### PRIVILEGES AND IMMUNITIES

This paper presents the position of the United

States concerning the privileges and immunities which should

be granted, under the definitive arrangements, by partici
pating states to INTELSAT and its participants, and the

means by which such benefits could be provided.

The U. S. believes the most preferable means of providing privileges and immunities under the definitive arrangements would be an Article\* in the intergovernmental agreement:

- (a) providing certain benefits for INTELSAT in all states;
- (b) requiring the conclusion of a headquarters agreement between the Board of Governors and the government in
  whose jurisdiction the INTELSAT headquarters are located;
  and
- (c) providing that such additional privileges and immunities as are appropriate for the proper functioning of INTELSAT may be obtained from other governments, at the request of the Board of Governors, either by means of an

<sup>\*</sup> The text of a proposed Article is set forth in Attachment A.

agreement between the Board of Governors and the government, or by other appropriate action of the government.

This approach has several benefits. <u>First</u>, by specifically providing for certain privileges and immunities in the Agreement, it assures INTELSAT the minimum privileges in <u>all</u> member states.

Second, it provides for the additional privileges and immunities that may be needed at INTELSAT's headquarters; and

Third, it recognizes that the need for additional privileges and immunities in other member states will vary and should be treated on an ad hoc basis.

# 1. Privileges and Immunities in all States

The U. S. proposes that immunity from national income and national property taxes be accorded to INTELSAT, its assets, property and income, by all the governments who are parties to the intergovernmental agreement. This would require the inclusion in that agreement of a provision which directly affords this immunity to INTELSAT, as is reflected in paragraph (b) of Attachment A.

# 2. Headquarters Agreement

INTELSAT's ties to the host state, that is, the state in which it meets, has its headquarters, and in which

its Manager resides, necessarily will be greater than its ties to other states, and accordingly certain privileges and immunities are appropriate which are not needed in such other states. Because this issue concerns only the organization and the host state, it is deemed inappropriate to include all such specific privileges and immunities in the intergovernmental agreement. Rather, the host state should obligate itself in the intergovernmental agreement to conclude a separate "headquarters agreement" with the Board of Governors. (See paragraph (c) of Attachment A.)

The following is a list of recommended privileges and immunities to be included in a headquarters agreement:\*

- 1. INTELSAT: Immunity of its assets and property from confiscation; privilege of communication; exemption from certain property tax.
- 2. OFFICERS AND EMPLOYEES OF INTELSAT (except nationals or permanent resident aliens of the host state): Exemption from customs duties and taxes as to their baggage and effects on first entry; exemption from immigration, registration and other entry and departure restrictions.

<sup>\*</sup> For a description of some of the privileges and immunities which are presently afforded to INTELSAT, its organs and participants in the United States, see Attachment B.

- 3. REPRESENTATIVES TO THE ASSEMBLY (except nationals or permanent resident aliens of the host state): Privilege of communications; exemption from immigration, registration and other entry and departure restrictions.
- 4. SIGNATORIES (except signatory of host state):

  Exemption from national income and certain property taxes.
- 5. REPRESENTATIVES OF SIGNATORIES TO THE BOARD OF GOVERNORS (except nationals or permanent resident aliens of the host state): Privilege of communication; exemption from immigration, registration and other entry and departure restrictions; exemption from national income taxation attributable to his official capacity as representative.

The U. S. Delegation believes that the negotiation of such a headquarters agreement would be in furtherance of the recommendation of a substantial majority of the Interim Communications Satellite Committee, which in its Report on the Definitive Arrangements (para. 597) stated that "in order to better exercise its functions and reach its aims, the Organization should enjoy privileges and immunities determined by the Parties to the Intergovernmental Agreement and should be exempt, to the extent possible, from the law of the headquarters of the Organization."

## 3. Additional Privileges and Immunities

additional privileges and immunities needed by the organization and not provided for in either the intergovernmental agreement or the headquarters agreement could be obtained, if and when deemed necessary by the Board of Governors, by means of an agreement with one or more Parties to the intergovernmental agreement, or by other appropriate action of such Party (see paragraph (e) of Attachment A). It should be noted that this approach does not obligate those states who do not house the headquarters to grant privileges and immunities, beyond those specifically provided for in the intergovernmental agreement.

The U. S. Delegation believes that this represents a flexible and sensible approach, which gives the Board of Governors the authority to seek appropriate benefits from member states as specific needs therefor in specific states develop. At the same time this approach avoids the necessarily difficult task of having to anticipate and set down in the agreement specific privileges and immunities which might subsequently be needed in one or more member states.

#### ATTACHMENT A

# Proposed Article for Intergovernmental Agreement

- (a) The headquarters of INTELSAT shall be in Washington, District of Columbia, United States of America.
- (b) INTELSAT, its assets, property, and income shall be immune in all States Party to this Agreement from all national income and property taxation.
- quarters of INTELSAT is situated (hereinafter referred to as "the host Government") shall as soon as possible conclude with the Board of Governors, acting on behalf of INTELSAT, an agreement to be referred to and approved by the Assembly relating to the status, privileges and immunities of INTELSAT, of its officers, employees, and participants, and of representatives of Parties while in the territory of the host Government for the purpose of exercising their functions.
- (d) The agreement concluded under paragraph (c) of this Article shall be independent of this Agreement and shall prescribe the conditions of its termination.
- (e) Such additional privileges and immunities as may be appropriate for the proper functioning of INTELSAT under this Agreement and the Operating Agreement may be obtained

at the request of the Board of Governors from one or more other Parties, either by means of an agreement or agreements which the Board of Governors, acting on behalf of INTELSAT, may conclude with one or more such Parties, or by other appropriate action of such Party or Parties.

### ATTACHMENT B

PRIVILEGES AND IMMUNITIES AFFORDED TO INTELSAT IN THE UNITED STATES

The Interim Agreements contain no provision explicitly granting to INTELSAT, its organs, or its participants (including Comsat) any privileges or immunities or exemptions from the laws of participating states.

INTELSAT, nonetheless, has been granted certain privileges and immunities within the United States. Both the ICSC and INTELSAT have been designated by the President of the United States as "international organizations" within the meaning of the International Organizations Immunities Act (22 USC 288, hereinafter referred to as the IOIA) and have been provided, by Executive Orders of the President (Nos. 11227 and 11277), with some of the privileges, exemptions, and immunities authorized by the IOIA. Following are the privileges, exemptions and immunities applicable to the ICSC:

(1) "Insofar as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments." (Section 2(d))

- (2) "Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted (when imported in connection with the arrival of the owner) free of customs duties and free of internal-revenue taxes imposed upon or by reason of importation." (Section 3)
- (3) "Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families." (Section 7(a))
- (4) "Representatives of foreign governments in or to international organizations . . . shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives except insofar as such immunity may be waived by the foreign government or international organization concerned." (Section 7(b))

Other significant parts of the IOIA applicable to the ICSC are, briefly stated, as follows:

- (1) the enjoyment of the immunities is conditioned upon notification to and acceptance by the Secretary of State of the persons who will enjoy the immunities; (Section 8(a))
- (2) the Secretary of State may determine that certain individuals enjoying the immunities are persona non grata; (Section 8(b))
- (3) the enjoyment of these immunities does not necessarily depend upon reciprocal recognition of similar immunities by foreign governments; (Section 9) and
- (4) the exemption of ICSC non-US citizen employees from US income and other related employment taxes. (Sections 4 and 5).

In addition to the benefits outlined above, INTELSAT and its signatories also enjoy certain tax exemptions.

Since INTELSAT has been determined by the U. S. Treasury

Department to be a partnership for federal income tax

purposes, it does not itself have taxable income but would still be required to file an information return. Executive

Order No. 11277 exempts INTELSAT from this filing requirement. In addition, special Federal tax legislation has been passed by Congress exempting the signatories to the Special Agreement from federal income taxation on income earned within the United States from INTELSAT (and

legislation exempting the signatories from District of Columbia taxation has been recommended to the Bureau of the Budget).

## Settlement of Disputes

This paper presents the U. S. position concerning settlement of disputes under the definitive arrangements. After briefly summarizing the provisions of the existing Supplementary Agreement on Arbitration, the paper considers the long-term adequacy of these provisions, proposed amendments thereto, and whether such provisions should be included in the Operating Agreement or placed in a separate agreement.

# Summary of Present Supplementary Agreement on Arbitration.

Under the present Supplementary Agreement on Arbitration, if a "legal dispute" is brought to arbitration an arbitral tribunal is established with competence to decide "whether an action or a failure to act by the [Interim] Committee or by any signatory or signatories [to the Special Agreement] is authorized by or is in compliance with the [intergovernmental] Agreement and the Special Agreement."

Only a signatory of the Special Agreement or the Interim Committee is authorized to institute and to be a party in proceedings. (Article 2).

The arbitral tribunal is composed of three members. The opposing sides to a dispute each designate one member, and if one side fails to do so, the chairman of the panel makes the selection. The third member, the president of the tribunal, is selected by the other two from a panel of seven experts appointed every two years by the Interim Committee from a list of names submitted by the signatories of the Special Agreement. (Articles 3 and 4). In the event the two members of the tribunal fail to agree on a third member, within a specified period of time, the chairman of the panel of seven experts designates the third member.

The tribunal has the power to determine its own jurisdiction. (Articles 5(f) and 6). The proceedings are held in private and all materials presented are kept confidential. Decisions require approval of two of the three members and must be supported by a written opinion. (Article 5). They are to be based on interpretation of the Agreement, the Special Agreement and the Supplementary Agreement "in accordance with generally accepted principles of law." The tribunal's decision is binding on all parties to the dispute. (Article 11). Pending final decision,

the only interim relief which the tribunal may grant is in the form of recommendations to the parties in order to protect their respective rights. (Article 10).

# Adequacy of Existing Arbitral Arrangements

The Supplementary Agreement on Arbitration has not been invoked during the life of the interim arrangements. In general, we believe that the substantive provisions in the Agreement provide a reasonable and effective arbitration procedure, and, with the exception of the minor changes noted below, we do not believe that there is any need to change these provisions.

Although there has been no resort to arbitration, no serious questions have arisen as to the meaning or scope of the Supplementary Agreement on Arbitration.

Moreover, it is not anticipated that the definitive arrangements will differ from the interim arrangements to such an extent as to require a substantively different arbitration arrangement.

# Proposed Amendments to Existing Provisions.

# a. Changes in INTELSAT.

The arbitration provisions will need to reflect changes made in the INTELSAT organization under the de-

finitive arrangements. Some of these will require no more than editorial changes; for instance, "Board of Governors" should replace "Committee". Other changes are necessitated as a result of structural changes in the organization. For instance, the creation of an Assembly with certain decision-making functions necessitates its being included as a proper party to arbitration proceedings.

### b. When a panel member's period of service commences.

It is not clear under the present agreement whether a panel member's period of service commences on the date of his appointment, the date of the appointment of the seventh and last member, or the date when the panel is convened for the purpose of choosing a chairman. It is recommended that the member's period of service commence upon the appointment of the seventh and last member, and that language to that effect be included in the provisions.

# c. Procedure for filing a vacancy on the panel.

Under the present agreement, the Interim Committee

fills a panel vacancy from the list of nominees supplied by the signatories. But it is not clear whether a

signatory whose nominee is no longer available or whose

nominee is being replaced is permitted to submit a new

nomination for the list before the vacancy is filled.

It is recommended that Article 3(a) of the Supplementary

Agreement be amended to permit such signatory to submit

a new nomination under those circumstances.

# d. Relaxation of quorum requirement.

At present the quorum requirement for a meeting of the panel is six out of seven members. The panel only meets to choose its chairman, who designates panel members under certain circumstances. (Article 3(c)). This is an important act, since the arbitration machinery can function only after the panel has convened and selected a chairman. Accordingly, it may be desirable (and acceptable if there is widespread geographic representation on the panel) to make it somewhat easier for the panel to convene and select a chairman by reducing the quorum requirement from six to five members.

# e. Actions of Parties to the Intergovernmental Agreement.

The Supplementary Agreement made the arbitral tribunals constituted thereunder competent to decide a legal dispute with respect to whether an action or failure to act by the Committee or any signatories to the Special Agreement is

authorized by or is in compliance with the Interim Agreement and the Special Agreement, but did not, however, explicitly include actions or failures to act by Governments Party to the Interim Agreement. Although it is the view of the U.S. that actions of a Party to the intergovernmental agreement are, to the extent they might not be in compliance with the Interim Agreement, subject to the arbitration process, it would seem advisable to include an express reference to Parties in the arbitration provisions of the Operating Agreement.

# Operating Agreement or Separate Agreement?

The Interim Communications Satellite Committee in its

Report on Definitive Arrangements for an International

Global Communications Satellite System unanimously recommended

(para. 593) that the "Second Agreement" incorporate an

agreement on arbitration procedures. No reason now exists

for having such provisions in a separate agreement. This

was done in 1964 only because the press of time did not

permit agreement to be reached on the arbitration arrangements before the Interim Agreements were signed.

It is further proposed that in view of the length of the arbitration provisions, they be placed, with the exception of a general provision to be included in the Operating Agreement, in an Annex to the Operating Agreement rather than in the Agreement itself. A suggested Article for inclusion in the text of the Operating Agreement is set forth in Attachment "A". The proposed Annex to the Operating Agreement, which sets forth the full text of the arbitration agreement, is contained in Attachment "B". Changes and deletions from the existing text of the Supplementary Agreement are appropriately indicated.

#### ATTACHMENT A

# ARTICLE 1

- (a) An arbitral tribunal constituted under this Operating Agreement as provided in Annex A shall be competent to give a decision in the following matters:
  - (i) Any legal dispute concerning whether an action or a failure to act by the Board of Governors, the Assembly or one or more Parties or Signatories, is authorized by or is in compliance with this Operating Agreement and the Agreement; and
  - (ii) Any legal dispute arising in connection with any other agreement relating to the arrangements established by this Operating Agreement and the Agreement which the Parties or Signatories which are parties to that other agreement have agreed to confer such a competence.
- (b) Any such legal disputes will be settled in accordance with the provisions of the Annex A of this Operating Agreement. A tribunal, in exercising competence under paragraph (a)(ii) of this Article, shall act in accordance with the agreement which confers competence on it.

<sup>1.</sup> Arbitration. See Article 2(a) and (b) of the Supplementary Agreement. See ICSC 36-58E, paragraphs 592, 593(U).

### Attachment B

### Annex to Operating Agreement\*

(Article 1 of the existing Supplementary Agreement deleted. That Article contained definitions which it is proposed will be set forth in the Agreement and the Operating Agreement.\*\*)

#### ARTICLE 1

[(c)] Only the following may be parties in arbitration proceedings instituted under this Operating [Supplementary] Agreement:

- [(i)] (a) Any Signatory
- [(ii)] (b) The [Committee] Governing Body
  - (c) The Assembly

<sup>\*</sup> This proposed Annex to the Operating Agreement sets forth the text of provisions on arbitration. The text is substantially unchanged from the existing Supplementary Agreement on Arbitration, except that it has been revised to reflect the changes recommended on pp. 3 to 6 of this paper. Additions to the Supplementary Agreement are indicated by underlinings, while deletions are bracketed with a dotted line [----] through the words to be deleted.

<sup>\*\*</sup> As used herein, the term "Party" means a Government for which the Intergovernmental Agreement (successor to the Interim Agreement) is in force, and the term "Signatory" means a Government or the communications entity designated by a Government party to the Intergovernmental Agreement, which has signed the Operating Agreement (successor to the Special Agreement).

Article 2(a) and (b) of existing Supplementary Agreement, as revised, now Article 15 in Operating Agreement

- (a) Within 30 days of the entry into force of this Operating [Supplementary] Agreement and every two years thereafter, each Signatory shall submit to the Board of Governors [Gemmittee] the name of a legal expert of generally recognized ability who will be available for the succeeding two years to serve as president of a tribunal[\$] constituted under this Operating [Supplementary] Agreement. If for any reason a nominee becomes unavailable for selection to a panel, the nominating Signatory shall submit the name of another legal expert who will be available for the remainder of his predecessor's term. From such nominees the Board of Governors [Gemmittee] shall appoint seven individuals to a panel from which presidents of tribunals shall be selected.
- (b) The members of the panel shall be appointed by the unanimous agreement of the representatives in [members-ef] the Board of Governors [Cemmittee] or, if not so appointed within three months from the entry into force of this Operating [Supplementary] Agreement and every two years thereafter, by a decision of the Board of Governors [Cemmittee] taken in the same

manner mentioned in Article VI(d)(ii) [V (e)] of the Agreement.

[in respect of the matters listed in subparagraphs (i) to (xiv)

of that paragraph.] The members of the panel shall be appointed

for a term of two years, which shall commence on the date of

appointment of the last member of the panel, and may be reappointed.

- shall be convened to meet by the Chairman of the Board of
  Governors [Gemmittee] as soon as possible after the panel has
  been appointed. The quorum for a meeting of the panel shall be
  five [six] members. After discussion among its members, the
  panel shall designate one of its members as its chairman by a
  decision taken by the affirmative votes of at least four members,
  cast in one or, if necessary, more than one secret ballot. The
  chairman so designated shall hold office as chairman for the
  rest of his period of office as a member of the panel. The cost
  of the meeting of the panel shall form part of the costs to be
  shared by the Signatories in accordance with this Operating
  [the Special] Agreement.
- (d) Vacancies on the panel shall be filled by appointment made by the unanimous agreement of the representatives in [members of] the Board of Governors [Committee]. If the vacancy is not

so filled within two months of the date when it arises, the appointment shall be made by decision of the Board of Governors [Cemmittee] taken in the same manner mentioned in Article VI(d)(ii) [V(e)] of the Agreement. [in respect of the matters listed in sub-paragraphs (i) to (xiv) of that paragraph.] Vacancies in the office of the chairman of the panel shall be filled by the panel by designation of one of its members in accordance with the procedure set out in paragraph (c) of this Article. A member of the panel appointed to replace a member or designated to replace a chairman whose term of office has not expired shall hold office for the remainder of his predecessor's term.

(e) In appointing the members of the panel the <u>Board of</u>

<u>Governors</u> [Committee] shall seek to ensure that its composition is drawn from the various principal legal systems as they are represented among the Signatories.

- (a) The party wishing to submit a legal dispute to arbitration shall provide each party and the <u>Board of Governors</u>
  [Committee] with a document which contains the following items:
  - (i) A list of the parties against which the case is brought;
  - (ii) A statement which fully describes the dispute being submitted for arbitration, the reasons why each party is required to participate in the arbitration, and the relief being requested;
  - (iii) A statement which sets forth why the subject matter of the dispute comes within the jurisdiction of the tribunal to be constituted under this <u>Operating</u> [Supplementary] Agreement, and why the relief being requested can be granted by such tribunal if it finds in the petition's favor;
    - (iv) A statement explaining why the petitioner has been unable to achieve a settlement of the dispute by negotiation or other means short of arbitration;
    - (v) The name of the individual designated by the petitioner to serve as a member of the tribunal.
- (b) Within 21 days from the date copies of the document described in paragraph (a) of this Article have been received by

all the parties against which the case is brought, the respondents side shall designate an individual to serve as a member of the tribunal.

- (c) In the event of failure by the respondents' side to make such a designation, the chairman of the panel, within ten days following a request by the applicant's side which shall not be made before the expiration of the 21 day period aforesaid, shall make a designation from among the experts whose names were submitted to the <u>Board of Governors</u> [Committee] pursuant to Article 2 [3] (a) of this <u>Annex</u>. [Supplementary Agreement]
- (d) Within 15 days after such designation the two members of the tribunal shall agree on a third individual selected from the panel constituted in accordance with Article 2 [3] of this Annex, [Supplementary Agreement] who shall serve as the president of the tribunal. In the event of failure to reach agreement within such period of time, the chairman of the panel, within ten days after a request from one of the sides, shall designate a member of the panel other than himself to serve as president of the tribunal.
- (e) The tribunal shall commence its functions as soon as the president is selected.

- (f) Should a vacancy occur in the tribunal for reasons which the president or the remaining members of the tribunal decide are beyond the control of the parties, or are compatible with the proper conduct of the arbitration proceedings, the vacancy shall be filled in accordance with the following provisions:
  - (i) Should the vacancy occur as a result of the withdrawal of a member appointed by a side to the dispute, then that side shall select a replacement within ten days after the vacancy occurs.
  - (ii) Should the vacancy occur as a result of the withdrawal of the president of the tribunal or of another member of the tribunal appointed by the chairman, a replacement shall be selected from the panel in the manner described in paragraph (d) or (c) respectively of this Article.
- (g) Except as prescribed in this Article, vacancies occurring in the tribunal shall not be filled.
- (h) If a vacancy is not filled, the remaining members of the tribunal shall have the power, upon the request of one side, to continue the proceedings and give the tribunal's final decision.

- (a) The time and place of the sittings of the tribunal shall be determined by the tribunal.
- (b) The proceedings shall be held in private and all material presented to the tribunal shall be treated as confidential, except that the Parties to the Agreement whose designated Signatories are parties to the dispute shall have the right to be present and shall have access to material presented. When the <u>Board of Governors</u> is a party to the proceedings, all Parties to the Agreement and all Signatories shall have the right to be present and shall have access to material presented, except where the tribunal shall in exceptional circumstances decide otherwise.
- (c) The proceedings shall commence with the presentation of the petitioner's case containing its arguments, related facts supported by evidence and the principles of law relied upon. The petitioner's case shall be followed by the respondent's countercase. The petitioner may submit a reply to the respondent's countercase. Additional pleadings shall be submitted only if the tribunal determines they are necessary.
- (d) The proceedings shall be conducted in writing, and each side shall have the right to submit written evidence in support of its allegations of fact and law. However, oral arguments and testimony may be given if the tribunal considers it appropriate.

- (e) The tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute provided the counter-claims are within its jurisdiction as defined in Article 1 [2] of this Annex [Supplementary Agreement].
- (f) At any time during the proceedings, the tribunal may terminate the proceedings if it decides the dispute is beyond its jurisdiction as defined in Article 1 [2] of this Annex [Supplementary Agreement].
- '(g) The tribunal's deliberations shall be secret and its rulings and decisions must be supported by at least two members.
- (h) The tribunal shall support its decision by a written opinion. A member dissenting from the decision may submit a separate written opinion.
- (i) The tribunal may adopt additional rules of procedure consistent with those established by this Annex [Supplementary Agreement] which are necessary for the proceedings.

- (a) If one side fails to present its case, the other side may call upon the tribunal to accept its case and to give a decision in its favor. Before doing so, the tribunal shall satisfy itself that it has jurisdiction and that the case is well-founded in fact and in law.
- (b) Before giving the decision, the tribunal shall grant a period of grace to the side which has failed to present its case, unless it is satisfied that the party in default does not intend to present its case.

Any Signatory, group of Signatories, [ex] the Board of

Governors [Gemmittee] or the Assembly which considers that it

has a substantial interest in the decision of the case may petition the tribunal for permission to become a party to the case.

If the tribunal determines that the petitioner has a substantial interest in the decision of the case, it shall grant the petition.

Either at the request of a party, or upon its own initiative, the tribunal may appoint such experts as it deems necessary to assist it.

Each of the Signatories and the <u>Board of Governors</u> [Gemmittee] shall provide all information determined by the tribunal, either at the request of a party to the case or upon its own initiative, to be required for the proper handling and determination of the dispute.

During the course of its consideration of the case, the tribunal shall have power, pending the final decision, to make recommendations to the parties with a view to the protection of their respective rights.

- (a) The decision of the tribunal shall be based on interpretation of the Agreement and th[é]is Operating [Special] Agreement [and this Supplementary Agreement] in accordance with generally accepted principles of law.
- (b) Should the parties reach an agreement during the proceedings, the agreement shall be recorded in the form of a decision of the tribunal given by the consent of the parties.
- the parties to the dispute and shall be carried out by them in good faith. However, if, in a case in which the Board of

  Governors [Committee] is a party, the tribunal decides that a decision of the Board of Governors [Committee] is null and void as not being authorized by or in compliance with the Agreement and th [s] is Operating [Special] Agreement, the decision of the tribunal shall be binding on all Signatories.

Unless the tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of the members of the tribunal, shall be borne in equal shares by each side. Where a side consists of more than one party, the share of that side shall be apportioned by the tribunal among the parties on that side.

### COMMUNICATIONS SATELLITE CORPORATION

JAMES McCORMACK Chairman

March 3, 1969

MEMORANDUM FOR AMBASSADOR MARKS

SUBJECT: POSITION PAPER ON THE MANAGER
FOR THE UNITED STATES DELEGATION

The attached paper has been prepared to provide members of the United States Delegation who are not familiar with Comsat's activities as Manager with information as to the complexities of this activity and to assist them in their discussions with other delegations. I would appreciate if either I or a representative of Comsat could brief the United States Delegation on this subject.

Attachment

James Ma Tormarey

#### PAPER FOR THE U.S. DELEGATION

#### MANAGER ISSUE

#### 1. Introduction

In light of the great dependency of the United States upon international communications facilities, it is vital to the United States to ensure continued effective management of INTELSAT under the definitive arrangements. The interest in effective management is shared by all INTELSAT members, particularly those who have or will have need for satellite facilities under the definitive arrangements.

Endling.

Comsat, whose organizational structure has continually provided high-quality managerial expertise for INTELSAT, should remain as Manager under the definitive arrangements. The United States Delegation should affirmatively present the arguments for retention of Comsat as Manager, and in so doing place the burden of justifying a change of managerial arrangements upon those who propose such a change. Letting others take the initiative at the Conference could place the United States in a defensive posture on the Manager issue, which could be dangerous to the long term United States interests in sound and reliable international satellite communications. The purpose of this paper is to provide the basis for such a positive stance by members of the United States Delegation.

An understanding of the complexity of Comsat's functions as Manager for INTELSAT and of the special type of talent needed by the Manager is essential to be able effectively to advocate the U.S. position and to evaluate alternative management proposals of others for the definitive arrangements. A detailed explanation of the functions of the Manager appears as Section 5 of this paper. It is strongly recommended that all members of the United States Delegation review the materials presented in that section.

# 2. The INTELSAT III Program: picture of the Manager in Action

The current INTELSAT III program demonstrates the need for a highly specialized and integrated managerial team to deal with the extremely complex and technically sophisticated problems of INTELSAT programs. It is unlikely that the INTELSAT III program could have been achieved through the fragmented effort of several entities or by a technically weak international secretariat. The following demonstrates the continued necessity for Comsat's services as Manager under the definitive arrangements.

One of the many major decisions that was taken prior to the INTELSAT III program was the type of satellite coverage that would be provided. Based upon detailed studies prepared by the Manager, and the advice of the advisory subcommittees, the Interim Communications Satellite Committee (ICSC) adopted synchronous satellites for the INTELSAT I, II, and III satellite programs.

Once the type of program for the initial global system was decided, it was necessary to develop the specifications for the INTELSAT III satellites. The Manager's operations staff conducted traffic studies to determine the traffic requirements, and based upon these traffic studies, the Manager's technical staff developed detailed and highly sophisticated specifications for the satellites and for the earth stations which would use them. The studies conducted by the Manager were presented to the ICSC and its advisory subcommittees for their consideration. The Manager's staff also developed requests for proposals, which detailed the specifications and work which would be performed under contract for the satellites. These requests for proposals were dispatched to qualified manufacturers throughout the world, based upon an international bidders' list which was prepared by the Manager under the guidance of the ICSC.

On the basis of the requests for proposals, manufacturers submitted multi-volume proposals containing detailed plans for the development, construction, and delivery of the satellites. The Manager's staff carefully reviewed each study and made a detailed evaluation for the ICSC. This required months of concentrated effort on the part of a large number of the Manager's highly specialized technical, operational, financial, and procurement personnel. The Manager presented its analysis to the ICSC and its subcommittees, and after careful consideration of all of the relevant factors, a contractor was selected. The Manager then entered into lengthy negotiations with the contractor covering every aspect of the development and the construction of the satellites and concluded a contract on behalf of INTELSAT.

The Manager carefully reviewed every aspect of the work of the contractor. Careful monitoring of the contractor's work statements and invoices is mandatory in a program of this type. As work progressed under the contract, a number of difficult engineering problems emerged that required competent, decisive action. Thus, quite early in the program, it became apparent that the manufacturer would have difficulty in meeting some of the contract specifications. The Manager undertook detailed studies for INTELSAT to determine how the specifications could be modified consistently with traffic requirements of INTELSAT members. Based upon the Manager's studies, the specifications of the initial contract were modified to enable continued work by the contractor.

The Manager continued to monitor the contractor's performance and discovered after the program was in force that a major contract amendment might be necessary with respect to the mechanism for despinning the satellite antenna. Specifically, the question was whether the mechanism should be electronically or mechanically operated.

The Manager's technical staff was required on an intensive basis to conduct an in-depth study of the question, and, based upon the Manager's study, the ICSC approved the Manager's recommendation to amend the contract at no additional cost to permit the contractor to make this desirable change.

After a substantial amount of work had been performed under the contract, even further technical difficulties resulted in slippage of the proposed delivery date and cast doubt on the ability of the contractor to complete the program in a meaningful time frame. Faced with the prospect of a long delay in the INTELSAT III program because of insufficient time, the Manager called upon a large number of its highly competent engineers to make a detailed analysis of the INTELSAT III program difficulties and to consider the alternative of implementation of a completely new satellite development program. A team of experts was sent to the contractor's and major subcontractors' plants. A second team of experts assessed the proposals for a parallel program. The reports of the first team made clear that the INTELSAT III program was fundamentally sound and should be continued. However, to ensure completion of the program within the required time, experts from the Manager's staff were sent to the plants of the contractor and the major subcontractors, and provided them with technical advice to overcome the problems that they faced. Personnel from the Manager's staff spent more than six months at the plants of the contractor and the major subcontractors, providing them with the needed assistance to formulate satisfactory engineering solutions.

Through the rapid and competent analysis by the Manager of the difficulties encountered by the contractor and the subcontractors, the work was able to be completed under the contract with a minimum of delay. Without such a response by the Manager, the entire program might not have been completed for INTELSAT without an intolerable delay.

Other experts on the staff of the Manager ensured that the launch vehicle and the spacecraft were technically compatible. The Manager's staff monitored testing procedures for vibration, acceleration, and launch temperatures to ensure that the spacecraft could perform in its various environments. Once this work had been completed, Comsat, pursuant to its authority under the 1962 Satellite Act, made the necessary arrangements for launch vehicles with the National Aeronautics and Space Administration (NASA) and with the equipment manufacturers for launch and launch support services.

At the same time, operational and technical studies were undertaken to determine the optimum locations of satellites in light of global traffic requirements. Transmission and frequency plans were developed in coordination and agreement with actual and potential earth station operators to ensure the most effective utilization of the facilities. Managerial personnel conducted studies of contingency plans to provide for restoral of circuits in case of failure. Managerial personnel studied standards for providing service over the INTELSAT III, television standards, band economy techniques, etc. The Manager hosted meetings and advised earth station owners on matters such as modifications required for the earth stations and transition arrangements to the INTELSAT III satellite. Periodically, meetings are held with users of the system to discuss all operational matters affecting the utilization of the satellites, and to ensure use of proper equipment and facilities in the earth stations.

The Manager also provided the technical and operational specifications for tracking, telemetry, command, and monitoring facilities to be operated by selected entities under the direction of the Manager in various parts of the world. The entire contracting process of specifications, requests for proposals, negotiations, and review was repeated in order to obtain these facilities.

It should be obvious that in the development of the INTELSAT III program, Comsat's staff has performed a vital management function. The Manager concluded innumerable studies which permitted the ICSC to take informed decisions; it supervised the work under the program; it met emergencies, advised the aerospace firms on work methods and developed solutions to unforeseen problems encountered by the contractors. Finally, the Manager directed all aspects of the program to ensure successful launch and efficient operations of the satellites. The requirement for this managerial competence will increase as techniques for satellite communications become more developed and as larger and more complicated satellites are needed for the global system.

## 3. Positive Arguments for the Retention of the Communications Satellite Corporation as Manager

#### a. INTELSAT's Record

Years have been remarkable and Comsat's contribution as Manager has been indispensable. In 1964, satellite communications were still experimental; since that time, INTELSAT has developed, launched, and operated Early Bird, an experimental/operational satellite, the INTELSAT II satellites located over both the Atlantic and Pacific Oceans and which were capable of providing communications to all but a few countries in the world, and most recently, the high capacity INTELSAT III satellites. The Atlantic Ocean region and the Pacific Ocean region INTELSAT III satellites are now operational, a third INTELSAT III for the Atlantic Ocean region and a fourth INTELSAT III for the Indian Ocean region will be launched shortly. With the successful launch of the INTELSAT III for the Indian Ocean region, world-wide satellite communications will be a reality.

Most importantly, a new generation of high capacity INTELSAT IV satellites, each with capacity of over 5,000 two-way circuits, is presently being developed for INTELSAT under Comsat's supervision by an international team of inudstrial firms.

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With effective management, INTELSAT proved the commercial value of synchronous satellites; undertook necessary actions for programs that extend into the mid-1970's; initiated international television service, which is growing rapidly; integrated international assignees on the Manager's staff who participate as members of the staff but who are also learning about aspects of the global system; established financial and administrative procedures that facilitated the expansion of the consortium from 19 to 67 members with no difficulties; and worked out complex operating procedures.

It is important to note that INTELSAT, through Comsat's management, has been able to achieve this remarkable record of success with a minimum of technical reverses, and has consistently pursued its goals within the budgets prescribed by the membership.

Perhaps the best measure of INTELSAT's success is the fact that 24 earth stations in 15 nations are presently utilizing INTELSAT satellites, 18 additional earth stations are under construction, and 37 earth stations are being planned for use with the INTELSAT system. Just recently, Chile and Brazil commenced using the INTELSAT satellites. We know of no other organization established to develop an advanced technology on an international basis where the members of the organization have so readily taken affirmative steps to make use of the organization's facilities. And we know that in several other multi-lateral organizations dealing with advanced technology, such as Eldo, Esro, and Euratom, the members are reluctant to make use of the organization because its services are too costly, unreliable, or non-competitive. In this connection, we have followed the recent crises of the European Space Program with great interest, as a basis for evaluating INTELSAT's successes.

## b. Benefits to INTELSAT of Comsat's Organization

Utilizing Comsat's services as Manager permits INTELSAT to obtain the benefits of a large and competent managerial organization at only a fraction of the cost. Thus, as a private corporation involved in many activities, Comsat is

able to attract and keep a highly qualified and competent staff, and can effectively manage it. INTELSAT can draw upon this staff as necessary and yet only pays for the amount of time that the personnel actually perform services for INTELSAT. In 1968, INTELSAT had the following Comsat staff at its disposal, but was only charged for the following percentages of the staff costs and time.

Staff	No. of Employees	Percentage of expenses, including employees' time, billed to INTELSAT
Technical	373	58%
Operations	370	18%
Procurement	40	30%
Financial	98	31%
Legal	44	24%
International and		7,0
Secretariat	60	42%
Information	18	9%
Personnel and		- /-
administrative services	115	37%

It would be nearly impossible to assemble a comparable staff as employees of an international secretariat, since personnel and compensation policies of such a secretariat would be subject to the rigidities which are characteristic of all such international civil service organizations. In this connection, we note that Eldo and Esro, two examples of international secretariat organizations, have difficulty in recruiting and maintaining a qualified staff. In addition, the cost to INTELSAT of maintaining a large reserve staff needed for peak activity and emergency situations, as exemplified by the INTELSAT III program, would be prohibitive if alternative management arrangements were adopted.

A second advantage to INTELSAT is the fact that INTELSAT can share computer, reproduction, accounting and housekeeping costs and costs of facilities associated with the managerial effort with Comsat, which uses such services and facilities in activities not connected with management of INTELSAT. Were Comsat not Manager of INTELSAT, INTELSAT would have to duplicate many of these facilities and services, or do without them because the cost of obtaining them would be prohibitive.

These advantages probably explain why international communications facilities traditionally are managed by one of the partners to the venture, rather than an international secretariat, to permit greater flexibility and savings.

### c. Availability of the U. S. Government Assistance

Because of the unique relationship of Comsat to the U. S. Government under the 1962 Satellite Act, INTELSAT obtains the benefits of the vast research and development effort in the space field by the U. S. Government. Comsat obtains launch vehicles directly from the U. S. Government, is able to deal with such agencies as AEC in exchange of technical information, etc. The fact that the U. S. has a variety of launch vehicles which can be made readily available for the different types of satellite programs is an important factor in the continuation of INTELSAT progress and successes under the definitive arrangements. So long as Comsat remains the Manager of INTELSAT, the benefits of the U. S. launcher program to INTELSAT are assured explicitly by the access that Comsat has to NASA's services under the 1962 Satellite Act.

## d. Comsat's Interest in Ensuring Effective Management

It is common in commercial ventures for one partner to be designated as the managing partner. This ensures that the manager will have a stake in the outcome of the management effort. An organization which had no direct financial interest in INTELSAT would have less of an incentive to ensure that

space segment development, construction, and operation is successful, and to deal effectively with any problems arising under INTELSAT programs. Thus the present arrangement contains the most effective mechanism for promoting incentives in efficient management.

#### 4. Response to Criticism Made by Others

Significantly, no INTELSAT member has proposed removing Comsat as Manager on the grounds of mismanagement or inefficiency. Rather, the desire on the part of some others for a change of Manager stems from charges (real or imagined) of conflict of interest; that is, from claims that Comsat as Manager is unable to perform its duties faithfully to the Consortium because of Comsat's own interests as the U. S. representative and as a private corporation. In addition, some INTELSAT members would like to participate directly in INTELSAT management through the creation of an international manager to obtain greater management experience for their nationals.

With respect to the charge of conflict of interest, this can be countered in several ways:

a. The role of the Manager has not been to formulate policy but to recommend alternative courses of action to the ICSC for decision by the partners. Thus the role of the Manager is, in reality, not of itself conducive to conflict of interest situations.

In this connection it is important to note that as Manager, Comsat operates under the procedures, direction, and detailed review of the ICSC and its advisory subcommittees. The Accounts Review Working Group of the ICSC/F reviews every expenditure made by Comsat as Manager; the Contract Review Working Group of the ICSC/C reviews all procurement activities of the Manager; and the ICSC/T

reviews many activities of the Manager's technical and operations staffs and approves proposed INTELSAT programs. It is anticipated that review of the Manager's activities by similar subcommittees will occur under the definitive arrangements, and that this review will continue to provide a good basis for preventing and resolving real or apparent conflict of interests in the Manager's activities.

- b. Furthermore, in our proposals for the definitive arrangements, we have recommended a management contract to be periodically negotiated between the Board of Governors and the Manager, which would specify the role of the Manager and the relationships between the Manager and the Board of Governors. In this way, the Manager would be even more clearly subjected to the control and review of the partners, through the Board of Governors and its advisory subcommittees.
- The United States has also proposed that a change of Manager could be effected by the Assembly upon a recommendation of the Board of Governors. Since voting arrangements in the Assembly and Board of Governors have not yet been agreed to, this proposal represents a substantial concession by the United States. If at some future time an adequate substitute for Comsat can be found, and a large number of members become dissatisfied with Comsat's performance as Manager, then the membership will be able to change the Manager without also being required to amend the Agreements.

With respect to discussion of international participation in the management effort, the following points should be made:

First, recognizing the benefit both to Comsat's management effort and to the countries concerned of having competent personnel trained in this new technology, the Manager has consistently endeavored to obtain qualified non-U.S. personnel to work on its management staff. The ICSC has approved a program whereby personnel nominated by non-U.S. Signatories are employed on the Manager's Technical and Operations staff. In addition, Comsat employs a significant number of non-U.S. personnel outside of this program.

Second, the United States proposes that the Manager increase the number of non-U.S. personnel to work on its staff under the definitive arrangements.

Personnel currently working or about to start working with the Manager's staff under the program approved by the ICSC are:

#### Technical Staff

- 1. Mr. G.E.A. Abu Taleb, United Arab Republic
- 2. Mr. M. A. Bos, Netherlands
- 3. Mr. B. L. Blachier, France
- 4. Mr. Andre Champeau, France
- 5. Mr. M. E. Collier, United Kingdom
- 6. Mr. Ettore Fariello, Italy
- 7. Mr. Akira Kawakami, Japan
- 8. Mr. Mogens Mathiesen, Denmark
- 9. Mr. Jean-Paul de Montlivault, France
- 10. Mr. Nabuhiko Shimasaki, Japan
- 11. Mr. F.J.D. Taylor, United Kingdom

In addition, apart from this program, Comsat employs 48 non-U.S. nationals from 19 countries.

### Operations Staff

- 1. Mr. J. P. Eades, United Kingdom
- 2. Mr. Sven Kappelin, Sweden

### Operations Staff (cont)

2. Mr. Kirsch, Germany

In addition, apart from this program, Comsatemploys 4 non-U.S. nationals from 3 countries.

#### Finance Staff

1. Mr. Reginald Westlake, United Kingdom

Apart from the ICSC approved program, Comsatemploys 7 non-U.S. nationals from 6 countries.

#### International Secretariat

The secretariat which provides administrative and linguistic support for INTELSAT includes 9 non-U.S. personnel.

In addition, the following persons have worked with the Manager's Technical staff in the past:

- 1. Mr. Francis Anguera, France
- 2. Mr. Jean Francois Arnaud, France
- 3. Mr. Lars A. Billstrom, Sweden
- 4. Mr. John F. Boag, United Kingdom
- 5. Mr. Gian Mario Costa, Italy
- 6. Mr. C.L.H. Guepin, France
- .7. Mr. Haakon R. Nymoen, Norway
  - 8. Mr. Winfried Schrempp, Germany
  - 9. Dr. Tadahiro Sekimoto, Japan
- 10. Mr. Rudiger Teupser, Germany
- 11. Mr. L.J.W. Van Loon, The Netherlands
- 12. Mr. Shinichiro Yoshida, Japan

## 5. Detailed Description of Manager's Functions

In performing functions associated with the design, development, construction, establishment, maintenance and operation of the space segment, the Manager provides detailed analysis of alternatives, recommends courses of action to the ICSC, and implements decisions taken by the ICSC. The Manager's principal functions include the following:

Through a highly-skilled staff of (i) technical engineers who are specialized in satellite communications, the Manager prepares technical information for the ICSC and makes recommendations to the ICSC on all technical matters. In order to evaluate alternative possible courses open to the ICSC, the Manager conducts highly sophisticated engineering, economic and cost-effectiveness studies, and conducts tests relating to possible communications system configurations. Studies of the technical relationships (interfacing arrangements) between the satellites and the earth stations are also undertaken. The Manager's technical staff also recommends research and development programs for new equipment, new techniques, and new applications of satellite technology, and undertakes research and development as authorized by the ICSC. Where development work is undertaken by others under INTELSAT contracts, the Manager negotiates with contractors to arrive at satisfactory price and terms, and constantly reviews the work to ensure that value is received by INTELSAT. In addition, the Manager's

technical staff prepares technical specifications to be followed in the procurement of equipment for INTELSAT, evaluates bids for INTELSAT contracts, and evaluates the work of INTELSAT prime contractors to ensure that it meets the specifications. Comsat's technical staff arranges for the launching of satellites under the 1962 Satellite Act which quarantees Comsat access to NASA's services, and performs the final maneuvers necessary to place the satellites in the proper orbit. Once the satellites are positioned, the staff constantly monitors their behavior and ensures that at all times they remain in the desired altitude and in the desired orbit, through use of TT&C equipment located in U.S. and non-U.S. earth stations, and the highly sophisticated telecommand equipment located at L'Enfant Plaza.

Through a specially trained staff of (ii) operations engineers, the Manager develops plans for the use of the radio frequency by INTELSAT, and for the daily management and operation of the space segment. The Manager's staff makes forecasts of requirements for satellite communications, and conducts studies on the desirable configuration of the INTELSAT network, in light of the existence of other complementary communications facilities. The Manager's staff develops and monitors standards to be followed for earth stations which will use the satellites and develops and monitors performance requirements to be followed

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by earth stations. The Manager's staff evaluates applications by earth stations to use the INTELSAT satellites, and arranges for the allotment of satellite capacity to users. The Manager's staff constantly monitors the operations of the satellites, usage made of the satellites, availability of capacity, the quality of services, the operating costs and performance characteristics of the satellites; it remedies outages and other deviations which may occur in the INTELSAT space segment; and it arranges for the provision of satellite capacity to accommodate television transmissions and, on an emergency basis, to transmit cable traffic in the event of cable failures. The Manager's staff advises and counsels users of the space segment throughout the world in order to facilitate the use of INTELSAT facilities; assists the users in meeting their requirements most effectively; and reaches agreement with the users on INTELSAT operational matters.

(iii) Through a procurement staff with special knowledge of aerospace firms and of technical and operational aspects of satellite communications, the Manager negotiates and places contracts on behalf of INTELSAT.

The Manager's procurement staff, in conjunction with the technical and operations staffs, drafts the technical specifications and other specifications to be followed by contractors in submitting bids for INTELSAT contracts. The Manager's procurement,

technical, financial, and operational staffs evaluate bids which are submitted, and ensure that all technical and operational specifications have been followed. As authorized, the Manager's procurement staff negotiates prime contracts for INTELSAT, a management function which requires specialized knowledge of the aerospace firms both in the United States and around the world. The Manager's staff periodically reviews the performance of contractors to ensure that the final product will meet the specifications of the contracts; and initiates amendments to contracts as authorized when unforeseen factors require a modification of the contract. The Manager's staff verifies and processes invoices submitted by the contractors to ensure that value has been received for the money paid and that work under the contract is proceeding according to schedule. The Manager's procurement staff also negotiates and administers agreements for the use of INTELSAT inventions and data.

(iv) Through a staff of financial experts and accountants who specialize in the problems of satellite technology, the Manager performs economic and cost studies in order to estimate future capital and revenue requirements. In conjunction with the technical and operational staffs, the Manager's financial staff prepares and administers utilization charges for use of the space segment, prepares annual and supplemental and capital and operating

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budgets for INTELSAT; supplies program and financial information to the ICSC; and evaluates bids submitted for INTELSAT contracts. The Manager's financial staff makes the necessary adjustments in investment quotas upon accession by new Signatories, and administers the financial terms and conditions of the new accessions. The Manager's financial staff makes payments on behalf of INTELSAT and receives cash payments for the use of the space segment.

- Through a specialized legal staff, the Manager advises the Committee and the Signatories as needed on the international agreements and aspects of other applicable law; provides legal advice on all procurement matters; and advises the Committee on methods for conducting INTELSAT's business, in light of regulatory and customs laws of member states and all laws and regulations regarding taxation. The Manager's legal staff prepares and administers patent and data clauses of INTELSAT contracts and provides advice on licensing agreements for the use of such patents and data. The Manager's legal staff renders advice on all matters associated with the arbitration provisions of the interim arrangements.
- (vi) Through a number of other trained personnel within Comsat, the Manager also assists INTELSAT in the maintenance of its facilities, conduct of meetings of the ICSC, translation of documents, and provision of public information on behalf of INTELSAT.

" Ma CLARK

Comsat Draft Richard R. Colino March 3, 1969

#### COMMITTEE I

Structure of Organization under Definitive Arrangements

In structuring the organization charged with the and maintaining responsibility of establishing, a global system of satellite communications, careful consideration and weight had to be accorded to a variety of factors. The The Challenge faced by the framers of the interim arrangements in 1964, required a practical and yet innovative approach to cheek? the correcturing of an organization which would be capable of responding to developments associated with a new and dynamic technology. It was necessary to endow the organization with the ability to establish and operate a communication system in outer space which which could be available to all nations of the world and which would provide economic, efficient, and high-quality services. It was also necessary to frame an organization which would invite the widest participation from among the nations of the world in a turly international cooperative venture which would, in part, utilize resources shared by all nations. This careful balancing of factors resulted in the present INTELSAT organization which has proved most capable in achieving the purposes for which it was established. As has

been noted in this Committee, while the present INTELSAT organization has proved to be successful, it can be improved and, hopefully, made even more effective. In considering at this Conference the means for improving INTELSAT, we should profit from experience and once again take due account of the fact that the organization is both an operating venture and an international partnership.

### 2. An Assembly

While all of us are justifiably proud of the tremendous growth of INTELSAT membership over the past four and one-half years, we k should do what we can to provide for a greater participation in the affairs of INTELSAT by each and every participant. In the view of the U. S. Delegation, an Assembly meeting perhaps annually or biennially, which would combols. be comprised of Parties to the Intergovernmental Agreement or their Signatories to the Operating Agreement, as appropriate, \*\*\* would provide a useful means of ensuring broad participation deliberations in the affairs of the organization. during the course of this Committee's delegations to provide suggestions with respect to the functions of this Assembly and, in this regard, has submitted document 10 (Article IV, pages 8-10) offering possible functions for the Assembly. The U.S. Delegation does not, however, believe that such an organ is appropriate & for the decision making required of an organization dealing with rapidly advancing technology and

and business-like (commercial) considerations.

## 3 A BOARD OF GOVERHORS

The U. S. Delegation is of the view that a decisionmaking organ, similar to and, hopefully, as successful as,
the Interim Communications Satellite Committee is required
as the decision making executive of the future

INTELSAT organization. In document 10, the U. S. provides
(Article V, Article VI; pages 11-15) illustrations of its
views concerning the functions, representation arrangements, and
voting provisions for this organ, called the Board of Governors.

In constituting this executive organ, it appears clear that it is
necessary to balance the desire. And achieves broad representation with the need to establish an organ capable of
taking in a timely fashion the multitudeness decisions
necessary to operate the system in existence at the time
the definitive arrangements enter into force and to improve
and expand this system in the years to come.

4. In considering the Management body for the future organization, in the view of the U. S. Delegation, it is similarly necessary to weight carefully the practicalities of planning, establishing, and operating the communications system and the purposes for which the organization requires a Management body. At the outset, to make clear that the management body is seen by the U. S. as functioning pursuant to general policies and specific

determinations of the Board of Governors and, inter alia, is specifically concerned with the efficient and effective functioning of the system.

The U. S. Delegation has listened carefully to the views expressed by, among other statements, the distinguished delegates of New Zealand and Australia on this same point.

The U. S. Delegation has offered in document 10 (Article VI, page 16) an indication of the general functions to be performed by a Manager. The U. S. has also listened with great interest to the views of other Delegations presenting the view that a management body should function on the basis of broad international direction provided within the organization.

The U. S. Delegation recognizes the importance of this consideration and is prepared to consider carefully various means of achieving this goal consistent with the need to maintain high efficient and economical management services a required of such a complex underlaking.

this time and will be prepared to discuss more fully the various organs and structure of the organization to be established. It wishes, however, to recall for the consideration of this Committee, the significant access of the INTELSAT organization to date and to stress the need to make cognizance of the purposes of the organization to be established by the definitive arrangements. The conference, in developing an organization equal to the challenges of the future and tailored specifically to meet the demands of an evolving system and technology.

Comsat Draft (Revision 1) Richard R. Golino March 4, 1969

#### COMMITTEE I

## Structure of Organization under Cefinitive Arrangements

1. In considering in 1964 the structure of the organization to be charged with responsibility for the establishment of the single global commercial communications satellite system, it was necessary to weigh carefully a variety of factors. The framers of the interim arrangements had to be both practical and innovative in order to create an organization capable of exploting a new and dynamic technology. The organization would not only be required to establish and operate a communication system in outer space to be available to all nations of the world on a non-discriminatory basis but also to provide services on an economic, efficient and high-quality basis. It was also expected that the oragnization would invite the widest participation from among the nations of the world in a truly international cooperative venture. After a careful balancing of these factors, the present INTELSAT organization was established. It has proved both capable and successful in achieving the purposes for which it was established. As has been noted in this Conference, while the present INTELSAT organization has proved to be effective, it can be improved. Hopefully, it can be made even more effective. As many delegations have suggested, we should profit from this experience. In so doing, proper weight must be given to the INTELSAT fact that the/organization is not only an international partnership but, most important in the view of the United States, an operating venture.

## 2. An Assembly

While all of use are justifiably proud of the tremendous growth of INTELSAT membership over the past four and one-half years, there appears to be agreement in this Committee that it is necessary to provide for greater participation in the affairs of INTELSAT by each and every participant. In the view of the United States

Delegation, an Assembly meeting perhaps annually or biennially, and composed of Parties to the Intergovernmental Agreement or Signatories to the Operating Agreement, as appropriate, would provide a useful means of ensuring such broad participation in the affairs of the organization. With this in mind, the United States first proposed in October 1967 that an Assembly be created.

The United States has suggested the functions for this Assembly and, in this regard, has submitted document 10 (Article IV, pages 8-10). The concepts upon which these suggestions are based

are found in the Report of the Teri-Committee, paragraphs 300, 301, 304,305, 307, and 461. The United States delegation believe, and doubts that anyone believes, that the Assembly is the appropriate organ for deliberating and deciding those matters with which an operating organization must deal, in a business-like manner, in a field involving a rapidly advancing technology.

#### 3. A Board of Governors

The United States delegation is of the view that a decisionmaking organ, similar to and, hopefully as successful as, the

Interim Communications Satellite Committee is required as the executive
body of the future INTELSAT organization. Document 10 (Article

V, Article VI, pages 11-15) submitted by the United States sets

forth possible functions, representation arrangements and voting

provisions for this organ, called the Board of Governors.

In constituting this executive organ, it is necessary to balance the desire to achieve broad representation with the need to establish an organ capable of taking in a timely fashion the multitudeness decisions necessary to operate the system in existence at the time the definitive arrangements enter into force and

to improve and expand this system in the years to come. This document suggests that:

The Board of Governors be composed of

- "(1) one representative from each Signatory whose investment share is not less than percent of all investment shares in the INTELSAT space segment; -(ii) one representative from each of any two or more Signatories who have agreed to combine in order to be represented and whose combined investment shares in the INTELSAT space segment are not less than Bercent of all such shares; (iii) one representative from each of any five or more Signatories who have agreed to combine in order to be represented; and (iv) such representaives as way be selected by the Assembly. . . "
- These suggestions are based on the views expressed in paragraphs

  358 and
  346, 357,/361 and of the Interim Committee's Report. Document 10

  349925 3

  also provides that:

- (a) The Board of Governors madager endeavor to act unanimously;
- (b) Failing to unanimity, it take decisions by:
  - (i) a majority of the investment shares of Signatories entitled to be represented in the Board of Governors in the case of procedural questions; and
    (ii) a two-thirds majority of the investment shares
    of Signatories entitled to be represented in the Board

of Governors in the case of substantive questions.

to be represented on the Board of Governots has a vote which is equal to more than 50 percent of the for all Signatories entitled to be represented on the Board of Governors, such Signatory or group of Signatories shall cast no more than the vote which is equal to 50 percent of the total vote of all Signatories and groups of Signatories entitled to be represented on the Board of Governors.

These suggestions are based upon concepts contained in the Report

410 and
of the Interim Committee, paragraphs 403,/419,/423

#### 4. A Manager

In considering the management body for the future organization. in the view of the United States Delegation, it is also necessary to examine and weigh carefully the practicalities involved in the planning, establishment, and daily operation of the global communications satellite system. At the outset, I would like to make clear that the management body is seen by the United States as functioning not only pursuant to general policies but also in accordance with specific determinations of the Board of Governors. The management body would be subordinate to the Board of Governots; as the present Manager is subordinate to the ICSC. This bound is Capacissed paragraph/255 of the ICSC Report. The United States Delegation has offered in Concent 10 (Article VI, page 16) and indication of the general functions to be performed by the Manager, based upon cocnepts set forth in the ICSC Report, penagons 465 474.

The United States believed has listened carefully to the views expressed by others, including statements by the distinguished delegates of New Zealand and Australia on these same points.

The United States has also listened with great interest to the views of other Delegations concluding that a management body should function on the basis of broad international direction provided within the organization. The United States Delegation recognizing the importance of this consideration, has considered carefully various means of achieving this goal consistent with the need to maintain high efficient and economical management services. Accordingly. Document 10 (Article V) contains the suggestion that the organization have the right, through its Board of Governors and Assembly, to designate

another entity to replace the present Manager. This Suggestion to sosed on the view expressed in paragraph 462 of the The United States has for some time advocated the widest ICSC

> international participation of qualified personnel from all INTELSAT members countries in the management function. It can be stated categorically that the assignment of all such nominees to the present Manager's staff has been welcomed; indeed, there has been a dearth of nominees.

5. The United States Delegation offers these general observations at this time and will be prepared to discuss more fully the various organs and structurex of the organization to be established. It

wishes, however, to recall for the consideration of this Committee, the significant success of the INTELSAT organization to date and to stress the need to take cognizance of the purposes of the organization to be established by the definitive arrangements. It is hoped that this approach will assist the Conference to develop an organization equal to the challenges of the future and tailoted specifically to meet the demands of an evolving system and technology.

#### COMMUNICATIONS SATELLITE CORPORATION

March 5, 1969

TO: Frank Loy

FROM: Rich Colino

In response to your request last night, attached is a draft commenting on and critiquing Document I/26, submitted by the Delegations of Canada, the Federal Republic of Germany, and India.

In drafting this document, I found it easier to put it in the form of a possible statement or paper by the United States rather than an analysis of the various provisions of Document I/26.

## STRUCTURE OF THE ORGANIZATION

1. The United States Delegation has studied and carefully analyzed the proposals put forward in Document I/26 by the Delegations of Canada, the Federal Republic of Germany, and India. While the United States is in agreement with some of the views contained in Document I/26, it does not agree with other proposals contained in that document. In addition, the United States Delegation seeks clarification of certain of the positions stated in Document I/26. The points the United States Delegation wishes to make are the following.

## 2. General Principles

The United States agrees that the organization have a three tier structure: an Assembly, a Governing Body, and a Management Body.

(References are to Document I/26)

The United States

- P. 1, paragraph (a). / feels that the Organization should be international in scope and designed to attract the broadest possible membership.
- P. 1, paragraph (b). The United States Delegation would like clarification of this principle. For instance, what is meant by "overall policy?" It appears to mean the determination of the

policies of the Organization; if so, the United States disagrees with this view and considers that such a power rightly belongs in the Governing Body. The United States could not accept empowering the Assembly with major policy formulation and direction. Such an arrangement could be unpractical from several standpoints. The Assembly would normally meet once a year. It could not provide the continuing guidance and decision-making needed by an operating concern such as INTELSAT responsible for continuous provision of reliable telecommunication services. The communications entities, public and private, would have little or no part in deliberations affecting them and would be less able to offer assistance in matters in which they have knowledge and experience.

P. 1, paragraph (c). When read in connection with paragraph (b), it appears that the Governing Body would simply carry out the policies or instructions of the Assembly. This would be intolerable for an organization concerned with the establishment and operation of a communications system in a rapidly changing and dynamic field of technology. The entire history of INTELSAT and the Interim Communications Satellite Committee confirms that a small executive organ must have the full responsibility for policy determinations.

P. 1, paragraph (d). The United States Delegation is concerned with the precise implications of the principle of "full internationalization of the Manager . . . . " If the implication is

a participation by non-United States personnel in the management function, then it would be consistent with the proposals and objectives of the United States. However, if it implies the establishment of some type of international secretariat or international organization, then the United States could not agree to such a principle. An international secretariat or organization could not properly manage the communications system; the United States is unwilling to sacrifice the high quality, efficient and economic services already provided by INTELSAT.

- P. 1, paragraph (e). The United States Delegation is unsure of the exact implications of this statement. It appears to imply, in view of the principle already stated in paragraph (d), that an internal international secretariat should be established. For the reasons already stated, the United States could not accept such a management arrangement.
- P. 1, paragraph (f). The United States considers that the status of an unincorporated joint venture provides the Organization with all the powers it needs to carry out its functions and objectives.

## 3. The Assembly

P. 2, paragraph 1. Since voting in this Assembly would be on the basis of each representative casting one vote, parties with minimal

investment shares could make decisions committing the capital of all INTELSAT members. Those members, making the most use of the system and the largest financial contributions, could be placed in a disadvantageous position.

With respect to membership in the Assembly, the United States has proposed that the Assembly be composed of the Representatives of Parties or their Signatories, as appropriate. We do not agree that the telecommunications entities should be excluded from participation in the Assembly which is an organ of importance and which will take decisions affecting their interests.

P. 2, paragraph 3. The United States is interested in a clarification of the phrase "except as otherwise provided." As stated in regard to paragraph 1, the United States Delegation believes that voting should be related to investment.

## P. 2, paragraph 4.

Subparagraph (a): The Assembly would approve the five-year program

for the Organization on the recommendation of the Governing Body.

It is not clear what this responsibility would involve. If it is

proposed that the Governing Body present to the Assembly for approval

a detailed outline of what it intends to do, the United States

could not support the proposal. The United States does not feel

above the Assembly should be the major policy organ (for reasons indicated /

Such an arrangement would also prove troublesome from a technological point of view. Developments in satellite technology are occurring so rapidly, many times in unexpected directions, that it is difficult to predict the directions in which it will move. Commitment of resources and decision making in this manner (i.e. on a five-year basis) could limit INTELSAT's ability to respond to technological changes.

Subparagraph (b): The United States supports this point.

Subparagraph (c): The United States Delegation questions the necessity for such a function by the Assembly. More important, however, the United States considers it a barrier to participation in the Organization, one which is likely, in view of the proposal that the Assembly be composed only of Governments, to prevent participation by many countries in INTELSAT. The proposal would place applications for membership into a political arena.

Subparagraph (d): Since the question of determination of investment shares is currently being considered by Committee III, it does not appear appropriate to comment on this point at this time.

Subparagraph (f): The proposal contained in this subparagraph is not acceptable to the United States for reasons already stated above regarding the management function.

Subparagraph (g): The United States supports the proposal that the Assembly be given amendatory functions although the United States in Document 10 suggests different voting arrangements.

# 4. The Governing Body (Board of Governors)

- P. 2, paragraph 1. The United States has proposed, and we believe that most delegations concur, that the Governing Body should contain only the representatives of Signatories. The investors in the Organization, whether governments or communications entities, must have direct control of the policies and determinations of the Organization. Therefore, the proposal that the Governing Body be composed of the representatives of "states" would not be acceptable.
- P. 3, paragraph 2. The United States agrees that it is desirable and to the advantage of the Organization to have a Governing Body of limited size. The proposal presented here would have 18 members representing the largest investors and four members representing geographic areas inadequately represented. The United States does not find this proposal unacceptable but feels that its proposals are more liberal. Represented on the Governing Body under the United States proposal would be those investors whose shares equal or exceed a requisite level, any investors who by combining can achieve the necessary level, any five members who choose to combine, regardless of investment shares, a certain number to be elected by the Assembly.

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- P. 3, paragraph 3. The United States Delegation supports this proposal.
- P. 3, paragraph 4, and paragraph 5(a). The United States Delegation agrees that the Governing Body should have the power of decision concerning design, development, procurement, operation, and maintenance of the space segment.
- P. 3, paragraph 5(b). As already noted, the United States cannot support the proposal for five-year programs, especially when they would have to be approved by the Assembly.
- P. 3, paragraph 5(c). The United States Delegation supports this provision.
- P. 3, paragraph 5(d) and 5(e). The United States Delegation supports this proposal in assigning responsibility to the Governing Body for the accession arrangements and the investment shares for new members. However, as already noted, the United States does not believe the Assembly should have a function in this area.
- P. 3, paragraph 5(f) and 5(g). For reasons which are well known, the United States does not support these functions as they are phrased and as the management body is inferentially described.
- P. 3, paragraph 5(h). The United States Delegation supports this proposal.

P. 3, paragraph 5(i). The United States Delegation supports this proposal.

# 5. Management Body (Manager)

The United States Delegation supports the brief one-paragraph description of the Management Body contained on page 3 of Document I/26. However, it does not support the concept of a Management Body as contained in this document.

As suggested in Document I/26, the Management Body would be an integral part of the Organization and would be internationalized as soon as practicable. The Governing Body would recommend to the Assembly appointment or dismissal of the General Manager.

The United States cannot accept establishment of an internationalized Manager in the form of an international secretariat, as indicated by these proposals. The Manager is responsible for the day-to-day operation of a system providing a necessary service.

Highly competent personnel are required. Transferring management functions to an inexperienced, newly formed group could prove quite harmful to the INTELSAT system.

On page 3 of Document I/26, it is stated internationalization would occur as soon as practicable. Since no indication is given of how long this would be or how it would come about, the United States cannot comment on these matters at this time.



# PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Inf/l December 6, 1968

#### GENERAL INFORMATION

# Background

In accordance with Article IX of the Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System, the United States Government will convene a conference at Washington, D.C., on February 24, 1969, for the purpose of considering the Report of the Interim Communications Satellite Committee containing its recommendations concerning the definitive arrangements for an international global system to supersede the interim arrangements. The conference will end not later than March 21, 1969. The report of the Committee is to be distributed to the parties to the agreement not later than January 1, 1969.

# Participation

The 63 governments signatory to the agreement have been invited to send representatives to the conference. Other governments which express an interest in attending because they have a serious interest in the possibility of becoming INTELSAT members at a future time and certain international organizations will be invited to send observers.

#### Headquarters

The headquarters of the conference and the offices of the Secretariat will be located in the International Conference Suite on the first floor of the Department of State. Access to the International Conference Suite is through the Diplomatic Entrance at 2201 C Street, N.W.

#### Opening Session

The inaugural session will convene in the Main Conference Room at 11:00 a.m. on Monday, February 24, 1969, and will be open to invited guests and the press. Access to other sessions will be controlled pursuant to rules established by the conference.

#### Credentials

Written credentials should be submitted to the Secretary General of the conference not later than 24 hours prior to the opening session and should include the names of all members of the delegation. Credentials may be addressed to the Secretary General in care of the Office of International Conferences, Department of State, Washington, D.C. 20520.

#### Registration

Registration of official participants will take place on Monday, February 24, beginning at 9:00 a.m., at the Conference Information Center in the International Conference Suite. Arrangements will be made to admit participants to the building on February 24 for registration.

Conference passes will be issued at the time of registration. The pass must be shown for entrance to the Department of State Building and should be worn while the conference is in session.

#### Secretariat

The United States, as host government, will provide the Secretariat for the conference. Offices of the Secretariat will be located in the International Conference Suite beginning Monday, February 24, 1969. A complete list of the Secretariat with room and telephone numbers will be available at the time of registration.

#### Languages

English, French, and Spanish will be the official languages of the conference. Simultaneous interpretation into these languages will be provided at the plenary sessions and committee meetings. Substantive documents of the conference will be issued in the three languages.

#### Documentation

The Documents Officer will be located in Room 1318 in the International Conference Suite, and will be responsible for the processing and distribution of all documents of the conference.

Delegations wishing to have a statement or proposal circulated as a conference document are requested to submit three copies of the text in one of the official languages to the Secretary General.

Documents processed during the conference will be distributed to the delegations at the Conference Information Center. A "Request for Documents" form will be available at registration so that each delegation may indicate its requirements.

#### Hotels

It is suggested that requests for hotel reservations be addressed to the hotels directly or through the diplomatic missions in Washington.

#### Inquiries

Questions concerning administrative arrangements for the conference should be directed to the Secretary General, Mr. Raymond J. Barrett, Office of Inter-

national Conferences, Room 1511B, Department of State, Washington, D.C. 20520 (Telephone: Area Code 202, 383-3701).

Questions concerning substantive matters should be directed to Mr. William K. Miller, Director, Office of Telecommunications, Room 5824, Department of State, Washington, D.C. 20520 (Telephone: Area Code 202, 383-5461).

#### Weather Conditions

For the information of persons planning to travel to Washington for the conference, the normal temperatures for February and March are:

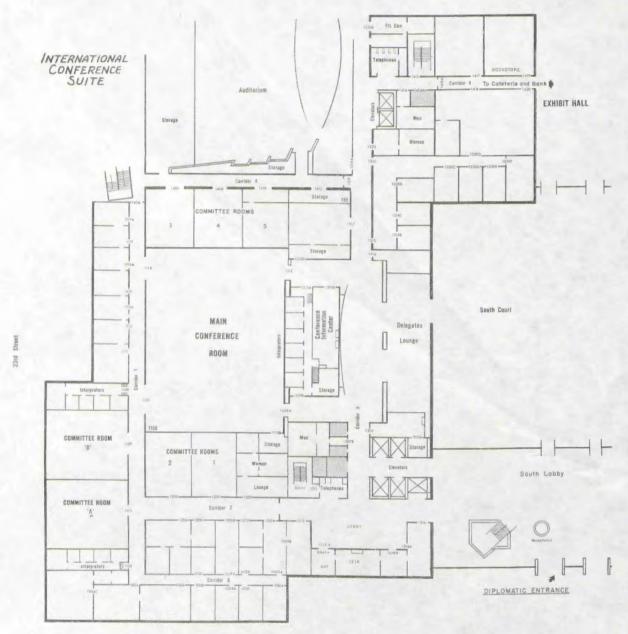
	February	March
Maximum	46°F. (8°C.)	59°F (14°C.)
Minimum	20°F. (-6°C.)	32°F. (0°C.)
Average	38°F. (3°C.)	44.8°F.(7°C.)

Precipitation, which may be in the form of rain or snow, averages 2.47 inches in February and 3.21 inches in March.

\* \* \*

#### Attachment:

Floor plan of the International Conference Suite.



C Street



# PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Inf/3 February 12, 1969

#### DOCUMENTATION PROCEDURE

# Types of Documents

Documents issued by the Conference Secretariat will be numbered consecutively in the following categories:

Doc. - Substantive documents and supporting papers to the agenda items SR/ - Summary records of the plenary sessions Com. I/ - Working Papers of Committee I Com. I/SR - Summary records of Committee I meetings Com. I/A/ - Working Papers of Subcommittee I/A Com. I/B/ - Working Papers of Subcommittee I/B Com. II/ - Working Papers of Committee II Com. II/SR - Summary records of Committee II meetings Com. II/A/ - Working Papers of Subcommittee II/A Com. II/B/ - Working Papers of Subcommittee II/B - Information documents and administrative notices Inf/ PR/ - Press Releases OD/ - Order of the Day

Additional categories may be added as needed.

#### Translations

All substantive documents, summary records and committee documents will be issued in English, French and Spanish. Press releases, information documents and orders of the day will be issued in English only.

# Requests for Reproduction of Documents

Texts of statements or draft proposals which delegations or committees wish to have reproduced and distributed should be submitted to the office of the Secretary General, Room 1316. Such material should be presented in one of the three languages, in three copies, and should be submitted sufficiently in advance to allow for translation, duplication and distribution to delegations before the meeting at which it is to be considered.

#### Summary Records

Provisional Summary Records shall be prepared for the plenary sessions and committee meetings and will contain the substance of the discussion and the decisions reached. They will be distributed as soon as possible after the close of each session. Proposed corrections should be submitted to the Secretary General or the Committee Chairman, in writing, within 48 hours after distribution.

#### Distribution of Documents

Information for the public and the press will be disseminated only by means of press releases issued by the Public Information Officer of the Conference Secretariat. Distribution of all other documents will be limited to delegations of member governments, observers and the secretariat. Documents will be distributed at the Conference Information Center in the quantity and languages requested at registration. Each delegation is requested to appoint one of its members to collect documents and be responsible for distribution to the delegation.

Participants who desire their own complete set of conference documentation are urged to preserve all documents as they are received during the conference.

#### List of Documents

A list of documents issued during the conference will be distributed at the conclusion of the conference.

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# PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM Washington, D.C., February - March 1969

Inf/4
February 19, 1969

PROVISIONAL LIST OF PARTICIPANTS

(This list is based on information available as of 12 noon, February 19, 1969. Please report any changes or corrections to the Conference Information Center.)

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Mr. Ibnzekari Ministry of Posts, Telephones and Telegraphs Algiers

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#### SPAIN

#### Representative

F. Javier Elorza
General Director of Cooperation and
International Economic Relations
Ministry of Foreign Affairs
Madrid

#### Alternate Representatives

Electo Garcia Tejedor Director of Cooperation and Technical Organizations Ministry of Foreign Affairs Madrid

José Tomás Tuesta y Ruiz de Copegui Secretary National Council of Telecommunications Madrid

Juan Manuel Rebollo Castrillo Deputy Director General Compañia Telefonica Nacional de España Madrid

Carlos Fernandez Espeso First Secretary Embassy of Spain Washington, D.C.

Francisco Molina Negro
Head, International Section
General Direction of Post Office and Telecommunications
Ministry of the Interior
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Luis Terol Miller Head, International Service Compañia Telefónica Nacional de España

Luis Enrique Valera Muguiro Secretary of Embassy Ministry of Foreign Affairs Madrid

#### SPAIN (continued)

#### Advisers

Manuel Romero Canela General Direction of Radio and Television Ministry of Information Madrid

Vicente Miralles Mora
Post Office
General Division and Telecommunications

Vicente San Miguel Garcia Compañia Telefónica Nacional de España Madrid

Francisco Perez Martin Compañia Telefónica Nacional de España Madrid

Antonio Barbero Serrano Compañia Telefónica Nacional de España Madrid

SUDAN

#### Representative

Ahmed Amin El Bashir Third Secretary Embassy of the Somali Republic Washington, D.C.

SWEDEN

## Representative

Lars Peterson

# Alternate Representative

Clas Nordstrom

SWEDEN (continued)

## Members of Delegation

Nils-Olov Hassler

Lennart Eckerberg

Gunnar Bergman

Arne Raberg

Bjorn Skala

T. Ganslandt Second Secretary Embassy of Sweden Washington, D.C.

#### SWITZERLAND

#### Representative

His Excellency Rudolph Hartmann Federal Political Department Bern

#### Members of Delegation

Etienne Vallotton
Deputy Chief
Division of International Organizations
Federal Political Department
Bern

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#### SWITZERLAND (continued)

# Members of Delegation (continued)

Hansruedi Probst Chief of Section Special Missions of Telecommunications Affairs Ministry of Posts, Telegraphs and Telephones Bern

Walter Jost Section of Traffic and Tariffs Ministry of Posts, Telegraphs and Telephones Bern

Peter Creola Section of Scientific Affairs Federal Political Department Bern

SYRIAN ARAB REPUBLIC

#### Representative

Abdul-Sattar Attassi Director of Telecommunications

#### THAILAND

#### Representative

Sribhumi Sukanetr Deputy Director General Department of Posts and Telegraphs Bangkok

#### Alternate Representative

Manas Leeviraphan Acting Economic and Financial Counselor Embassy of Thailand Washington, D.C.

#### Advisers

Ananda Sharnprapai Assistant Manager Satellite Communications Project Department of Posts and Telegraphs Bangkok

Sathit Tevidhaya
Assistant Chief
International Division
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Bangkok

#### TUNISIA

#### Representative

Hamed Ammar Minister Embassy of Tunisia Washington, D.C.

# Alternate Representatives

Hedi Zghal Chief Engineer Ministry of Posts, Telegraphs and Telephones Tunis

Salah Hadiji Engineer in Charge of Television and Radio Tunis

## TUNISIA (continued)

#### Advisers

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Habib Ben Yahia Second Secretary Embassy of Tunisia Washington, D.C.

TURKEY

#### Representative

His Excellency Melih Esenbel Ambassador of the Republic of Turkey Washington, D.C.

#### Members of Delegation

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UNITED ARAB REPUBLIC

#### Representative

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#### UNITED KINGDOM

#### Representative

P. F. Hancock
Deputy Under-Secretary
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## Alternate Representative

J. Killick Assistant Under-Secretary Foreign and Commonwealth Office London

#### Members of Delegation

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Ian M.H. Smart First Secretary British Embassy Washington, D.C.

F. B. Wheeler
First Secretary
Science and Technology
Foreign and Commonwealth Office
London

Miss C. P. Murray
Personal Assistant to Mr. Killick
Foreign and Commonwealth Office
London

C. J. Gill Under Secretary General Post Office London

A. G. Smith
Assistant Secretary
General Post Office
London

#### UNITED KINGDOM (continued)

## Members of Delegation (continued)

R. M. Hinde Senior Executive Officer General Post Office London

J. G. Walker Principal Scientific Officer Ministry of Technology London

UNITED STATES

#### Representative

The Honorable Leonard H. Marks Department of State Washington, D.C.

## Alternate Representatives

Frank E. Loy Deputy Assistant Secretary of State for Economic Affairs

Ward P. Allen
Deputy Assistant Secretary of State
for International Organization Affairs

The Honorable Rosel H. Hyde Chairman Federal Communications Commission

John A. Johnson Vice President International Communications Satellite Corporation Washington, D.C.

James McCormick Chairman Communications Satellite Corporation Washington, D.C.

#### UNITED STATES (continued)

#### Alternate Representatives (continued)

William K. Miller
Director, Office of Telecommunications
Bureau of Economic Affairs
Department of State

James D. O'Connell Director of Telecommunications Management Executive Office of the President

#### VATICAN CITY STATE

#### Representative

Rt. Rev. Msgr. Ubaldo Calabresi Counselor Apostolic Delegation Washington, D.C.

## Member of Delegation

Rev. Antonio Stefanizzi
Technical Director of Vatican Radio
Vatican City

#### VENEZUELA

## Representative

Jose Soriano Ministry of Communications Caracas

#### Members of Delegation

Melchor Monteverde Legal Consultant

Freddy Phelan Economist, Division of Planning

VENEZUELA (continued)

# Members of Delegation (continued)

José Luis Alegrett Special Representative

Jacobo Aepli Operations Manager

Salomon Baum

Mariano Tirado Chief, Transport Division Foreign Office Caracas

#### INTERNATIONAL ORGANIZATIONS

INTERNATIONAL TELECOMMUNICATION UNION

UNITED NATIONS

#### OBSERVERS

#### **AFGHANISTAN**

Rahmatullah Asifi Attaché Embassy of Afghanistan

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HUNGARY

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## OBSERVERS (continued)

#### LIBERIA

Taylor Major Chairman Public Utilities Authority

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MAURITANIA

Mr. Guisse Director of Telecommunications

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Ambassador Dr. Roque J. Avila Embassy of Paraguay Washington, D. C.

Dr. Marcos Martinez-Mendieta First Secretary Embassy of Paraguay Washington, D. C.

POLAND

Jerzy Rutkowski
Director
Department of Radiocommunications
Communications Ministry

Janusz Budzyński Second Secretary Embassy of Poland Washington, D.C.

SENEGAL

Umar N'Dao Chef du Cabinet Ministry of Public Works, Urbanism, Housing and Transportation

Souleymane N'Diaye Director, Posts and Telecommunications Ministry of Public Works, Urbanism, Housing and Transportation

# OBSERVERS (continued)

U.S.S.R.

Nikolai V. Talyzin Deputy Minister Ministry of Communications

Vladimir Minashin Chief of the Department Ministry of Communications

Vladimir Aldoshin Ministry of Foreign Affairs

Sergey N. Fedosov Ministry of Communications

V. S. Vereshetin Academy of Sciences

#### YUGOSLAVIA

Dusan Milankovic Counselor for International Relations Association of Yugoslav Posts, Telegraphs and Telephones

#### ZAMBIA

Joseph B. Mmembe
Third Secretary
Embassy of the Republic of Zambia
Washington, D. C.

#### PRINCIPAL OFFICERS OF THE CONFERENCE SECRETARIAT

#### Secretary General

Richard V. Hennes

#### Deputy Secretary General

Raymond J. Barrett

#### Assistant to the Secretary General

Alanson G. Burt

#### Parliamentary Adviser

Peter S. Thacher

#### Treaty Adviser

William V. Whittington

#### Public Information Officer

Paul E. Auerswald

#### Deputy Public Information Officers

Arnold P. Schifferdecker Michael J. Bandler

#### Administrative Officer

Edgar F. Garwood, Jr.

#### Administrative Assistants

Miss Phyllis Bonanno Roger E. Sack

#### Security Officer

James M. McDermott

#### Documents Officer

Miss Elizabeth C. McAllister

#### Deputy Documents Officer

Mrs. Irene E. Scher

#### Registration and Information Officer

Miss Irene C. Piechowicz

#### Language Services Officer

Theodore H. Leon

# Deputy Language Services Officer for Translations

Mrs. Marcella Woerheide

#### Chief Interpreter

Fernando Van Reigersberg

## Visual Services Officer

J. Arnold Rosensteel

#### Electronics Officers

Harry E. Keiper Glenn H. Sorenson

#### General Services Officers

Randolph Coyle IV Donald S. Gaither



Washington, D.C., February - March 1969

Inf/5 (Rev. 1) February 27, 1969

#### REVISED GODDARD TRIP SCHEDULE

## Friday, February 28

12:30 p.m. -- Depart Department of State from Diplomatic (Main) Entrance - Busses will be provided.

1:30 p.m. -- Arrive Goddard Space Flight Center - Busses to go directly to Building # 1 for buffet luncheon.

2:15 p.m. -- Begin tour of Goddard facilities.

4:00 p.m. -- Depart Goddard Space Flight Center by bus for Department of State.

5:00 p.m. -- Arrive Department of State.



Washington, D.C., February - March 1969

Inf/5 February 21, 1969

#### VISIT TO GODDARD SPACE FLIGHT CENTER

The National Aeronautics and Space Administration has invited delegates and their wives to visit the Goddard Space Flight Center, just outside Washington, on February 28. Apollo 9 is scheduled to be launched that day. Delegates will be able to see the launch from the Goddard facilities, which duplicate those at Cape Kennedy. There will also be a briefing on NASA's operations and guided tours (in English and French) of the Center. Cameras are permitted.

Transportation from the Department of State to Goddard and back will be provided. Departure will be about 9:30 a.m. and return about 4:30 p.m. A buffet luncheon will be served at the Center, courtesy of NASA.

Delegates desiring to visit the Center are asked to so inform the Personal Services Desk. The list must be closed at 5 p.m. on Wednesday, February 26, in order to allow NASA to make adequate preparations.

A tentative schedule of events follows:

9:30 a.m.--Depart Diplomatic Entrance of Department of State (2201 C Street, N.W.)

10:30 a.m. -- Arrive at Goddard Space Flight Center. Brief Welcoming Remarks.

11:00 a.m. -- Launch of Apollo 9

11:30 a.m. -- Briefing by Mr. Leonard Jaffe, Director, Space Applications Programs, Office of Space Science and Applications, NASA

12:30 p.m.--Buffet lunch

1:30 p.m.--Guided tours of installations, including:

- A. Mission Control Room
- B. Satellite Exhibit
- C. Tracking and Data Systems
- D. Test and Evaluation Facilities

3:30 p.m. -- Leave Goddard for Department of State

4:30 p.m.--Arrive back at Diplomatic Entrance of Department of State



Washington, D.C., February - March 1969

Inf/7 (Add. 3 and Corrigendum)

ADDENDUM AND CORRIGENDUM TO DIRECTORY

#### MEMBER COUNTRIES

Permanent Title and Address

Washington Address and Telephone

ARGENTINA

Alternate Representative

Carlos Alberto Killian

Manager National Enterprise of Telecommunications Buenos Aires Hotel Harrington Room 627 NA. 8-8140

FRANCE

Adviser

Philippe Dupuis

Engineer
France Cables and Radio
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ITALY

Adviser

\* Marcello Rodino

President TELESPAZIO Rome

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Representative

Victor A. Haffner

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Nigerian External Telecommunications, Ltd. (NET)
Lagos

Hotel Washington Room 902 ME. 8-5900

SPAIN

Alternate Representatives

Juan Manuel Rebollo y Castrillo Deputy Director General Compania Telefonica Nacional de Espana Madrid

Sheraton-Carlton Hotel Room 742 ME. 8-2626

Luis Terol Miller

Head, International Service Compania Telefonica Nacional de Espana

Madrid

Sheraton-Carlton Hotel Room 732 ME. 8-2626

Accompanied by wife

# MEMBER COUNTRIES (continued)

UNITED STATES	Permanent Title and Address	Washington Address and Telephone
Congressional Advisers		
The Honorable * James G. Fulton	Representative Washington, D.C.	2161 Rayburn Building Washington, D.C.
The Honorable * George P. Miller	Representative Washington, D.C.	2365 Rayburn Building Washington, D.C.
	OBSERVERS	
BOLIVIA		
* Ernesto Camacho	Assistant Air Attaché Embassy of Bolivia 1145 - 19th Street, N.W. Washington, D.C. 20036	316 South Wayne Street Arlington, Virginia 527-4235
CONGO		
* André Kumuamba	First Secretary Embassy of the Democratic Republic of the Congo (Kinshasa) 1800 New Hampshire Ave., N.W. Washington, D.C. 20009	3724 Alton Place, N.W. Washington, D.C. 484-2606
COSTA RICA		
* Hermes Sanchez	Representative Instituto Costaricence de Electricidad San José	3420 Oliver Street Hyattsville, Maryland 779-6254
MAURITANIA		
Abou Guisse	Director of Telecommunications Ministry of Telecommunications Mouakchott	Hotel Fairfax Room 722 293-2100

<sup>\*</sup> Accompanied by wife

# OBSERVERS (continued)

UNITED NATIONS	Permanent Title and Address	Washington Address and Telephone
Miss Kwen Chen	Senior Legal Officer Office of Legal Affairs United Nations New York	Howard Johnson Motor Lodge Room 413 965-2700
Sergei B. Chetverikov	Legal Officer Office of Legal Affairs United Nations New York	Roger Smith Hotel Room 298-7200
John De Saram	Legal Officer Office of Legal Affairs United Nations New York	Roger Smith Hotel Room 228 298-7200

#### CORRIGENDUM

#### NETHERLANDS

# Alternate Representative

\* F. Maarleveld

Representative of the
Netherlands Postal and
Telecommunications Services
The Hague

Anthony House Room 503 223-4320

<sup>\*</sup> Accompanied by wife



Washington, D.C., February - March 1969

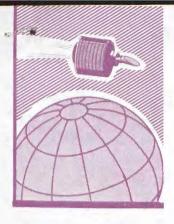
Inf/6 February 22, 1969

#### FILM SCHEDULE

Two films, "Anatomy of Success" and "Live Via Earlybird," illustrating advances in telecommunication satellite technology, will be shown during the week of March 3 in the Department of State Auditorium. This hour-long program is being presented in several languages, through the courtesy of the Communications Satellite Corporation, according to the following schedule:

Monday, March 3	5 p.m.	Anatomy of Success Live Via Earlybird	(English) (English)
Wednesday, March 5	5 p.m.	Anatomy of Success Live Via Earlybird	(English) (French)
Thursday, March 6	5 p.m.	Anatomy of Success Live Via Earlybird	(English) (Spanish)
Friday, March 7	5 p.m.	Anatomy of Success Live Via Earlybird	(English) (German)

To reach the Auditorium from the Conference Suite, proceed down corridor 3, turn left at corridor 4 (red "Exit" sign) through the double doors marked 1319. Once inside this corridor immediately turn right and enter the auditorium through the double doors marked 1411.



Washington, D.C., February - March 1969

Inf/7 (Add. 4 and Corrigendum)

ADDENDUM AND CORRIGENDUM TO DIRECTORY

(This addendum includes registrations as of 5:30 p.m., Monday, March 17. Please report any changes or corrections to the Conference Information Center.)

#### MEMBER COUNTRIES

COLOMBIA

Permanent Title and Address

Washington Address and Telephone

Representative

Dr. Francisco Lozano

President

Empresa Nacional de Telecomunicaciones (TELECOM) Roger Smith Hotel Room 723 298-7200

ITALY

Adviser

Sergio Battaglini

Official FINMECCANICA Rome

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CORRIGENDUM

MEMBER COUNTRIES

COLOMBIA

Alternate Representative

Dr. Emilio Saravia

DELETE CONGO

Andre Kumuamba



# PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM Washington, D.C., February - March 1969

Inf/8 February 24, 1969

#### EXHIBITS

Presently on exhibit in the Diplomatic Lobby, by courtesy of the Communications Satellite Corporation, are replicas of four commercial communications satellites now in existence. INTELSAT I (Early Bird) was launched and employed over the Atlantic on April 6, 1965. Since that time the INTELSAT II and INTELSAT III series have been put into operation. The INTELSAT IV series is now in the preparation stage at Cape Kennedy. Photographs depicting several INTELSAT projects are on display along the corridors.



Washington, D.C., February - March 1969

Inf/9 February 27, 1969

#### COMMITTEE OFFICERS

For the information of participants, the following is a list of Chairmen, Vice Chairmen and Secretaries of the four working committees:

#### Committee I

Chairman - Ambassador Eduardo Alejandro Roca, Argentina

Vice Chairman - Mr. O. H. Mohammad, Pakistan

Secretary - Mr. Raymond J. Barrett, Conference Secretariat

# Committee II

Chairman - Mr. Motoo Ogiso, Japan

Vice Chairman - Professor Carlos Alberto Dunshee de Abranches, Brazil

Secretary - Mr. Byron Manfull, Conference Secretariat

#### Committee III

Chairman - Mr. Harold White, Australia

Vice Chairman - Mr. Abdul Rahman Khaled al-Ghuneim, Kuwait

Secretary - Mr. Alanson G. Burt, Conference Secretariat

#### Committee IV

Chairman - Ambassador Adolfo Alessandrini, Italy

Vice Chairman - Mr. A. A. Bodede, Nigeria

Secretary - Mr. Roger E. Sack, Conference Secretariat



Washington, D.C., February - March 1969

Inf/12 March 7, 1969

#### COMPOSITION OF CURRENT WORKING GROUPS

In response to requests from Delegations, current Working Groups of Committees are as listed below. The composition of the Working Groups has been determined through examination of the appropriate Summary Records in consultation with the Committee Secretaries.

#### Committee I

Working Group I-A

Canada
Chile
Ethiopia
France
India
Japan
Lebanon
Netherlands
New Zealand
United States

Open to other Delegations as observers with right to be heard on matters of importance to them.

Not open to Observer Delegations.

Working Group I-B

Algeria
Australia
Chile
India
Indonesia
Italy
Mexico
Nigeria
Sweden
Switzerland
United Kingdom
United States
Venezuela

Same conditions as I-A.

#### Committee II

Working Group

Brazil
Chile
Federal Republic of Germany
Philippines
Sweden
Switzerland
United Kingdom
United States

Open to Committee II members to observe or intervene if they consider it necessary.

#### Committee IV

Working Group

Algeria
Argentina
France
Federal Republic of Germany
India
Italy
Japan
Pakistan
Philippines
United Kingdom
United States
Venezuela

Meetings open to other INTELSAT members as observers.



Washington, D.C., February - March 1969

Inf/13 March 7, 1969

#### APOLLO 8 FILM

The film, "Journey Around the Moon", recounting the flight of Apollo 8, will be shown March 12 and 13 in the Department of State Auditorium.

This thirty minute program is being presented in the three conference languages, through the courtesy of the National Aeronautics and Space Administration and the United States Information Agency, according to the following schedule:

Wednesday, March 12 -	12:45 p.m.	French
	1:15 p.m.	English
Thursday, March 13 -	12:45 p.m.	Spanish
	1:15 p.m.	English