on policy within the I.T.U. 3) The adoption of this proposal would permit adding Spain to the list appearing in Document 475 TR-E, i.e., in the list of countries which would be Members of the Union when the new Convention became effective. The Delegation from the United Kingdom might be willing to accept the first alternative proposal, if the majority opinion was in favor of it, but it could not agree to the Argentine proposal appearing in § 6.

The Delegate from the U.S.S.R. did not agree with the statement that Document 474 TR-E contained three alternative wordings for § 6 of Article 1 of the Draft Convention. In his opinion, it contained only two: a) the proposal drawn up by the Drafting Group of Committee C which had decided to submit this proposal directly to the Plenary Assembly without going through the Committee, and b) the proposal of the Argentine Delegation.

Apart from that, the Drafting Group of Committee C, under the Chairmanship of Mr. de Wolf, had prepared a Draft Protocol concerning Spain, and a Draft Protocol concerning Germany and Japan. It would be advisable to separate the two questions. Whether one or another alternative was

adopted for § 6 of Article 1 as a general principle of the Convention, in no way obviated the necessity of approving the Protocol prepared by the Drafting Group, both on the subject of Spain and on the subject of Germany and Japan.

He suggested, therefore, that the text proposed by the Delegation from the United Kingdom, as well as the Protocol concerning Spain be adopted for the Convention.

The Delegate from Argentina opposed the adoption of this text which obviously implied the subordination of the I.T.U. to the United Nations. We had, he said, affirmed and reaffirmed that, in the relationship between the Union and its Members, the Union alone must make decisions. The inclusion in the Convention of the proposed paragraph would indicate the abandonment of the line of conduct we had laid down for ourselves here. We must be logical and faithful to our decisions and adopt for § 6 the text proposed by the Argentine Delegation which respected the agreement between the United Nations and the I.T.U. The situation in which Spain was placed was the result of a recommendation of the United Nations appearing in Article IV of the draft drawn up by the two negotiating groups on I.T.U. - U.N. Article VI of this draft covered all possible situations which might arise in the relations between the Union and its Members, taking into account the fact that the Union had two categories of Members: those who were also Members of the United Nations Organization, and those who were not. If the Protocol appearing under "2" in Document 474 TR-E were added to the text proposed for § 6 by Argentina, the status of Spain would be clearly established in compliance with the terms of the agreement with the U.N.O.

The Delegate from Ireland believed that the question might be reduced to establishing whether or not we wished to adopt Paragraph 6 as it appeared in Document 474 TR-E. In the agreement set up with the U.N.O., no provision was made concerning Membership in the Union. We made no such provision because we wished to protect our independence and to remain sole judge of the problems - even those of a pseudo-political nature - which might arise within our Union. In his opinion, Paragraph 6 went too far and should therefore be rejected; the general question of Membership should be set aside and we should confine ourselves here to settling the question of Spain.

The Delegate from the Dominican Republic thought that, when we excluded Spain from the Telecommunications Union, we had made a real error, due to the fact that it was based on a political decision of the United Nations Organization condemning the present Spanish political regime. For this reason, he said he could not go on record as agreeing with the draft text for the Protocol concerning Spain, since this text confirmed the subordination of the Union to the United Nations, a principle which was contrary to the nature of our organization. He proposed a concrete text to replace the last part of this Protocol. It would involve changing the phrase: "..... as soon as the said resolution of the General Assembly of the United Nations shall be abrogated or cease to be applicable" by "..... as soon as the conditions causing this exclusion from the Union shall disappear." This wording safeguarded the principle of the autonomy of the I.T.U. with respect to the U.N. a principle which we vigorously defended.

The Delegate from Portugal supported the statements of the Delegate from Ireland and requested the deletion of paragraph 6 which violated our agreement with the United Nations.

The Delegate from the Vatican City thought that Article VI, concerning agreements with the United Nations was sufficiently clear: Only those Members which were both Members of the Union and the United Nations were called upon to agree to the recommendations of the U.N. By adopting Paragraph 6 we would introduce in the Convention something which was in contradiction with Article VI of our agreement with the United Nations, where it was stated that full account would be taken of the individual situation of the Members of the Union who were not Members of the United Nations. He would not be opposed to the substitution of the text proposed by Argentina in place of the text of the Drafting Group of Committee C, but, like Ireland and Portugal, he would be even more satisfied if Paragraph 6 were deleted.

The Delegate from Cuba advised the Assembly that in case they should decide to include Paragraph 6 in Article 1 of the Convention, he would ask that the words "or Associate Member" appearing in the said paragraph, be deleted. He therefore reserved the right to return to this question later in order to explain his reasons for this modification.

The Delegate from the United Kingdom considered the proposal of the Cuban Delegation very interesting, but he did not believe it pertinent to the question of Spain, for, under the terms of the resolution of the General Assembly of the United Nations, Spain was not to be admitted to any conference, and the admission of Spain as an Associate Member would be contrary to that resolution. He believed that the issue to be dealt with was simple: we had to decide whether we were to take measures in the Convention regarding Spain. That could be done through the adoption of a protocol which would provide that Spain, although excluded for the present, could accede to the Convention, without any formality, as soon as the resolution concerning that country was abrogated. He stated that he was in favor of retaining paragraph 6.

The Delegate from France was ready to accept the protocol relating to the Spanish situation, as drafted. The agreement with the United Nations did not oppose it in any way, and the protocol adopted by the Postal Union seemed identical to him. As far as paragraph 6 was concerned, the position of the French Delegation was clear and explicit: it refused to adopt this paragraph, and asked for its unconditional deletion; because, according to the speaker, of all the articles of the Convention, this was the most dangerous one for the Telecommunication Union. The Delegate from France called the attention of the Plenary Assembly to the importance of this text, which seemed to him: 1) contrary to our obligations to the United Nations, since it went beyond the obligations subscribed to, as the Delegate from the Vatican had pointed out - ,2) this paragraph was dangerous. A recommendation of the United Nations would automatically suffice to deprive the Union of its right

to examine, which it acquired through the agreement with the United Nations, and which, should not be given up under any circumstances, 3) this text was useless. As a matter of fact, under Article 71 of the Charter of the United Nations, the Security Council could request us to sever all telephonic, telegraphic, or other relations with certain countries. It was not necessary to include a text in the Convention in order to comply with the obligation of the Charter. Article 103 of the Charter sufficed, and the sanctions decided upon the Security Council would apply ipso facto by virtue of this Article. But there were recommendations which could come through other agencies; it was through the medium of the Social and Economic Council that the Conference had been made cognizant of the Spanish affair, with which it was not certain that all were satisfied.

The Delegate from France pointed out an event in the period between the two wars, and asked what would have happened if, when withdrawing from the League of Nations, Germany, Japan, and Italy had broken off relations with the Union. The United Nations was essentially a political organization and political sanctions could be invoked against certain countries which it was essential to retain in the Union. For that reason, the French Delegation supported Ireland and Portugal in their request for the deletion of paragraph 6.

The Delegate from the U.S.S.R. remarked that the majority of the delegates who had spoken had been in favor of deleting paragraph 6, and of adopting the protocol relating to Spain, without this paragraph. He adhered to that point of view and also supported it.

The Chairman proposed putting to a vote the draft protocol, as it appeared in Document 474 TR-E and then, if it were rejected, to submit it anew with the amendment suggested by the Delegation from the Dominican Republic. He would then ask the Assembly to state its opinion on paragraph 6 and the amendment of the United Kingdom and lastly, on paragraph 6 as proposed by Argentina.

The draft protocol was accepted by a show of hands, by 48 to 5.

The Delegate from the United Kingdom believed that, since all were opposed to the adoption of paragraph 6, it was useless to vote and he withdrew his proposal.

The Chairman asked whether there was a second for the proposal of the Delegation from Argentina concerning the new draft of paragraph 6.

The Delegate from Argentina stated that the draft he had proposed for paragraph 6 was a formal one designed to confine the solution of the problem concerning the I.T.U. and its Members to the terms of the agreement reached between the I.T.U. and the United Nations; but in view of the fact that the Assembly appeared to be of the opinion that a formal statement was unnecessary, he was glad to withdraw his proposal.

The Chairman: One question remained which would take only a few moments. This was the draft text of the Japan-Germany Protocol which also

appeared in Document 474 TR-E. Were there any objections to the adoption of this Protocol?

This Protocol was adopted without comment.

The Delegate from India observed with respect to this matter that the Protocol in question had been drawn up in rather vague terms. It said: ".... at a time when the responsible authorities....."; he wanted to know to what authorities this referred.

Mr. de Wolf of the United States Delegation replied that the text of this Protocol closely followed the one which had been adopted by the Universal Postal Union. When responsible authorities were mentioned, it referred to the authorities in control of these two countries; viz: the Inter-Allied Commission in Germany and the Control Committee (S.C.A.P.) in Japan.

The Chairman announced that these details would be recorded in the minutes.

The Delegate from Argentina made the following statement: "Acceptance of the Protocol should give rise to no misunderstanding. It is not equivalent to either express or tacit recognition on our part of the right to interfere in the domestic affairs of States.

The Chairman made note of this statement; he then adjourned the meeting at 7:10 p.m., and announced that it would resume at 9:30 p.m. to discuss the question of Membership and the status of the next European Broadcasting Conference.

The meeting was resumed at 9:30 p.m. Setting aside for the time being the question of Membership qualifications, the Chairman took up the following item on the agenda:

5. Discussion of the status (Administrative or Plenipotentiary) of the next European Broadcasting Conference.

A memorandum had been distributed on this subject (Document 454 TR-E). It contained a letter addressed to the Chairman of the Conference by the Chairman of the Committee on European Broadcasting, as well as excerpts from texts referring to this question.

Before taking up this question in detail, the Chairman announced his intention of dealing with the text drawn up by Committee C, which related to Regional Conferences in general. The text referred to was that in Document 476 TR-E (4th Series of blue texts). However, in view of the fact that some delegations were detained elsewhere at this time, discussion of this document might be begun insofar as it affected the status of European Broadcasting Conferences.

The Delegate from the U.S.S.R. : "Mr. Chairman, you have just properly remarked that to submit the proposal appearing in Series 4 to our Assembly for approval would be untimely, since there can be no doubt that this Article is of interest to delegations now absent, and, in this instance, I am referring to the South American Delegations.

The question of Regional Conferences is beyond doubt of great interest to the Spanish-American countries; but I also agree that this question may be discussed to the extent that it refers to the European Conference.

" This question should be discussed in the light of this Article which was adopted in principle at yesterday's meeting of Committee C. This proposal was put to a vote and approved by a large majority, namely, that regional conferences should not be bound by any procedure whatever based upon universal principles.

"In this way, therefore, the countries which consider it necessary to convene a specific regional conference should themselves decide upon the question of procedure as well as upon that of the statutes of the said conference. The only condition which the Convention should impose on regional conferences is that the decisions which they may reach shall not be contrary to the Convention.

"If we agree with the decision of Committee C, I see no reason for discussing here the question of the statutes which the European Conference should observe. The question of determining whether it will be a Plenipotentiary or an Administrative Conference rests solely with the European Countries that wish to attend this Conference."

The Chairman thought that it would be advisable to split up the question.

The terms "Administrative Conference" and "Plenipotentiary Conference" were exceedingly general terms. There seemed to be no real need to define them. However, a certain number of practical questions arose:

The first one was to determine whether a Regional Conference , European or otherwise, could make decisions which might conflict with the obligations undertaken by its Members on a general international plane. The answer was in the negative.

The second question: With what powers should the Delegates be invested? The answer seemed clear. They should have the powers which their governments had seen fit to give them.

Third question: should European or other Regional Conferences comply with the Rules of Procedure which it was proposed to annex to the Atlantic City Convention?

To the best of our knowledge, these Rules of Procedure contained only directive principles, which could be modified by any conference. They were to serve as a guide, subject to adaptation.

The fourth question was important. Should the voting in the conferences under discussion be carried out in accordance with the Atlantic City procedure?

The Chairman was certain that there was agreement on the first three points. As far as the fourth was concerned, he would like the discussion to be confined for the time being to the question of principle. Furthermore, he requested that his list of questions be supplemented if need be.

Mr. Meyer, Delegate from France: "The question you have started to discuss, that of regional conferences is, in fact, allied to the question in the agenda which appears more specific but which deals with the same subject: that of the character of future European broadcasting conferences, for it would be indeed strange if European Conferences were to be of one kind while those of other parts of the world were of another. As they are regional conferences, it is perfectly logical to discuss the question which was submitted to you by the Union of European Countries; it is perfectly logical to discuss it in connection with the more general question of regional conferences.

"However, the subject of the discussion - that is, European Broadcasting Conferences, - brings up specific characteristics which make it necessary to enter into specific details - all of which were not included in your statement.

"As a matter of fact, in the past, the two most recent European Regional Broadcasting conferences, Lucerne and Montreux, were de facto and de jure, as the name indicates and as the signatures appended thereto prove, plenipotentiary conferences which had drafted a Convention to which was appended a plan; and these Conventions provided, in a series of texts which have been annexed to the letter which was sent to you, that future Conventions should be the subject of new Plenipotentiary Conferences.

"Now, there is, in this connection, a specific legal question which has not been settled, and which we Europeans did not wish to call upon the Plenipotentiary Conference to answer. This question is the following:

"The object of the present discussion is to determine whether Europe is at the present time subject to the Montreux Convention, which most countries did not ratify, or to the Lucerne Convention which was in force in 1939. Under the circumstances, it makes very little difference. Let us admit that some are subject to the Montreux regime and that the others are subject to the Lucerne regime; in both cases it was provided that Lucerne and Montreux could be changed, as will necessarily be the case, only by a Plenipotentiary Conference which would draft a new Convention.

"Here, then, Mr. Chairman, - and, unless I am greatly mistaken, you are a legal authority, - is a particularly interesting legal question. As a consequence of the Atlantic City Convention and Radio Regulations, we are going to hold a European Conference, which it seems obvious will be considered by many as an Administrative Conference. But this fact which, after all, presents no positive disadvantages, would juridically be in direct contradiction with the decisions that the texts of Lucerne or Montreux could be modified only by a Plenipotentiary Conference.

"The juridical question which is submitted to us, is whether our Conference has the power to change provisions included in Conventions - whether it be the Lucerne or Montreux Convention is of little consequence - otherwise than through the governments which decided that these conventions would be replaced under specific conditions.

"I realize that this is a juridical question and that it relates to form, but it is awkward and, in my opinion, it must be settled.

"Furthermore, this question of pure form and of legality which is not unimportant, is fundamentally linked to a question of substance and content: that these conferences, which, at the outset, were not Plenipotentiary Conferences - since Prague was an Administrative Conference - became Plenipotentiary Conferences because of the importance which the various governments, in Europe, at least, attached to their own participation therein and to ratification by legislative bodies of such important provisions as those which enable a country to utilize frequencies and, reciprocally, prevent it from utilizing others which it had used in the past.

"These questions of substance have in the past prevailed over questions of form, and this explains why Montreux and Lucerne were Plenipotentiary Conventions, which provide-- and this has been ratified-- that they should be modified by other Plenipotentiary Conferences.

"These are, in short, the juridical and fundamental arguments which favor the status quo which would be "Plenipotentiary Conference."

"This is, if you wish, one phase of the question. There is another phase. As a matter of fact, our Conference has decided that the High Frequency Conference which is to take place in Mexico and which is of the same type because it is to allocate frequencies -- with the difference that it is even broader, in scope, because it is on a world and not on a regional scale -- would be an Administrative Conference. It would be a further inconsistency if the status quo were retained on the other side, to see a regional conference for long and medium waves with plenipotentiary status and a world conference, on short waves certainly not less important as far as governments are concerned with administrative status.

"This first contradiction compels you, Gentlemen, to reconsider the matter and to settle it, so that the European nations will not be left to decide anything, without knowing to what extent they are in accord with the provisions of Atlantic City.

"I wish to point out that I agree -- and I believe that no country and no Delegation could argue the following fact -- with the assertion that without doubt these regional and even world conferences (but particularly regional) on broadcasting or other matters (but I am speaking only of broadcasting conferences) have a very limited objective in relation to our Plenipotentiary Conferences, and particularly -- as you have pointed out -- they could not conflict with the provisions of the present Convention. And I even add -- although this does not appear, due to an oversight which it might be wise to correct -- that they could not conflict with the Regulations which are annexed to the Convention and which govern the entire Broadcasting Conference.

"As a matter of fact, the main fear regarding radio communications in connection with broadcasters is the fear that they may deviate from the bands assigned to them. The broadcasters assert that in no case do they intend to violate the provisions of the Convention and the

Regulations which determined the bands in which they are to work.

"I shall summarize my remarks. On the one hand, the juridical point of view; on the other hand reasons of substance and finally the amazing nature of the contradiction between, the past in connection with medium wave conferences, and the future in connection with short wave conferences, make it necessary to settle the two aspects of this question which I have discussed: the form and the substance.

"It seems to me that as far as the title is concerned, we do not insist on the wording; either the term "plenipotentiary" or "administrative conference" makes very little difference but everybody will agree that these regional conferences are limited in their purpose and in the number of participating countries.

"It remains to propose a settlement.

"If the Assembly did not agree on some other decision, and, with an apology for my audacity, I believe that the solution would be supplied by the article which was proposed regarding regional conferences, on condition that it be slightly modified in order to take into account elements of the past, elements of form and substance which I have already discussed."

The Chairman requested the speaker to submit to him the text of the amendment he proposed. On the other hand, he felt that two questions should be added to the four already mentioned:

5) Can a regional conference modify agreements of a regional nature?

The answer depended on the agenda of the regional conference and the powers granted the delegates.

6) A question falling within the competence of Committee 5 of the Radio Conference: can a regional conference make specific changes in the assignment of frequencies?

The answer depended on the nature of the powers of the Delegates to the conference in question.

Moreover, we did not have an exact definition of the epithets "plenipotentiary" and "administrative."

The Delegate from Pakistan considered that, in connection with the power to change frequency assignments, it would be desirable to make sure that such new assignments would not produce harmful interference in bordering countries.

The Chairman was of the same opinion. He specified that when changes of assignment were mentioned here, they referred to changes within the bands allocated to the services involved.

The British Delegation agreed with the analysis made by the Chairman. However, most conferences were attended by delegates with plenipotentiary powers. On the other hand they were not bound in regard to procedure. The only clarification to be made was whether or not the conference was limited and whether or not it was subject to directives from a higher international agency. This was a question which might be added to the others.

Regarding the right to vote, the British Delegation agreed with the opinion expressed by Mr. Fortoushenko. The question raised was whether or not the conferences in question would be bound by Atlantic City. It would be desirable to settle once and for all the right to vote in the future.

Therefore, the Delegation from the United Kingdom proposed adding to the text presented by Committee C the words "and conferences" after "regional agreements," in the last sentence.

The Chairman, noting that the Latin-American Delegations were present, summarized for them the discussion which had preceded.

Then he asked whether an agreement might be reached on the following point:

Can a Regional Conference be subject to directives from the Plenipotentiary Conference?

The Delegate from the U.S.S.R. was of the opinion that if we replied in the affirmative, it would then be advisable to discuss at this time the statutes of the European Conference. He reminded the meeting that a substantial majority of the Members of Committee C had been opposed to the subordination now under discussion. He proposed that the amendment of the Delegation from the United Kingdom be put to a vote.

The Italian Delegation pointed out that Article 13 of the Convention, stating that Members and Associate Members reserve the right to conclude regional and other agreements on questions which are not of general concern to the Members of the Union, had been adopted that morning. The result was great freedom - except for the question of interference - and it was desirable to retain this text. What was now being proposed in connection with regional agreements was contrary to Article 13. The question must, therefore, be reconsidered.

The Delegation from the United States was in favor of the text submitted by the Committee. Regional American Conferences had never encountered any difficulties on the subject of voting. If the British proposal were adopted, the United States would have two votes in the regional conferences in which they take part; they did not want this. Furthermore, colonies, for example, would be entitled to vote in a hemisphere other than their own. It was understood that agreements concluded at regional conferences must not clash with the Convention and the Regulations annexed thereto.

The Cuban Delegation was opposed to any amendment. It was also opposed to having regional conferences subordinated to Plenipotentiary Conferences, of which they would thus become, as it were, mere committees. Plenipotentiary Conferences might of course, formulate recommendations with regard to regional conferences, but not directives. Besides, these latter conferences must solve the problem of the right to vote as they saw fit.

The Delegate from Ireland remarked that the Conference in Mexico next year would be an Administrative Conference. Why should the European Conference have a different status when it would have a similar task to accomplish? In his very excellent summary, the French Delegate may perhaps have attached too much importance to the letter, and had perhaps shown too much concern for the past. The Irish Delegation felt that the future European Conference should be an Administrative Conference within the framework of our new Convention.

The Delegate from Egypt said he would like to point out that if the Delegates had the necessary powers they could modify previous agreements and that the same would apply to making changes in frequency assignments within the bands allocated.

He raised another question: that of subordinating Regional Plenipotentiary Conferences to the General Plenipotentiary Conference. As far as he was concerned, he would have no objection to this.

The Chairman put to the vote the amendment proposed by the Delegation from the United Kingdom, which involves adding after "regional agreements" the words: "and Conferences" to the text of the article appearing in Series 4.

The amendment was rejected by a show of hands.

The Assembly then proceeded to vote on the principle of the Article as submitted by Committee C. By a show of hands, the article was unanimously adopted in principle.

The Chairman then brought to the attention of the Assembly the amendment submitted by the French Delegation. It is worded as follows:

To read: " on a regional basis".

The Regional agreements contemplated above shall not be subject to the Rules of Procedure of the present Convention. They may be the subject of reservations regarding ratification, but they must in no case be in conflict with the Convention and the Regulations thereto annexed."....

This amendment was dropped because of lack of support.

The Chairman stated that the essential points of the amendment would appear in the minutes.

U.N.E.S.C.O.

The Chairman drew attention to Document 479 TR-E (replacing Document 443 TR-E) in which U.N.E.S.C.O. proposed to make an agreement with the I.T.U.

Since it had not yet been able to examine this document, the the Delegation from the U.S.S.R. requested and obtained postponement of discussion of the question until the next meeting.

Membership in the Union

The Chairman noted that we had a draft text issued by Committee C (Document 461 TR-E) as well as a proposal by Mr. Fortoushenko, Chairman of this Committee (Document 463 TR-E) and 475 TR-E containing a complete list of the 78 countries to which the two preceding documents referred; this list was intended to serve as a memorandum. A decision on principle should be made, and then the text adopted should be sent to Committee C.

Mr. Fortoushenko spoke as follows:

"I should like to address you, not on behalf of the Soviet Delegation, but as Chairman of Committee C, responsible to you for providing that the proposal from Committee C be perfectly legal and consistent with elementary logic, as well as with the other chapters of the Convention.

"That is why I should like first of all to explain that Document 461 TR-E is not a recommendation from Committee C, since this Committee did not study this Document, but merely decided, upon my recommendation, that the question of § 2 be immediately submitted to the Plenary Assembly of our Conference.

"The text presented to you here was drawn up by the Working Group of Committee C. Therefore, the proposal I made in my capacity as Chairman of Committee C is not in conflict with the opinion expressed by Committee C, since the latter has not yet dealt with this question.

"This is the first point I wanted to make clear to you.

"I should now like to discuss the difficulties which arose in Committee C.

"Beyond a doubt, one of the most difficult questions we have faced at the present Conference, was to determine the qualifications of Members of the Union.

"In the Madrid Convention, as everyone knows, there is no definition, no determination as to the Members of the Union. Only "participants in the Convention" are mentioned. The first Article in this Convention states in § 1: "The countries, parties to the present Convention, form the International Telecommunication Union, which shall replace..."

"No mention is made of "Members of the Union."

"Neither does the Madrid Convention make any mention of the right to vote.

"Every Telecommunications Conference has hitherto studied the question of votes separately, and I should like to remind you that before the Madrid Convention or rather, before the first World War, the following order had been established: viz: that the Great Powers should be entitled to cast several votes during balloting. These were votes which had been assigned for colonies, and everyone is familiar with the expression "colonial votes". In the same way Russia, before the first World War, controlled specific votes, for Russian Central Asia, Boukhara, Khiva, Eastern Siberia and Western Siberia: 6 votes in all, including the metropolitan vote.

"Other great powers also had 6 votes. This was the arrangement which had doubtless been made by reason of the specific weight which was bound to be more important in the case of the Great Powers in the field of Telecommunications.

"At the Madrid Conference, it was decided to limit such votes, and it was stated that they should be grouped. Since the Soviet Union and Germany controlled no colonies, they were granted additional votes, and this same arrangement was accepted at the Cairo Conference.

"Thus the colonies were never considered regular Members of the Union. There remained only the question of votes to be granted to the Great Powers. Such a situation has caused no difficulties to date; the question of defining what constituted a Member of the Union was not raised. However, in the interim the world had grown more democratic, and this fact had been echoed in problems in the telecommunications field and especially, at our Atlantic City Conference, where we were introducing new elements into the structure of the Union with democratic principles as our basis.

"This situation required a more definite clarification namely, who might be a Member of the Union. Did differences exist between Members of the Union and participants in the Convention, and should colonial votes still be retained? Committee C, on the basis of the proposal presented by the United Kingdom and the United States, recognized that it was essential to ensure not only the widest participation by sovereign States, but also by various territories possessing their own telecommunications organization, as already provided in the Madrid Convention.

"Nevertheless, in accordance with the proposals of the United Kingdom and the United States, Committee C adopted various types of participation in the Convention. Some countries were regular Members, others, Associate Members without the right to vote. And I should like to note at this point, Gentlemen, that we are not in disagreement in the matter of considering as Associated Members territories which are not themselves responsible for their relations with other countries. This is very logical, and this was taken into consideration in the Articles of the Convention adopted unanimously by Committee C.

"However, a difficulty has arisen in connection with regular Members.

"You are all aware, Gentlemen, that our Soviet Delegation has endeavored to make a study regarding determination of what the qualifications for Membership of the Union shall be, on the basis of the provisions of the American Telecommunication Convention; I do not know why this excellent text did not receive strong support.

"Following a lengthy discussion in Committee C, a resolution proposed by the United Kingdom and supported by the United States, the Soviet Union and the majority of Members of Committee C was adopted, namely, that sovereign States would be regular Members of the Union, and that other

participants in the Convention would be Associate Members. But, subsequently, a French amendment was adopted. This amendment is in conflict with the preceding decision, and set up a conflict between the legally solid basis and the desire of certain countries to have additional colonial votes. I should like to add here, Gentlemen, that the viewpoints of colonial countries like the United States or the United Kingdom, are legally well-founded. The Delegations from these countries stated officially that they were willing to waive their colonial votes. Further, today we all heard the statements of the Delegate from the United States, Mr. de Wolf, who explained quite simply that the United States does not wish to avail itself, at regional conferences, of two votes, that is, one vote as a Member of the Union and a second vote for its territories.

"It would have been strange for the United States to have a single vote at a regional conference, and an additional vote for its territories at a world-wide conference.

"When we speak of the definition of "Members of the Union", can there be the slightest doubt that a regular Member of the Union can be only a country in a position to fulfill such elementary conditions as, for instance, sending to a plenipotentiary conference a delegation provided with the necessary powers to sign a Convention which the Government of that country must subsequently ratify? Besides, these same provisions were taken into account in Madrid.

"In Article 6 of the Madrid Convention, we find: "the present Convention shall be ratified by the signatory governments."

"In Article 3 we find something else: "The government of a country, in the name of which the present Convention has not been signed, may adhere to it at any time."

"Thus it is provided that as a matter of fact it is the government of a given country which may ratify this Convention and that it is only the government of some other country which may participate in, adopt this Convention. It is just this, Gentlemen, which is contradictory, and which follows logically from § 2 of Document 463 TR-E which I, as Chairman of Committee C, submitted for your consideration.

"The proposal of the Drafting Group of Committee C, which appears in Document 461 TR-E, is a piece of work presented in a form that is vague, extremely vague, and which makes various interpretations possible.

"At our meeting last night, or the day before yesterday, I do not remember exactly which one, we heard in particular discussions between the Delegate from the United Kingdom and the Delegate from France, who were wondering how this text should be interpreted, as the Delegate from the United Kingdom considered the text of § 2 issued by the Drafting Group as enabling the United Kingdom not to sign this Convention on behalf of the British Colonies, but to participate in this Convention on behalf of the British Colonies so that the British Colonies might be considered as regular Members of the Union.

"However, it is clear to everyone that such Membership can only be imaginary.

"In view of all this, and as Chairman of Committee C, I do not want such a text, erroneous from the juridical point of view, to be adopted, because it also conflicts with other Articles of our Convention as adopted by Committee C in which it is clearly stated that territories not entirely responsible for their international relations may be Associate Members only.

"That is exactly why I proposed referring this question to the Plenary Assembly, as I did not want the adoption of such an erroneous decision to be associated with my name and my position as Chairman of Committee C.

"Another point I should like to discuss is the second part of § 2 issued by the Drafting Group, and § 3 as it appears in my draft, that is to say in Document 463 TR-E. My proposal provides that, when a new Member is admitted, the rule adopted at our present Conference that abstentions are not to be taken into consideration should be observed. My proposal differs in form from the proposal of the Working Group, and may be explained by the fact that I take into consideration what was adopted by Committee C, that is, to divide § 2 into 2 separate paragraphs in the form in which it appears in my own proposal.

"This is the essence of the difficulties that we must settle today at our Plenary Assembly."

The Chairman felt that this raised two questions:

1. the draft to eliminate colonial votes
2. the draft which on the basis of a 2/3 count, tended to eliminate Members who did not reply within four months.

He wondered whether it would not be best to begin by considering the second question, which did not seem to raise serious difficulties.

The Delegate from the United Kingdom believed that the effect of the draft contained in Document 461 TR-E was as follows: Before being admitted as a Member, a country whose name does not appear in Annex 1 must obtain the approval of 2/3 of the Members of the Union.

He had no objection to raise against the 2/3 condition itself, but the result of the proposal in Document 463 TR-E was that the 2/3 would only be computed on the basis of the numbers of Members expressing their opinion within 4 months, which was different and unacceptable to the British Delegation.

The Chairman, noting that a question of substance was involved, went back to the original agenda and opened discussion of the question of the right of vote for colonies.

The Delegate from the United Kingdom:

"I have asked for the floor, not in order to restate the position

of the U.K. which is well known, but in order to try and clarify this very complicated issue. My task has been simplified by the objective statement which has just been given to us by Mr. Fortoushenko.

"In so far as his historical summary goes, it seems to me that there is nothing to add to it and certainly no change to be made.

"The position is really this, as Mr. Fortoushenko said, a strong majority of Committee C adopted a resolution accepting the principle that voting Members of the Union should be Sovereign States generally recognized as independent in their foreign international relations. It also passed a resolution which made an exception to that principle in the case of territories or colonies that have had a vote at Atlantic City, and as Mr. Fortoushenko pointed out, it would be extremely difficult to draft a satisfactory article reconciling these two principles, but I think it is necessary to point out that the draft which Mr. Fortoushenko prepared made a very material change in the somewhat contradictory recommendation of Committee C. Because, apart from the question dealing with the method of determining sovereignty, it required, as I understand it, signature and ratification in each case and not only by the countries or groups of territories appearing in Annex 1. I would like before dealing with that point of difference to make one or two comments if I may, on the first point in which I cannot agree with Mr. Fortoushenko; first on the test of sovereignty. The reason that the Committee rejected the text was that it would lead to too many disputes and that it does not embody the juridical principle that a country is only fully sovereign if it is recognized as such. And I think that when we wish to determine whether a country is sovereign, four months may be inadequate.

"The second point referring to the other main difference between Doc. No. 463 TR-E (Mr. Fortoushenko's proposal) and Doc. 461 TR-E is this: Doc. 463 requires separate and special signature as he himself quite correctly pointed out. This is perhaps inappropriate for colonies which are legally incapable of the act of ratification, and for that reason, it seems to us to be unsatisfactory from two points of view. In the first place if it is intended to consider here all the 78 countries listed in Annex 1, as being fully empowered to ratify and to sign, excepting the territories of the United States and the United Kingdom, which will not ratify, because that is done for them by the parent countries, this makes a most illogical and unjust situation between some groups of colonies and territories and other groups of colonies and territories. I cannot see any reason for making such a distinction. I have said that I did not want to waste the time of the Assembly in studying Mr. Fortoushenko's proposal, but I should like to note that the United Kingdom's view on this question is, in principle that of Mr. Fortoushenko, that is, that all the voting Members of the Union shall be sovereign States.

"That is not to say that we could not accept an extraordinary arrangement by which some colonies would be regarded as Sovereign states

and others would not. Mr. Fortoushenko will allow me to say that he has produced an anomaly. I am also afraid that the draft in Document 463 is open to another objection, in the light of the juridical situation. In general no Colony has the power to ratify an official document. That is why, in endeavoring to get out of a very important difficulty, Mr. Fortoushenko has pointed out that it is difficult to have a Convention based on one principle and at the same time having a number of exceptions. I am afraid that this draft will involve worse difficulties, and for that reason I oppose it. I do not intend to speak at any greater length, but I would like to reply to one point. This Document 461 is certainly not ideal nor perfect but it is the best that can be done. The Plenary Assembly has decided to make exceptions to the sovereignty principle, in favor of those having a vote at Atlantic City on the ground that they have a vested right. This is the root of the trouble, but I am satisfied that there is no conflict between this article and the other articles.

Mr. Fortoushenko spoke of an erroneous decision. Well of course, this is not the decision that would have been taken if the United Kingdom had had its way. If it is unsatisfactory from the point of view of most of the delegates, it is because it is a compromise and while I do not advocate it I do not think we can dismiss it because it does not satisfy everyone. At least it represents a compromise."

"The Chairman considered that we were faced with two imperfect texts but that we could vote on the principle which emerged from these texts. Would Mr. Fortoushenko, Mr. Townshend, and Mr. Laffay submit a text within 24 hours?

The first two Gentlemen consented to do so.

Mr. Laffay, Head of the French Delegation said that the solution advocated was the one which would finally be arrived at, but that we would only arrive at it after a vote by roll-call. "You have heard two bells ring," he said. "It would be quite natural for you to hear another one and maybe even more, because I am speaking here only on behalf of the French Delegation."

After reviewing the various proposals made in regard to Colonies, from the Moscow document to the documents of the present Conference, he said:

"One problem arises:

"We say: the French colonies, Morocco, Tunisia, and the other colonies are Members of the Union. The ratifications were filed and accepted. The dates can be found in the documents of the Bureau of the Union. The preamble of the Madrid Convention contains the following statement:

"International Telecommunication Convention, concluded among the Governments of the Countries Listed Hereinafter: (followed by the list of countries, some of which are colonies)". Well, the question which comes up now is simple. It does not involve the question of plural vote moreover, I could say unpleasant things on this subject if I were to go into it. There is no longer a plural vote for Russia or for Germany; this has ended; there is no plural vote for us; there are three Delegations representing

entities which assert their independence more and more vehemently, and which represent completely different interests from those of the metropole and whose defense must be assured, if only in the field of radio. You may have noticed that there were conflicting votes between the French colonies, Morocco, and I consider this natural and normal; these countries have interests which, in certain cases are opposed to the interests of the metropole, and the representatives of these delegations would betray their mandate if they did not defend these interests when they are opposed to the interests of the metropole.

"This problem was dealt with for the first time by Committee C. There is the problem of vested rights. To eliminate these vested rights, some of which date back fifty years, would be completely out of the question. This is not a problem involving the vote. We do not ask for anything, but we intend to see to it that those rights are respected. The Delegations are present, they have voted up to now; you will not prevent them from signing the Convention, you have only one means of doing away with these Members, that is to introduce the procedure of exclusion with the two-thirds vote, required by this procedure. I shall say no more, and I request that the text of § 2 which we discussed the other day be put to the vote without modification.

"This text is the following:

§ 2. A Member of the Union shall be:

- a) any country or group of territories listed in Annex I upon signature and ratification of, or accession to, this Convention....."

The Chairman was of the opinion that first of all it would be wise to settle the question of principle.

Mr. Laffay did not share this opinion.

The Delegate from Haiti pointed out that the representatives of the U.S.S.R., France, and the United Kingdom had been heard. He would like to hear the representatives of the colonies themselves defend their rights.

The Delegate from the U.S.S.R. made the following statement:

"The first time I spoke in my capacity as Chairman of Committee C. I should now like to say a few words in the name of the Soviet Delegation.

"Regarding the document in which the opinion of the Soviet Delegation is apparent, that is that "Members of the Union shall also retain their Membership in the future", it seems to me we are merely giving different interpretations to the Madrid Convention. This Convention provides that the principal participants are governments of countries. The governments ratify, but the Convention was signed by plenipotentiaries. Therefore, it is the governments which accede, and which give their adherence on behalf of territories; it is the governments of mothercountries, the metropolises, who join.

"Thus everything that is said in the Madrid Convention is absolutely correct; but if we want to find out exactly who is a Member of the Union and who is an Associate Member, we must then approach the problem in a more subtle way. It is understood that only the government of a given country can be a Member of the Union, and I do not consider it fair for a single government to confer powers on two or three delegations as is now the case in Atlantic City.

"I do not intend to defend this principle any further in the name of the Soviet Delegation, because it has been very clearly set forth, but I should like to repeat that it is only a question of whether or not the colonies can be Members. The question lies elsewhere: Should supplementary colonial votes be granted to countries? If the majority of the Members of the Union consider it imperative to grant and to leave colonial votes to a group of countries, they should say so.

"This, Gentlemen, is the point of view of the Soviet Delegation."

The Chairman considered that the main question was to determine who in the future would have the right to vote. He suggested that the Assembly study Annex I and decide whether deletions were to be made therein. It could then be decided whether additions to this Annex should be made. Then, when a complete list had been drawn up, a decision could be reached on the text to be inserted in connection with admission on the basis of a 2/3 vote.

Mr. Laffay considered the question a very simple one: the countries or groups of countries which, without exception, had had their right to vote confirmed at the beginning of the present Conference, appeared properly in the Rules of Procedure of the Conference. For the time being, they were enjoying full rights. The question to be decided was whether this Plenary Assembly intended to deprive countries which had hitherto enjoyed Membership, of their status in the Union.

"The simplest method, he said, was to put the matter to a vote. Should the Plenary Assembly reach a decision on subparagraph a) of § 2 of Document 461 TR-E, one of two things would occur: either the vote would be favorable, and the question definitely settled, or else it would be unfavorable and the way would be left open for compromises."

He was not opposed to considering the possibility of adding names to the list: but he objected to deletion of any names.

The Delegate from Argentina, for reasons of simple equity, strongly supported the proposal which had just been presented by the French Delegation.

The Chairman announced that he would put the matter to a vote. Should § 2 b) which is in question, be adopted, it would imply the adoption of the 78 countries mentioned in Annex I. Possible additions could then be discussed.

By a vote of 46 to 8, with 9 abstentions and 15 delegations absent, §2 b) was adopted.

Voted in favor: Afghanistan; the Union of South Africa and the Mandated Territory of South West Africa; Argentina; Australia; Belgium; Belgian Congo and the Mandated Territories of Ruanda Urundi; Brazil; Canada; Chile; China; Vatican City; Colombia; Cuba; Denmark; Ecuador; United States of America; Territories of the United States; Ethiopia; Finland; France; Colonies, Protectorates and Overseas Territories under French Mandate; French Protectorates of Morocco and Tunisia; Greece; Haiti; Ireland; Italy; Lebanon; Luxembourg; Mexico; Monaco; Norway; New Zealand; Pakistan; Panama; Netherlands; Curacao and Surinam; Netherlands Indies; Peru; Philippines; Portugal; Portuguese Colonies; Siam; Sweden; Switzerland; Turkey; Uruguay; Venezuela.

Voted against: Albania; Bielorussia; Bulgaria; Poland; Syria; Ukraine; Union of Soviet Socialist Republic; Yugoslavia.

Abstentions: Egypt; United Kingdom of Great Britain and Northern Ireland; Colonies, Protectorates and Overseas Territories and Territories under the Sovereignty or Mandate of Great Britain; Southern Rhodesia; Hungary; India; Iraq; Iran; Czechoslovakia.

Absent: Saudi Arabia; Austria; Burma; Bolivia; Costa Rica; Dominican Republic; El Salvador; Guatemala; Honduras; Iceland; Liberia; Nicaragua; Paraguay; Rumania; Yemen.

The Chairman called for discussion of possible additions to Annex 1:

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

"Of course, I know in advance the fate of the proposal I am about to present. However, I feel it my duty to raise this question, since we have just decided that all countries and all territories which signed the Madrid Convention, or which acceded thereto, shall be recognized as Members of the Union; and if I am not mistaken, we have now reached the crucial moment of our Conference, when we must decide who should be considered a Member of the Union in the future.

"I am of the opinion that in accordance the decision just reached, there can be no doubt as to the absolute necessity of adding to Annex I, to begin with, the names of Lithuania, Latvia and Estonia, countries which were parties to the Madrid Convention, and which have every right to be included among the Members of the Union no less than do the series of dependent countries mentioned, here, such as Southern Rhodesia and other, without, of course, mentioning the colonies.

"Gentlemen, you all remember our discussion about these republics at the time when the question of their admission to our present Conference arose. The only argument against their admission was the argument advanced by the Delegate from the United Kingdom, who stated as his opinion that Latvia, Lithuania and Estonia, as a result of their admission into the family of Soviet Republics, had lost their independence, and that they therefore could not be permanent Members of

the Union. I have already had the opportunity of explaining to you in detail that such an interpretation of the loss of independence on the part of Latvia, Lithuania and Estonia, is without basis, since these countries still remain sovereign States, while at the same time being in close economic union with the other Soviet Republics. Moreover, this Union was established for purposes of economic cooperation, as well as to ensure mutual defense against any possible aggression such as has already taken place in the case of Germany. There is, therefore, no reason for not considering Latvia, Lithuania and Estonia as sovereign States, in possession of full rights, remaining Members of the Union, inasmuch as they are parties to the Madrid Convention. This would appear even more justified, in view of the decision on dependent countries here adopted.

If, in the case of the Baltic Republics, the question were settled differently from the case of other countries which came under discussion here, this could only be interpreted as an indication of a biased political attitude towards the Soviet Union; and this might of course, complicate the ratification of the Convention. I am pointing out all of this to the Members of the Union, Gentlemen, so that this point may be borne in mind; and I am putting the question to you, Mr. Chairman, so that the present Assembly may come to a decision on this question upon which I shall insist; namely, to decide whether the Baltic Republics shall retain their present status as Members of the Union in accordance with the Madrid Convention and with the general decision of the present Conference covering Membership".

The Chairman put this matter to a secret vote, since the conditions required for this procedure had been met. A 2/3 majority would be necessary to ensure admission should the occasion arise.

The Delegates from the Vatican and Syria were appointed to check the ballots.

While awaiting the results of the ballots, the Delegation from Egypt proposed that Transjordan be added to the list.

At the request of the U.S.S.R. Delegation that arguments in favor of this candidature be briefly summarized, the Egyptian Delegation replied that Transjordan was an independent country with recognized sovereignty.

For his part, the Delegate from Iraq was of the opinion that the conditions required for becoming a Member applied to Transjordan, which was an independent and sovereign country, and was furthermore one of the Arab States that signed the Arabic Telecommunication Convention, an additional reason in favor of its admission.

The Chairman called for a secret ballot, requested in accordance with the regulations.

The Delegates from Canada and Belgian Congo were appointed to check the ballots.

The Delegation from Argentina took up the case of Spain as follows:

"The case of Spain, Gentlemen, is clear as can be and does not require long arguments and speeches. In the light of the decisions that we made here when we voted the special Protocol regarding Spain, it is evident that Spain, as a Member of the International Telecommunication Union, must be the subject of a special practical measure to safeguard its essential rights in this field.

"The recommendation of the United Nations, as a result of which the Government of General Franco was refused the legal right to represent Spain at this Conference, does not affect the permanent right of Spain to consider itself a Member of the International Telecommunication Union, as a signatory of the Madrid Convention. Therefore the measure recommended by the United Nations corresponds simply to a temporary suspension of these rights. This is the interpretation that the Argentina Delegation gives to the resolution voted by this Conference when it decided not to invite the Government of General Franco to represent Spain at these deliberations.

"We opposed this measure in the most emphatic and energetic manner, although it was only a temporary suspension of rights, because we believe that no international organization has the power to interfere in the internal affairs of States; but since the contrary position has unfortunately already been adopted, we do not wish to go back to it nor reopen discussions on an incident that is as painful as it is unjust.

"We believe that there are two ways of safeguarding the rights of Spain as a Member of the Union:

1. To have the name of Spain appear on the list annexed to the Convention, with a footnote explaining its status as a Member temporarily deprived of its rights, etc.

2. To insert an amendment at the end of the Protocol which has already been approved, drawn up approximately as follows:

" and shall be considered as rightfully included in the list of Members referred to in Annex I, etc."

The Delegation from the United States considered that, since this Assembly had already adopted the resolution relating to Spain, and since the addition proposed by Argentina deal only with procedure, it would be advisable to choose the second formula which the Delegation seconded.

The French Delegation reported that this subject had already been handled in the 1947 Paris Congress of the Universal Postal Union which, barring error, led to the inclusion of Germany, Spain and Japan in the list of Member countries of the U.P.U., with a footnote indicating that the status of these countries would be studied as soon as the United Nations' recommendation ceased to be effective. The same procedure could be adopted, since the U.P.U. and the I.T.U. were very much alike.

The Chairman noted that the present situation did not involve the inclusion of Germany and Japan in our list.

The second Argentina proposal, which had been seconded, was adopted.

The Delegate from the U.S.S.R. spoke as follows:

"Everyone is already weary, how weary everyone is of studying the problem of Mongolia. Yet inasmuch as we are dealing with the question of entering Members of the Union in the list, I feel it my duty to put this question before the present Assembly; namely: that we should include the Outer Mongolian People's Republic in the list of Members of the Union, for you all know full well that this republic is an independent sovereign State, taking part in two Conferences at Atlantic City. If because of certain circumstances the possibility of participating in the Plenipotentiary Conference at Atlantic City is denied it, there can be no reason why the Outer Mongolian People's Republic should not be granted the opportunity of participating in the future activities of the Union on an equal footing with other Member countries.

"This is why I am requesting all the delegates at the present Conference to consider all the circumstances very carefully, to approach the question in an objective manner, and to agree to add the name of the Outer Mongolian People's Republic to the list we are now discussing."

This request was seconded by the Delegation from Poland.

The counting of the votes on the question of Estonia, Latvia and Lithuania was completed.

The Secretary General announced the result of the balloting.

Votes cast: 63

In favor:	19
Against :	38
Abstentions :	5
Invalid ballot :	1

The Chairman observed that the inclusion of the three countries under consideration was rejected.

He then opened debate on the question of Mongolia.

The Delegate from the United States:

"We have frequently had occasion, at this Conference, to discuss the question of the Outer Mongolian People's Republic. It is my opinion that to admit the Mongolian People's Republic would be tantamount to admitting a new State; but we have, on the basis of a 2/3 majority vote, rejected this admission. As we understand it, the Mongolian People's Republic has not been generally recognized by other countries represented at this Conference.

One of the fundamental reasons which prompted our request that the 2/3 majority vote should be inserted in our Convention whenever the admission of a new State should come up, was that we were unable to come to an agreement on a definite formula which would meet any contingency. This question would be settled by a 2/3 majority vote of the Union.

"When we vote on this question, we are actually voting on whether a State is recognized as independent and sovereign. None of the arguments presented ever replied to this question. The independence and sovereignty of the Mongolian People's Republic is not yet recognized. It is possible that this situation may change at some future time, but today we are dealing with existing conditions. The United States Delegation is unable to recognize the official status of the Outer Mongolian People's Republic in our Union."

The Chairman stated that the request for a secret ballot on the admission of Mongolia was in order.

The Delegates from South Africa and Bielorussia were appointed to check the ballots.

While the vote was being cast, the Secretary General announced results on the Transjordan question:

Votes cast: 63

In favor:	18
Against :	37
Abstentions :	7
Invalid ballot :	1

The Chairman took note of the rejection of the admission.

The Delegate from the U.S.S.R. made the following statement:

"In view of the results of the voting on the subject of the Membership of the Baltic Republics, and in the name of the Soviet Delegation, I should like to register in the minutes the most emphatic protest as well as the regrets of our Delegation:

- 1) at the violation of the Madrid Convention;
- 2) at the new way of dealing with problems at Atlantic City, and at the bias concerning Membership in the Union and in regard to the Madrid Convention.

"This became particularly clear when, on the one hand, the Conference recognized the colonies as regular Members of the Union and, on the other hand, refused to recognize on an equal footing the sovereign republics, Latvia, Lithuania, and Estonia, which are parties to the Madrid Convention."

The Chairman stated that this protest would be entered in the minutes.

The Italian Delegation, reverting to the issue of regional agreements, made the following statement:

"I had pointed out that the proposed Article on regional conferences and regional agreements was contradictory to Article 13 of the Convention (Special Agreements), already adopted by our Plenary Assembly.

"Since the proposed Article on conferences and regional agreements was adopted, I must repeat that the new Article is inconsistent with Article 13, which should be revised.

"I take the liberty of making the following proposal for the revision:

- a) the new Article should form § 1 of Article 13;
- b) the text of Article 12 should constitute § 2, with deletion of the words: regional or others, in the 4th line, after the words special agreements."

This statement was supported by the Delegate from the Vatican. The question was referred to the Drafting Committee.

The Delegate from Yugoslavia fully supported the statement just made by the Soviet Delegation and requested that this fact be recorded in the minutes.

The Chairman stated that this would be done.

The Assembly then broached the question of how the 2/3 majority for the admission of new Members would be calculated.

The Chairman pointed out that Document 461 TR-E provided for a 2/3 majority of the Members of the Union, while Document 463 TR-E contemplated a 2/3 majority of the Members who had expressed their opinion within 4 months.

A discussion ensued among the Delegations from the United States, the U.S.S.R., Argentina, the United Kingdom and the Chairman.

Finally, the text of Document No. 461 TR-E, completed by an amendment proposed by the Delegation from the United Kingdom was adopted by a show of hands. This amendment was worded as follows:

"Any sovereign States, not listed in Annex 1 and not a Member of the United Nations, which applies for Membership in the Union, and which, after securing approval by virtue of a two thirds vote of the Union, has the right to sign the Convention. A country shall be considered as abstaining if it has not made its opinion known within a period of four months from the date its opinion is requested.

"Moreover, it was understood that the same majority would apply to Associate Members, but only by a simple majority."

The Delegation from Argentina proposed the following amendment:

" A Member of the Union shall be:

- a) any country or group of territories listed in Annex I, upon signatur

and ratification of the present Convention, as the case may be:

b) any country not mentioned in Annex I which applies for Membership in the Union and accedes to the present Convention in accordance with article"

The request for admission to the Union must be approved by a two thirds majority of the Members of the Union."

This amendment was rejected by a show of hands. The texts were sent to the Drafting Committee.

The Chairman announced the result of the ballot on the insertion of Mongolia in Annex I.

In favor: 24
Against : 36
Abstentions: 3

The Chairman announced that the inclusion of Mongolia in the list was rejected.

The Delegate from Switzerland announced that Liechtenstein, a sovereign country, had consulted the Swiss Government on the procedure to be followed in applying for Membership in the Union.

If Liechtenstein were permitted to apply for admission on the basis of Article 3 of the Madrid Convention, after the end of the present Conference but before the Convention of Atlantic City became effective, the Swiss Delegation was of the opinion that the name of Liechtenstein should automatically be added to the countries listed in Annex I.

He would like the Assembly to confirm this viewpoint.

The Chairman believed that if the application for admission were filed before the end of the present Conference, it would be subject to the 2/3 rule already adopted at this Conference.

The Delegate from Switzerland did not share this opinion. He considered that an adherence made under the terms of the Madrid Convention should be dealt with in accordance with Article 3, § 1 of this Convention.

The Chairman believed that adherence to the Madrid Convention would not imply ipso facto the rights resulting from the Atlantic City Convention. The 2/3 procedure should be applicable.

The Delegate from Switzerland had no mandate to file a request for adherence, but he wished to be able to inform his Government in due time.

The Chairman foresaw a solution of this question before the Conference adjourned.

Since no one else requested the floor, the meeting was adjourned at 1:45 a.m.

The Secretaries:

E. Rusillon
P. Oulevey
H. Voutaz

The Secretaries General:

L. Mulatier
Gerald C. Gross

The Chairman:

Charles R. Denny

Document No. 532 TR-E
September 27, 1948

M I N U T E S

of the 9th Plenary Meeting

24th September, 1947

The meeting was called to order at 9:45 P.M. by the Chairman, Mr. Charles R. Denny.

The minutes of the last meeting, which had not yet been distributed, would be adopted at a future meeting.

The first item submitted to this meeting for examination, was a proposal from U.N.E.S.C.O. (Document 479 TR-E), referring to the drawing up of an agreement between the International Telecommunications Union and U.N.E.S.C.O. which would link these two bodies.

The Delegate from the United States recalled that according to the draft of the Convention, the Administrative Council would primarily carry out the work assigned to it by the Plenipotentiary Conference; and secondarily, during intervals between Conferences, this Council would concern itself with the conclusion of agreements with the other international organizations. The Plenary Assembly could therefore ask the Administrative Council to enter into negotiations with U.N.E.S.C.O., with the object of concluding an agreement with that Union.

The Delegate from Guatemala, supporting the United States suggestion, added that the Administrative Council should take the necessary steps to draw up such an agreement, with the reservation that it be ratified at the next Plenipotentiary Conference.

The Delegate from Argentina concurred in this method of procedure, but he asked for information concerning the principles upon which the agreement contemplated would be based.

He considered that such principles ought to be specifically and definitely established, and that they should be subjected to the same kind of study as that accorded to the agreement with the United Nations.

The Chairman then gave a brief summary of the discussion, namely: to request the Administrative Council to consider whether such an agreement were desirable and, if such were the case, to prepare a draft agreement for submission to the next Plenipotentiary Conference.

The Delegate from Argentina agreed on the substance of this question, but he would like some explanation as to whether it was proposed that the Administrative Council study the question and determine whether or not it was necessary to conclude an agreement with U.N.E.S.C.O.

It would be advantageous to determine the principles of this collaboration for the period in which there did not yet exist a final agreement. He said, "It seems to me that it would be useful to determine a guiding principle or at least the limit of the scope of these negotiations."

The Chairman thought that such questions could be solved by the Administrative Council, which, by virtue of Article 4 bis, just adopted, was responsible during the intervals between Conferences, for ensuring coordination with the other international organizations, alluded to in Article X of the Convention.

This constituted one of the normal functions of the Administrative Council, and it was impossible to tell exactly what the tasks of the Administrative Council would be, since no one could anticipate the contingencies which might arise during the 5 years intervening between Conferences.

It was therefore impossible to deal with them there. That was one of the reasons that they had thought it advisable to establish an Administrative Council specifically charged with resolving the nature of any work which might arise.

The Chairman announced that the Assembly would then take up the first reading of the texts appearing in blue series 5 and 6.

Series No. 5.

In Article 4 "Structure of the Union," it was ultimately decided, upon the proposal of the Delegate from Cuba, to retain the abbreviations "C.C.I." and "I.F.R.B." (1) in both the French and English texts, for purposes of simplification, and in order to ensure consistency.

On this subject, replying to a request made by the Delegate from Argentina, the Chairman specified that Spanish speaking countries might employ the abbreviations they used most frequently.

Article 4 bis: "Administrative Council" In § 1 (1), the Assembly adopted the following wording for the second sentence of the French text: "Les Membres du Conseil rempliront leurs fonctions jusqu'à ce que leurs successeurs soient élus par la prochaine conférence de plénipotentiaires. Ils sont rééligibles." The equivalent English text would read: "The Members of the Council shall hold office until their successors are elected by the next Plenipotentiary Conference. Members are eligible for re-election."

§ 4, last line, read: "...by agreement between the five Members or by the drawing of lots.

§ 6, add between the words "committees" and "shall participate": "as well as the Vice-Director for broadcasting of the C.C.I.R."

§ 7, replace "attending meetings" by: "this capacity."

Note of the B.U.: It was considered practical to apply this rule during the preparation of official documents, even those concerning the minutes of the first eight Plenary Sessions.

§ 11, under h), 1st line, replace "all the permanent bodies" by "all the other permanent bodies."

With these corrections, Series 5 was adopted. The French version of these minutes would include corrections relating to the French text.

Series No. 6.

Article 4 ter, § 2, (International Frequency Registration Board). After a discussion in which the Delegations of the United States, Mexico, Pakistan, Portugal, and the United Kingdom, the Chairman and the Chairman of the Drafting Committee took part, it was decided to delete the specification of "eleven" Members, in order to make this text conform to that adopted for the statute of the I.F.R.B. by the Radio Conference. The Delegation from Pakistan noted with regard to this matter that the Radio Conference would mention the number of Members of the I.F.R.B. in a separate resolution, which would be published as an appendix to the Regulations.

§ 2 was worded as follows:

" 2. The International Frequency Registration Board shall be composed of independent Members, all nationals of different countries, Member of the Union."

The Delegate from South Africa wished to know whether provision had been made for replacing members of the I.F.R.B. in case of a vacancy. In the case of the Administrative Council, provision was made that if a vacancy occurred, the seat should pass by right to the region obtaining the greatest number of votes at the previous election. No such ruling was provided in the case of the I.F.R.B.

The Delegate from the United States thought that the procedure applicable if a Member of the I.F.R.B. vacated or left his position, would be for the country to which this Member belonged to appoint another person to replace him.

The Delegate from Pakistan quoted paragraph 307 of the Radio Regulations, which answered this question: "If that country is unable to provide a replacement Member the Administrative Council shall appoint a new Member."

The Delegate from France called attention to the fact that in addition to the text to which the Delegate from Pakistan alluded, paragraph 1 of sub paragraph 11 of the Article referring to the Administrative Council provided that:

".... to it by such bodies and fill vacancies thereon ad interim as prescribed in the Regulations;"

Consequently, there was both a text in the Regulations and a text in the Convention which covered the case contemplated by the Delegate from South Africa.

The Assembly left the task of seeing whether it was necessary to modify the wording of § 5 (3) to Mr. Laffay, Chairman of the Drafting Committee

Article 4 quinquies. Secretariat General.

§ 2, litt. 1); delete the words "to Members and Associate Members."

The deletion of the words "in proportion to the number of units of subscription of each Member" was subject to reservation until Committee C had taken a decision on this question.

The Delegate from Czechoslovakia called attention to the fact that at the end of paragraph 2, a sub-paragraph had been omitted. This was in regard to the provisions adopted by Committee C to the effect that:

"The Secretary General may attend the Conferences of the Union and the meetings of the C.C.I.'s in a consultative capacity."

He requested that this text be added as a new § 2 bis.

The Delegate from France felt that it was not only necessary to mention "Secretary General", but also "Assistant Secretary General" since, as a matter of fact, the Vice-Directors attended to the work of the C.C.I.'s.

At the request of the Chairman, Mr. Laffay, Chairman of the Drafting Committee, proposed the following text for the new litt.:

"2 bis) The Secretary General or one of the Assistant Secretaries General participates, in a consultative capacity, in meetings of the International Consultative Committees and of the I.F.R.B."

The Assembly approved this addition.

With regard to § 4, the Delegate from Argentina noted that this paragraph contained an extremely interesting principle with regard to the recruiting of personnel on a geographical basis that was as wide as possible. He interpreted this provision as meaning that account would be taken, not only of the geographical basis properly speaking, but also of the various nationalities and languages. It would be interesting, he said, since Spanish had become an official language of the Union, if the Secretary General would include an equitable percentage of Spanish-speaking people.

Article 7. Regulations.

The Delegate from the United States requested adding to paragraph 2: "Additional Regulations". He added at the same time that in signing the Convention, the United States would make a reservation with regard to this Article.

The proposed addition was accepted.

In § 3, it was decided to read: "... of any of the administrative Regulations by an Administrative Conference in the interval..."

The Delegate from Guatemala, supported by the Delegate from Argentina, proposed that the words "through diplomatic channels and through the government in which the seat of the Union is situated", be added in this paragraph after the words "should notify the Secretary-General".

This proposal, opposed by the Delegates from the U.S.S.R., Cuba and Italy rejected after a vote by show of hands.

The Delegate from the United States pointed out that an error had been made in the English text of the final Protocol to the acts of the present conference. Instead of:

"... date of the Revised Telegraph and Telephone Regulations...", it should read: "... date of the signing of the Revised Telegraph and Telephone Regulations..."

This correction was approved.

The Chairman announced that the last page of Series No.6 relative to "the Resolution on Spain" had been replaced by a new text. He submitted it to the Assembly and asked whether there were any comments on that resolution.

The Delegate from Argentina:

"We have carefully read the revised resolution on Spain which has just been distributed. We have already stated our position of principle on this question and we will not start repeating the arguments we have so often set forth concerning this question.

"In general, we would agree with this text, but to tell the truth, it seems to us a little too long and does not entirely satisfy us.

"Perhaps we should formulate some objections, but as a gesture of good-will and in order to curtail discussion, for it is getting very late, we would be willing to accept paragraphs 2 and 3 if the first paragraph were deleted, which seems superfluous to us since it only repeats paragraphs 2 and

"Therefore, with a slight modification in form, we would be ready to accept paragraphs 2 and 3.

"We would like to have note taken of the fact that our Delegation has confined itself to proposing a text which simply replaces another one, emphasizing that we wish to safeguard the principle of non-interference in the national jurisdiction of a country."

The Chairman replied that the document which was being discussed had been drafted in order to be entirely consistent with the protocol adopted two evenings previously, i.e., that it was the exact equivalent of the protocol.

If the first paragraph were deleted, we would not have a resolution saying that Spain could not become a party to the Convention as long as that resolution was in effect. What would remain would be the exception, under which Spain could become a party. This resolution corresponded to the protocol which had been adopted by a majority of 40 votes.

He suggested that the assembly accept the resolution.

The Delegate from the United Kingdom asked whether the conference intended to draw up a protocol and a resolution under the circumstances.

The Chairman replied in the affirmative. Taking into account a remark made by the Delegate from the United Kingdom, he suggested that the words "Spain, the Spanish territory of Morocco, and all the Spanish colonies", be replaced by "Spain, including the Spanish Territory of Morocco and all the

Spanish colonies", in order to be consistent with the protocol.

The Delegate from Cuba proposed that the words "declared in agreement so that" be replaced by: "declared in agreement so that, in accordance with the preceding paragraph,".

The Delegate from the Vatican made the following statement:

"The Delegation from the Vatican requests that, in connection with the Resolution on Spain, the following statement be recorded in the minutes of the present meeting:

"The decision cited in the first paragraph of the resolution concerning Spain was made by applying the two-thirds rule.

"There were 35 delegations which voted for this decision.

"There were 21 delegations which voted against this decision.

"Nine delegations abstained from voting.

"The Delegation from the Vatican, having voted against the basic decision, has consequently not taken part in the subsequent statements which the said decision elicited."

The insertion of this statement in the minutes was approved.

The Delegate from Argentina made the following statement:

"I wish to ask for a precise clarification of a point of view of fundamental importance.

"I would like to know the scope of the suggestion just made by the honorable Delegate from the United Kingdom when he mentioned "Spain, including the whole of the Spanish colonies."

"Is it considered that Spain and all the colonies, including the territory of Morocco, constitute one or two Members? It is my understanding that there are involved here the two Members appearing in the Madrid Convention, page 60 of the French text, for we can only respect what is stipulated in the Madrid Convention."

The Delegate from the United Kingdom: "I wished to point out that this resolution is not consistent with the protocol adopted the other night."

The Delegate from Argentina feared that for a long time we had been discussing a misunderstanding that he had tried to clear up. He thought it was useless to recall that this arose from a recommendation of the United Nations. The United Nations had recommended that the Franco government in Spain could not participate in the work of specialized conferences, like our Union, for instance. In view of that recommendation, Spain was not represented here. We could not include Spain and its colonies in that resolution, because it must be remembered that the country is one thing, its government another, and the form of administration in effect, a third. The resolution of the United Nations related to the Spanish government, and he did not see how, based on that recommendation, we could change a legal situation which existed in the Madrid Convention. When the reasons which motivated the

exclusion of Spain from this conference had disappeared, it would be understood that the Members who would return here would be the two Members appearing in the Madrid Convention: Spain and the territory of Morocco and the Spanish colonies. According to the protocol we had drawn up which appeared in Annex I and which we had accepted the other day, there was only one Member.

The Delegate from the United Kingdom:

"I believe the situation is as follows: "the French text is worded as giving Spain 3 votes, the English text is worded as giving it only one vote. According to the Madrid Convention, it has two votes.

"I suggest that we amend the resolution in such a way as to give Spain two votes as it had previously for this resolution as it is does not express this exactly."

The Chairman proposed to put to a vote the question of determining whether the Assembly was of the opinion that Spain, including the Spanish Territory of Morocco and the Spanish Colonies, would be entitled to two votes.

The Assembly showed by a vote of raised hands that it approved this point of view, and the Chairman of the Drafting Committee was asked to word the text of the Protocol adopted so as to reflect this decision with regard to the principle involved.

The Delegate from France, Chairman of the Drafting Committee, replied that the French text appeared to him to be in perfect accord with what had been decided.

On the other hand, there was the question of two votes and no mention was made anywhere in the Convention regarding the votes. He proposed that the Plenary Assembly add a provision to the Atlantic City Rules of Procedure as this could not be included in the Convention.

The Delegate from Ireland made the following statement:

"We have no objection to present against this Resolution, insofar as it represents an effort to put into practice the decisions taken by this Assembly by a large majority of votes. We nevertheless wish to state, with a view to the inclusion of this statement in the minutes, that the Delegation from Ireland continues its opposition to the exclusion of Spain, for reasons that we have pointed out during the preceding discussion of this problem."

The Chairman: "We take note of this statement."

The Chairman, replying to a request made by the Delegation from the United Kingdom, proposed mentioning in the Resolution and in the Protocol that Spain, including Spanish Morocco and the Spanish Colonies should be entitled to two votes. He then put the principle of the Resolution to a vote.

This was adopted by a show of hands, and the Drafting Committee was instructed to prepare an exact text.

In order that the wording of this Resolution might clearly reflect the situation of Spain, the Delegate from Cuba suggested several changes in form in this text. It was necessary, according to him, to make the second paragraph harmonize with the Resolution of the General Assembly of the United Nations, which did not mention two separate entities, and to delete the mention of "Spain, the Spanish territory of Morocco and the Spanish Colonies".

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

"I would like first of all, in reply to the remark made by the Delegate from Cuba, to indicate that the Resolution of the General Assembly of the United Nations refers to the Franco Government of Spain and that is why everything that is subordinated to the Franco Government is included. It is to this that the Resolution of the General Assembly of the United Nations refers.

"It therefore also applies to the Zone of Spanish Morocco and to the Spanish Colonies which are under the domination of the Franco Government.

"On the other hand, in view of the vote which has just taken place with regard to this Resolution, namely, whether Spain after being reunited to the Union shall be accorded two votes, I request that the following statement be included in the minutes: The U.S.S.R. Delegation believes that such a decision is not good, that it is erroneous, and that it believes that after Spain has returned to the Union, Spain and all of its possessions should have only a single vote."

The Chairman assured the Delegate from the U.S.S.R. that his statement would appear in the minutes.

The Delegate from Argentina approved the suggestion of the Chairman to refer to the Drafting Committee the Resolution which had been adopted in principle so that this Committee might put it in final form.

The Chairman then submitted to the Assembly the report of the Credentials Committee (Document 486 TR-E) which gave the list of countries that had submitted duly valid credentials as well as the list of individuals who had the right to sign in the name of their Governments.

The report of the Credentials Committee was approved.

Committee D had informed the Chairman that certain delegates had not yet received their credentials. It suggested that this delay should not be considered as a reason for preventing them from signing the Convention. The Chairman proposed to adopt the following procedure for such Delegates: They would have the right to sign the final document, if they had assurance that their credentials had been duly forwarded. The signature of such Delegates would be recognized as valid, on condition that their credentials

would not be received too long after signature and that the Government of the United States would give its opinion with regard to the validity of any credentials that arrived after the end of the Conference.

This procedure was approved.

The meeting was adjourned at midnight.

Secretaries General:

Secretaries:

Approved
Chairman:

L. Mulatier
Gerald C. Gross

A. Auberson
H. Voutaz

Charles R. Denny

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Document No. 533 TR
September 27, 1947.

MINUTES
of the Tenth Plenary Meeting

September 25, 1947

The meeting was called to order at 11 p.m. by Mr. Charles R. Denny, Chairman.

The Chairman announced :

1° that the Chairman of the Credentials Committee had informed him that the credentials presented by the Delegation from Yemen authorized this Delegation to attend the meetings of the Conferences, but did not authorize it to sign the Acts;

2° that, in accordance with the vote taken by the Radiocommunications Conference, the Protocol with regard to the European Regional Conference should be signed only by Delegates of countries belonging to that region.

The meeting then took up the first reading of the texts submitted by the Drafting Committee (Series 7 and 8 of the blue copy).

Several slight changes were made in the texts. The Drafting Committee took note of them and would include them in the texts to be submitted to the Plenary Assembly for the second reading (pink copy).

It was decided that in English the text would read, for example, "International Telecommunication Convention" and not "International Telecommunications Convention."

With regard to Article 5, No.4, of the Convention, the Delegate from Lebanon wanted the first contribution class to have 100 units instead of 30, and consecutively throughout.

The Chairman of Committee C recalled that in this Committee the text which appeared at present in the blue copy had been adopted by a big majority.

The proposal made by Lebanon failed for lack of support.

The author of this proposal then asked that Article 5 should impose a definite classification on countries whose language entered into the category of official languages, and that only other countries should have a choice of the class in which they desired to make their contribution.

The Chairman pointed out that the question of languages was not yet on the Agenda.

The Delegate from the Vatican felt that the relationship between higher classes and the others was not very equitable. It was his wish that, for certain categories of expenditures, a system be considered in good time that would comprise not only units, but also half-units.

The Chairman took note of this.

With regard to the Protocol relative to the case of Spain, the Argentine Delegation made the following statement:

"Since the last intervention in an issue is always definitive, and cancels or ratifies the preceding one, the Delegation from Argentina finds it necessary to state once again, for reasons of principle, that it does not consider acceptable or accept any measure which may imply or require a direct or indirect, tacit or expressed, interference in the internal affairs of any nation.

"Therefore, although the Argentine Delegation does not wish to re-open the discussion on the Spanish case and is not opposed to the adoption of this Resolution and the Protocol by the majority, acting in accordance with its attitude toward that problem, the Delegation states its intention of maintaining its immutable principles in this matter. It refuses to assume any responsibility arising from the exclusion of Spain from this Conference, and if it deems it necessary, the Delegation will make a final reservation on this issue."

The Chairman took note of this statement, which was recorded in the minutes.

As far as he was concerned, the Delegate from the Vatican wanted the minutes to state that his Delegation kept aloof from everything relating to the Protocol in question, including its acceptance.

The second Series of blue copies having been approved under the conditions mentioned above, and as no one asked for the floor, the meeting was adjourned at 11:40 p.m.

Secretaries:

E. Rusillon
H. Voutaz

Secretaries-General:

L. Mulatier
Gerald C. Gross

Chairman :

Charles R. Denny.

Document No. 539 TR -E
September 26, 1947.

MINUTES
of the 11th Plenary Meeting

September 26, 1947

The meeting was called to order at 9:15 p.m. by the Chairman, Mr. Charles R. Denny.

Study of Series 9, 10 and 11 of the blue texts was taken up, and these texts were adopted with several modifications to be taken into account when the Committee, in cooperation with the Secretary General, prepared the pink texts to be submitted for the second reading.

The Delegation from the U.S.S.R. asked for deletion of the words: "by them or on their behalf," which had been added at the end of Article 1, (Composition of the Union), paragraph 2, letter a). This Delegation believed the procedure of acting through an intermediary to be erroneous.

At the same time, this Delegation asked that the following decision, made at the Madrid Conferences, be entered in the minutes, and note was made of this request:

"The 7th Plenary Assembly of the Telegraph and Radiotelephone Conferences, met at Madrid, has decided that the enumeration of countries appearing in the Preamble, and in the pages of signatures of the Madrid Convention, as well as later accessions, bear no relation to the vote."

After an introduction by the United States Delegation, the text was retained in statu quo.

The Italian Delegation recalled that no agreement on determining the right to vote could be reached at Madrid. This fact had given rise to the reservation just quoted. The right of vote was dealt with in the Rules of Procedure, which was intended to serve as a basis for future Conferences.

The Delegation from Mexico requested that an addition be made to the Preamble of the Convention which should provide that no investigation could be made in a country without the consent of the government of such country.

The Delegate from Cuba made a similar proposal.

The Chairman of the Drafting Committee had no objection to

such an addition. However, he felt obliged to remark that nothing, absolutely nothing, in the Convention authorized anyone at all to undertake any type of investigation in a foreign country.

The Delegation from the United Kingdom shared this opinion, and saw no need for an addition to the Convention on this point.

After some remarks by the Delegation from the United States, the Chairman's proposal was adopted, to insert in the minutes, that nothing in the Convention or in the Radio Regulations authorized a Member of the Secretariat of the Union or of its dependent organizations, nor a representative of any country, to enter the territory of any country for the purpose of conducting an investigation, or to take any action whatever, without the consent of the country concerned.

The Mexican Delegation announced that it was satisfied.

In the Article dealing with languages and method of voting in sessions of Plenary Assemblies of the C.C.I's, the Delegate from Guatemala proposed deletion of the following sentence in paragraph 2:

"However, when a Member is not represented by an administration, the representatives of the recognized private operating agencies of that member country shall, as a whole, and regardless of their number, be entitled to a single vote."

The Delegate from the United Kingdom explained that participation by private operating agencies of certain countries was sometimes very important, which statement was confirmed by the Chairman, and that such private operating companies have always had the right to one vote.

The French Delegation was of the same opinion. If the right to vote were withheld from private enterprises, countries which possessed only such enterprises would have no voice in the matter. Furthermore, it should not be forgotten that private operating agencies paid dues to the C.C.I's.

The Italian Delegation also called attention to the fact that the C.C.I's only issued opinions, and that therefore, the vote in this particular case was of limited scope.

When put to a vote, the proposal of Guatemala was rejected.

A long discussion ensued concerning Article 22 (Voting Procedure in Sessions of the Plenary Assembly), as the Delegation from the United Kingdom proposed the deletion of paragraph 5 of that article. In addition to the author of the proposal, the Delegations from France, the United States, Lebanon, Guatemala, the U.S.S.R. and Argentina, and the Chairman took part in the discussion.

In the course of the discussion, the Delegation from the U.S.S.R. requested insertion in the minutes of a statement to the effect that the conference had made a decision which had not been recorded concerning the admission of new Members. There was no doubt when taking the 2/3

of the Members into consideration, absent Members should not be counted. He said that if we retained the present text of the Convention, we would seriously curtail the rights of the next plenipotentiary conference with respect to admission of new Members.

Finally the assembly accepted a proposal of the Delegate from Guatemala, to replace the last sentence of paragraph 5 by a simple reference to the first article of the Convention.

The Delegate from Argentina observed that, if we have settled the question of admission, we have not made any provisions for the exclusion of Members. He believed that paragraph 5, which had just been examined, could perhaps be added to on this point.

It resulted from an exchange of views among the Chairman, the Chairman of the Drafting Committee, and the Delegation from the United Kingdom, that, if cases of exclusion were to be provided for, it was best to take care of the matter in the Convention.

The Delegate from Argentina reserved the right of submitting an adequate proposal on this subject.

Article 3 (Accession to the Convention) gave rise to a comment by the Delegation from Czechoslovakia. In paragraph 2, this article merely provided that the instrument of accession should be deposited with the Secretary General while Article 6 (Ratification of the Convention) stipulated that the instruments of ratification should be deposited with said Secretary General "by diplomatic channel and through the intermediary of the government of the country of the seat of the Union." It would be advisable to complete Article 3 on this latter point, since the two procedures were analogous.

This observation was confirmed by the Chairman of Committee C.

It was decided to complete Article 3 as indicated.

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* * *

Mr. Laffay, whose duties as chairman of the Drafting Committee had prevented him from attending the last meeting of Committee C, wished to address a few personal remarks to Mr. Fortoushenko. He paid high tribute to the Chairman of Committee C, whose eminent personal qualifications had made it possible to obtain fruitful results. "I want to conclude," he said, "by expressing my appreciation and personal compliments to Mr. Fortoushenko. Sometimes the discussions have been bitter in this conference; everyone has shown temperament. However, I know that we shall part with a friendly handshake, and a mutual respect for each other and for the interests of our countries which we have tried to defend to the best of our abilities."

(Loud applause).

Mr. Fortoushenko, deeply moved, stated that he was very greatly touched by the kind words of the speaker and thanked the entire assembly for having supported this encomium with their applause.

As all the points on the agenda had been dealt with, the Chairman adjourned the meeting, at 11:15 p.m., and announced the next meeting for the following day would be held at 11 a.m.

The Secretaries:

E. Rusillon
H. Voutaz

The Secretaries-General:

L. Mulatier
Gerald C. Gross

The Chairman:

Charles R. Denny

Document No. 545 TR-E

September 29, 1947

MINUTES
of the 12th Plenary Meeting
September 27, 1947

The meeting was called to order at 11:15 A.M. by Mr. Charles R. Denny, Chairman.

The Chairman announced that Series 12 of the texts was submitted to the Assembly for study.

A few slight changes, resulting from discussion of these texts, had been sent directly to the Drafting Committee by the Secretariat.

The Delegate from Lebanon called attention to the fact that Article 21 (Languages) had failed to take into consideration a decision made by Committee C, relating to expenses incurred by the use of oral languages at Conferences and meetings of Union organizations. It had been decided that a 50% reduction should be granted those countries whose native language had not been recognized as official. This decision had not been referred to in this Article.

The Chairman replied that Article 21 had been adopted by Committee C on the preceding day and that it in every way expressed the views of that Committee.

Referring to the resolution pertaining to the retirement fund for personnel of the Bureau of the Union, the Delegate from the United States asked to be informed whether this resolution referred only to the fund for present personnel, or for future personnel as well.

The Chairman replied that present personnel were referred to.

The Delegate from Switzerland, referring to § 3 (1) of the Protocol, concerning temporary arrangements, made the following statement in order to clarify the meaning of this paragraph insofar as it related to the status of present Union personnel:

"The Swiss Government, acting within the scope of the full powers conferred upon it by the Conventions of the Union, in the field of management of the Bureau of the Union, has been called upon to appoint the personnel of the Bureau. The people so appointed therefore have definite vested interests which no one here, I am sure, will dispute.

"In the opinion of the Swiss Delegation, the text of paragraph 3 (1) of the Protocol, concerning transitional arrangements, should be interpreted to mean that the present personnel of the Bureau of the Union who are called upon to fill positions in the reorganized Secretariat of the Union and perform the work temporarily until the new Convention becomes effective, shall benefit by the situation resulting from the regular appointments to be made by the competent supervising authority."

He requested that this statement be recorded in the minutes of the present meeting.

The Chairman expressed his own and the Conference's approval of the above statement.

Study of Series 12 having been completed, the texts contained therein were adopted by the Assembly.

Referring to Article 40 (Effective Date of the Convention), which had just been adopted, the Delegate from Argentina pointed out that the question of drawing up the Convention in three languages had not been settled.

Mr. Gross, the Secretary General, announced that:

in accordance with previous decisions made at this Conference, calling for the preparation of parallel texts in both English and French, which had been scrupulously checked page by page, paragraph by paragraph and word for word by the Drafting Committee, such texts had been completed and mimeographed and would be distributed to the delegations in corrected form, ready for signing at the ceremony attendant upon the affixing of signatures to the Convention. They would then be printed in Atlantic City;

however, consideration should be given to the demand made by certain Russian and Spanish-speaking delegations. The General Secretariat had prepared texts in Russian and Spanish which were to be submitted to Spanish and Russian-speaking delegations for correction and necessary changes. A few days after the signing, he said, we expected to be ready to add the final touches to the Spanish and Russian texts of the Radio Regulations and the Convention, so as to be able to hand over final copies to the interested delegations. However, it was clear that such texts could not be ready on the day of signing.

Dr. de Mayo, Delegate from Argentina, thanked the Secretary General for this message. He had not known of the preparation of these translations, and expressed his gratitude to the Secretariat for the additional effort it had made. He was certain that Spanish-American Delegations would gladly agree to help in the revision of the Spanish text, and stated that the Argentine Delegation intended to leave a Delegate in Atlantic City after the signing to collaborate in such work.

The Chairman made announcement of the following resolution which had been adopted by Committee C:

"A recommendation was made to the Administrative Council in the matter of apportionment of expenses due to the use of various written and oral languages, requesting that insofar as

possible, conclusions reached by Subcommittee C-1 (Document 456 TR-E) be followed; and that, in the case of published documents in particular, the United States proposal (Document 494 TR-E) be taken into consideration."

This resolution was approved.

The Delegate from the United States requested that, in accordance with decisions made in Committee C, the following sentence be added to the Article relating to the seat of the Union:

"The permanent seat of each of the International Consultative Committees shall also be established at Geneva."

This addition was approved.

The Delegate from the United Kingdom, referring to another decision of Committee C, requested that the following draft resolution be submitted to the Assembly:

"The International Telecommunication Conference of Atlantic City has decided that:

"Travel allowances payable by the Union to cover the expenses of persons appointed to sit on the Council, in accordance with the provisions of Article.....of this Convention, shall be fixed at 80 Swiss francs, this rate to be reduced to 30 Swiss francs, per diem, during travel by sea or air."

The Delegate from Portugal pointed out the fact that he had made a proposal to Committee C, by which members of the Administrative Council were to receive reimbursement only for travelling expenses, without further allowances.

This proposal receiving no support, the Chairman stated that it would not be retained.

The Delegate from Lebanon:

"As I remarked to Committee C, I in no way share the opinion of the honorable Delegate from Great Britain, since his resolution may prove contrary to the domestic laws prevailing in countries sending Members to the Administrative Council. In my country, we have a law which grants an allowance to officials amounting to x % of their salaries. By adopting the resolution presented by the honorable Delegate from Great Britain, we would reduce certain Members elected to the Administrative Council, to an inferior status. I request that the proposal of Committee C which establishes equality for all Members, be retained."

The Chairman noted that the draft Resolution of the United Kingdom conformed to the decision taken by Committee C.

The Delegate from Portugal:

"The question is too delicate to be discussed here. I would like to recall that the solution which I proposed was adopted at the Universal Postal Union. We find that the Ad-

ministrative Council, if it desires to do conscientious work and, if need be, to prolong its meetings somewhat, may have the impression that it is increasing its expenditures unduly. I do not wish to insist, but I merely desire to state that Portugal, in the Administrative Council, reserves the right of possibly asking the Union only for reimbursement of the traveling expenses of its Member in the Council.

"I shall appreciate your recording my statement in the minutes of this meeting."

The Chairman: "This shall be done."

The Assembly adopted, by a show of hands, the Resolution proposed by the Delegate from the United Kingdom.

In reply to a request made with a view to determining whether it was solely a question of fixed rates for travel in Switzerland, the Delegate from the United Kingdom replied affirmatively since the Council meets only in Switzerland.

The Delegate from Switzerland, referring to the decision that had just been taken with regard to the seat of the International Consultative Committees, thanked the Assembly for the honor done his Government. He felt authorized to give the assurance that the Government and Swiss Administration would do everything possible to facilitate the establishment of the Committees in Geneva.

The Chairman thanked him in the name of the Union.

The Delegate from Argentina presented the proposal that was the subject of Document No. 523 TR-E dealing with the procedure for the exclusion of a Member of the Union.

This proposal was supported by the Portuguese Delegation.

The Delegate from the United States feared that the adoption of this proposal might create a feeling of suspicion within the United Nations Committee that had negotiated the agreement with our representatives, which had included the Delegate from the United States.

The Delegate from Iraq offered to amend this provision to the effect that the sanction must be approved by two-thirds of the Members of the Union, or by recommendation by the United Nations.

This amendment was vigorously contested by the Delegations from France, Argentina, and the Union of South Africa.

The Delegate from the United Kingdom then suggested the following compromise text:

"No Member or Associate Member of the Union may be deprived of rights which are vital to his status as a Member, either on a temporary or permanent basis unless such sanction is approved by two-thirds of the Members of the Union. If this measure is taken in accordance with the decisions of the General Assembly of the United Nations, it may be done by a simple majority of members."

The Delegate from France would not accept this compromise text either, and asked that the Argentine proposal be voted on without change.

The proposal made by the Argentine Delegation, with the amendment made by the United Kingdom Delegation, was put to a roll-call vote, with the following result:

30 votes for
27 votes against
7 abstentions
14 Delegations absent

The proposal was adopted.

Voted for: Afghanistan; Albania; Australia; Bielorussia; Brazil; Bulgaria; Canada; Chile; China; United States of America; 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; Southern Rhodesia; Greece; Haiti; India; Iraq; Iran; New Zealand; Pakistan; Philippines; Poland; Syria; Turkey; Ukraine; Union of Soviet Socialist Republics; Uruguay; Venezuela; Yugoslavia.

Voted against: Union of South Africa and Territory under the mandate of South-West Africa; Argentina; Austria; Belgian Congo and Territories under the mandate of Ruanda Urundi; Vatican City; Colombia; Cuba; Ecuador; France; Colonies, Protectorates, and Overseas Territories under French Mandate; the French Protectorate of Morocco and Tunisia; Hungary; Ireland; Italy; Lebanon; Mexico; Monaco; Norway; Panama; Netherlands Curaçao and Surinam; Netherlands Indies; Peru; Portugal; Siam; Sweden; Switzerland; Czechoslovakia.

Abstentions: Denmark; Egypt; Salvador; Finland; Guatemala; Honduras; Nicaragua.

Absent: Saudi Arabia; Belgium; Burma; Bolivia; Costa Rica; the Dominican Republic; Ethiopia; Iceland; Liberia; Luxembourg; Paraguay; the Portuguese Colonies; Rumania; Yemen.

The Chairman informed the Assembly that Committee C had decided in principle that Poland should be exempted from payment of her contributions for the years 1940 to 1944. The said Committee had handed the Chair a draft resolution, which if adopted, would take effect immediately. This resolution was worded as follows:

"The International Telecommunication Conference meeting in Atlantic City rules that:

"In compliance with the request of the Delegation from Poland, this country shall be exempted from payment of its contributions to the Union for the years 1940-1944 inclusive; the Conference instructs the Director of the Union to charge to the profit and loss account of the Union for 1947 the amount of the contributions owed by Poland for the period in question; that is: 60,005 Swiss francs."

The Resolution was adopted by the Assembly.

Major Holliman, representing the Supreme High Command of the Allied Powers (S.C.A.P.) in Japan, asked to be permitted to make a statement before the Assembly on the subject of inserting in the Peace Treaty to be signed with Japan, a paragraph concerning the control of telecommunications. This paragraph, submitted for information only, reads as follows:

"For at least five years subsequent to the date on which this treaty becomes effective, the Japanese government shall conform to and apply the Radio Regulations annexed to the International Telecommunication Convention signed at Atlantic City on September 1947, even though the Japanese government has not acceded to this Convention, under the terms of the Protocol adopted to this effect by the International Telecommunication Conference, Atlantic City, 1947."

This communication caused no comment.

Major Holliman continued as follows: "I have a proposal to make with regard to the financial obligations of Japan, and including certain colonies and possessions under the jurisdiction of this country, as a member of the Union. I should like to propose that Japan be exempted from payment of its dues to the Union for the years of occupation: 1946 and 1947. I believe that 1948 might also be added to the two preceding years. We do not know exactly when Japan will be in a position again to assume its obligations to the Union; for this reason I cannot make any further comment on this subject."

The Delegate from the United Kingdom said that he was absolutely opposed to the granting of the request which had just been made, calling attention to the fact that it had been specifically understood in Committee C, that the case of Poland should not create a precedent. He asked the question: "Do you intend to treat Germany in the same way?"

The proposal not having been seconded, it was considered as rejected.

The Chairman: "I have still another question to submit for your consideration. We have decided to use more than one language in the future. With the Provisional Frequency Board (P.F.B.) beginning its work in January, we are confronted with the following situation: Under the terms of the Madrid Convention, we still have a single language. It would be advisable to make the arrangements necessary to enable us, between now and the effective date of the new Convention, to make use of several languages. We have prepared an administrative resolution..... I repeat, purely administrative. In my opinion, we must come to a decision."

This resolution reads as follows:

"The International Telecommunication Conference of Atlantic City,

CONSIDERING

that it is desirable that the many advantages accruing from the use of several official languages, as provided in the International Telecommunication Convention of Atlantic City of 1947 should not be forfeited during the period which precedes the effective date of this Convention, January 1, 1949,

RESOLVES THAT

departing from the provisions of the International Telecommunication Convention of Madrid, the provisions of Article 12 of the International Telecommunication Convention of Atlantic City shall be applied as of the date of this resolution."

The Chairman added that this step is necessary in order to make possible the publication of our final documents in five languages.

The above resolution was adopted.

Mr. Gross, the Secretary General, communicated the following letter from the United Nations representative:

"My dear Mr. Denny:

"May I call the following matter to your attention?

"In the new Article 2 of the Convention, concerning the operating service of United Nations, reference is made to Article XIV of the agreement between the U.N. and the I.T.U. In the final text of this agreement, Article XIV was changed to Article XV. Therefore, Article 2 of the Convention should refer to Article XV of the agreement instead of to Article XIV.

Very truly yours,

(signed) G. F. van Dissel"

The Chairman of the Drafting Committee was asked to take this change into consideration.

Returning to the resolution which had just been adopted, the Delegate from France expressed the opinion that it would be of interest to the Assembly to learn the financial consequences thereof. Particularly, must it be deduced from this resolution that the Secretariat of the Union shall as of today, have at its disposal a group of translators, paid by the Union, wholly or in part?

Mr. Gross, the Secretary General, replied that in his opinion, the expenses for the Atlantic City documents to be published by the Bureau, would be charged to extraordinary expenses, and not to the 1948 budget. The documents resulting from the work at Geneva, for example, those of the P.F.B., which begins on January 15, would likewise come under extraordinary expenses of a Conference. The service documents, as everyone knows, already have prefaces in several languages. There remains the question of the Telecommunications Journal; this would be a supplementary expenditure in the regular budget. But the question of determining whether during 1948 the other service documents should be published in 5 languages is

a question which the Assembly must settle. With this exception, he said, I see no further expenses which could be included in the regular budget of the Union.

The Delegate from the United States proposed that beginning January 1, 1948, the Telecommunications Journal be published in the three languages - French, English and Spanish - prescribed in the Convention.

There being no objection to this proposal, the Chairman ruled that this procedure would be adopted.

The Delegate from Lebanon asked that, in view of the consequences of the decisions which had just been reached, the new classification for the apportionment of contributions be applied also as of January 1, 1948.

The Chairman replied that this question would be considered at the next meeting in connection with the study of the resolution of Committee C regarding contributive units.

Following an exchange of views among the representatives of the Bureau of the Union, Mr. von Ernst, Director of the Bureau of the Union, stated:

"You have just reached a decision concerning the service documents to be published in the new languages in 1948. The expenses for the Atlantic City documents, charged to the Conference, present no difficulties. The accounts of the P.F.B. in Geneva will also be charged to a Conference; they are extraordinary expenses which do not concern the ordinary budget of the Union.

"On the other hand, if you decide - and you have already done so, I believe - that you wish the 5 languages applied as of next January 1st to all service documents, I must inform you that it will be necessary to grant us credits accordingly.

"Yesterday, with the best of intentions, you decreased the budget, but today it must be increased. I think that the minimum expenses for the application of the five languages to the service documents will require in 1948 the setting up of a whole corps of translators in these five languages. This makes it necessary for me to request you to grant corresponding credits, which I estimate at approximately 600,000 Swiss Francs."

The Delegate from the United Kingdom thought that this question should be carefully reconsidered and proposed that it be discussed at the same time as the question of the utilization of the funds of the Union for 1948.

The Chairman acknowledged the wisdom of this proposal and said he thought this procedure should be adopted.

The Delegate from Italy pointed out that Committee F had considered the question of franking privileges on letters and

that it would be advisable to insert an Article on this subject in the General Regulations.

The Chairman asked the Delegate from Italy to prepare a text for the following meeting.

The Delegate from the U.S.S.R. requested permission to submit to the Secretary General a correction to be made in the minutes of the Second Plenary Session (Document 193 TR-E) with regard to one of his statements. (1)

This request was granted.

The meeting was adjourned at 12:55 p.m.

Secretaries General:

L. MULATIER
GERALD C. GROSS

Secretaries:

P. OULEVEY
H. VOUTAZ

Approved
Chairman:

CHARLES R. DENNY

- (1) Note of the B.U.: This correction, contained in Document 546 TR, has been made in Document 193 TR.

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Document No. 552 TR-E
September 30, 1947

M I N U T E S

of the 13th Plenary Meeting

September 28, 1947

The Chairman called the meeting to order at 11:05 a.m.

Since the minutes of the three preceding meetings had not yet been published in English, consideration of these documents was deferred until the following meeting.

The Chairman proposed that the Assembly begin by considering Document 531 TR-E, a proposal by Mr. Gneme (Italy) concerning the question of telegraph and telephone franking privileges during conferences of the Union.

Certain Delegates had studied transactional texts and the Chairman asked the Delegate from the United States to read the text which he had prepared.

Mr. de Wolf (United States) proposed that the following Article be added after Article 28 of blue series No. 3.

"Participants in Conferences of the Union and meetings of International Consultative Committees shall be entitled to postal, telegraph and telephone franking privileges to the degree provided for by the Inviting Government, after agreement with the Administrations and the private operating agencies concerned."

The Delegate from Italy was of the opinion that this text was not sufficiently flexible. He preferred the text that he had proposed which, moreover, also indicated that telegraph franking privileges should be granted "by agreement with the participating Governments and the private operating agencies." In addition, it provided that only participants in a conference shall enjoy franking privileges. He would, however, concur in the opinion of the majority if the majority favored the text presented by the Delegate from the United States.

The Delegate from the United Kingdom considered the United States proposal too broad: he would prefer to have franking privileges more restricted. He opposed this proposal.

The Delegate from France felt that the provisions of the Madrid Convention had proved their value and believed that it would be sufficient to retain Article 31 of this Convention, completing it by a note indicating that the Secretariat of the Union should also enjoy franking privileges.

The Delegate from Lebanon felt that franking privileges should also be granted to Members of the Administrative Council.

The Chairman noted that it was necessary to study this question more thoroughly and proposed that Messrs. de Wolf, Gneme, Laffay, Namour, and Townshend should agree to draw up a text that could be presented at the end of the meeting.

The first reading of Series 13 was then undertaken.

The Delegate from the United States of America pointed out that 3 Articles referring to the Convention and concerning:

- 1 - the Plenipotentiary Conference,
- 2 - the Rules of Procedure, and
- 3 - the Administrative Conferences, were not mentioned either in Series 13 nor in any other of the blue series.

The Chairman of the Drafting Committee, who had not overlooked this omission, felt that it was essential to insert the Articles in question in the Convention. These questions, it was true, were dealt with in the General Regulations, that is to say in the Annex to the Convention, but an Annex was not a Convention. He stated that he was willing to undertake this task.

The Chairman then suggested that Messrs. de Wolf, Fortoushenko, Laffay and Townshend should meet and apply the decision of Committee C, that is to say revise the text of these Articles in accordance with the decisions made by the Committee. Instead of having them printed as blue texts, the Assembly could give this little group full authorization to have these three Articles printed directly in the pink texts.

The Assembly approved this procedure.

The Chairman then noted that aside from the three Articles mentioned above, Series 13 of the blue texts contained, as a matter of fact, all the material that still remained to be read for the first time.

The reading of these texts led to requests for some editorial changes, as well as other corrections of minor importance which the Drafting Committee would take into account in preparing the texts for the second reading.

The Delegate from the Philippine Republic stated that his Government had filed the instruments of ratification of the Madrid Convention at the Spanish Embassy in Washington, for transmission to Madrid. A copy of this communication had been given to the Director of the Bureau of the Union.

At the request of several Delegations, the names of their countries would be mentioned as follows in Annex I to the Convention:

French Text

Albanie (Republique Populaire d')
Argentine (Republique)
El Salvador (Republique de)

English Text

Albania (People's Republic of)
Argentina (Republic of)
El Salvador (Republic of)

Honduras (Republique de)
Philippines (Republiques des)
Pologne (Republique de)
Confederation Suisse
Republique Populaire
Federative de Yougoslavie

Honduras (Republic of)
Philippines (Republic of)
Poland (Republic of)
Confederation of Switzerland
Popular Federative Republic
of Yugoslavia.

In regard to the resolution exempting Poland from payment of contributions for the years 1940 to 1944, the Delegate from Argentina requested that this measure should not set a precedent for the future.

The Chairman proposed that this statement be noted and recorded in the minutes.

In connection with the amended resolution on languages, the delegate from Lebanon was of the opinion that it was not possible to adopt such a resolution prior to ratification of the Convention by the signatory Governments. As a matter of fact, it was legally impossible to spend money before the expenditure was approved. If this text was to be amended, the Delegate from Lebanon requested that his statement be inserted in the minutes.

The Chairman replied that this would be done.

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The Delegate from Argentina pointed out that the amendment made to the Article regarding exclusion of Members of the Union made the fate of all its Members to a certain degree, subject to political decision of the United Nations. Without meaning to, a blow had thus been struck at the principle of universality which, in his opinion, was the basis of the existence of the Union. He therefore proposed that this amendment be cancelled and that the Assembly reconsider the matter and accept the text without amendment of any kind. He commented that friendly relations between the Union and United Nations should in no way affect the autonomy of the Union.

The Chairman asked whether the proposal made by Argentina was seconded.

The Delegate from Portugal seconded this proposal.

The Delegate from France not only supported what the Honorable Delegate from Argentina had said, but also appealed to the common sense and logic of the Plenary Assembly. He recalled that not long ago Sir Harold Shoobert had received unanimous commendation from the Plenary Assembly because the Delegation which had represented the I.T.U. at Lake Success had secured complete independence for the I.T.U. with regard to the United Nations. In maintaining this unfortunate text, we would place ourselves

in a ridiculous position, for we had not contracted such obligations towards the United Nations and there was no reason why we should impose them up - on ourselves. In order to resolve this ridiculous situation, the Delegate from France purely and simply requested annulment of the text so that all discussion on this matter might end.

The Delegate from Ireland stated that his Delegation had never looked with favor upon the first proposal made by Argentina. As a matter of fact, it tended to set up a regulation on the basis of the isolation of Spain, which was an unfortunate case, no matter how it was considered. It would be regrettable if what had been done in this case were legalised in an Article of the new Convention. The Delegation from Ireland believed it very unlikely that similar cases would again arise. It sincerely hoped for the contrary, but if this question were to come up, these cases should be handled by the Assembly with common sense and in a friendly spirit without the support of an Article in the Convention. That was why he recommended that the entire Article be eliminated.

The Delegate from the United Kingdom, author of the resolution, wished to make two comments. First, he was surprised at the tone in which a representative of one of the most important Members of the United Nations had spoken. Secondly the arguments presented had already been discussed when the Assembly reached its decision.

The Delegate from France insisted that the minutes should mention the following statement:

"I do not accept the insinuation of the Delegate from the United Kingdom regarding the position that I took concerning the United Nations and the interpretation that he appears to give to it. It is true that France is devoted to the United Nations in the same way that it fervently championed the League of Nations. But the problems that we have studied here have nothing to do with the United Nations, and we can adopt the attitude that we are taking, without in any way conflicting with the policy of our Government."

The Chairman suggested that the Assembly should first decide whether to reconsider the question of exclusion.

The Assembly decided by a vote of 27 to 22 to resume the discussion, and then by a vote of 58 to zero, voted complete deletion of the Article.

Page 145.

The Delegate from Cuba proposed that the term "new Convention" be replaced by "Atlantic City Convention".

The Delegate from Lebanon recalled that in Committee C, he had requested that beginning in 1948, small countries should be allowed to take advantage of the change made in the contributive classes. The situation that was proposed constituted a fait accompli: it would create complications in budgets of administrations which had already provided the necessary

credits for 1948, without taking into account the expenses incurred by the Atlantic City Conferences. He therefore proposed a resolution authorizing the adoption of the change in classes of payment by small countries, beginning in 1948.

This proposal was seconded by the Delegate from Syria.

The Chairman then recognized Mr. Adams of the American Delegation, who stressed the fact that the proposal presented by Lebanon in Committee C was somewhat connected with a proposal which provided not only for a new apportionment of contributions, but also for advance payment for the fiscal year. It would appear that if the Article dealing with the new classification of contributive units were put into effect immediately, it would be necessary to provide for advance payments as well. This would create even greater difficulties.

After a discussion during which the Director of the Bureau of the Union noted that the proposal of Lebanon would not create any difficulties in drawing up accounts, and after the Delegate from Cuba had emphasized the difficulty involved in accepting this proposal, because of the present subdivision into two parts (the Radio Service, and the Telegraph and Telephone Service) of the expenses of the Bureau of the Union, Mr. Adams read the following text, which complied with the terms of the proposal of the Delegate from Lebanon:

"The Atlantic City International Telecommunication Conference resolves that, in derogation of the provisions of the Madrid Convention, the classification of contributions given in Article.... of the Atlantic City Convention will become effective on January 1st, 1948; and resolves that each Member or Associate Member of the Union may select the contributive class in which it will be placed, by referring to Article.... of the Atlantic City Convention. Each Member shall, before January 1st, 1948, inform the Director of the Bureau of the Union, which class it has selected for contribution to the expenses of the Radio Service and the Telegraph and Telephone Service."

The Chairman specified that the text involved should be considered as an additional Protocol.

The Delegate from France fully approved of this text, which was in the interest of the small countries, who should be given some consideration. He commented that if the Madrid Convention had been applied, the small States and even the large ones, would not have been obliged to bear additional expenses until January 1st, 1949.

This increase in expenses constituted a new element, which justified a change in the classification of every country.

The Delegate from the United Kingdom objected to the adoption of this Protocol. The decisions reached in Atlantic City would be very costly, and he saw no reason why this should entail a change in the existing

classification. Responsibility for the decisions made should be assumed here.

Mr. Adams did not believe that the application of the table of contributive classes in 1948 would necessarily involve the application of the other provisions of the article on the finances of the Union. He was of the opinion that this resolution would not require advance payment of contributions, as the Delegate from the United Kingdom assumed. The only aim of this resolution was to substitute a new table for the present table of apportionment; and in this new table, the difference between the number of units of the first and last class had been increased. Members might continue to pay in 1948 the same contributions as they did now.

The Delegate from the U.S.S.R. announced that he supported the draft Protocol submitted by the Delegation from Lebanon.

The Delegate from Argentina made the following statement:

"On behalf of the Delegation from the Vatican, we voice the certainty that all statements and reservations, without exception, expressed in Committee C by the Delegation from Vatican City, have been placed on the record. We expressly urge that this statement be recorded in the minutes."

He added that the Vatican City approved the draft Protocol.

A discussion ensued, in which the Delegates from Portugal, Guatemala, Argentina, and the Chairman, took part.

The Delegate from Guatemala announced that because of the difficulties of the procedure required in his country for granting credits for the contribution to expenses of the Union, he was unable to accept the proposal now placed before the Assembly. He believed that a Protocol should not be drawn up; but that the provision calling for a change in the classification of contributions should be inserted in the Convention itself.

The Chairman also believed that an additional Protocol should be established to be put into effect before the Atlantic City Regulations were enforced.

The Delegate from Guatemala insisted that this provision be inserted in the Convention itself.

The Chairman thereupon put to a vote the resolution proposed as a consequence of the remarks made by the Delegate from Lebanon.

The draft was accepted by 48 votes to 7.

The Delegate from Guatemala then asked that his country's reservations with respect to the application of this resolution be recorded in the minutes.

A similar request was made by the Delegations from South Africa, El Salvador, and Colombia.

The Delegate from Argentina explained that in the text of the resolution appearing on page 145, it had been provided that Members who had not asked to be entered in the new classification, might remain in their former classes.

The Chairman then explained that the Protocol just accepted did not replace the text of page 145, and that this resolution still remained valid.

The Delegate from Portugal asked that the Article of the Convention to which the adopted text referred, be specified. He also asked for insertion of a sentence reading: "Members which do not announce the class of their choice for the year 1948 shall be committed to the number of units to which they previously subscribed."

Furthermore, he did not believe it necessary to mention Associate Members who would not, as a matter of fact, exist during the year 1948.

The Delegate from France requested that the Protocol just adopted be considered rather as a resolution, since a great many resolutions also related to the effective date of certain parts of the Convention before 1949

This opinion was shared by the Delegate from the United States, who preferred that mention be made either of Protocols or of resolutions, in order to assure a certain amount of consistency.

Following further questioning on the part of the various delegations the Chairman explained that the new Protocol did not change the procedure governing payment of the contributions of each administration to the expenses of the Union. It was essential for each country to indicate the class in which it intended to make payments. The earlier choice would remain in force until a change was made, and it should not be a very difficult operation to make this change within the three months' period which would extend until January 1949. If a country should fail to make such a declaration, the former class would remain in effect, which was indispensable if dues were to be paid. The Chairman did not consider it necessary to make reservations on this point.

The Delegate from Guatemala, however, upheld his reservations, which he set forth as follows:

"Guatemala and the Republic of El Salvador reserved the right to be able, before the Convention became effective, to change the class in which they were to contribute to the expenses of the Union, to take effect on January 1st, 1948."

On the other hand, the Delegates from Colombia and South Africa withdrew their reservation in view of the explanation given by the Chairman.

After a debate in which the Delegates from China and the U.S.S.R.

took part, for the purpose of determining whether it was advisable to retain the resolution on page 145 as well as the Protocol, it was finally decided that the Drafting Committee should study the possibility of bringing both texts into agreement.

Page 146. It was decided to strike out the word "titulaire" in the French text.

Pages 147, 148 and 149 were adopted without comment.

The Chairman announced that these texts had not yet been submitted to the Drafting Committee, and were being submitted to the Assembly with a view to expediting the work.

The following modifications were proposed:

Page 151, in the French text, first line of the second: CONSIDERANT,-- replacement of "de percevoir" by "d'augmenter"; and in the English text, replacement of "raise" by "increase,"

"Gouvernement suisse" to replace "Gouvernement helvetique" wherever used.

After "1,500.000 francs suisses," add "pour les depenses ordinaires de l'Union pendant l'annee fiscale 1948," in order to bring the French and English texts into conformity.

Upon the request of the Delegate from India, the Chairman explained that the title of Secretary General would be adopted beginning January 1st, 1948. It would, therefore, become necessary to replace "Director of the Bureau" by "Secretary General," throughout the entire texts. It was to be understood that the Secretary General and both Assistant Secretaries General would be given both titles (old and new) during 1948.

Page 154, 2nd line, add the word "annuels" after "exercices."

Page 155, English text; first line of the resolution, eliminate the words "in Switzerland."

Pages 150 to 155 were then approved as amended.

The Delegate from Cuba recalled that at the September 26 meeting of Committee C, he had proposed addition of the following text to Article 4, paragraph 11, concerning the establishment of regional bureaus of the Union:

"To consider the possibility of appointing a regional liaison officer, or appropriate bureaus, in order to facilitate the most economical distribution of documents, while at the same time maintaining close relations with other correlated international organizations; or for the purpose of properly collating material and information to be transmitted to the General Secretariat of the Union."

The Chairman proposed the insertion of this text in the minutes of the meeting; but the Delegate from the United States stated that Committee C had decided to refer this question to the Administrative Council for examination.

The Delegate from the United States then announced the following text,

which resulted from the findings of the group formed at the beginning of the meeting:

"For Conferences of the Union, the delegates and representatives mentioned in Article..., the Secretary General, the Assistant Secretaries General and officials of the Bureau of the Union, shall enjoy postal, telegraph and telephone franking privileges to the extent decided upon by the inviting government, in agreement with the other governments and interested private agencies.

"As for meetings of International Consultative Committees, the Members mentioned in Article... as well as directors and vice-directors of these committees, shall also enjoy such privileges."

The Delegate from the United States added that this text applied also to Consultative Committees of the Union.

The Chairman announced that the first meeting of the Administrative Council would be held immediately following the present meeting.

The meeting was adjourned at 11:20 a.m.

Secretaries General:

Mr. Mulatier
Gerald C. Gross

Secretaries:

Auberson
G. Corbaz

Seen by the
Chairman:

Charles R. Denny.

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Document No. 554 TR-E
October 2, 1947

M I N U T E S

of the 14th Plenary Meeting

October 1-2, 1947

The meeting was called to order at 8:45 p.m. by Mr. Charles R. Denny Chairman.

The minutes of the 8th Plenary Meeting (Document 522 TR-E) were adopted after approval of the following modifications (1) requested by the Delegations from the United Kingdom and the U.S.S.R.:

Page 248, paragraph 5, read: "The Delegate from the United Kingdom said that the United Kingdom would interpret the provisions of Article 32 as making... etc."

Page 251, paragraph 5, replace the sentence: "It would be possible to refer the matter to the General Assembly of the United Nations, which was qualified to deal with questions of general public interest" by "Thus prolonged political discussions in the I.T.U. might be avoided by leaving such matters to the General Assembly of the United Nations, which was qualified to deal with political questions."

Page 259, last paragraph, replace: "The British Delegation" by "The United Kingdom Delegation."

Page 260, first paragraph, read: "Regarding the right to vote, the issue is whether or not the Conferences in question will be bound in this respect by the Atlantic City Convention. It would be desirable to settle once and for all the right to vote in the future."

Add after the second paragraph on page 260: "It agreed with Mr. Fortoushenko that this proposal had been considered and rejected by Committee C but the importance of the issue justified its further consideration in Plenary Assembly."

Page 266, replace the last sentence of the sixth paragraph beginning "I have said that I did not want" by "I should like, however, to point out that the United Kingdom view on the point, on principle, is the same as that of Mr. Fortoushenko namely that all the voting Members of the Union should be sovereign states."

- (1) Note from the B.U. : All these modifications have been made in the text of the minutes of the 8th Session.

Page 266, last paragraph, replace "... that we could not" by ".... that we could."

Page 267, first line, replace "Besides" by "In this respect."

Replace the last three lines of the first paragraph by "... on the ground that they have a vested right. This is the source of the difficulty, but I am satisfied that there is no conflict between this article and the other articles."

Page 275, paragraph 12, replace the words ".... approval by virtue of a two thirds vote of the Union" by "... after securing the approval of two-thirds of the Members of the Union."

Replace paragraph 13 by the following: "Moreover, it was understood that the same procedure, but with the requirement of a simple majority only, would apply to associate Members."

The Delegate from U.S.S.R. requested the following correction: page 269, line 2, replace the sentence: "The question is clear; the colonies can be Members of the Union" by "The question is clear; the colonies cannot be Members of the Union."

The minutes of the 9th, 10th and 11th Plenary Meetings (Documents 532 TR-E, 533 TR-E and 539 TR-E) were adopted without comment.

The minutes of the 12th Plenary Meeting (Document 545 TR-E) were adopted subject to the following modification (1): Page 296 last paragraph replace "in accordance with the decisions" by "in pursuance of a resolution."

The minutes of the 13th Plenary Meeting (Document 552 TR-E) were adopted without comment.

The Chairman called the attention of the Assembly to the following statement by the Delegation from Ethiopia, (Document 549 TR-E) for insertion in the minutes.

"Mr. Chairman:

"I regret very much to raise this matter at this stage. Normally, international treaties come into force after their ratification by the signatory powers, parties to such treaties. It is only in certain exceptional or minor cases that they become effective without awaiting ratification; even in such exceptional cases the signatory powers have to give their express consent in advance to the effect that such treaties need no ratification.

" But I do not think that all of us, here, have that consent of our respective Governments in advance, which is necessary, to put the treaties that we are going to sign into effect before their ratification. As far as the Ethiopian Delegation is concerned its power is expressly limited by its

(1) Note from the B.U.: This modification has been made in the text of the minutes of the 12th Plenary Meeting.

Government in that its signature is, in all cases, subject to ratification.

"Under such circumstances, Mr. Chairman, the Ethiopian Delegation reserves its right in this matter that its signature or signatures of the Convention, Regulations and/or any additional protocol of the Atlantic City Conference of 1947 will in no way be binding before their ratification by the appropriate authority of the Ethiopian Government. I, therefore, respectfully request you, Mr. Chairman and Gentlemen, that my statement be recorded in the minutes of this plenary meeting."

The Chairman suggested that the Plenipotentiary Conference take into consideration the request of the High Frequency Broadcasting Conference that the Preparatory Group might name an assistant expert who would be paid a salary equivalent to the salary of the Vice-Director of the C.C.I.R.

The Assembly agreed.

The Assembly then proceeded to the second reading and verification of the texts of the Convention, the General Regulations, the Protocols and Resolutions and the Agreement between the I.T.U. and the U.N. These texts form the subject of pink texts 1, 2, 3 and 4.

On this occasion, the Chairman paid tribute to the tremendous effort and the speed with which Mr. Laffay and the Drafting Committee had constantly worked during the past two weeks.

In addition to a few minor corrections, the following changes were made during the second reading:

Volume I - Convention

Chapter I

In Article 4 (Structure of the Union) Mr. Laffay, Chairman of the Drafting Committee, proposed that, in order to clarify the position of the Secretariat in the hierarchy of the Union, the General Secretariat be listed immediately after the Administrative Council, that is, under the letter b).

This proposal was accepted by a vote by a show of hands (15 in favor, 11 opposed). At the same time, it was agreed that normally the order of the articles should also be changed, but in order to avoid numerous changes in the references, the order of articles 6, 7, 8 and 9 would remain unchanged, but it was understood that the arrangement regarding the hierarchy proposed by Mr. Laffay whereby the Secretariat is placed immediately after the Administrative Council was approved.

Article 6, after a statement by the Delegate from Cuba, paragraph 2, would be worded as follow:

"2. The International Frequency Registration Board shall be composed of independent Members, all nationals of different countries, Members of the Union.

At each of its meetings, the ordinary Radio Conference shall determine the number of Members of the International Frequency Registration Board and the procedure for their election in order to assure an equitable distribution of the Members among the various regions of the world."

Article 7. On the proposal of the Delegate from Cuba, supported by the Delegate from France, the Assembly approved the addition of a second paragraph, worded as follows:

"2. No country which ceases to be a Member of the Union for any reason whatsoever may be represented on the Administrative Council or on the International Frequency Registration Board."

A question of principle was raised by the Delegate from the United States of America. He asked whether in the article dealing with Plenipotentiary Conferences, the mention of "20 Members of the Union" refers to "Members and Associate Members".

The Delegate from the U.S.S.R. replied that, in his opinion, insofar as Associate Members do not have the right to vote, there was no reason to mention them.

This viewpoint was also shared by the Chairman.

Chapter II was adopted without change.

In reference to Chapter III, Article 26 (Relations with the United Nations), the Delegate from Cuba asked if paragraph 2 of this Article should be interpreted in the sense of including or excluding the possibility of the election by the C.C.I.'s of a Member of the United Nations as director.

The Delegate from the United Kingdom, supported by the Delegate from the United States of America, was of the opinion that, since the directors of the C.C.I.'s were officials of the Union, no parallel may be drawn between the election of countries within the I.F.R.B. and the appointment of officials such as directors. Therefore there was nothing to prevent the appointment of a Member of the United Nations to this position.

Article 44. (Harmful Interference)

The Delegate from France proposed replacing the last words of the first paragraph: "radiocommunication service" by "radiocommunication service and which operate in compliance with the provisions of the Radio Regulations."

This change was approved.

The list of countries which may appear on the original list of Members of the Union after rectification of the Convention, a list which appears as Annex I to this document, was then examined and modified in order to make the requested changes in the alphabetical order of the names in French.

Some of the most important changes made in the list submitted

are as follows:

1. South Africa will be designated as: Union of South Africa and the mandated territory of Southwest Africa.
2. The Delegation from Saudi Arabia requested that its country be called: Kingdom of Saudi Arabia.
3. Colombia will become: "Republic of Colombia".
4. Uruguay requested that it be designated as: Oriental Republic of Uruguay.
5. Venezuela wished to be designated as: United States of Venezuela.

The complete list as modified is attached to these minutes.

Annex No. 2 (Definitions) is entitled as follows:

"Definition of the terms used in the International Telecommunication Convention (See Article 48)"

In the definition of "Government Telegrams and Government Telephone Calls", the Delegate from the U.S.S.R. requested the addition of: the head of a Government.

This designation was adopted to replace the word "minister."

Volume 4 (Agreement between the United Nations and the International Telecommunication Union) was approved without comment.

Volume 2 (General Regulations).

At the request of the Delegate from Czechoslovakia, Part I, Chapter 1, paragraph 2 of this document was modified as follows:

"2. One year before this date, the inviting Government shall send invitations to the Members and Associate Members of the Union."

In chapter 4, the same Delegation proposed deletion from the title of the words "Extraordinary Plenipotentiary or" and in paragraph 1 of this chapter deletion of: a) an Extraordinary Plenipotentiary Conference..."

These two changes were also approved.

The Delegate from the United States of America pointed out that there was a new Article concerning franking privileges and that it would be appropriate to insert it after Article 26.

This Article is worded as follows:

"Article 27

"Franking Privileges

"During the Conferences and meetings provided for in the Convention,

the delegates and representatives, the Secretary General, the Assistant Secretaries General and the personnel of the staffs of the Secretariat of the Union and the Members of the Administrative Council shall enjoy postal, telegraph and telephone franking privileges to the extent decided upon by the inviting Government, in agreement with the other Governments and interested private agencies".

After Volume 2 was approved, Mr. LAFFAY, Chairman of the Drafting Committee, made the following statement :

"In connection with Volume 2, I should like to explain to you a little difficulty which arose in the Drafting Committee for a Working Group which dealt with the question of classifying the articles. Whether the Convention or all the Regulations now in effect or the Regulations which have just been drawn up for radio are involved, the first point to be noted is that the texts were presented in the following way : First these texts divided into chapters, and each chapter had a title. Then the chapters were subdivided into articles, the articles into paragraphs, paragraphs into sub-paragraphs, etc.

"Now, in the case of the General Regulations, the document we have just gone over, there is a totally different classification of the texts so that, if we retain this classification, there would be a difference between the General Regulations of the Convention and all the other Regulations. In my opinion, this difference is not justifiable; there must be one specific method applied to all the texts as a whole. Since it is out of the question to draw up the Convention on the basis of the General Regulations, I propose that we draw up the General Regulations in accordance with the other documents.

"The classification, as it now stands, is not logical. I am not saying that this document in its present form will not be suitable for all purposes but it is a point of honor for us to present finished work that would be in better form".

After an exchange of views among the Chairman, the Chairman of the Drafting Committee and the Delegate from the United Kingdom, the question of reclassification, proposed by Mr. LAFFAY, was voted upon by a show of hands :

9 delegations voted in favor of reclassification
and 20 delegations voted against it.

Therefore Volume 2 would remain as submitted.

Volume 3

During the examination of Volume 3 of the pink texts (Protocols and Resolutions), the following reservations were filed by the respective delegations in the office of the Secretary General, for insertion following the six statements appearing in the Final Protocol of the signature of the acts of the International Telecommunication Conference of Atlantic City :

VII

FOR THE REPUBLIC OF CHINA

The Republic of China formally declares that it does not, by signature of this Convention, accept any obligation in respect of the Telephone Regulations referred to in Article 13.

VIII

FOR THE REPUBLIC OF THE PHILIPPINES

The signature of the Republic of the Philippines to the Atlantic City Convention is subject to the reservation that, for the present, it cannot agree to be bound by the Telephone and Telegraph Regulations referred to in the paragraph 3 of article 13 of the above-mentioned Convention.

IX

FOR PAKISTAN

The Delegation of Pakistan formally declares that Pakistan does not, by signature of this Convention on its behalf, accept any obligation in respect of the Telephone Regulations referred to in Article 13 of this convention.

X

FOR THE REPUBLIC OF PERU

The Chairman of the Delegation of Peru, in signing the Atlantic City Convention, makes a provisional reservation with respect to the obligations established in Article 13 of the said Convention, in relation to the Telegraph Regulations, Telephone Regulations and Additional Radio Regulations.

XI

FOR THE REPUBLIC OF CUBA

Signature of this Convention for and in the name of Cuba is subject to the reservation that Cuba does not accept, in regard to the Telephone Regulations, Paragraph 3 of Article 13 of the Atlantic City Convention.

XII

FOR THE UNITED STATES OF VENEZUELA

The United States of Venezuela formally declares that the United States of Venezuela does not, by signature of this Convention on its behalf, accept any obligation in respect of the Telegraph Regulations, the Telephone Regulations or the Additional Radio Regulations referred to in Article 13 (Regulations).

XIII

FOR THE ORIENTAL REPUBLIC OF URUGUAY

The Delegation of the Oriental Republic of Uruguay formally declares that by signature of this Convention the Oriental Republic of Uruguay does not accept any obligation in respect of the Telegraph Regulations, Telephone Regulations, or Additional Radio Regulations referred to in Article 13 of the Atlantic City Convention.

XIV

FOR THE KINGDOM OF SAUDI ARABIA

The Saudi Arabian Delegation, in signing this Convention, reserves for its Government the right to accept or not accept any obligation in respect of the Telegraph Regulations, Telephone Regulations, the Radio Regulations or the Additional Regulations referred to in Article 13 of the Atlantic City Convention.

XV

FOR THE REPUBLIC OF PANAMA

The Republic of Panama formally declares that by signature of this Atlantic City Convention of 1947, it does not accept any obligation in respect of the Telegraph Regulations, the Telephone Regulations, or the Additional Radio Regulations referred to in Article 13.

XVI

FOR MEXICO

The Mexican Delegation states that the signing of the International Telecommunications Convention of Atlantic City does not oblige the Mexican Government to accept the Telegraph Regulations, nor the Telephone Regulations, nor the Additional Radio Regulations referred to in Article 13 of the above mentioned Convention.

XVII

FOR ETHIOPIA

The Delegation of Ethiopia formally declares that it makes a temporary reservation in relation to Protocol I, concerning the Transitional Arrangements, as its powers are expressly subject to the limitation that all its signatures are subject to ratification.

XVIII

FOR IRAQ

Signature of this Convention on behalf of Iraq is subject to reservation in regard to the right of Iraq to accept or not accept the Telephone Regulations and Telegraph Regulations referred to in Article 13."

The Delegate from the United Kingdom requested that the following statement be recorded in the minutes:

"The Delegation of the United Kingdom stated that the Madrid Convention had been signed for the United Kingdom of Great Britain and Northern Ireland only, and the United Kingdom had subsequently declared that its signature covered the ensemble of the British Colonies, etc. His Delegation proposed, however, to sign the Convention of Atlantic City and the Radio Regulations separately for the ensemble of the Colonies, etc. He further stated that the United Kingdom would in all probability apply in due course for Associate Membership for certain of the Colonies, etc., under Article 4 of the Atlantic City Convention."

The Chairman affirmed that this statement would be recorded in the minutes.

The Delegation from the Vatican requested that in the minutes of this Plenary Meeting due notice be taken of the following declaration concerning the admission of Germany and Japan into the new Union.

"The Vatican Delegation is mindful of the findings of the Plenipotentiary Conference which, by special protocols, has decided that the formalities generally required for the admission of new Members would not be required for the admission into the new Union of Germany and Japan. Nevertheless, the Vatican Delegation abstains from signing the protocols in question because it takes the position of remaining outside all questions of a political nature which may be brought up before the said admissions may take place."

His request that this statement be entered in the minutes was likewise granted.

The Delegate from Portugal asked to be informed whether the reservations which were to be included in the Protocol would all be enumerated during that Plenary Assembly; it seemed unacceptable to him that other reservations might still be made; "in particular", he said, "we cannot accept reservations on the text of the Convention itself. Provisional reservations as to the Regulations have been made which are valueless, because they are covered by the Telephone and Telegraph Protocol. If there are other reservations of another nature, they should be read and considered here. It is certain that the countries represented at this Conference will not accept reservations drawn up contrary to the provisions of the Convention."

He asked whether the Mexican Delegation had not also presented a reservation of another nature. He wanted to know the text of this reservation as, otherwise, he might be prevented from signing the Protocol.

The Delegate from Mexico replied that the reservations which were to be made by his Delegation referred to his opposition to permitting the I.F.R.F to make decisions which would affect only a certain part of the Members of the Union, but not all the Members.

The Delegation from Iraq, for his part, put forward the following special reservation:

"Iraq's signature of this Convention is subject to the following reservations:

"1) Iraq reserves all the rights for the inconvenience caused by her exclusion from European Region 1.

"2) Iraq reserves the right to the use of frequencies to which she has years of priority and of which she has been deprived by the Atlantic City Allocation Table, unless an adequate and satisfactory substitution for these frequencies is provided."

The Chairman pointed out in this connection that these reservations

did not affect the Convention. As far as the frequencies were concerned an Administrative Conference would examine the list drawn up by the P.F.B. and prospective reservations could be brought forward at that time.

The Delegate from Iraq then waived entry of this reservation in the Protocol and asked that due notice be taken of his statement in the minutes of this meeting. This was approved.

The Delegate from Venezuela made reservations similar to those of the Mexican Delegation. He noted that his country reserved the right not to accept the decisions of the P.F.B., particularly in regard to voting in that agency.

A discussion took place in which the Delegations of Mexico and Venezuela explained the reasons for their reservations in regard to the I.F.R.B. and the P.F.B. and the Delegate from the United Kingdom, the Chairman and the Secretary General brought out the fact that those reservations in no way affected the Convention, but concerned the Radio Regulations only.

Finally, the Delegations from Mexico and Venezuela agreed that their reservations in regard to their position in reference to the P.F.B. and the I.F.R.B. should be made the subject of an entry, in the form of a declaration, in the minutes of that Plenary Meeting.

This procedure was adopted.

In regard to the power wielded by the I.F.R.B. in the work of the P.F.B., the Government of Mexico would not in any way consider any decision of the P.F.B. which was contrary to the interests of Mexico and in the adoption of which decision the I.F.R.B. had acted without restricting itself to questions of common interest to all the Members of the Union.

The Delegate from France asked that document 1000 R-E, dated 29th September 1947 and containing a text relating to the work of the International High Frequency Broadcasting Conference be reprinted in the minutes. He added that it was only a matter of a simple statement, worded as follows:

"The French Delegation has been instructed by its Government to make the following statement:

"The French Government recognizes the efforts made by the Radio Conference of Atlantic City to augment substantially the range of the frequency bands allocated to high frequency broadcasting.

"It regrets, however, that the High Frequency Broadcasting Conference of Atlantic City, within the framework of the limited powers finally assigned to it by the Plenipotentiary Conference of the International Telecommunication Union had deemed it necessary:

" a) to reject the adoption of those principles of justice which would have permitted certain countries which have seen their installations

damaged or destroyed during the Second World War, to reestablish their position through the extension of the frequency bands allocated to high frequency broadcasting and to ensure satisfaction of national requirements arising from their general position in the world;

"b) to refer consideration of such measures to the High Frequency Broadcasting conference to be held at the end of 1948 in Mexico.

"Under these conditions, the French Government feels obliged to state that, if the Mexico Conference were to persist in the same trend that has manifested itself at the High Frequency Broadcasting Conference of Atlantic City, and if the French Broadcasting Administration were, for that reason, to be kept in a position where it was impossible to make the voice of Metropolitan France heard in the various French overseas territories, and vice versa, the French Government would reserve the right in matters concerning frequency allocations to its high frequency stations, after obtaining the advice of the I.F.R.B., to take all necessary steps.

"Atlantic City, September 27, 1947."

The assembly took cognizance of this statement.

Reverting to his previous statement, the Delegate from Iraq agreed that it should also be recorded in the minutes that:

"Iraq is of the opinion that it should have been included in the European Region."

Note was also taken of this statement.

The Delegate from Portugal:

"I should also like to add to the minutes that the Portuguese Delegation recognizes the reservations which have been made on the application of the Telephone and Telegraph Regulations only insofar as they are not contrary to the provisions of the Protocol relating to the Telephone and Telegraph Regulations appearing in volume 3 of the pink texts.

"In addition, I request permission to have recorded in the minutes of this session the statement of the Portuguese Delegation published in document 1002 R-E, in regard to the work of these Conferences.

"This document reads as follows:

"The Portuguese Government believes that the results attained by the International Radio Conference of Atlantic City will, in general, bring about a marked improvement in the present situation.

"Several compromise solutions, and, particularly, the new allocation of frequencies will involve great sacrifices for some services.

"Under these conditions, the final success of the work of the Radio Conference of Atlantic City will depend almost entirely on the result of

future conferences which must undertake the work of allocating frequencies to the stations of the various services.

"The next High Frequency Broadcasting Conference, in particular, will have a difficult task in this connection. If, in the preparation of its frequency plan, this Conference did not apply principles of a non-technical nature tending above all to ensure satisfaction of the essential needs of each country, that is to say, national needs, this might make it impossible to apply integrally the provisions of the new Radio Regulations.

"In fact, it seems impossible to us to admit that the various countries could accept reductions in their national services for the benefit of broadcasting services of another kind.

"At least, that is the situation in Portugal."

The Assembly took cognizance of these statements.

The Chairman:

"We have several different comments to make now. Article 2 of the new Convention fixes Geneva as the seat of the permanent agencies.

"However, the C.C.I.F. has its headquarters in Paris, but, later, the headquarters should be moved to Geneva. Nevertheless, the estimate of expenses for 1948 and for the years 1949 to 1952 does not include the necessary expenses for carrying out this removal. The Administrative Council, when the time comes and when the necessary funds are given it, will decide upon the removal of the C.C.I.F. to Geneva. Have you any objections that it be so ordered and that this question be referred to the Administrative Council?"

There were no objections and it was so ordered.

The Chairman continued: "Mr. Laffay, Head of the French Delegation, pointed out to me that there was a difference between the position of the Swiss officials of the Bureau of the Union, especially the director, who are subject to taxation, and the non-Swiss officials who are exempt. The Conference of the Universal Postal Union adopted a resolution on this subject."

Dr. Nef, Delegate from Switzerland, confirmed the fact that the Swiss Government was considering its decision on the resolution voiced in the U.P.U. Conference of Paris to exempt the Swiss Personnel of the Bureau of the U.P.U. from the payment of taxes, and that it was considering the possibility of giving the same privileges to officials of other international offices in Switzerland.

The Chairman proposed recording in the minutes that cognizance of this communication had been taken. He hoped that the Swiss Government would consider the position of all the Swiss officials of the I.T.U. at the same time as that of the officials of the U.P.U., in order to satisfy them.

This proposal was adopted by the Assembly.

The Secretary General pointed out that the Drafting Committee had spent the previous day in examining the texts of the reservations. He suggested that the Assembly authorise the Chairman of the Drafting Committee to appoint a small working group charged with revising the wording of the various texts included in the documents. Mr. Laffay would revise the texts in so far as the General Regulations were concerned but he had declined this suggestion in regard to reservations which were the personal concern of the interested delegations. Thereupon the Assembly instructed the Secretary General to see that the reservations were put in the proper form.

The Secretary General then informed the meeting that the Conference of the Universal Postal Union had adopted a resolution asking that the possibility of including a reciprocal agreement with the I.T.U. be studied so that the Postal Union might enjoy telegraphic franking privileges. In return the latter would grant postal privileges to the I.T.U. This question might be referred to the Administrative Council which would deal with it at its next meeting.

This proposal was adopted.

The Chairman announced that the minutes of the 11th and 12th Plenary Meeting of the Radio Conference had still to be adopted. Since this Conference would have no further meetings, it devolved upon the Chairman, according to usual procedure, to adopt the minutes. If there were any requests for corrections, the Chairman asked that they be delivered to him before noon.

In accordance with the Rules of Procedure, it was also the duty of the Chairman to approve the minutes of the meeting then in progress.

The Delegate from Argentina spoke as follows:

"The Government of the Republic of Argentina wishes, through the intermediary of our Delegation, to express its appreciation of the great honor paid to it by the selection of Buenos Aires as the site of the next Plenipotentiary Conference set for 1952.

"The next five years, Gentlemen, will undoubtedly be test years, decisive years for the future of the Union as an institution. In reality, this Atlantic City Conference has a truly transcendent significance for all of us, since, in addition to marking the complete resumption of the normal peacetime activities which are characteristic of this old telecommunication organization, it also represents a very serious endeavor to recondition and perfect our institution's organization. Let us not forget that we have really fashioned a completely new structure and that, within this structure, there now appear two new agencies of unusual international significance: The Administrative Council and the International Frequency Registration Board.

"If the great hopes which all of us Delegates have placed in these agencies are realized, as we fervently wish, the next Plenipotentiary Conference will have its revisory tasks definitely simplified. And, of course, as the future inviting Government, our country gives its formal pledge, as of this very moment, to spare no effort in fulfilling its obligations as host, so that all the delegates who attend may carry out the old precept of Horace: "combine the useful with the agreeable" and may feel around them the atmosphere of friendliness, cordiality and congeniality which are at the very root of our best Spanish tradition.

"In conclusion, it only remains for us to hope that all of you, to whom we express our sincere best wishes, will be our guests in 1952, since the foundation of mutual understanding and esteem which we have been laying during these five months of arduous labour will be really most valuable in continuing in the work of true international cooperation which, in a quiet but real and effective way, technical experts in telecommunications are carrying on day after day in every part of the world.

"In the name of our Government, Mr. Chairman and Gentlemen, I should again like to express our sincerest appreciation. From this very moment we open our doors to all men of good will who want to come to our shores to forge an additional link in this priceless chain of international cooperation."

Mr. Laffay, the Delegate from France, said in reply:

"We have just arranged a meeting in Buenos Aires. But before that, we have a meeting which is somewhat more imminent: that in Paris in 1949. So then, on this occasion I should like to say just a few words. I should like to have you come to France. For some of you it will be an opportunity to see our country, and also to see other countries; there will be among you a certain number who have English, French, Swiss or Belgian relatives. It will be an opportunity to get in touch with them.

"Come to Paris in large numbers, with your families, we shall receive these delegates and their families with the most cordial friendliness and we shall endeavor to make their stay as agreeable as possible. France is happy to receive the Telephone and Telegraph Conference in Paris, and it is in the hope of giving you pleasure when you are on our soil, that I say to you: We shall meet again soon."

The Delegate from Mexico then addressed the meeting to extend a cordial invitation to the delegates to participate in the second part of the High Frequency Broadcasting Conference to be held in Mexico City the following year. He hoped that the sejour of the Delegate in Mexico would prove very pleasant, since in spite of the intensive work of this Conference, they would have an opportunity to become acquainted with a new country, a new sky and new customs.

The Chairman thanked the Delegates from Argentina, France and Mexico. "We are savoring", he said, "in anticipation, the pleasures of meeting again upon French soil, in Argentina and in Mexico."

The Delegate from the United Kingdom:

"Permit me to say, Mr. Chairman, that the work of this Conference has been crowned by great success. After thirty years of official work and twenty years of international work, I can say that I have never found united in one chairman the gifts of impartiality, efficiency and good humour which you, dear Sir, have united in yourself and which have made our work so pleasant. There have been moments of discussion when we were not at all in agreement, sometimes you have had to deal with a recalcitrant assembly, but you have been able to bring this work to a happy ending. I thank you, dear Mr. Denny, for having made our task so pleasant."

Hearty applause.

The Chairman expressed his gratitude and said that he was greatly touched by the courteous words which had just been spoken.

He then adjourned the meeting at 2:15 a.m.

Secretaries:

Secretaries
General:

Read and approved,
The Chairman:

G. Corbaz
H. Voutaz

L. Mulatier
Gerald C. Gross

Charles R. Denny

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Document 553 TR-E
October 3, 1947

MINUTES

of the Final Joint Meeting
of the
International Radio Conference
and of the
International Telecommunication Conference
October 2, 1947

The meeting was called to order at 2.35 p.m. by Mr. Charles R. Denny,
Chairman of the Conferences.

The agenda was as follows :

1. Opening speech by the Chairman of the Conferences;
 2. Reply by Mr. Gnome, Dean of the Conference;
 3. Signatures;
 4. Closing of the Conferences.
-

The Chairman made the following speech:

"This is a Joint Plenary Session of the International Telecommunication Conference and the International Radio Conference. At this final meeting we shall sign two basic international agreements in the field of communications. The first is a treaty which hereafter will be known as the International Telecommunication Convention of Atlantic City. The second is an agreement governing the technical and operating phases of international radio communications, which will be known as the International Radio Regulations of Atlantic City.

"In a few moments the signatures of the representatives of 78 nations will be affixed to these documents. When this is done we shall have succeeded in bringing the international machinery and Regulations in the communications field abreast of the technical developments which have advanced so rapidly since our last conference ten years ago.

"Radio, by its very nature, is an international medium. The radio wave knows no national boundary. The success of radio operations in one country depends directly on how radio is operated in other countries. The radio spectrum is a unique natural resource which is the common property of all countries, both small and large. It is unique because its usefulness depends on the ability of all countries to work out plans for sharing

the spectrum so that each country may enjoy radio facilities appropriately suited to its needs.

"In view of the inherent international characteristics of this medium, international collaboration in radio began almost with the birth of radio itself. Ever since the first Radio Conference, in 1903, the constant problem has been to fashion international machinery which would keep abreast of the forward movement of the art.

"By the time of the Madrid Conference of 1932, the need for detailed International Regulations was apparent. The Madrid Conference provided such regulations and created the International Telecommunication Union. However, the Union as set up at Madrid was a loose association of nations which maintained a permanent secretarial staff but carried on its active work only at periodic conferences. In 1932 this was sufficient to meet the requirements of the times.

"The Cairo Conference of 1938 did not alter the structure of the Union, but did perfect the existing Regulations to meet new requirements and gave us an international frequency allocation table extending to 200,000 kilocycles. In the ten years between the Cairo Conference and the convening of the Atlantic City Conference nothing was done to revise the Regulations or to strengthen the machinery of the Union. The Rome Conference, scheduled for 1942, which would have undertaken these tasks, was cancelled because of the war. But during these ten years, when the Regulations and the international machinery remained static, the art of communications advanced at a rate which was unprecedented and which is almost unbelievable. Existing services were tremendously expanded. To cite but one example, the development of aviation since 1938 gave rise to a completely new set of requirements for aeronautical communications. And while the existing services were expanding, the laboratories of the world were producing new electronic miracles. Wholly new and almost undreamed of radio services came into every day use. Many of these services employed frequencies in the upper reaches of the radio spectrum which at the time of the Cairo Conference were not even charted.

"These circumstances brought us to a point where the Cairo Regulations and the Madrid machinery were just about obsolete. The Atlantic City Conference was called in an effort to bring the Regulations and the international organization abreast of the art.

"When we met here 20 weeks ago, it seemed to many of us that in making up our agenda for these Conferences we had perhaps undertaken to do more than we would be able to accomplish. Very basic changes were needed in the structure of the Union provided in the Madrid Treaty. It was our task to make an almost completely new beginning. This we did and have now completed a treaty providing for a closely knit permanent international organization which can deal with communications problems as they arise.

"In addition to writing a new treaty, it was necessary to revise completely the entire set of Radio Regulations. These now fill a printed volume of 391 pages of small print and cover every phase of international radio communications, including technical standards, operating practices, procedures relating to safety and distress, and a myriad of other subjects.

"We have not only completed a comprehensive revision of these provisions but in addition have broken new ground in the radio field in three important respects:

"First, we have adopted a world-wide frequency allocation table extending up to 10,500,000 kilocycles.

"Secondly, we have planned practical machinery for putting this new allocation table into effect. Until now, every country using frequencies has simply notified the headquarters of our Union of the assignments made by it, so that these assignments could be entered on a master list. There was no concerted international effort to make arrangements which would best conserve spectrum space. There was no planned sharing of frequencies on a time basis or on a geographical basis. Frequency assignments spilled over the available spectrum space, radio interference became widespread, and the world was deprived of the full advantages of which radio is capable. To meet this situation, we are providing for a Provisional Frequency Board which will be comprised of technical experts. It will be the task of this Board to re-engineer the operating assignments throughout the world so that they will be put on a sound engineering basis, so as to conserve spectrum space and eliminate interference.

"Thirdly, we have provided for a permanent board of experts, the International Frequency Registration Board, which, starting with the newly engineered list of frequency assignments, will consider every future assignment to determine whether it will cause international interference.

"We have firm confidence that the machinery which we have set up and the Regulations which we have written will insure that radio will attain its fullest potentialities and make its maximum contribution to the education, safety, and comfort of men everywhere.

"When we met last May, many of us, as I have said, were frankly doubtful of our ability to complete the large tasks we had assigned ourselves. Happily, however, we have succeeded. Our success, I believe, can be attributed to the following factors:

"We were fortunate in assembling at these Conferences (and I can say this because I am not one of them) the world's leading communications engineers and operating officials, who are intimately and personally familiar with the

day-to-day problems of international communications.

"You came here to Atlantic City as delegates, with the real desire to achieve an agreement if were at all possible to do so. You realized that your own national interests in communications were dependent on your ability to reach a sound international agreement; and that such an agreement could be reached only by a reasonable accommodation one to the other of the varying national view-points.

"For 20 weeks you have worked side by side at the conference tables, often meeting far into the night. You worked tirelessly, you worked with great skill, and while we had disagreements--sometimes strenuous disagreements--we carried on our efforts in a friendly and cooperative spirit. As a result of your labors, we have here on this table, ready for signature this afternoon, documents which will prove to be important milestones in the history of world communications.

"But in a larger sense our Conferences have done something more than simply draw up a set of agreements in the communications field. Together we have taken another step toward the ultimate goal of successful world-wide cooperation. Because in the final analysis, successful international relations among the nations of the earth is a mosaic made up of good working arrangements in the various specific fields where nations have relations with each other. While telecommunication is but one of many fields, it is one of the more important ones and it is certainly one of the most complex. The agreements reached in this field are in themselves a concrete contribution to international collaboration, and the methods by which these agreements were reached stand as proof that cooperation among nations is still the only effective means of settling problems of world-wide scope.

"The success of these Conferences, of course, is due to no individual or group of individuals but to the combined effort of all of the Conference participants, and all of the staff. However, in closing I believe that you would want me to express on your behalf our particular appreciation to the Chairmen and Vice Chairmen of the Committee who have organized the substantive work of the Conferences and to the rapporteurs who have assisted them so ably.

"Also, I know you will want to join with me in thanking Dr. van Ernst, the Director of the Union, Mr. Gross, the Secretary General of the Radio Conference and the Plenipotentiary Conference, and Mr. Mulatier, the co-Secretary General of the Plenipotentiary Conference. These officers of our Union have done a magnificent job in supervising the administrative services of the Conferences, and have given us the tools to carry on our work. The secretariat which they have headed has been most cooperative and efficient and we wish, through them, to express our gratitude to the competent staff, including particularly interpreters, translators, technicians, and stenographers, who have served so unfailingly.

"Finally, as your Chairman, I want to thank each of you personally for your cooperation and patience and for your devotion to the work of our

Conferences, which after these many months, have now brought success to our efforts."

(Loud applause)

Since Mr. Gneme, Chairman of the Italian Delegation and Dean of the Conferences, had asked for the floor, the Chairman invited him to mount the rostrum.

Mr. Gneme addressed the Assembly as follows:

"Mr. Chairman, Ladies and Gentlemen:

"After nearly five months of strenuous work and lively, sometimes even vehement discussions, we have come to the moment of signing a new International Telecommunication Convention and new Radio Regulations, of which one shows forth a radical transformation of our Union, while the other mirrors new scientific, technical and practical improvements which have been brought to a level never attained hitherto.

"You Gentlemen, know even better than I, how the difficult problems of Membership and associate Membership in the Union, of the right to vote, of the official and working languages, and so forth, were solved.

"By means of the creation of an Administrative Council, a proper and permanent organization will henceforth govern our Union. It will be competent to study and solve all the problems which may arise before the new Plenipotentiary Conference, which we have set for 1952 at Buenos Aires.

"The Radio Regulations have undergone such transformations through the new material introduced therein that those who, like myself, have watched over their birth, can only consider them with profound respect, and even with some degree of apprehension. In the very first pages of this document we find about a hundred definitions, some of which are extremely difficult, and in addition, many new tables for the classification of emissions; and finally, the famous Article 5 of Washington, which became Article 7 of Madrid and Cairo, and which has grown appreciably in size at Atlantic City.

"Let us not continue this review. Let us rather heartily thank our technical experts for obtaining such results, and especially, for achieving a new allocation of frequency bands to the different services.

"We are certain that this allocation will enable the different Conferences now contemplated to assign the most suitable frequencies to the stations of all countries, so as to satisfy their requirements as far as possible and to avoid harmful interferences.

"To attain this objective, the establishment of a Provisional Frequency Board, responsible for the preparation of a draft for a new Official Frequency List, and of a permanent Frequency Registration Board, was certainly an excellent innovation. The I.F.R.B., after cooperating in the

preparation of the aforesaid draft, which must be considered and adopted by the Conference set for this purpose, will become the sole organization for frequency assignments and registration for the stations of the whole world, thus eliminating many difficulties and ensuring the best utilization of the electric spectrum.

"The new organization of the Union, the creation of subsidiary agencies and the fact that the Telegraph and Radio Consultative Committees have been made permanent, with specialized Directors and Secretariats, ad hoc, will greatly increase the expenses of the Union, and this has occasioned certain comments on the part of the little countries; but their apprehensions have been somewhat allayed. It was for this reason that it was decided to begin on January 1, 1948, instead of on January 1, 1949, to apply the new table of contributory units to the expenses of the Union, thus making it possible for the little countries to be registered in the new lowest class, which requires a contribution of one unit, instead of in the present class of three units.

"To reach the above mentioned results in the Plenipotentiary Conference, and the Radio Conference, the duration of which has exceeded all expectations, we have been obliged to make a slight sacrifice at the expense of the third High Frequency Broadcasting Conference, but we have been, I believe, very wise in immediately recognizing the impossibility of being able to develop, here in Atlantic City, the very vast and very interesting program submitted by the United States of America, and in deciding that this task be entrusted to the new Conference fixed for 1948 in Mexico. Meanwhile, the working program for this Conference has been carefully prepared here and we have appointed a Study Committee to prepare a draft for a frequency assignment plan for high frequency broadcasting stations, thus greatly facilitating the work of the Mexico City Conference.

"How have we achieved these auspicious results? The credit belongs first of all to our young and highly esteemed Chairman, Mr. DENNY, who is always smiling, calm, alert and courteous, impartial, and thoroughly informed on the whole subject. We express our deepest gratitude to him and we wish to assure him that we shall never forget the mastery and the great patience which he has manifested during meetings in the Renaissance Room, which sometimes lasted 5 to 6 hours.

"We extend our thanks likewise to the Chairmen of the Committees, Subcommittees, Sub-subcommittees and of the many Working Groups, who have taken part in the study of so many questions, and especially, to Mr. LAHAYE and Mr. LAFFAY, victims of our impatience to leave as soon as possible. Nor can I forget the Rapporteurs, who, in addition to their duties in their respective delegations, have performed a task which has often been thankless, and who have overtaxed their strength to give us perfect reports.

"Further, we wish to thank the eminent Director of the Bureau,

Mr. von ERNST, the tireless Vice-Directors, Mr. GROSS and Mr. MULATIER, and all the officials of the Bureau, who, regardless of fatigue, have never spared themselves in their efforts to make the whole machine run smoothly.

"We also ask the United States Delegation and all its eminent and courteous Members to be good enough to accept our lively gratitude for the cordial welcome they have tendered us and for all the thoughtful kindness to us which has made our long stay in this city so very pleasant. We likewise thank all those who had a part in the organization of all the services relating to these conferences. The importance of the work accomplished by these conferences is obviously due to the fact that approximately 1,700 documents many of them exceedingly voluminous - were distributed in two languages.

"We should not like to forget to thank the various Companies and Organizations which have given us the opportunity of visiting and admiring the establishments and the splendid laboratories which contribute so largely to the technical development of telecommunications.

"I should like to make one more request of Mr. DENNY: on behalf of all of us, will you be good enough Mr. Chairman, to transmit to the President of the United States of America, the great nation which has accorded us such generous hospitality, the assurance of our deep respect and of our sincere gratitude."

At the end of his address, which was greeted with loud applause by the Assembly, Mr. Gneme presented to Mr. Charles R. Denny the historic gavel with which the Chairman had opened the first meeting of the Radio Conferences on May 15th. "This gavel," he said, "will remind you of your authority, and I sincerely hope that it will bring you good fortune throughout your life, and success in all your undertakings."

The Chairman thanked the Dean of the Conference for this souvenir, and announced to the Assembly that the Secretaries General would then call for the signing of the following Acts:

1. International Telecommunication Convention of Atlantic City of 1947, with three Annexes, and the General Regulations annexed to the said Convention.
2. The Final Protocol of the signing of the Acts of the International Telecommunication Conference of Atlantic City.
3. Additional Protocols to the Acts of the International Telecommunication Conference of Atlantic City (ten Protocols).
4. Radio Regulation annexed to the International Telecommunication Convention, Atlantic City, 1947 with sixteen appendices.

5. Additional Radio Regulations.
6. Additional Protocol to the Acts of the International Radio Conference of Atlantic City, 1947, signed by the Delegates from the European region.

In connection with the third document, viz: Additional Protocols to the Convention to which are annexed resolutions and recommendations, the Chairman made the following statement:

"There will be only one set of signatures which will cover all these Protocols. Of course, the resolutions and recommendations do not require signature. In order to avoid any doubt regarding this matter, the minutes will show that the Conference is agreed that this single set of signatures for the Additional Protocols covers each of these Protocols, and that the resolutions and recommendations themselves do not require signature."

The Assembly approved.

The signing of the Documents followed.

After the signing, the Chairman made the following remarks:

"Gentlemen, the Documents have been signed, and the work of these Conferences has been completed.

"I ask you, Gentlemen, if you have any comments to make, either with respect to the Radio Conference, or the Plenipotentiary Conference?"

Since no comments were made, the Chairman concluded:

"Gentlemen, permit me on behalf of the Government of the United States to say that we considered it a great pleasure and honor to be your hosts and we hope shortly to have the pleasure of receiving you again on our soil. In the meantime, Gentlemen, we wish you bon voyage and Godspeed on your trip home.

"The Atlantic City Conferences are adjourned."

These words were greeted by loud applause.

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