



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/1 (Final)
March 3, 1969

SUMMARY RECORD - FIRST SESSION OF COMMITTEE I TUESDAY, FEBRUARY 25, 1969

Convening of the Session

The session was convened at 10:20 a.m. by the Chairman of the Conference, Leonard H. Marks, acting as Temporary Chairman of Committee I.

Election of Committee Chairman

Mr. Marks suggested that each Committee elect not only a chairman, but also a vice chairman to serve in the absence of the chairman. Mr. Marks added that, after all Committees had elected their officers, the latter would decide on the need for a rapporteur in each Committee and determine common working practices.

Mr. Marks called for nominations for Chairman of Committee I. The Representative of Brazil nominated Ambassador Eduardo Roca, head of the delegation of Argentina. The Representatives of Nigeria, Italy, and Venezuela seconded the nomination. Ambassador Roca was unanimously elected Chairman of Committee I.

Mr. Marks announced that, if there were no objections, the election of a Vice Chairman of Committee I would be deferred to the next session of the Committee. There being no objections, it was so decided.

Further Agenda for the Committee

Upon taking the Chair, Mr. Roca thanked the Committee for choosing him as its Chairman. He stated that, since document Com. I/1, which suggested a work program for Committee I, had not yet been distributed in all the official languages of the Conference, discussion of these subjects would be postponed until the next session of the Committee. Chairman Roca proposed, moreover, that the Committee consider at the next session Item I, "Objectives and Purposes of INTELSAT" - ICSC Report Paragraphs 163-187, and it was so agreed.

The Secretary-General of the ITU

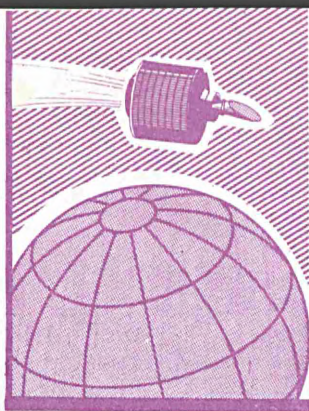
The Representative of the United States informed the Committee that the Secretary-General of the International Telecommunication Union had expressed a desire to speak briefly. The Representative of the U.S. proposed that time

be made available at the next session of the Committee. There being no objection, the Chairman stated that the Committee would hear the Secretary-General of the ITU at its next session before proceeding to its other business, and invited all delegates to attend the session to hear the Secretary-General.

Adjournment

The session was adjourned at 10:30 a.m., to be resumed in the Main Conference Room at 10:00 a.m. on Wednesday, February 26.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/1
February 25, 1969

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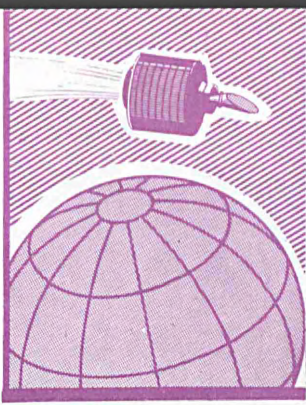
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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/2 (Final)
March 4, 1969

SUMMARY RECORD - SECOND SESSION OF COMMITTEE I WEDNESDAY, FEBRUARY 26, 1969

Convening of Session

The session was convened at 10:15 a.m., by the Chairman of the Committee, Ambassador Roca.

Death of Prime Minister of Israel

The Chairman extended to the delegation of Israel the condolences of the Committee on the death of the Prime Minister of Israel, Mr. Levi Eshkol.

Provisional Summary Record

The Chairman asked the members of the Committee to inform the Secretariat of any changes they desire in the provisional summary record of each session within 48 hours.

Election of Vice Chairman

The Chairman opened the floor for nominations for Vice Chairman of the Committee.

The Representative of the United Kingdom nominated the Representative of Pakistan, Mr. Mohammad. The nomination was seconded by the Representatives of Iran, France, Kuwait, Argentina, and Algeria. Mr. Mohammad was unanimously chosen Vice President of Committee I and took his place on the platform. He thanked the Committee for the honor bestowed upon him and his country.

Statement of the Secretary General of the International Telecommunications Union

As he had announced at the First Session, the Chairman gave the floor to Mr. Mili, Secretary General of the International Telecommunications Union. Mr. Mili paid tribute to the role of the host government of the Conference, the United States, in the development of communications technology and of the ITU. He described the role which the ITU had played and was continuing to play in space communications and noted the desire of the ITU to continue

promoting the development and use of all means of telecommunications. While the actual establishment and operation of a telecommunications system are outside the domain of the ITU, Mr. Mili stated, he hoped that the ITU would, in the future, play the same part in the planning and coordination of satellite telecommunications as it had played in the planning and coordination of more traditional forms of telecommunications. The available orbital space and frequency spectrum belong to all nations, Mr. Mili continued, and the number of domestic, regional, and perhaps even global systems would probably grow. The 135-member ITU, he felt, is uniquely placed to promote the interests of all states in the available orbital space and frequency spectrum, protecting the quality of communications, promoting reasonable rates, and solving problems of interference and routing. Chairman Roca thanked Mr. Mili and asked the Secretariat to distribute the full text of his remarks. The Chairman also informed the Committee that the observer representative of the United Nations, Mr. d'Arcy, had asked to speak at a subsequent session of the Committee and has been invited to do so.

Consideration of Committee's Program of Work

The Chairman invited the Committee's attention to the program of work suggested to the Committee by the Secretariat in document Com. I/1.

The Representative of Switzerland noted that the Report of the Interim Communications Satellite Committee, reproduced as Document 6, is the basis of the Conference's work and that document Com. I/1 modified the order of items in Document 6; he urged that the Committee follow the order in the ICSC Report, Document 6.

The Representatives of Canada and India supported the proposal of the Representative of Switzerland.

The Representative of Italy also supported the proposal but asked for an explanation of the changes suggested by the Secretariat. A representative of the Secretariat indicated that the reordering had been an effort to bring together under each subject heading all the paragraphs in Document 6 which deal with the subject.

In supporting the Swiss proposal, the Representative of Venezuela, in connection with suggested Item IX, Structure of the Organization, felt that the Assembly, being the higher body, should be considered before the Governing Body.

In accordance with the Swiss proposal, the Representative of the United Kingdom suggested that the major subjects of the Committee's deliberations be placed in the order of Document 6, but that, within each subject, the paragraphs be grouped with due consideration of the Secretariat's explanation. The Representative of Mexico supported this suggestion.

- 3 -

The Representative of Tunisia pointed out some of the paragraphs seemed to have been incorrectly placed under certain subject headings.

The Representative of Australia pointed out that the order of consideration of subjects by Committee I should take account of the needs of the other Committees since the activity of the latter may be dependent upon decisions taken in Committee I.

The Chairman suggested creation of a Working Group, consisting of representatives of Mexico, Switzerland, and the United Kingdom, and any other delegations that wished to take part, to prepare a new draft work program, taking account of all points that had been raised by Committee members.

In supporting the Chairman's proposal, the Representative of the Federal Republic of Germany suggested that the Working Group consider also whether the subject "Number of Agreements Constituting the Definitive Arrangements," should be treated by Committee I or II.

The Representative of Algeria asked that other continents be represented on the Working Group and expressed the willingness of his delegation to serve. The Chairman thereupon asked the Algerian delegation to provide a representative to the Working Group.

The Representative of Belgium suggested that members of the ICSC be included in the Working Group so that they might provide the benefit of their experience.

The Representative of Japan believed it would be helpful to other Committees if Committee I considered the subject "Scope of INTELSAT's Activities" near the beginning of its deliberations, perhaps immediately after "Objectives and Purposes of INTELSAT."

The Representative of Nigeria noted that the Secretariat's distribution of the paragraphs in Document 6 among the various Committees contained an overlap in Committee I only for paragraphs 553-556, which had also been assigned to Committee III. The Representative of Nigeria suggested that the Steering Committee meet to work out a practical work program for all Committees, taking into account the need for each Committee to have the proper basis for its work and the desire of some small delegations to be able to participate in all meetings. He also stressed the need to start all meetings on time.

There being no objection to his proposal, the Chairman established a Working Group, consisting of representatives of Algeria, Mexico, Switzerland, the United Kingdom, and others who desired to participate, to work out a work program for Committee I. At the suggestion of the Chairman, the Committee further agreed, to take up as its first and second items of substantive business "Objectives and Purposes of INTELSAT" and "Scope of INTELSAT's Activities," without prejudice as to the order of remaining items which would be considered by the Working Group. The Chairman also announced that he would strive to

open Committee sessions on time and that he would consult with other delegations on the Nigerian proposal for a meeting of the Steering Committee to plan a work schedule for the Conference as a whole.

Objectives and Purposes of INTELSAT

The Representative of Sweden asked that Document 8, submitted by his delegation, be considered in conjunction with Document 6.

The Representative of Switzerland observed that, despite the rapid growth of INTELSAT, about half of the members of the ITU had not joined. A major objective of the Conference, he contended, should be to attract the latter nations. The Conference should also take into account the responsibilities imposed on governments by the Treaty on the Peaceful Uses of Outer Space. Noting the belief of some governments at the time the interim arrangements were established that the same structure might not be best for the definitive arrangements, the Representative of Switzerland called for a permanent international organization consisting of an Assembly, a Governing Body, and a Management Body, so that all countries might share more equitably in the benefits of the new communications technology.

The Representative of Austria emphasized the need for definitive arrangements under which all nations could participate in the organization as well as use its facilities. In addition to striving for a system of maximum efficiency, the Conference should establish arrangements that would open the way to membership of those nations which have so far hesitated to join.

The Representative of Canada called for definitive arrangements that would attract as many members of ITU as possible and that would provide, perhaps after a transitional period, for organs all of which would take account of the interests of all members. He shared the Swiss desire for a three-tier structure. The organization, he stated, should have the legal personality of a partnership in corporate form, with the Management Body an integral part of the organization. The organization should both reflect the interests of the member states and should promote an efficient telecommunications system.

The Representative of the United States supported, for the definitive arrangements, the principles stated in paragraphs 166-169 and 181 of Doc. 6. He expressed the opinion that, since only a limited number of countries were so far in a position to take full advantage of the benefits of satellite communications, the membership of INTELSAT was remarkably large.

The Representative of India noted that, when the INTELSAT III is launched over the Indian Ocean, the INTELSAT system will link countries accounting for 95% of the world's international commercial communications. However, he added, it was necessary to try to attract to membership those countries which had not joined INTELSAT. In this regard, the presence of some 15 observers

was a good omen. The Representative of India also noted the need for an efficient, economical system policy international resources into a world-wide system. He supported a three-tier system and urged that the management be international.

The Representative of Malaysia called for a single global system. Regional systems, he feared, would deprive the global system, on which the developing nations depended, of the most profitable traffic flows.

The Representative of France supported the principles contained in Paragraphs 166-169 of Doc. 6. However, he noted a lack of clarity in Paragraph 174 of the ICSC Report, which might appear to call for a monopoly. INTELSAT was not universal and should not assume the ITU's regulatory role; nations must have the freedom to establish means of communication which they deem more reasonable or otherwise more favorable. He believed that the diversity of future telecommunications needs required a diversity of approaches to meeting them.

The Representative of Nigeria strongly supported the Malaysian view that there should be a single global system. Domestic systems might be permitted, he stated, if they did not jeopardize the efficiency of the global system.

The Representative of the United States pointed to the need to take advantage of the flexibility and economy of scale which a satellite system offers. In view of its huge traffic needs, he stated, the United States could easily participate in several regional systems; such a policy would be more detrimental to other countries than to the United States. However, the United States preferred to promote a single global system, in order to maximize the advantages inherent in such a system.

The Representative of Mexico expressed his desire that a single global system be established, with an organization composed of an assembly of all member States, a limited board, and a management body under international control. Furthermore, he pointed out the necessity of permitting the possible creation of regional systems within the framework of the international organization and consistent therewith. He added that telecommunication by satellite should be dedicated to the service of the community of nations and to the use of space exclusively for peaceful purposes.

The Representative of Syria opposed the establishment of a monopoly of any sort.

The Representative of India observed that some countries might need a domestic or regional system to meet certain specialized needs. India, for example, might wish to take advantage of direct television broadcasts from satellite to homes by establishing a domestic or regional satellite. The definitive arrangements should be flexible enough to accommodate such requirements. Such a system, however, would have to be compatible with the INTELSAT system. In conclusion, the Representative of India noted that no representative of an observer nation had yet requested permission to speak. He urged the Chairman to extend a specific invitation to observers to submit papers or ask to speak. The Chairman agreed to implement the Indian request.

The Representative of Belgium supported the principles contained in paragraphs 166-169 of Doc. 6. INTELSAT, he believed, could be considered a global organization, but it should not be granted a monopoly position.

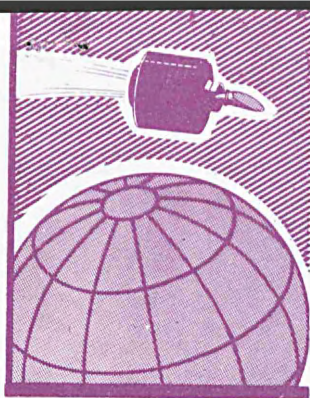
Adjournment

The Chairman proposed that discussion of Objectives and Purposes of INTELSAT be continued at the Third Session and that it be followed by discussion of the Scope of INTELSAT's Activities. He asked those who wished to speak on either item to inform the Secretary of the Committee who will maintain the speaker's list; all members, of course, would be free to request the floor to respond to any statement made in the course of the session. The Chairman further proposed that the Working Group meet during the afternoon or evening of February 26 to consider the subsequent work program.

The Chairman invited those who had read prepared statements to the Committee to provide them to the Secretariat for reproduction and distribution.

The Chairman announced that the Third Session would convene at 10 a.m. in the same room. He adjourned the Second Session at 12:50 p.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/2
February 26, 1969

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Convening of Session

The session was convened at 10:15 a.m., by the Chairman of the Committee, Ambassador Roca.

Death of Prime Minister of Israel

The Chairman extended to the delegation of Israel the condolences of the Committee on the death of the Prime Minister of Israel, Mr. Levi Eshkol.

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promoting the development and use of all means of telecommunications. While the actual establishment and operation of a telecommunications system are outside the domain of the ITU, Mr. Mili stated, he hoped that the ITU would, in the future, play the same part in the planning and coordination of satellite telecommunications as it had played in the planning and coordination of more traditional forms of telecommunications. The available orbital space and frequency spectrum belong to all nations, Mr. Mili continued, and the number of domestic, regional, and perhaps even global systems would probably grow. The 135-member ITU, he felt, is uniquely placed to promote the interests of all states in the available orbital space and frequency spectrum, protecting the quality of communications, promoting reasonable rates, and solving problems of interference and routing. Chairman Roca thanked Mr. Mili and asked the Secretariat to distribute the full text of his remarks. The Chairman also informed the Committee that the observer representative of the United Nations, Mr. d'Arcy, had asked to speak at a subsequent session of the Committee and has been invited to do so.

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The Representative of Malaysia called for a single global system. Regional systems, he feared, would deprive the global system, on which the developing nations depended, of the most profitable traffic flows.

The Representative of France supported the principles contained in paragraphs 166-169 of Doc. 6. However, he noted a lack of clarity in the Preamble of the 1964 Agreement, which might appear to call for a monopoly. INTELSAT was not universal and should not assume the ITU's regulatory role; nations must have the freedom to establish means of communication which they deem more reasonable or otherwise more favorable. He believed that the diversity of future telecommunications needs required a diversity of approaches to meeting them.

The Representative of Nigeria strongly supported the Malaysian view that there should be a single global system. National systems might be permitted, he stated, if they did not jeopardize the efficiency of the global system.

The Representative of the United States pointed to the need to take advantage of the flexibility and economy of scale which a satellite system offers. In view of its huge traffic needs, he stated, the United States could easily participate in several regional systems; such a policy would be more detrimental to other countries than to the United States. However, the United States preferred to promote a single global system, in order to maximize the advantages inherent in such a system.

Desiring an organization both commercial and international, the Representative of Mexico favored a management body under international direction. He believed that regional systems within INTELSAT and compatible with it would be permissible.

The Representative of Syria opposed the establishment of a monopoly of any sort.

The Representative of India observed that some countries might need a domestic or regional system to meet certain intensive needs. India, for example, might wish to take advantage of direct television broadcasts from satellite to homes by establishing a domestic or regional satellite. Such a system, however, would have to be consistent with the INTELSAT system. In conclusion, the Representative of India noted that no representative of an observer nation had yet requested permission to speak. He urged the Chairman to extend a specific invitation to observers to submit papers or ask to speak. The Chairman agreed to implement the Indian request.

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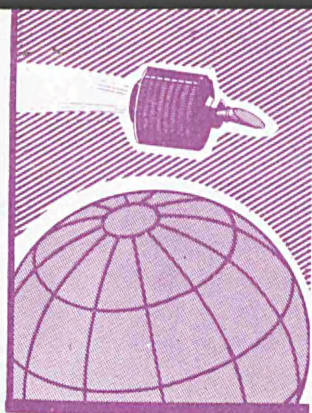
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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/111
March 19, 1969

REPORT OF WORKING GROUP B, COMMITTEE I

Structure of the Organisation

Introduction

1. Working Group B of Committee I was established by a Committee I decision at its eighth session on Thursday, 6 March. It had the following terms of reference:-

"..... to review the viewpoints and appropriate documents presented regarding the structure of the Organization in the same manner as the Working Group earlier established regarding Items I and II of the Work Program, with a view to trying to present for the Committee's consideration concrete proposals, including, where necessary, alternatives and the support therefor."

The original composition of the Working Group was Algeria, Australia, Chile, India, Indonesia, Italy, Mexico, Nigeria, Sweden, Switzerland, United Kingdom, United States and Venezuela. At its meeting of 13 March, Committee I agreed to the addition of Belgium, Brazil, France, Japan and Spain.

2. M. Vallotton of the Delegation of Switzerland took the Chair.

3. The appropriate documents considered by the Group included:-

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| Doc. 6 | - ICSC Report. |
| Doc. 8 | - Working Document and Draft Agreement (by the Delegation of Sweden). |
| Doc. 10 | - Working Document and Draft Agreements (by the Delegation of the United States). |
| Com. I/26
(and Add. 1) | - Structure of the Organization (by the Delegations of Canada, The Federal Republic of Germany and India). |
| Com. I/40 | - Management Arrangements (by the Delegation of the United Kingdom). |

- Com. I/41 - Comments on Structure (by the Delegation of the U.S.).
- Com. I/45 - Structure of the Organization (Statement in Committee I by the Delegate of the United Kingdom).
- Com. I/58 - The Management Body (by the Delegations of
(and Rev. 1 Canada, The Federal Republic of Germany
and Rev. 2) and India).
- Com. I/62 - Functions of the Management Body (by the Delegation of Switzerland).
- Com. I/67 - Elements of a 4-Tier Structure (by the Delegations of Australia, Belgium and Chile).
- Com. I/70 - Voting Arrangements - Governing Body
(by the Delegations of Canada, The Federal Republic of Germany and India).
- Com. I/76 - Governing Body (by the Delegations of Canada, The Federal Republic of Germany and India).
- Com. I/82 - Governing Body - Membership and Voting Arrangements (by the Delegation of the United Kingdom).
- Com. I/102 - The International Manager (by the Delegations of Belgium and France).

4. Various working documents were also presented and discussed during the Working Group's discussions. The texts of those relevant to this Report have been included in it.

5. Apart from an initial meeting to discuss its programs of work, the Working Group held eleven meetings and in the course of its discussions took account of statements by the observers of France (before France became a full member) and Canada.

6. In approaching its work, the Group agreed that the question of the Management Body should be considered separately from the questions of the Governing Body and the Assembly but that the Governing Body and the Assembly needed to be, to a considerable extent, dealt with together since their functions and attributes were necessarily inter-related. This report deals with these questions in the order in which they were discussed, but this order is not of itself to be regarded as having any particular significance.

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7. Conscious of its terms of reference, the Group sought to avoid going over the same ground as had already been covered in discussion in Committee I itself, and to concentrate rather, against the background of the relevant documents and statements, on clarifying the various positions adopted and on the possibility of reconciling them into as broad a measure of agreement as possible. The Group was not fully successful in the latter task, and therefore sets out, under the headings below, several alternative positions. It did nevertheless succeed in identifying a broader measure of support for certain of the positions recorded. The order in which these alternative positions are set out in this report is likewise to be regarded as having no particular significance.

8. The fact that the Working Group, for lack of time, was not able to deal with certain points does not in any way mean that these points are of minor importance.

9. The Group also found that on many points discussion could not be conclusive since the outcome depended on decisions to be taken on other aspects of the Work Program of the Conference.

The Management

10. Discussion of this question revealed that there were essentially three distinct positions. One Group advocated the acceptance, in the Definitive Arrangements, of the firm goal of full internationalization of the Management, under a Director-General, within a specified period of time. This Group acknowledged that this aim should not be achieved at the expense of the efficiency and effectiveness of the INTELSAT Organization, but nevertheless considered the aim to be capable of achievement. They pointed out that the Definitive Arrangements would certainly provide for amendment and that, if it proved genuinely impossible to achieve the aim within the time scale proposed, resort could always be had to the procedure of amendment upon the recommendation of the Governing Body. The Delegate of Switzerland presented his Delegation's paper, Com I/62, underlining that the main aim should be to internationalize in areas involving responsibility rather than execution. The Group also took note of the paper on the Management by the Delegations of Belgium and France (Com. I/102). This paper contains a draft Recommendation from the Conference to the Interim Committee (ICSC).

11. A second group, while not excluding the possibility of partial or complete internationalization of the Management under a Director-General, felt it necessary to give greater weight to the need for preserving efficiency and effectiveness and was reluctant to contemplate the fixing of any rigid time scale for the completion of internationalization.

12. Some members also felt that in the choice of personnel for the Management, competence and efficiency should be the sole criterion and that the principle of equitable geographical distribution should not be enshrined in the Definitive Arrangements.

13. A third view expressed by the U.S. Delegation was that efficiency, effectiveness, and economy should be the primary goal in structuring the Management. This approach specifically rejected the concept that internationalization of the Management should, in itself, be a primary goal or common aim. Instead, it was felt that internationalization, in and of itself, should be not regarded as necessarily good or bad. It was pointed out that the Manager was to be the servant of the Organization, would function pursuant to the terms of a contract, as under the U.S. proposal, and would be directly answerable to the Governing Body. The goal of internationalization, the validity of which was recognized, should be properly addressed in the structure of the Organization itself--i.e., the Assembly, and the Governing Body, the power of these organs, and the provisions for representation and voting in them. Reference was made to the structure and relationships envisioned in Conference Document 10. Nevertheless, willingness was expressed, within the framework of maintaining the efficiency of the Organization, to consider proposals which would result in the internationalization of certain functions (such as some of those suggested in paragraph 4 of Committee I/40) which did not involve scientific, technical, or operational activities of the Manager. It was stressed that a piecemeal transfer of functions could be disastrous and, therefore, was not acceptable. It was also felt that the fixing of a time scale or deadline for accomplishment of transfer could not meet the test of maintaining efficiency. In offering to consider proposals for internationalizing some functions on a trial basis, the concept of a Director-General or a Secretary General as the overall agent of the Governing Body or the inter-positioning of any entity between the Manager, in the continued discharge of its assigned management functions, and the Governing Body was rejected. Instead, in the event of internationalization of some functions, a parallel approach should be used whereby both the Manager, and the other entity, performing the functions transferred to it, would both report to the Governing Body directly. At the same time, it was felt that under the position taken above, Comsat would not need to retain the Management functions in perpetuity. A situation might emerge leading to the possibility of choosing an alternative Management Body as provided for in Article V(b) of the U.S. draft agreement in Document 10.

14. The first school of thought referred to above was represented mainly by the Delegate of India who, after discussion, introduced Com. I/58 (Rev. 2), and by the Delegate of the United Kingdom, who expressed his full agreement with it. It was also supported by the Delegates of Belgium, France and Switzerland and, with certain reservations, by the Representative of Nigeria, and by the Delegate of Algeria, who also had some reservations, particularly on the principle of laying down in the Definitive Arrangements a fixed time-scale for internationalization of the Management. In his view internationalization must be achieved over the necessary and practicable period compatible with the effective functioning and efficiency of the Management. The Group noted that this document was also supported by the Delegations of Canada and the Federal Republic of Germany, not represented on the Working Group.

15. The Delegate of Switzerland proposed the following amendments to Com. I/58 (Rev. 2):-

"B.1. The Organization shall enter into an agreement with COMSAT....., which shall provide for the orderly and efficient transfer of responsibility for management functions from the COMSAT to the Management Body. The transfer of such responsibility shall take place as rapidly as shall be consistent with the maintenance of a highly efficient and effective Management of the Space Segment and shall be completed within years from the date this Agreement enters into force. To facilitate this process, the Director General shall be appointed as soon as possible following the entry into force of this Agreement.

"3. Protocol Provision

In determining the progressive transfer of management functions from the COMSAT to the Organization, the Governing Body shall be guided by the following principles :

1) Pursuant to Para. B.1., priority should be given to the establishment of a competent staff of senior officers and professional experts in order to enable the Director General to take over the responsibility for all management functions.

2) It is recognized that, in many cases, the execution of management functions, while performed under the responsibility of the Director General, will preferably be effected "out of house" by means of contracts between the Director General and competent national entities, such as COMSAT, in the Participating States.

3) The Director General, for detailed planning of the establishment of the Management Body, shall seek the assistance of a competent management consulting firm."

16. A Representative of the second group referred to above (which included Australia, Chile, Nigeria and Venezuela) proposed the following, to reflect another point of view:-

"It has proved very difficult to suggest, in treaty language, modifications to Com. I/58 because certain points of principle need clarification first. Therefore, the following comments, although relating to Com. I/58, do not comprise proposed editorial modifications. The paragraph numbering refers to numbers in Com. I/58.

"A.1(a). The question of whether the Management Body undertakes the work 'in house' or by contract is not made clear. There is real concern among many members that the requisite complement of competent staff may be difficult to achieve in any given time.

"A.2. In order to reflect the feeling of many members that only competent people could be entrusted with a business concern of this magnitude, there should be a clear understanding, reflected in the specification for staff indicating that it shall be the objective in selecting these personnel to achieve:

- (a) in respect of the Director General and second level staff, demonstrated professional competence and relevant background experience in advanced technology and its application to telecommunications, to ensure, to the satisfaction of the Governing Body, the continuance and the dynamic development of the space segment to achieve the purposes of the organization;
- (b) in respect of other key staff, proven efficiency and related experience as a primary requisite;
- (c) in order to take account of the desire of all countries to participate, the establishment of posts to permit nominees from all countries to obtain experience and training.

"B.1. The complex management and organizational problems involved in effecting the desired transfer need extremely careful detailed consideration by experts. With due respect to distinguished delegates at the present Conference, it appears to us that neither the Conference environment nor the time available would allow such detailed consideration without leading to the possibility of grave risks being incurred by rigid specifications in regard to a specific timetable for the transfer of functions.

"For these reasons, it is believed that arrangements should be made for the Governing Body to consult with the Communications Satellite Corporation, incorporated under the laws of the District of Columbia, with the objective of establishing a plan for the transfer of management functions to the new Management Body. In working out this plan, prime emphasis should be placed on the maintenance of an efficient management system throughout, so that the effective maintenance, operation and development of the global satellite communication system should not be impaired.

"The plan should take, as its objective, the full transfer of relevant management functions within five years of the entering into force of the definitive arrangements, and this plan should be submitted to the Conference (Assembly of Parties) within one year of the entering into force of these Agreements.

"B.3(a). To ensure that adequate staffing is first available in the new Management Body and that reasonable opportunity is given for competent authorities to prescribe practical administrative procedures for the transfer

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of functions, the feasibility of making progressive transfers should also be a subject of study.

"Notwithstanding the foregoing paragraph and observations made above in respect of paragraph B.1., the Governing Body should have the task of negotiating with the Communications Satellite Corporation for the transfer, as soon as practicable after the appointment of the Director General and the requisite staff, certain functions now carried out by the Corporation. In these negotiations consideration should be given to but not limited to the following functions:

- (i) secretarial functions;
- (ii) information services;
- (iii) legal services;
- (iv) accounting functions;
- (v) co-ordination between space segment and earth stations;
- (vi) co-ordination and co-operation with I.T.U."

The Assembly and Governing Body

17. While acknowledging the interrelationship between the two organs, the Working Group considered the question of an Assembly first.

Assembly

18. Discussion was long and detailed, and it is impossible to reflect it fully in a Summary Report.

19. There was unanimous support for the concept of an Assembly--or two Assemblies in a Four-Tier structure (see Com. I/67)--in which both Parties and Signatories could be represented.

20. But there were different positions, which could not be fully reconciled, regarding the extent of the powers and functions of such a body or bodies, and regarding voting arrangements. The Delegate of Sweden pointed out that the approach adopted in Doc. 8 would make many of these problems easier to solve.

21. It should be noted that the various lists of functions set out below cannot be regarded as final and exclusive, since other functions may be allocated to an Assembly by proposals from other Committees and Working Groups.

The "Three-Tier" Concept

22. Proceeding on the basis of Com. I/26 and its Add. 1, the Delegates of India and the United Kingdom supported the idea of one Assembly, to which Governments might appoint, as they wished, as their representatives either Government officials or telecommunications entity representatives, or both. Each member country would have one vote, and decisions would, if procedural, be by simple majority, and if substantive, by two-thirds majority. The Assembly would meet in principle once a year. The Delegates of India and the United Kingdom proposed the following list of functions for the Assembly:-

"The Assembly shall:

- (i) adopt its own Rules of Procedure;
- (ii) appoint members of the Governing Body in accordance with Article of this Agreement; *
- (iii) take note of new accessions to this Agreement;
- (iv) determine, upon the recommendation of the Governing Body, that a State Party to this Agreement shall be deemed to have withdrawn from the Organization for failure to comply with the obligations of this Agreement;
- (v) confirm the Governing Body's appointment or dismissal of the Director General;
- (vi) receive and consider an annual report submitted by the Governing Body concerning the activities of the Organization;
- (vii) receive and consider an annual report submitted by the Governing Body setting out an outline of the program and the financial prospects for the following five years;
- (viii) receive and consider any other report submitted to it by the Governing Body;
- (ix) appoint a panel of legal experts of generally recognized ability for the purpose of presiding over arbitration proceedings;

*This refers to a possible provision that additional members may be added to the Governing Body other than those qualifying for membership on the basis of their investment quota(s).

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- (x) if necessary, decide matters concerning the establishment of formal relationships with other international organizations;
- [(xi) be authorized to consider amendments to the Definitive Agreements, taking into account any views expressed by the Governing Body, and to decide that a Plenipotentiary Conference should be held to review or decide upon such amendments;] ϕ
- [(xii) competence of the Assembly in relation to the scope of specialized services to be determined in the light of the report of Working Group A and later decisions of the Conference;]
- [(xiii) any other functions falling to the Assembly as a result of other provisions of the Agreement;] "

23. Support for the general "three-tier" concept was expressed by the Delegate of the United States, who reserved his position on items (ix) and (xii) and, consequent upon his attitude towards the internationalization of the Management, item (v), in the list of functions set out in the preceding paragraph.

24. The Delegates of Spain and Mexico also expressed support for the idea of a single unitary Assembly which could as necessary and appropriate divide into separate meetings of Parties and Signatories. They made proposals, which appear below, designed to reconcile the two different approaches.

25. Several other delegations, while agreeing with the India/United Kingdom List, considered that the Assembly functions should be more extensive. The Delegate of Sweden, supported by the Delegate of France, underlined that Governments had responsibilities, inter alia under United Nations General Assembly Resolution No. 1721, which they could not delegate to a Governing Body controlled by a private profit-making enterprise. Such responsibilities could only be discharged through an Assembly of Government representatives with adequate powers. The Delegates of Algeria, Belgium, Chile, France, Sweden and Switzerland, basing themselves on an original Swedish proposal, proposed the following functions. (In the case of Belgium and Chile, without prejudice to their position regarding a Four-Tier structure - see below.) This proposal was supported by the Delegates of Brazil and Venezuela.

- "1. To adopt general directives with regard to the rights and obligations of the Organization in its capacity as a public utility agency;

ϕ To be considered in the light of the deliberations in Committee II.

- "2. To decide with regard to such changes in the type of space segment as would substantially alter the basic assumptions on which the agreements have been concluded;
- "3. To adopt and to amend such general rules for access to the space segment and for determination of utilization charges as are necessary to secure the observance of the non-discrimination principle and to prevent abuse of a dominating position with regard to the supply of circuits."

26. This proposal was not acceptable to the Delegates of India and the United Kingdom, who regarded it as inconsistent with their fundamental approach to the concept of an Assembly. The Delegate of the United Kingdom suggested that the Governmental responsibilities referred to would always remain within the sovereign responsibility of a Conference of Plenipotentiaries. On the other hand, it was pointed out that a Conference of Plenipotentiaries would not meet frequently enough to deal with such matters without undue delay.

27. The Delegate of France indicated that he could not take a position on voting procedures before the functions of the Assembly had been definitively laid down. Probably the procedures proposed by the Delegates of India and the United Kingdom could be applied as a general rule. But, for certain decisions, particularly those concerning the extension of the scope of activity of the Organization, stricter rules would have to apply.

The "Four-Tier" Concept

28. There was lengthy discussion in clarification of Com. I/67. The Delegate of Belgium submitted a working paper suggesting a list of functions divided between an Assembly of Parties and a Meeting of Signatories, both to take place annually. The advocates of this concept which included the Delegates of Australia, Chile and, with reservations, Sweden and France, all felt that there was a basic need for the representatives of the telecommunications entities of members, not all of which would be directly represented in the Governing Body, and not all of which would be Government authorities, to be able to discuss, once a year, the commercial aspects within their competence of the global satellite communications system. The Delegate of Australia did not favor annual meetings for the Assembly of Parties, and reserved his position on voting arrangements, which must depend on the list of functions finally agreed. In his view if executive powers were involved, voting would need to be on an investment quota basis. The Delegates of Spain and Mexico suggested as a possible compromise the acceptance of the idea of a single unitary Assembly, including representatives of both Governments and telecommunications entities, which might divide, as necessary and appropriate, into separate meetings of Government representatives and telecommunications entities, respectively.

29. Apart from Com. I/67, the following are the relevant documents:

Belgian Working Paper on the Respective
Functions of an Assembly of Parties and a
General Meeting of Signatories

"I. Assembly of Parties

The Assembly shall:

1. adopt its own Rules of Procedure;
2. dispose of the necessary powers to define the main lines of conduct of the Organization; it shall take decisions of governmental nature;
3. supervise the carrying out of the Agreements and examine problems which might arise therefrom;
4. be authorized to consider amendments to the Inter-governmental Agreement taking into account any views expressed by the Governing Body and to decide that a Plenipotentiary Conference shall be held to decide upon such amendments;
5. confirm the Governing Body's appointment or dismissal of the Director General;
6. decide with regard to such changes in the type of space segment as would substantially alter the basic assumptions on which the agreements have been concluded;
7. adopt and amend such general rules for access to space segment and for determination of utilization charges as are necessary to secure the observance of the non-discrimination principle and to prevent abuse of a dominating position with regard to the supply of circuits;
8. appoint members of the Governing Body in accordance with Article , of the Intergovernmental Agreement; *

*This refers to a possible provision that additional members may be added to the Governing Body other than those qualifying for membership on the basis of their investment quota(s).

9. appoint a panel of legal experts of generally recognized ability for the purpose of presiding over arbitration proceedings;
10. receive and consider reports of a governmental nature submitted to it by the Governing Body;
11. take note of new accessions to the Inter-governmental Agreement;
12. record that a Party has no right of vote in default of fulfilling its financial obligations and determine, upon the recommendation of the Governing Body, that a State Party to Inter-governmental Agreement shall be deemed to have withdrawn from the Organization for failure to comply with the obligations of that Agreement;
13. consider complaints submitted by the Parties either directly or through the Governing Body;
14. if necessary, decide on matters concerning the establishment of formal relationships with other international organizations.

"II. General Meeting of Signatories:

The General Meeting of Signatories shall:

- (a) adopt its own Rules of Procedure;
- (b) be authorized to consider amendments to the Second Agreement, taking into account any views expressed by the Governing Body;
- (c) receive and consider an annual report submitted by the Governing Body setting out an outline of the program and the financial prospects for the following five years;
- (d) receive and consider an annual report, including the budgetary information submitted by the Governing Body concerning the activities of the Organization;
- (e) receive and consider any other report on matters within its competence submitted to it by the Governing Body;

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- (f) approve, upon the recommendation of the Governing Body, decisions to raise loans;
- (g) approve, upon the recommendation of the Governing Body, increases of capital investment of the Signatories;
- (h) consider the general tariff regulations adopted by the Governing Body;
- (i) consider complaints submitted either by Signatories or users of the system, either directly or through the Governing Body;
- (j) take note of new accessions to the Second Agreement;
- (k) record that a Signatory has no right of vote in default of fulfilling its financial obligations."

30. At the final meeting of the Working Group, support for this suggested division of functions was expressed by the Delegates of Australia and Chile.

31. The following is the text of the Mexican proposal:-

- "1.a) The Assembly, composed of representatives designated by the Governments of each State Party to the Agreement, shall be the supreme organ of the Organization and as such, shall determine all major policy decisions.
 - b) It shall meet annually (or every two years).
 - c) Every member State will have one vote in the Assembly. Procedural decisions shall be adopted by a simple majority; important decisions of substance by a two-thirds majority.
- 2.a) A Meeting of Signatories shall take place every year, immediately preceding the Assembly's yearly (or biannual) session (or in conjunction with it).
- b) Only those matters of a financial, budgetary or commercial nature specifically mentioned in the Second Agreement (or Special Signatories' Agreement) shall be considered by the Meeting of Signatories.
 - c) Procedural questions shall be decided by a simple majority.

- d) All other questions shall be decided by a majority (or qualified majority) of the weighted votes.
- e) Special attention shall be given to the proper coordination of the powers and functions of the Meeting of Signatories and of the Governing Body in order to prevent as far as possible conflicts of authority and unnecessary duplications.

Questions of competence and jurisdiction among the various organs will undoubtedly arise and need clarification. The general rule should be that the paramount organ, the Assembly, representing the sovereign States, shall have the broad, residuary powers not specifically conferred upon its subsidiary organ, the Meeting of Signatories, or upon the other organs of the Organization, namely, the Governing Body and the Management Body."

32. The following is the text of the Spanish proposal:-

- "1. The Assembly of Parties and Signatories shall be the Supreme organ of the Organization.
- 2.a) The Assembly of Parties and Signatories will carry out its functions through Meetings of Signatories and through the Meeting of the Parties. Accordingly in each case to the respective competence of the Signatories and of the Parties.
- 3.a) The Meeting of the Parties will consist of representatives designated by the governments of each state party to the Agreement.
- b) Every member state will have 1 vote in the Meeting of the Parties. Procedural decisions shall be adopted by a simple majority. Important decisions of substance by a two-thirds majority.
- c) The Meeting of the Parties shall be held annually (or every two years).
- 4.a) The Meeting of Signatories (of the Special Agreement) shall take place every year (or every two years), immediately preceding the (yearly or biannual) Meeting of the Parties.
- b) Only those matters of a financial, budgetary or commercial nature specifically mentioned in the

Second Agreement (or Special Signatories' Agreement) shall be considered by the Meeting of the Signatories.

- c) Procedural questions shall be decided by a simple majority, each Signatory having one vote. All other questions shall be decided by a majority (or qualified majority) of the weighted votes.
- 5. Questions of competence and jurisdiction among the Meeting of Parties and the Meeting of Signatories will be decided by the Assembly of Parties and Signatories.
- 6. The Meeting of the Parties and the Meeting of Signatories will report for definitive decisions to the Assembly of Parties and Signatories. To that effect the Assembly of Parties and Signatories should be considered a unitary organ."

Governing Body

33. On eligibility for membership, there was unanimous agreement that the Governing Body should be composed of representatives of the Signatories (I.C.S.C. Report, paragraph 346) and that such representatives should be free to be accompanied by advisers, as they wished (I.C.S.C. Report, paragraph 348).

34. The Working Group next considered size and composition. There was general agreement that the size of the Governing Body should be limited, so as to ensure its continued functioning in an efficient manner (I.C.S.C. Report, paragraph 350). There was also general agreement on the need to provide for equitable representation of smaller countries and of geographical areas. The Delegates of Algeria and Venezuela underlined the particular importance of this. But views differed on how this might be achieved. Some thought the best method was to lay down a definite number of members in the Definitive Arrangements; others thought it impossible to fix a definite figure before it was known what such other basic factors as investment shares would be. In the time available, it was not possible to have sufficient discussion to arrive at a conclusion.

35. The specific proposals discussed included:-

- (a) Article VI(a) of the United States draft in Doc. 10.
- (b) Paragraph 1 of Com. I/76.
- (c) The third paragraph of Com. I/82.

No firm preferences were shown for any particular one of these three approaches. The following particular points of importance emerged in discussion:-

- (a) There was general agreement on the desirability of representation of groups of members through one representative on the Governing Body. It was noted that this practice was widespread in the present I.C.S.C., both as a matter of convenience and as a means of attaining the 1.5% vote to qualify for a seat. Some Delegations expressed the view that, as a practical matter, the formula in I/76 would tend to reduce the incentive for grouping, except at the very bottom of the list of 18. This distinguished I/76 from the UK document I/82. Furthermore, some Delegations suggested that the establishment of a fixed number at the outset would lead to a scramble for seats at the bottom of the list which would result in instability. The Indian Delegation suggested that this element of instability could be easily overcome by fixing a periodicity of three or five years for the reorganization of the Governing Body.

The United States proposal (Doc. 10) contemplated--like the UK document--that all countries, or groups of countries having over a specified percentage of investment would have one seat. In addition, however, it proposed in Article VI(a)(iii) of its draft Agreement, that there be representation of groups of five or more countries without regard to their weight of vote. Opinions were divided on this proposal. The United States Delegate advocated this as a good means of broadening the representation in the Governing Body without unduly increasing its size. He was supported by the Delegate of Algeria. The Delegate of India feared that the United States proposal risked leading to undesirable increases in the size of the Governing Body, especially as membership of the Organization increased. He was supported in this by the Delegates of Belgium and Chile. To avoid this, it was suggested by the Delegate of Nigeria, supported by the Delegate of Algeria, that groupings of members should be formed on a basis of common interest or geographical contiguity, and not just for the purpose of attaining a qualifying vote.

In answer to the proposition that an upper limit must be fixed, the Delegate of Switzerland pointed out that if, for example, a minimum investment quota of 1.5% were established as a requirement, the size of the Governing Body would be automatically limited. (He estimated approximately 20 representatives would represent 90% of the total investment shares.)

There was general agreement that the various proposals merited further study.

- (b) It was not possible fully to explore the idea of fixing a maximum limit for membership of the Governing Body (as in Com. I/76).

although not formally recommended or adopted by the I.C.S.C., provide a useful reference for further discussion.

(b) Article V of the United States Draft Agreement in Doc. 10.

(c) Paragraph 3 of Com. I/76.

Voting Arrangements

38. This was the last item discussed by the Working Group and again could not be pursued to a conclusion. It was pointed out that this, too, depended on other factors as yet unknown, such as decisions in Committee III on investment quotas.

39. The Delegate of the United Kingdom preferred to rest his position on Com. I/82. The Delegate of Algeria saw two possible solutions to the problem of weighted voting in the Governing Body, according to the method of determining investment shares. If the proposal of Kuwait in paragraph 501 of the I.C.S.C. Report was adopted, he would support the solution in paragraph 401, whereby voting shares would equal investment shares. If, on the other hand, investment shares were strictly linked to use (para. 498), he would support the method set out in paragraph 393, establishing for each member a direct relationship between his weighted vote and its investment share, adding a number of basic votes. The Delegate of India considered the proposal of Kuwait in Com. III/3 to be too broad an approach, and argued in favor of Com. I/70. It was right to maintain the fundamental basis of the investment quota for voting, and to adjust voting arrangements. This was the case with the IMF and IBRD. The four largest investors should be able to take binding decisions but the largest should not be able to block decisions. It was vital to avoid deadlock, and Com. I/82 risked this. The Delegate of the United States argued that voting arrangements should not be arrived at by restructuring investment quotas. They must reflect the essentially commercial nature of the Organization and the amount of investment at risk. The basic concept of Com. I/70 was not acceptable to the United States. He accepted that the largest investor must not be in a position to impose decisions and there was room for adjustment in the voting arrangement, as provided for in Article VI (c) and (d) of the United States draft in Doc. 10. Experience of present arrangements in the I.C.S.C. had in fact shown that all decisions of significance had been taken by substantial consensus, well in excess of the 12-1/2% above the United States vote required. He drew attention to the voting arrangements in Article VI(c) of the U.S. draft Agreement providing for a two-thirds majority on substantive questions. Assuming that facilities for U.S. domestic services would be established other than as INTELSAT-financed satellites, he estimated that the U.S. would require over 22% of the weighted votes from among the other representatives. Even on the other assumption regarding U.S. domestic services,

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on the basis of the ceiling of 50% for the largest vote, the U.S. would need 16-23% additional support on substantive questions. The United States wished voting arrangements to be as non-political as possible and to avoid the arbitrary approach of Com. I/70.

40. The Australian Delegate expressed the view that a very real and practical way of further internationalization of the Organization could be effected by the broader distribution of power among countries represented on the Governing Body. This principle, in the opinion of his Delegation, was adequately expressed in paragraph 405 of the I.C.S.C. Report.

41. The Canadian observer drew attention to the substantial support in the I.C.S.C. Report (paragraph 393) for the original Canadian proposal for an allocation of a basic block of votes. He also explained in detail the practical application of this system.

42. By way of conclusion, it was suggested that the Working Group could only express a view on basic principles. It emerged that there was strong support in the Working Group for paragraph 405 of the I.C.S.C. Report, which reads as follows:-

"In no case should any one representative or a combination of three representatives having the largest voting shares on the Governing Body be able to prevent or impose a decision of the Governing Body solely because of the casting of its votes or their votes."

43. The Delegates of the United States and the United Kingdom accepted this proposition, so far as the imposition of decisions is concerned, but held that the imposition of the decisions of others on the three largest investors was unacceptable and inequitable.

44. The Delegate of Sweden pointed out that the question of voting arrangements in the Governing Body depended essentially on the extent of the powers and functions attributed to the Assembly.

45. There was no conclusive discussion of the question of majority requirements for voting in the Governing Body, although the Delegate of the United States urged the merits of the U.S. approach as set out in paragraph 35 above.

The members of Working Part I B wished to express their appreciation to the Chairman, Mr. Vallotton, for his skill and patience in dealing with the intricate and extremely important tasks allocated to this group. They also wished to express their appreciation to the Rapporteur, Mr. Killick, in recognition of the long, arduous hours, of his own time, required to produce the report.

* * *

Attachment:
Annex A

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Doubts were expressed about the practicability of this approach, and there was some preference for retaining the standard of a fixed percentage of investment quota.

- (c) It was suggested that specific guidelines should be laid down for the possible election of additional members to ensure adequate regional representation. The Delegate of Venezuela attached particular importance to this point. Other Delegates preferred the method discussed in (a) above and thought that it would be difficult to elect members of the Governing Body to ensure adequate geographical representation. It would be preferable to lay down conditions which would apply automatically and without the need for elections.

Functions

36. Again there was not enough time for conclusive debate. The Delegate of the United Kingdom suggested that the functions of the Governing Body should be essentially the same as those laid down in the Interim Agreement, supplemented or amended as necessary to take account of the functions allocated to the Assembly. He feared the expanded list in paragraph 3(2) of Com. I/75 might give the impression that it was exclusive. The Delegate of India drew attention to the last sentence of paragraph 3(1) of Com. I/76. The Delegate of France considered it necessary to determine the functions deriving from the responsibilities of Governments which could not be delegated to the Governing Body. The Delegate of the United Kingdom suggested that such questions were a matter for a Conference of Plenipotentiaries, which would always be the ultimate supreme authority. The Delegate of Sweden felt that this was not right since a Conference of Plenipotentiaries would not meet on a regular or frequent basis.

37. The Working Group agreed, without prejudice to the opinions expressed by the Delegations with regard to the functions of the Assembly, that further discussion should be based on:-

- (a) Paragraphs 369 and 370 of the I.C.S.C. Report, which read as follows:-

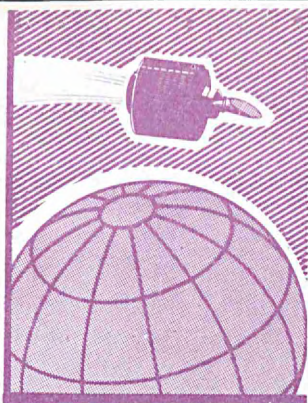
- .. "Functions assigned to the Governing Body be all those functions required to direct the business and carry out the purposes of the Organization.
- .. The Governing Body be responsible for the design, development, construction, establishment, maintenance, and operation of the space segment."

As well as paragraphs 371 to 389 of the I.C.S.C. Report, attached to this report as Annex A, which,

TEXT OF PARAGRAPHS 371-389 OF
THE ICSC REPORT (Doc. 6)

- 371 In the exercise of these broad functions, powers, and responsibilities, the Governing Body would also exercise specific functions, with due regard to such powers and functions as might be vested in the Assembly or other organs. Many of the specific functions would be of the type normally residing in a governing body. Some are stated under other subject headings of this Part of the Report. Some of special significance are listed below. This list is not exhaustive, but merely illustrative. In presenting it, the Committee is neither recommending nor implying that a detailed list of functions of the Governing Body should be included in the definitive arrangements.
- 372 With respect to global satellites (see subject heading B), the Governing Body might be concerned with:
- 373 -- Contracts for the Organization's procurements.
- 374 -- Policies for the conduct of Organization-funded research and development projects and approval of research and development programs.
- 375 -- Procedures for determination and periodic adjustment of Signatories' investment and ownership shares.
- 376 -- Procedures and criteria for approval of earth stations for access to global satellites.
- 377 -- Procedures for initial and continuing verification of performance characteristics of earth stations approved for access to global satellites.
- 378 -- Plans and procedures for coordination between earth stations in the utilization of global satellites and other Organization-financed satellites, e.g., operation plans, including frequency plans, tests and lineups, and service circuits

- 379 -- Procedures for filing of the required information pertaining to global satellites and other Organization-financed satellites with the International Telecommunication Union.
- 380 -- Terms and conditions for allotment of units of satellite utilization in global satellites, including charges for such allotments.
- 381 With respect to satellites intended specifically to serve the domestic needs of a Participating State (see subject heading B) the Governing Body might be concerned with:
- 382 -- Programs for the development and establishment of Organization-financed domestic satellites.
- 383 -- Programs for the development and establishment by the Organization of domestic satellites financed by a Participating State requesting such satellites.
- 384 -- Operation and system management plans for the utilization, maintenance and control of Organization-financed domestic satellites.
- 385 -- Programs for operational control for Organization-financed domestic satellites and arrangements, terms and conditions under which the Organization may provide operational control for non-Organization-financed domestic satellites.
- 386 -- Procedures and criteria for approval of earth stations for access to Organization-financed domestic satellites.
- 387 -- Procedures for initial and continuing verification of performance characteristics of earth stations approved for access to Organization-financed domestic satellites.
- 388 -- Plans and procedures for coordination between earth stations in the utilization of Organization-financed domestic satellites.
- 389 -- Procedures for filing of the required information pertaining to Organization-financed domestic satellites with the International Telecommunication Union.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/3 (Final)
March 5, 1969

SUMMARY RECORD - THIRD SESSION OF COMMITTEE I THURSDAY, FEBRUARY 27, 1969

Convening of Session

The session was convened at 10:07 a.m. by the Chairman of the Committee, Ambassador Roca.

Trip to Cape Kennedy

The Chairman of the Conference, Ambassador Marks, announced that the launch of Apollo 9 had been postponed until Monday, and that hotel reservations near Cape Kennedy were not available for Sunday night. Since many delegates still wished to visit the Cape, the trip would take place approximately as scheduled. Committee I would not meet during the absence of these delegates.

Decisions of the Steering Committee

Ambassador Roca reported that the Steering Committee felt that: (1) Saturday should be a full or partial work day, according to the need; (2) Daily meeting times should be 10:00 a.m. to 12:45 p.m. and 2:30 p.m. to 5:30 p.m.; and (3) At least in the initial stage, no other Committees should meet concurrently with Committee I. The Steering Committee had also been informed that meeting facilities similar to those in the Main Conference Room of the State Department would be secured at the nearby building of the Pan American Health Organization, so as to permit concurrent meetings when desired.

Suggested Work Program for Committee

The Committee noted the work program proposed by the Working Group in Document Com. I/1 (Rev. 1), in which the order of the principal subjects was that contained in Doc. 6 and which took account of the other suggestions made at the Second Session.

Objectives and Purposes of INTELSAT

The Representative of New Zealand noted the success achieved by INTELSAT.

He attributed this success to the international character of the organization, in which all nations so desiring could participate, and to its efficiency in meeting requirements effectively and economically. He stated that the fact that 67 nations were now members was evidence of great progress, particularly in view of INTELSAT's brief existence; such factors as external traffic and financial requirements must be taken into account when speculating as to why there are not more members. Future success could best be achieved within the framework of a single global system. On the subject of structure, he favored definitive arrangements providing for an Assembly, a Governing Body and a Management Body as efficient as the Manager under the interim arrangements. He further observed that the principles in the Preamble of the Interim Arrangements should be reflected in the Definitive Arrangements.

The Chairman proposed that two observers who had asked to speak be given the floor and there was no objection.

The Observer from Poland expressed agreement with the views stated previously by the representatives of France, India and Arab countries; achievement of the desired single, unified global system, as illustrated by the Intersputnik proposal, required due attention to the role of the I.T.U. and to the principles embodied in United Nations resolutions and in the Treaty on the Peaceful Uses of Outer Space. A system attractive to all nations would not seek to be a monopoly or to deprive states of their sovereign right to meet their own needs as they deem best.

The Observer from the Soviet Union reviewed the progress of the Soviet orbital system and advocated the establishment of space communications systems meeting the needs of all nations. These systems might be domestic, regional, and global, and would be coordinated by the I.T.U. Their development should be based on the following principles: that any state may participate in the system or systems most appropriate to its needs; that each participant should be represented in the governing organs and should have equal rights and obligations in all matters; and that all members should bear expenses and receive income in accordance with their use of the system. He further stated that the Intersputnik proposal corresponds to the relevant resolutions of the United Nations.

The Representative of Sweden urged that the definitive arrangements respect both the public international character of the organization, thereby fostering universality, and the commercial objective which made INTELSAT unique among international organizations. He observed that Doc. 8 is a working paper in the form of a draft that suggested, inter alia, one way in which the public and business functions could be separated. It provides for two different bodies: an INTELSAT corporation, in which the members invest different amounts, that would be a limited liability company not registered under the laws of a single state or enjoying the privileges or immunities, except for taxes, of an international organization; and an INTELSAT organization, which would enjoy the normal privileges and immunities, that would reflect national sovereignty by granting equal voting powers to all members.

The Representative of the Philippines advocated a single global system with membership open to all and with undivided ownership. The system should provide high quality and economical public telecommunications services,

- 3 -

but should not rule out specialized services if they are economically and technically feasible and do not interfere with the provision of the public services. He saw no room for systems owned and operated outside the INTELSAT system.

The Representative of Turkey viewed efficiency as a prime concern. He also stated that the Committee should consider the need of the developing countries for technical assistance in the training of the personnel necessary to participate in the satellite communications system.

The Representative of Indonesia indicated his agreement with paragraph 176 of Doc. 6. He pointed out the possible relevance of domestic satellites to a country with Indonesia's needs and geography and stressed Indonesia's dedication to regional cooperation. He also indicated that while undivided ownership is desirable in the global system this fact should not rule out regional or individual ownership of the space segment under some circumstances.

The Representative of Israel favored a single global satellite system providing facilities for public telecommunications services on a commercial basis. The system might also provide specialized services if this could be done without detriment to the public services.

The Representative of the United Kingdom expressed his agreement with remarks made by the Representative of New Zealand and invited attention to Article IX(b)(i) of the Interim Agreement, under which all the parties to that Agreement had committed themselves to the proposition that the aims of the Definitive Arrangements should be consonant with the principles set forth in the preamble to the Interim Agreement. It seemed to the United Kingdom that some important and farreaching changes in the Organization were necessary and desirable; this was a question which would be discussed later. However, while in no way excluding the possibility of independent, domestic and regional systems, the United Kingdom considered that the single global system should continue. The United Kingdom cautioned against confusing universality with monopoly, and noted that the United States, while largely in a position to impose its own system and its own conditions, had chosen not to do so and its reasons for that were set out in the preamble in the Communications Satellite Act of 1962. Referring to the remarks by the Polish and Soviet observers, INTELSAT had, since the beginning, taken account of relevant United Nations Resolutions, and there was no conflict between the competence of the I.T.U. and INTELSAT.

The Representative of Venezuela indicated that in his opinion a single global commercial system should be established, as set forth in paragraph 2 of the Interim Agreement, but felt that there should be more serious discussion of the purpose and scope of the regional systems before making a definitive decision in this matter. He supported the principle of just and equitable participation of every member in the organization and favored a three-tier structure, including a management body which was genuinely international and which was probably limited to the purely commercial sphere of activities.

The Representative of the Federal Republic of Germany favored a genuinely international organization open to all I.T.U. members on an equal and non-discriminatory basis. It would help to meet international public telecommunications requirements. Its Assembly would safeguard national interests and would exercise supervision over the Governing Body, which would consist of governmental or private entities. The Management Body should not be subject to potential conflicts of interest or to the laws of any state, and its daily operations should be transparent. On the subject of regional systems, the German Delegation favored free, dynamic competition, giving full regard to the requirements of developing countries and associated the views of the German Delegation with those of the Representative of India on the matter of regional systems.

The Representative of the United States invited the attention of the Committee to document Com. I/9, which he viewed as one sound way of wording the Preamble to the definitive arrangements, taking account of Article IX (b)(i) of the Interim Agreement.

The Representative of Japan held that the global system should have as its principal aim the provision of effective international public telecommunications services. He therefore supported paragraphs 166-169 of Doc. 6. While considering the present membership adequate to create a global system, he hoped that other nations would soon join. He believed that the question of regional systems would more appropriately be discussed under the subjects of rights and obligations of members and structure of the organization. However, he observed that a total denial of regional systems might be inconsistent with Article I of the Treaty on the Peaceful Uses of Outer Space, which opened outer space to the peaceful use and exploration of all states.

The Representative of India, pointing out the ambiguity of the word "single", stated that this word associated the idea of monopoly with universality and suggested that the term "integrated worldwide system" be used in place of the word "single". Also, considering the impossibility of visualizing the technology of a decade hence, he deemed it unwise to rule out other systems, though these other systems should not compete with the worldwide system for international public telecommunications traffic. The possibility of providing wholly domestic and regional systems primarily for specialized services should be kept open, subject to compatibility with the international system.

The Representative of Switzerland supported the substitution of "worldwide" for "single" and urged that the word "commercial" not be in the general title of the system, but be placed elsewhere in the definitive agreement.

The Representative of Sweden also supported the Indian suggestion. He interpreted "single" as a limitation on "global" only, and considered it unnecessary for the definitive arrangements to deal with regional systems. The Committee should focus, rather, on making the global system truly universal in membership.

The Representative of Pakistan urged coordination with the I.T.U. in all matters and the removal of any impediments that have prevented some countries from joining INTELSAT.

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The Representative of Australia supported the earlier remarks of his colleagues from New Zealand and the United Kingdom. He believed that the global system should be universal and centrally controlled. He shared the Indian view that since future developments could not be foreseen, regional systems should not be ruled out. He stressed the need for a Manager that was efficient, technologically up to date, and a single entity, and expressed the view that INTELSAT had so far had efficient management. He believed that the Governing Body should be limited in size, say to 20 members. There should be both an assembly of shareholders and an opportunity for the governments to meet, though the latter opportunity could be provided either on an ad-hoc basis or as an integral part of the organization as structured.

The Representative of Canada held that the definitive arrangements should clearly recognize the right of nations to establish domestic satellite systems. To be efficient, the global system should be integrated and comprehensive; regional systems were permissible if compatible with the global system. The Committee should, at the appropriate time, develop principles for preventing the incompatibility of other systems with the global system.

The Representative of the United States understood "single" to modify "global". The pertinent question was whether there should be only one global system. This, he stated, could be decided without prejudice to the decision on domestic and regional systems and suggested deferral of further discussion on the Preamble until pending discussion of the substantive matters involved.

To clarify his statement of the Second Session, the Representative of France specified that he favored only one (translator--he said "un seul") global system, for which he believed that INTELSAT could be responsible. However, he regarded the word "single" (translator--he said "unique") as equivocal and therefore unacceptable, and he supported the Indian suggestion for wording.

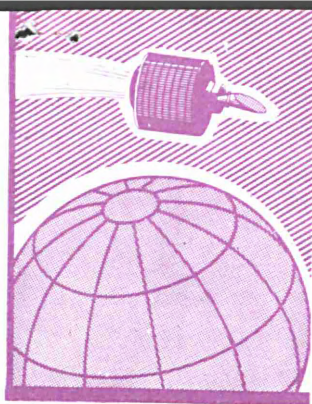
Also supporting the Indian suggestion, the Representative of Belgium contended that "integrated" (in French "intégré" or "unifié") would eliminate the ambiguity of "single". While agreeing with the need for an efficient enterprise, he shared the Swiss view that "commercial" should not be in the title of the system. He also shared the Australian view that two Assemblies were needed.

Further Schedule and Adjournment

The Chairman suggested, and there was no objection, that the Committee, on Saturday, consider approval of the work program as proposed by the Working Group in Com.I/1 (Rev. 1). The Representative of Greece suggested that representatives should limit their comments strictly to the item of the work program under discussion, and the Chairman concurred.

The Chairman adjourned the session at 12:30 p.m. until 10 a.m. Saturday, March 1, 1969, in the same room.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/3
February 27, 1969

PROVISION SUMMARY RECORD - THIRD SESSION OF COMMITTEE I THURSDAY, FEBRUARY 27, 1969

Convening of Session

The session was convened at 10:07 a.m. by the Chairman of the Committee, Ambassador Roca.

Trip to Cape Kennedy

The Chairman of the Conference, Ambassador Marks, announced that the launch of Apollo 9 had been postponed until Monday, and that hotel reservations near Cape Kennedy were not available for Sunday night. Since many delegates still wished to visit the Cape, the trip would take place approximately as scheduled. Committee I would not meet during the absence of these delegates.

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Ambassador Roca reported that the Steering Committee felt that: (1) Saturday should be a full or partial work day, according to the need; (2) Daily meeting times should be 10:00 a.m. to 12:45 p.m. and 2:30 p.m. to 5:30 p.m.; and (3) At least in the initial stage, no other Committees should meet concurrently with Committee I. The Steering Committee had also been informed that meeting facilities similar to those in the Main Conference Room of the State Department would be secured at the nearby building of the Pan American Health Organization, so as to permit concurrent meetings when desired.

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Objectives and Purposes of INTELSAT

The Representative of New Zealand noted the success achieved by INTELSAT.

Note: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

He attributed this success to the international character of the organization, in which all nations so desiring could participate, and to its efficiency in meeting requirements effectively and economically. He stated that the fact that 67 nations were now members was evidence of great progress, particularly in view of INTELSAT's brief existence; such factors as external traffic and financial requirements must be taken into account when speculating as to why there are not more members. Future success could best be achieved within the framework of a single global system. On the subject of structure, he favored definitive arrangements providing for an Assembly, a Governing Body and a Management Body as efficient as the Manager under the interim arrangements. He further observed that the principles in the Preamble of the Interim Arrangements should be reflected in the Definitive Arrangements.

The Chairman proposed that two observers who had asked to speak be given the floor and there was no objection.

The Observer from Poland expressed agreement with the views stated previously by the representatives of France, India and Arab countries; achievement of the desired single, unified global system, as illustrated by the Intersputnik proposal, required due attention to the role of the I.T.U. and to the principles embodied in United Nations resolutions and in the Treaty on the Peaceful Uses of Outer Space. A system attractive to all nations would not seek to be a monopoly or to deprive states of their sovereign right to meet their own needs as they deem best.

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The Representative of Sweden urged that the definitive arrangements respect both the public international character of the organization, thereby fostering universality, and the commercial objective which made INTELSAT unique among international organizations. He observed that Doc. 8 is a working paper in the form of a draft that suggested, inter alia, one way in which the public and business functions could be separated. It provides for two different bodies: an INTELSAT corporation, in which the members invest different amounts, that would be a limited liability company not registered under the laws of a single state or enjoying the privileges or immunities, except for taxes, of an international organization; and an INTELSAT organization, which would enjoy the normal privileges and immunities, that would reflect national sovereignty by granting equal voting powers to all members.

The Representative of the Philippines advocated a single global system with membership open to all and with undivided ownership. The system should provide high quality and economical public telecommunications services,

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but should not rule out specialized services if they are economically and technically feasible and do not interfere with the provision of the public services. He saw no room for systems owned and operated outside the INTELSAT system.

The Representative of Turkey viewed efficiency as a prime concern. He also stated that the Committee should consider the need of the developing countries for technical assistance in the training of the personnel necessary to participate in the satellite communications system.

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The Representative of Israel favored a single global satellite system providing facilities for public telecommunications services on a commercial basis. The system might also provide specialized services if this could be done without detriment to the public services.

The Representative of the United Kingdom, after expressing his agreement with the earlier remarks of the Representative of New Zealand, wondered why some doubts seemed to have arisen since 1964 about the appropriateness of a single global system which, under Article IX(b)(i) of the Interim Agreement, should be carried forward into the definitive arrangements. The United Kingdom continued to view such a system as appropriate, while not excluding regional or, still less, domestic systems compatible with it. The Representative of the United Kingdom contended that inasmuch as INTELSAT had been so successful it could not be fundamentally unsound; the presence of so many observers at this Conference tended further to support this view. He cautioned against confusing universality with monopoly, and noted that the United States, while virtually in a position to dictate to other countries desiring to use communications satellites, had chosen not to do so. Alluding to the admonitions of the Polish and Soviet observers, he stated that INTELSAT had since the beginning been taking account of relevant United Nations resolutions, and that the I.T.U. had never complained of conflicts with INTELSAT.

The Representative of Venezuela indicated that his views on the desirability of a single system were not yet firm. He supported the principle of just and equitable participation of every member in the organization and favored a three-tier structure, including a management body which was genuinely international and which was probably limited to the purely commercial sphere of activities.

The Representative of the Federal Republic of Germany favored a genuinely international organization open to all I.T.U. members on an equal and non-discriminatory basis. It would help to meet international public telecommunications requirements. Its Assembly would safeguard national interests and would exercise supervision over the Governing Body, which would consist of governmental or private entities. The Management Body should not be subject to potential conflicts of interest or to the laws of any state, and its daily operations should be transparent. On the subject of regional systems, the German delegation favored free, dynamic competition, giving full regard to the requirements of developing countries and associated the views of the German delegation with those of the Representative of India on the matter of regional systems.

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The Representative of India, pointing out the ambiguity of the word "single," suggested the term "integrated worldwide system." Considering the impossibility of visualizing the technology of a decade hence, he deemed it unwise to rule out other systems today, though these other systems should not compete with the worldwide system.

The Representative of Switzerland supported the substitution of "worldwide" for "single" and urged that the word "commercial" not be in the general title of the system, but be placed elsewhere in the definitive agreement.

The Representative of Sweden also supported the Indian suggestion. He interpreted "single" as a limitation on "global" only, and considered it unnecessary for the definitive arrangements to deal with regional systems. The Committee should focus, rather, on making the global system truly universal in membership.

The Representative of Pakistan urged coordination with the I.T.U. in all matters and the removal of any impediments that have prevented some countries from joining INTELSAT.

The Representative of Australia supported the earlier remarks of his colleagues from New Zealand and the United Kingdom. He believed that the global system should be universal and centrally controlled. He shared the Indian view that since future developments could not be foreseen, regional systems should not be ruled out. He stressed the need for a Manager that was efficient, technologically up to date, and a single entity, and expressed the view that INTELSAT had so far had such a Manager. He believed that the Governing Body should be limited in size, say to 20 members. There should be both an assembly of shareholders and an opportunity for the governments to meet occasionally, though the latter opportunity could be provided either on an ad-hoc basis or as an integral part of the organization as structured.

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The Representative of the United States understood "single" to modify "global". The pertinent question was whether there should be only one global system. This, he stated, could be decided without prejudice to the decision on domestic and regional systems and suggested deferral of further discussion on the Preamble until pending discussion of the substantive matters involved.

To clarify his statement of the Second Session, the Representative of France specified that he favored only one (translator--he said "un seul") global system, for which he believed that INTELSAT could be responsible. However, he regarded the word "single" (translator--he said "unique") as equivocal and therefore unacceptable, and he supported the Indian suggestion for wording.

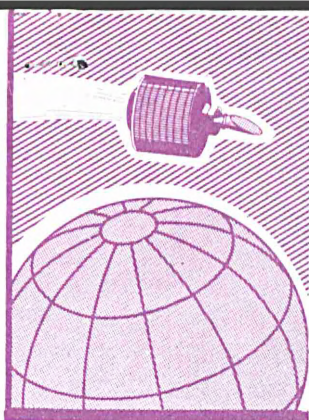
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Further Schedule and Adjournment

The Chairman suggested, and there was no objection, that the Committee, on Saturday, consider approval of the work program as proposed by the Working Group in Com. I/1 (Rev. 1). The Representative of Greece suggested that representatives should limit their comments strictly to the item of the work program under discussion, and the Chairman concurred.

The Chairman adjourned the session at 12:30 p.m. until 10 a.m. Saturday, March 1, 1969, in the same room.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/4 (Final)
March 6, 1969

SUMMARY RECORD - FOURTH SESSION OF COMMITTEE I SATURDAY, MARCH 1, 1969

Convening of Session

The session was convened at 10:05 a.m., by Chairman Roca.

Visit to Cape Kennedy

On behalf of all delegations, the Representative of India expressed gratitude to the Department of State, the National Aeronautics and Space Administration, and the Communications Satellite Corporation for the educational, efficiently conducted visit to Cape Kennedy.

Adoption of Committee Agenda

The Chairman expressed his understanding that document Com. I/1 (Rev.1) had the full approval of the Committee and that, in consequence, the listing of subjects therein would comprise the Committee's program of work.

Objectives and Purposes of INTELSAT

Noting the concern of some delegations with the word "single" (unico), the Representative of Spain interpreted the word primarily as describing a reality rather than indicating exclusiveness or promoting a monopoly. He urged that the door be left open to domestic and regional systems which do not damage the global system and stressed the importance of considering, under the relevant agenda items, how to assure compatibility.

The Representative of Thailand said that the international public telecommunications services provided by INTELSAT should be available to all nations, whether members of INTELSAT or not. In addition, the global system should obviate the need for separate systems by serving domestic, regional, and specialized needs on a commercial basis.

The Representative of the Netherlands hoped that the observers and other nations would join INTELSAT under the definitive arrangements. He thought that some of the difficulties might be verbal. For instance the French Representative had said "un seul système global" would be acceptable, but not "un système global unique." The views on the question of a single system thus did seem really very divergent; perhaps the need was for a better word than "unique" in French. Since economic principles would have to be observed as far as possible, particularly in view of the need to compete with cables, the Representative of the Netherlands preferred retention of the word "commercial" in the title of the system. Recognizing the legitimate interest of the large countries in establishing a domestic system, he stressed the need to coordinate such systems with INTELSAT and to permit smaller countries, which together were of a size comparable to that of a large country, to establish regional systems. In addition, nations must have the freedom to establish regional systems providing specialized services or services which INTELSAT, for technical or commercial reasons, could not provide. Finally, the Representative of the Netherlands suggested the establishment of a Working Group at an appropriate stage of the Committee's deliberations to prepare specific proposals on these subjects for the Committee's consideration.

The Representative of Chile favored a single, global, commercial system which would have as its main purpose the provision of public international telecommunications services, but which could provide other services as well if it can do so without detriment to its main purpose. It should seek to provide high quality, economical service that is sufficient to meet the needs of member countries. If other systems are established, they must be compatible with INTELSAT.

The Representative of Italy urged that, in seeking to improve INTELSAT, account should be taken of its strengths and successes. The system should observe the principles stated in United Nations resolutions and the Treaty on the Peaceful Uses of Outer Space. It should be centrally coordinated, though he acknowledged the difficulties that arise over who should be responsible for the coordination. In a sense, he observed, any regional system would itself be a monopoly. He favored a single global communications satellite system, capable of providing efficient public telecommunications services to all nations, while compatible domestic and regional systems provided specialized services. The Conference would have to define "compatible" and "specialized."

In accordance with Article IX (b) (i) of the Interim Agreement, the Representative of Denmark endorsed the Preamble of that Agreement, including the concept of a "single global commercial communications satellite system." The primary purpose of INTELSAT should be that of providing international public telecommunications services within regions as well as on a global basis; therefore, care must be taken to integrate regional systems which provide such services with the INTELSAT system. Integration appeared particularly

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urgent in view of the fact that perhaps 50 of the 120 available synchronous parking spaces were already occupied. The meaning of integration must be discussed under the appropriate agenda items. The Representative of Denmark noted the lack of experience to guide the Conference in its discussion of specialized services but that INTELSAT should participate actively in this area with other organizations.

The Representative of the United States noted a broad consensus in the Conference on the need to establish a single worldwide system. The Preamble, he contended, should specify INTELSAT's commitment to the belief that there should be one system to which all earth stations could have access. Such a single global system would permit realization of the great promise of communications satellites. The Representative of the United States also announced that his delegation had submitted for distribution a set of draft agreements; they were intended merely as working documents which, hopefully, would facilitate the Committee's work by indicating possible solutions to the problems before it.

The Representative of Ireland congratulated the Interim Communications Satellite Committee and the Communications Satellite Corporation on the excellence of INTELSAT's progress. The main business of the Conference, he felt, was to see that this progress continued. Like the Representative of New Zealand, he favored a system that provided **efficient public telecommunications services at the lowest possible cost and that was managed according to the best business practices. As under the Interim Agreement, participation should be open to all members of the ITU.** The Representative of Ireland hoped that the observer nations would join INTELSAT. Finally, he believed that INTELSAT should be able, under the definitive arrangements, to provide specialized services at the request of international organizations if the Governing Body decided such services to be economically and technically acceptable and not detrimental to the public services provided by the organization.

In view of the disagreement he noted over the meaning of a single system, the Representative of Greece supported the Dutch suggestion that a Working Group be created to prepare a paper for the Committee's consideration. Noting the great success of INTELSAT so far, he cautioned that no regional system should be permitted to impair INTELSAT economically or to jeopardize the extension of INTELSAT to less developed countries. Finally, he detected no threat in the Preamble to the Interim Agreement to the right of a state to utilize any system which its interests required.

The Representative of Canada felt that there existed a close relationship between the first two agenda items (Objectives and Purposes of INTELSAT, and Scope of INTELSAT's Activities), and that, therefore, a Working Group could better be formed after the Committee had discussed item II.

The Representative of France supported the Canadian view. He noted that, in addition to document Com. I/9, the United States submission regarding

the Preamble, the pertinent portion of Document 8, the working paper submitted by the Swedish Delegation, should also be considered by the Working Group. He then responded to the fears of some that regional systems would harm INTELSAT by depriving it of business. Such systems would either reduce INTELSAT's traffic insignificantly or, because of their compatibility with the INTELSAT system, would increase INTELSAT's traffic. Any impact of regional systems on INTELSAT's traffic would be minor compared with such recent decisions as those of the United States Federal Communications Commission allocating traffic on a 50-50 basis between satellites and cables, and with the decision made a month ago to allocate the Europe-Japan traffic on a 50-50 basis between the JACS cable and the Indian Ocean satellite. In conclusion, the Representative of France felt that it was unnecessary to try to define the regional or national systems and said his delegation would favor definitive arrangements in which the members would agree to route a reasonable portion of their traffic through INTELSAT.

While sharing the Canadian view that Agenda Items I and II were intimately related, the Representative of India felt that other items were also closely connected. To facilitate the task of the Working Group, he therefore proposed that its creation be delayed until several items had been discussed. Time would also be saved if the Group were empowered to deal with as many Agenda items as possible.

The Representative of Algeria noted that while INTELSAT could properly be described as a global (mondiale) organization it was not a universal (universelle) organization in view of the number of nations that are not members and urged that barriers to universal membership be eliminated. To this end, it would be desirable to lessen somewhat the emphasis on the commercial aspect of INTELSAT, while at the same time stressing its public, governmental aspect in order to better harmonize the interests of all nations, regardless of social system or levels of development. He also felt that national and regional satellite systems should be permitted as long as they did not conflict with the global system, that the I.T.U. would be the appropriate coordinating mechanism, and that definitive arrangements promoting the universality of INTELSAT would be the best way to avoid proliferation of systems.

The Representative of Mexico agreed with the desirability of establishing a Work Group as proposed by the Representative of the Netherlands, but noted that the Group would find it hard to deal with the Preamble until more substantive items had been discussed. He also stated that the Committee should provide the Working Group with precise terms of reference in order to guide its activities.

The Representative of Jamaica also supported the establishment of a Work Group but suggested that its work be limited to Agenda Items I and II, and that it be appointed as soon as the Committee had considered both items.

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The Representative of Australia concurred in the view that the Work Group activities should be limited to Agenda Items I and II and suggested that the Committee's discussions could suggest a draft Term of Reference.

The Representative of the Netherlands, calling attention to the fact that he had suggested a Working Group "at an appropriate time" and not immediately, shared the view that the Working Group should **be formed after** discussion of Agenda Item II and that its Term of Reference should be precise

The Representative of the United Kingdom also agreed that the Work Group should be restricted to the consideration of Agenda Items I and II and suggested that it develop language suitable for incorporation into the definitive agreement, or if unable to do this, to clarify and identify specific points of disagreement.

The Representative of Thailand suggested that the Committee had concluded its discussion on Item I and might move on. The Representative of India suggested that the Chairman might establish a timetable for the discussion of the various Agenda items, so that several subjects could be discussed prior to formation of the Work Group.

The Chairman noted that the Committee seemed ready to go to discuss Item II on its work program. Having in mind the valuable nature of the debate to date, as expressed by several delegations, and the suggestion of a timetable he would consult with the Committee at the appropriate time regarding the establishment of a Working Group and the Committee's future methods of proceeding. On a point of order by the Representative of Algeria he expressed his understanding that, inasmuch as Items I and II, are closely related the Committee would open discussion of Item II but comments on Item I by delegations and observers still wishing to do so would be entirely in order.

The Representative of the United States stated that, when considering the scope of INTELSAT's activities, the Committee should focus upon the range of activities which INTELSAT would be empowered to undertake and should leave aside the question of activities that a nation or region should be allowed to undertake outside INTELSAT's jurisdiction. He further stated that INTELSAT's charter under the definitive arrangements should be as wide as possible, permitting the organization to provide domestic as well as international public telecommunications services. This permissiveness was particularly important for nations unable to provide their own satellites for such purposes. As for specialized services, he noted that while separate specialized aeronautical satellites may be required today to perform their intended functions, it is not unlikely, in view of technological developments, that aeronautical and traditional international communications could be handled simultaneously in the same satellite. He further observed that conceivably several nations may wish to provide their own marine or

aeronautical satellites outside the INTELSAT System; they should not be required to turn to INTELSAT to meet such needs. However, for technological reasons and for system soundness it would be wise for INTELSAT to be empowered to provide the full range of services that a particular country may desire.

The Representative of Thailand stated that the goal of INTELSAT should be to provide international public communications service to all parts of the world. He further stated that the INTELSAT organization should be able to cater to domestic, regional, or specialized needs thus avoiding the need for separate systems outside of INTELSAT. He further noted that, while circuits would be allocated in the conventional manner on a first-come, first-serve basis, international public services should receive priority.

The Representative of India noted his support of paragraphs 195 and 209 in Document 6. He expressed difficulty however with paragraph 227, for his delegation opposed the use of a global system, however remotely, to meeting military needs of any country. He also urged that an enabling clause be incorporated in the definitive arrangements to permit the establishment of regional and domestic satellite systems as long as they were technically compatible with the single global system.

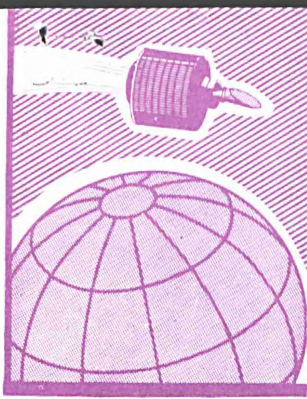
The Representative of Kuwait stated that he shared the views just expressed by the Representative of India.

The Representative of Chile supported the view of the United States Representative that the Committee should concentrate on the things that INTELSAT should do rather than on what may be done outside the INTELSAT framework. He also supported the views of the Representative of India concerning the scope of INTELSAT's authorized activities and services.

The Representative of Australia wished to be associated with the view that the primary purpose of INTELSAT was to provide international public telecommunications services and suggested that the definitive arrangements contain a permissive clause that would permit INTELSAT to provide other services at the discretion of the Governing Body and subject to approval by the Assembly. He further noted his support for Paragraphs 195, 197, 205, 209 and 212 of Document 6, and for the permissiveness indicated in paragraphs 216 and 220 for establishment of separate domestic satellites which the Governing Body deems compatible with the INTELSAT System.

The Representative of Belgium indicated he supported the Australian position and noted that, in view of the political significance of such specialized satellite services as educational and cultural broadcasting, and direct TV transmissions to homes in particular, he favored limiting INTELSAT to furnishing traditional international telecommunications services. He indicated also that the future possibility of INTELSAT providing specialized services should be reserved by permitting the Assembly of Governments to amend the definitive arrangements.

The Committee adjourned at 12:25 p.m. with the next meeting scheduled for 10:00 a.m., Monday, March 3, 1969, in the same room.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/4
March 1, 1969

PROVISIONAL SUMMARY RECORD - FOURTH SESSION OF COMMITTEE I
SATURDAY, MARCH 1, 1969

Convening of Session

The session was convened at 10:05 a.m., by Chairman Roca.

Visit to Cape Kennedy

On behalf of all delegations, the Representative of India expressed gratitude to the Department of State, the National Aeronautics and Space Administration, and the Communications Satellite Corporation for the educational, efficiently conducted visit to Cape Kennedy.

Adoption of Committee Agenda

The Chairman expressed his understanding that document Com. I/1 (Rev. 1) had the full approval of the Committee and that, in consequence, the listing of subjects therein would comprise the Committee's program of work.

Objectives and Purposes of INTELSAT

Noting the concern of some delegations with the word "single" (unico), the Representative of Spain interpreted the word primarily as describing a reality rather than indicating exclusiveness or promoting a monopoly. He urged that the door be left open to domestic and regional systems which do not damage the global system and stressed the importance of considering, under the relevant agenda items, how to assure compatibility.

The Representative of Thailand said that the international public telecommunications services provided by INTELSAT should be available to all nations, whether members of INTELSAT or not. In addition, the global system should obviate the need for separate systems by serving domestic, regional, and specialized needs on a commercial basis.

Note: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

The Representative of the Netherlands hoped that the observers and other nations would join INTELSAT under the definitive arrangements. He thought that some of the difficulties might be verbal. For instance the French Representative had said "un seul système global" would be acceptable, but not "un système global unique." The views on the question of a single system thus did seem really very divergent; perhaps the need was for a better word than "unique" in French. Since economic principles would have to be observed as far as possible, particularly in view of the need to compete with cables, the Representative of the Netherlands preferred retention of the word "commercial" in the title of the system. Recognizing the legitimate interest of the large countries in establishing a domestic system, he stressed the need to coordinate such systems with INTELSAT and to permit smaller countries, which together were of a size comparable to that of a large country, to establish regional systems. In addition, nations must have the freedom to establish regional systems providing specialized services or services which INTELSAT, for technical or commercial reasons, could not provide. Finally, the Representative of the Netherlands suggested the establishment of a Working Group at an appropriate stage of the Committee's deliberations to prepare specific proposals on these subjects for the Committee's consideration.

The Representative of Chile favored a single, global, commercial system which would have as its main purpose the provision of public international telecommunications services, but which could provide other services as well if it can do so without detriment to its main purpose. It should seek to provide high quality, economical service that is sufficient to meet the needs of member countries. If other systems are established, they must be compatible with INTELSAT.

The Representative of Italy urged that, in seeking to improve INTELSAT, account should be taken of its strengths and successes. The system should observe the principles stated in United Nations resolutions and the Treaty on the Peaceful Uses of Outer Space. It should be centrally coordinated, though he acknowledged the difficulties that arise over who should be responsible for the coordination. In a sense, he observed, any regional system would itself be a monopoly. He favored a single global communications satellite system, capable of providing efficient public telecommunications services to all nations, while compatible domestic and regional systems provided specialized services. The Conference would have to define "compatible" and "specialized."

In accordance with Article IX (b) (i) of the Interim Agreement, the Representative of Denmark endorsed the Preamble of that Agreement, including the concept of a "single global commercial communications satellite system." The primary purpose of INTELSAT should be that of providing international public telecommunications services within regions as well as on a global basis; therefore, care must be taken to integrate regional systems which provide such services with the INTELSAT system. Integration appeared particularly

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urgent in view of the fact that perhaps 50 of the 120 available synchronous parking spaces were already occupied. The meaning of integration must be discussed under the appropriate agenda items. The Representative of Denmark noted the lack of experience to guide the Conference in its discussion of specialized services but that INTELSAT should participate actively in this area with other organizations.

The Representative of the United States noted a broad consensus in the Conference on the need to establish a single worldwide system. The Preamble, he contended, should specify INTELSAT's commitment to the belief that there should be one system to which all earth stations could have access. Such a single global system would permit realization of the great promise of communications satellites. The Representative of the United States also announced that his delegation had submitted for distribution a set of draft agreements; they were intended merely as working documents which, hopefully, would facilitate the Committee's work by indicating possible solutions to the problems before it.

The Representative of Ireland congratulated the Interim Communications Satellite Committee and the Communications Satellite Corporation on the excellence of INTELSAT's progress. The main business of the Conference, he felt, was to see that this progress continued. Like the Representative of New Zealand, he favored a system that provided services efficiently and at the lowest possible cost and that was managed according to the best business practices. As under the Interim Agreement, participation should be open to all members of the ITU. The Representative of Ireland hoped that the observer nations would join INTELSAT. Finally, he believed that INTELSAT should be able, under the definitive arrangements, to provide specialized services at the request of international organizations if the Governing Body decided such services to be economically and technically acceptable and not detrimental to the public services provided by the organization.

In view of the disagreement he noted over the meaning of a single system, the Representative of Greece supported the Dutch suggestion that a Working Group be created to prepare a paper for the Committee's consideration. Noting the great success of INTELSAT so far, he cautioned that no regional system should be permitted to impair INTELSAT economically or to jeopardize the extension of INTELSAT to less developed countries. Finally, he detected no threat in the Preamble to the Interim Agreement to the right of a state to utilize any system which its interests required.

The Representative of Canada felt that there existed a close relationship between the first two agenda items (Objectives and Purposes of INTELSAT, and Scope of INTELSAT's Activities), and that, therefore, a Working Group could better be formed after the Committee had discussed item II.

The Representative of France supported the Canadian view. He noted that, in addition to document Com. I/9, the United States submission regarding

the Preamble, the pertinent portion of Document 8, the working paper submitted by the Swedish Delegation, should also be considered by the Working Group. He then responded to the fears of some that regional systems would harm INTELSAT by depriving it of business. Such systems would either reduce INTELSAT's traffic insignificantly or, because of their compatibility with the INTELSAT system, would increase INTELSAT's traffic. Any impact of regional systems on INTELSAT's traffic would be minor compared with such recent decisions as those of the United States Federal Communications Commission allocating traffic on a 50-50 basis between satellites and cables. The Representative of France said his delegation would favor definitive arrangements in which the members would agree to route a reasonable portion of their traffic through INTELSAT.

While sharing the Canadian view that Agenda Items I and II were intimately related, the Representative of India felt that other items were also closely connected. To facilitate the task of the Working Group, he therefore proposed that its creation be delayed until several items had been discussed. Time would also be saved if the Group were empowered to deal with as many Agenda items as possible.

The Representative of Algeria noted that while INTELSAT could properly be described as a global (mondiale) organization it was not a universal (universelle) organization in view of the number of nations that are not members and urged that barriers to universal membership be eliminated. To this end, it would be desirable to lessen somewhat the emphasis on the commercial aspect of INTELSAT, while at the same time stressing its public, governmental aspect in order to better harmonize the interests of all nations, regardless of social system or levels of development. He also felt that national and regional satellite systems should be permitted as long as they did not conflict with the global system, that the I.T.U. would be the appropriate coordinating mechanism, and that definitive arrangements promoting the universality of INTELSAT would be the best way to avoid proliferation of systems.

The Representative of Mexico agreed with the desirability of establishing a Work Group as proposed by the Representative of the Netherlands, but noted that the Group would find it hard to deal with the Preamble until more substantive items had been discussed. He also stated that the Committee should provide the Working Group with precise terms of reference in order to guide its activities.

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- 5 -

The Representative of Australia concurred in the view that the Work Group activities should be limited to Agenda Items I and II and suggested that the Committee's discussions could suggest a draft Term of Reference.

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The Representative of Thailand suggested that the Committee had concluded its discussion on Item I and might move on. The Representative of India suggested that the Chairman might establish a timetable for the discussion of the various Agenda items, so that several subjects could be discussed prior to formation of the Work Group.

The Chairman noted that the Committee seemed ready to go to discuss Item II on its work program. Having in mind the valuable nature of the debate to date, as expressed by several delegations, and the suggestion of a timetable he would consult with the Committee at the appropriate time regarding the establishment of a Working Group and the Committee's future methods of proceeding. On a point of order by the Representative of Algeria he expressed his understanding that, inasmuch as Items I and II, are closely related the Committee would open discussion of Item II but comments on Item I by delegations and observers still wishing to do so would be entirely in order.

The Representative of the United States stated that, when considering the scope of INTELSAT's activities, the Committee should focus upon the range of activities which INTELSAT would be empowered to undertake and should leave aside the question of activities that a nation or region should be allowed to undertake outside INTELSAT's jurisdiction. He further stated that INTELSAT's charter under the definitive arrangements should be as wide as possible, permitting the organization to provide domestic as well as international public telecommunications services. This permissiveness was particularly important for nations unable to provide their own satellites for such purposes. As for specialized services, he noted that while separate specialized aeronautical satellites may be required today to perform their intended functions, it is not unlikely, in view of technological developments, that aeronautical and traditional international communications could be handled simultaneously in the same satellite. He further observed that conceivably several nations may wish to provide their own marine or

aeronautical satellites outside the INTELSAT System; they should not be required to turn to INTELSAT to meet such needs. However, for technological reasons and for system soundness it would be wise for INTELSAT to be empowered to provide the full range of services that a particular country may desire.

The Representative of Thailand stated that the goal of INTELSAT should be to provide international public communications service to all parts of the world. He further stated that the INTELSAT organization should be able to cater to domestic, regional, or specialized needs thus avoiding the need for separate systems outside of INTELSAT. He further noted that, while circuits would be allocated in the conventional manner on a first-come, first-serve basis, international public services should receive priority.

The Representative of India noted his support of paragraphs 195 and 209 in Document 6. He expressed difficulty however with paragraph 227, for his delegation opposed the use of a global system, however remotely, to meeting military needs of any country. He also urged that an enabling clause be incorporated in the definitive arrangements to permit the establishment of regional and domestic satellite systems outside the framework of INTELSAT as long as they were technically compatible with the single global system.

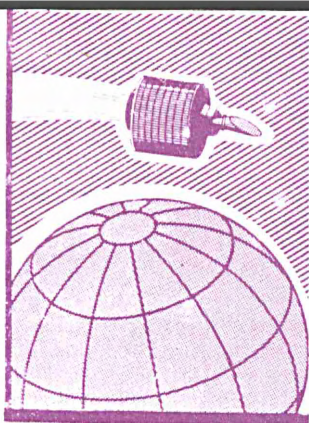
The Representative of Kuwait stated that he shared the views just expressed by the Representative of India.

The Representative of Chile supported the view of the United States Representative that the Committee should concentrate on the things that INTELSAT should do rather than on what may be done outside the INTELSAT framework. He also supported the views of the Representative of India concerning the scope of INTELSAT's authorized activities and services.

The Representative of Australia wished to be associated with the view that the primary purpose of INTELSAT was to provide international public telecommunications services and suggested that the definitive arrangements contain a permissive clause that would permit INTELSAT to provide other services at the discretion of the Governing Body and subject to approval by the Assembly. He further noted his support for Paragraphs 195, 197, 205, 209 and 212 of Document 6, and for the permissiveness indicated in paragraphs 216 and 220 for establishment of separate domestic satellites which the Governing Body deems compatible with the INTELSAT System.

The Representative of Belgium indicated he supported the Australian position and noted that, in view of the political significance of such specialized satellite services as educational and cultural broadcasting, and direct TV transmissions to homes in particular, he favored limiting INTELSAT to furnishing traditional international telecommunications services. He indicated also that the future possibility of INTELSAT providing specialized services should be reserved by permitting the Assembly of Governments to amend the definitive arrangements.

The Committee adjourned at 12:25 p.m. with the next meeting scheduled for 10:00 a.m., Monday, March 3, 1969, in the same room.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/5 (Final)
March 7, 1969

SUMMARY RECORD - FIFTH SESSION OF COMMITTEE I MONDAY, MARCH 3, 1969

Convening of Session

The session was convened at 10:05 a.m. by Chairman Roca.

Scope of INTELSAT's Activities

The Representative of the United Kingdom supported the unanimous ICSC recommendation that INTELSAT be limited to provision of the space segment and that its primary function be provision of facilities for international public telecommunications services. In regard to domestic and international services, he noted that the United Kingdom has a problem in regard to a territory such as Hong Kong, which although "domestic" in the sense of being within the jurisdiction of the United Kingdom is geographically separated to a degree that might warrant it being treated as "international" for practical telecommunications purpose; it will be essential to make adequate provision for this type of situation in drafting the definitive arrangements. He suggested that INTELSAT only provide public services for the moment; the present lack of experience with specialized services might cause the Conference to hesitate to give much discretion to the Governing Body. A review conference could later reconsider the matter. There might be practical problems related to voting and financing if INTELSAT provided channels for domestic needs in global satellites but the Representative of the United Kingdom favored such a provision. Requests to INTELSAT to provide separate domestic satellites by countries unable to pay fully for them could cause difficulties; it would be impossible to require other nations to share in financing such satellites. Sovereign states must be permitted to establish their own satellites for domestic purposes, but they should first consult with INTELSAT and the I.T.U. to assure compatibility.

The Representative of Canada also supported the primacy of international public telecommunications services. He favored use of the word "commercial", or its equivalent to emphasize the basis on which INTELSAT provided its services. He supported ICSC paragraph 197; the provision of the space segment for specialized purposes might be the subject of separate accounts. He also supported paragraph 205 noting that the provision of the space segment for domestic services should be subject to the same conditions as those for specialized services; both the Assembly and the Governing Body should perhaps share the authority to define the

relevant conditions. While he considered regional systems to be international, the Canadian Representative deemed them acceptable if economically compatible with the INTELSAT system. Economic compatibility was not, however, a relevant prerequisite to the establishment of separate systems for specialized or domestic services; however, the nations establishing them should respect their I.T.U. obligations on technical coordination, and INTELSAT too could facilitate technical coordination.

The Representative of Italy supported formation of a working group to summarize the Committee's views on agenda items I and II. He noted the need for clear definitions of "compatibility" and "specialized". He saw merit in the United States view that the Committee, for the time being, not deal with what others may be permitted to do and that INTELSAT be given the broadest possible charter, including authorization to provide for regional, specialized, and domestic needs if requested. Finally, he supported the principles contained in paragraphs 209, 211-215 and 216-219 of Doc. 6.

The Representative of Nigeria felt that the Preamble to the Interim Agreement, and particularly the concept of a single global commercial communications satellite system as part of an improved global communications network, expressed the interests of all nations. He therefore considered the United States proposal of a Preamble in Document Com. I/9 as the basis for an acceptable Preamble to the new agreement, and he shared the United Kingdom view that nothing had occurred in the last four years to alter the validity of the concept of a single global commercial system. INTELSAT's global system could really be termed three integrated regional systems consisting of the Atlantic, Pacific, and Indian Ocean areas. The Nigerian Representative saw little need for separate satellites in view of the ability of INTELSAT, through INTELSAT III and IV satellites, to meet all needs--international, domestic, regional, and specialized--for years to come. He agreed that a monopoly was undesirable if it referred to the possession by one nation of majority power within INTELSAT, but not if it referred to the existence of a single global system open equitably to all nations. Separate domestic satellites were permissible if compatible with the INTELSAT system. He urged speedy approval of the principles stated in paragraphs 190, 194-197, 204 and 205 (subject to the conditions contained in paragraph 197) and 210-212 (subject to the conditions contained in paragraphs 216-219) of Doc. 6. However, he could not support paragraph 227.

Launch of Apollo 9

The session was interrupted for one-half hour while the Committee watched the launch of Apollo 9 on television. The Chairman then congratulated the United States on the great scientific achievement which the Committee had just witnessed.

Scope of INTELSAT's Activities

The Representative of Iran agreed that the provision of the space segment for international public telecommunication services was primary and expressed

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support of the objective contained in paragraph 195 of Doc. 6. He believed, however, that INTELSAT should be authorized to provide for specialized services upon request and after study of the technical and economic feasibility. Thus, developing countries without alternative communications such as terrestrial microwave would be able to meet their needs; their earth stations could be used more profitably, and INTELSAT would benefit financially.

With Vice Chairman Mohammad in the chair, the Representative of Mexico urged that the control of INTELSAT be placed in a group broadly representative of the different economic and political interests. He believed that INTELSAT should be limited to provision of the space segment, operated on a commercial basis so as to be self-supporting, and open to all I.T.U. members. If economically beneficial to INTELSAT, it could provide facilities for domestic, regional, and specialized services, but military or paramilitary use of the space segment should be prohibited. Finally, INTELSAT should be related to the United Nations family through the I.T.U.

The Representative of Thailand recognized that the main purpose of INTELSAT was provision of the space segment for international public telecommunications services. However, he cautioned that once domestic, regional, specialized, and national security traffic had been allocated INTELSAT circuits, they should not later be displaced to make way for increased demand for international public services.

The Representative of Pakistan urged that INTELSAT provide domestic as well as international public telecommunication services and no discrimination should be made between the two categories. He cited as reasons the geographical separation between the two regions of his country, the stipulation in U.N. resolution 1721 that satellite communications be available to all nations and the fact that technical requirements for earth stations as well as the space segment are identical for domestic and international service. He also favored provision by INTELSAT for specialized needs, but felt that the specific services must be identified. As regards paragraph 227 of Doc. 6, he thought that the difficulty would perhaps be overcome by inclusion of the provisions of Article VIII(e) of the working paper submitted by the United States (Doc. 10).

The Representative of Algeria noted that, while nations could not be required to turn to INTELSAT to meet all their needs, the organization must be able to consider the provision of the space segment for all uses. He supported paragraph 195 of Doc. 6 as a statement of the primary objective of INTELSAT. He also supported the case-by-case consideration of requests to meet actual needs for specialized services, in accordance with paragraph 197. The final decision on INTELSAT's competence to provide the requested services and on the conditions under which they should be provided would rest with the Assembly. The space segment for domestic services--specialized or public--should be provided in accordance with paragraphs 209, 212, and 213 of Doc. 6, but each nation also had an absolute right to establish its own satellites for such purposes. Such non-INTELSAT-provided satellites, however, should be coordinated through the I.T.U. and in accordance with paragraphs 220-222. The

Algerian Representative felt that separate regional satellites must be economically compatible with the INTELSAT system. While noting that his delegation would not object to a country using channels in a regular INTELSAT satellite for security purposes, he regarded the provision by INTELSAT of separate satellites for military needs as contrary to the Preamble of the Interim Agreement.

The Representative of the United States noted the unanimity of view expressed in paragraphs 166 and 195 of Doc. 6 and indicated that these objectives had been incorporated in Doc. 10, Article VIII(a) submitted by the United States. He further observed that under the Interim Arrangements both international and domestic requirements have been met by INTELSAT and that no objections had been raised in the Committee to the continued meeting of domestic requirements. From an economic and conceptual viewpoint it is highly desirable to accommodate domestic needs through INTELSAT in order to take advantage of the economies of scale inherent in the global system. He noted that concern about the possible scarcity of satellite circuits was not likely to be a real problem. Technological improvements and long-range planning will enable INTELSAT to meet all circuit requirements expressed in the future, whether international or domestic, so that no priority between the two need be set in allocating circuits.

The Representative of Kuwait endorsed the statement by the Representative of Algeria at the previous session which urged that the definitive arrangements be drafted to encourage the widest possible participation. He also favored incorporating into the definitive arrangements the principles contained in the Preamble to the Interim Agreement and paragraphs 166-169, 172, 173, 175, 178 and 180 of Doc. 6. He further suggested that the word "competence" in paragraph 171 be changed to "rules" as in paragraph 180. He suggested that the work group dealing with agenda items I and II be guided by the principles, but not the wording, of paragraph 176. He also repeated his endorsement of the objectives contained in paragraphs 190, 195, 197, 209, 212 and 213, while taking exception to paragraph 227.

The Representative of the Federal Republic of Germany noted that there has been no disagreement expressed in the Committee on the need to provide the space segment for worldwide public telecommunications and welcomed the discussion to date regarding clarification of the meaning of single global system and domestic and regional systems. He agreed with the view advanced by the Representative of France on Saturday that member nations should be free to decide for themselves the type of communications media, such as radio, cable and satellite, to be used in meeting national needs. He also indicated agreement with the Dutch and Japanese views that restrictions on the use of domestic and regional systems outside the INTELSAT framework would be contrary to the provisions of the Treaty on the Peaceful Uses of Outer Space. He further stated that there are many aspects of specialized services that are not yet explored and that it would be premature to include in the definitive arrangements detailed provisions regarding regional, domestic and specialized services. Instead he indicated that such matters should be dealt with on

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an individual basis through consultation between INTELSAT and the countries or international organizations concerned. He further noted that no general liability or requirement of financial participation should extend to INTELSAT members not directly participating in any specialized services furnished by INTELSAT. He also agreed with the view of the United Kingdom that there should be periodic review by governments or the Assembly concerning specialized services which may be provided under the definitive arrangements.

The Representative of Colombia expressed agreement with earlier views advocating a global, integrated and compatible international satellite communications system. Noting that INTELSAT now in effect provides domestic, regional and international services and that this contributes to economy and the best use of the frequency spectrum, he saw no reason why such an arrangement could not continue under the definitive arrangements.

Referring to his statement of February 27, the Representative of Israel stated the primary objective of the definitive arrangements should be to develop a single global satellite system to provide international public telecommunications services on a commercial basis. He observed, however, that domestic satellite services may be vital to national interests of certain countries. Such needs, he stated, could be met by the global system if compatible with INTELSAT's main purpose, and would preferably be so met, but separate domestic systems could be created so long as they are compatible with orbital space and radio frequency requirements of the global system.

The Representative of Turkey stated that he believed, with the Representative of the United States, that the Charter of INTELSAT under the definitive arrangements should be as broad as possible. He also believed that any particular member should possess only limited control over the affairs of the organization.

The Representative of Ethiopia endorsed the idea of establishing a working group to deal with agenda items I and II but cautioned that the work group should not address itself at this time to other substantive issues which would be taken up by the Committee as a whole. He commended the ICSC on its report and supported paragraphs 195, 197, 213 and 216-219 of Doc. 6, subject to the condition that the services envisioned therein are acceptable from a technical and economic standpoint and that the ability of INTELSAT to provide public international telecommunications services is not adversely affected. He also supported paragraph 205 and interpreted it to include requests for regional systems. He also noted that it is not consistent with the Charter of INTELSAT to furnish services to meet military requirements and that doing so may, in addition, prevent universal participation.

The Representative of Switzerland noted his support of the general remarks made by the representatives of Belgium and the United Kingdom regarding the scope of INTELSAT's activities. He expressed agreement with the objectives stated in paragraphs 195, 198, 209, 212 and 213 of Doc. 6, but noted that conditions regarding their application need further clarification. They must be compatible with the main function of INTELSAT, and technically and economically compatible as well.

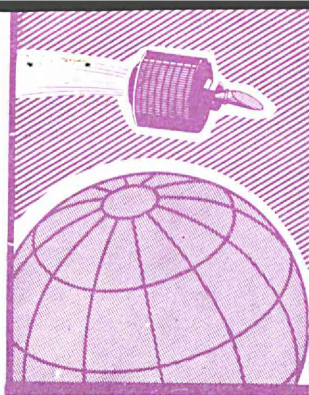
The Representative of Japan reiterated his view that the definitive arrangements for INTELSAT should establish a world organization with global coverage whose principal aim shall be to render an effective international public telecommunications service and indicated his support of paragraph 195 of Doc. 6. He also stated that he was not opposed to the provision of domestic and specialized services on the request of states and international organizations as long as the provision of such services did not work at a disadvantage to INTELSAT's primary objective. It would be premature to stipulate in a definitive agreement additional conditions under which INTELSAT would render specialized services. Domestic services should be left to the initiative of member states but that consultation with INTELSAT would be necessary to insure technical compatibility. He distinguished between regional specialized and regional public communication services; and total denial of the possibility of creating regional systems outside the INTELSAT framework would contravene the Outer Space Treaty. Separate regional public communications services would be acceptable if they did not compete with the global INTELSAT system; prior consultation with INTELSAT would be necessary. Regional systems should be supported by nations having common communications requirements; there should be no interference with the global system with regard to frequencies and orbital space; and participation in such regional arrangements should not prevent direct communication with other nations through the INTELSAT system.

Establishment of Working Group

Chairman Roca solicited the views of the Committee regarding the establishment of a working group on agenda items I and II, as had been indicated at earlier sessions, would be desirable at the appropriate time. The Representative of Greece asked if the Committee might hear the Chairman's ideas. The Chairman pointed out that the group clearly should represent the various points of view that had emerged in the Committee's discussions, be geographically representative and be small enough to work efficiently and frankly. He would have liked to have had a chance to consult with delegations to ascertain their willingness to serve. However, since interest had been expressed he ventured to propose--solely by way of suggestion, he emphasized--a working group composed of representatives from the delegations of Chile, France, India, Lebanon, the Netherlands, New Zealand, Nigeria, Sweden and the United States. The Representatives of Sweden and Nigeria respectfully declined because of other commitments and, after some discussion, it was agreed that Canada and Ethiopia would replace them; it was also agreed that Japan would be added. The Chairman asked the working group to try to reach specific conclusions, and, where necessary, to present alternatives and the support therefor. He also expressed the view that the group should be essentially open and that any delegation might attend as an observer and have its views heard if there arose a matter of importance to it. In response to points raised by the Representatives of Greece and France, the Chairman expressed his understanding that, in view of the informal and frank discussions that the group should enjoy, observer delegations would not be authorized to attend, although the group should feel free to ascertain the views of observers whenever it deemed it desirable.

Chairman Roca, upon determining that it was the sentiment of the Committee to continue meeting pending receipt of the report of the working group, scheduled the next meeting of the Committee for 10:00 a.m., March 4, in the Main Conference Room.

The meeting adjourned at 1:05 p.m.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/5
March 3, 1969

PROVISIONAL SUMMARY RECORD - FIFTH SESSION OF COMMITTEE I
MONDAY, MARCH 3, 1969

Convening of Session

The session was convened at 10:05 a.m. by Chairman Roca.

Scope of INTELSAT's Activities

The Representative of the United Kingdom supported the unanimous ICSC recommendation that INTELSAT be limited to provision of the space segment and that its primary function be provision of facilities for international public telecommunications services. In regard to domestic and international services, he noted that the United Kingdom has a problem in regard to a territory such as Hong Kong, which although "domestic" in the sense of being within the jurisdiction of the United Kingdom is geographically separated to a degree that might warrant it being treated as "international" for practical telecommunications purpose; it will be essential to make adequate provision for this type of situation in drafting the definitive arrangements. He suggested that INTELSAT only provide public services for the moment; the present lack of experience with specialized services might cause the Conference to hesitate to give much discretion to the Governing Body. A review conference could later reconsider the matter. There might be practical problems related to voting and financing if INTELSAT provided channels for domestic needs in global satellites but the Representative of the United Kingdom favored such a provision. Requests to INTELSAT to provide separate domestic satellites by countries unable to pay fully for them could cause difficulties; it would be impossible to require other nations to share in financing such satellites. Sovereign states must be permitted to establish their own satellites for domestic purposes, but they should first consult with INTELSAT and the I.T.U. to assure compatibility.

The Representative of Canada also supported the primacy of international public telecommunications services. He favored use of the word "commercial", or its equivalent to emphasize the basis on which INTELSAT provided its services. He supported ICSC paragraph 197; the provision of the space segment for specialized purposes might be the subject of separate accounts. He also supported paragraph 205 noting that the provision of the space segment for domestic services should be subject to the same conditions as those for specialized services; both the Assembly and the Governing Body should perhaps share the authority to define the

relevant conditions. While he considered regional systems to be international, the Canadian Representative deemed them acceptable if economically compatible with the INTELSAT system. Economic compatibility was not, however, a relevant prerequisite to the establishment of separate systems for specialized or domestic services; however, the nations establishing them should respect their I.T.U. obligations on technical coordination, and INTELSAT too could facilitate technical coordination.

The Representative of Italy supported formation of a working group to summarize the Committee's views on agenda items I and II. He noted the need for clear definitions of "compatibility" and "specialized". He saw merit in the United States view that the Committee, for the time being, not deal with what others may be permitted to do and that INTELSAT be given the broadest possible charter, including authorization to provide for regional, specialized, and domestic needs if requested. Finally, he supported the principles contained in paragraphs 209, 211-215 and 216-219 of Doc. 6.

The Representative of Nigeria felt that the Preamble to the Interim Agreement, and particularly the concept of a single global commercial communications satellite system as part of an improved global communications network, expressed the interests of all nations. He therefore considered the United States proposal of a Preamble in Document Com. I/9 as the basis for an acceptable Preamble to the new agreement, and he shared the United Kingdom view that nothing had occurred in the last four years to alter the validity of the concept of a single global commercial system. INTELSAT's global system could really be termed three integrated regional systems consisting of the Atlantic, Pacific, and Indian Ocean areas. The Nigerian Representative saw little need for separate satellites in view of the ability of INTELSAT, through INTELSAT III and IV satellites, to meet all needs--international, domestic, regional, and specialized--for years to come. He agreed that a monopoly was undesirable if it referred to the possession by one nation of majority power within INTELSAT, but not if it referred to the existence of a single global system open equitably to all nations. Separate domestic satellites were permissible if compatible with the INTELSAT system. He urged speedy approval of the principles stated in paragraphs 190, 194-197, 204 and 205 (subject to the conditions contained in paragraph 197) and 210-212 (subject to the conditions contained in paragraphs 216-219) of Doc. 6. However, he could not support paragraph 227.

Launch of Apollo 9

The session was interrupted for one-half hour while the Committee watched the launch of Apollo 9 on television. The Chairman then congratulated the United States on the great scientific achievement which the Committee had just witnessed.

Scope of INTELSAT's Activities

The Representative of Iran agreed that the provision of the space segment for international public telecommunication services was primary and expressed

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support of the objective contained in paragraph 195 of Doc. 6. He believed, however, that INTELSAT should be authorized to provide for specialized services upon request and after study of the technical and economic feasibility. Thus, developing countries without alternative communications such as terrestrial microwave would be able to meet their needs; their earth stations could be used more profitably, and INTELSAT would benefit financially.

With Vice Chairman Mohammad in the chair, the Representative of Mexico urged that the control of INTELSAT be placed in a group broadly representative of the different economic and political interests. He believed that INTELSAT should be limited to provision of the space segment, operated on a commercial basis so as to be self-supporting, and open to all I.T.U. members. If economically beneficial to INTELSAT, it could provide facilities for domestic, regional, and specialized services, but military or paramilitary use of the space segment should be prohibited. Finally, INTELSAT should be related to the United Nations family through the I.T.U.

The Representative of Thailand recognized that the main purpose of INTELSAT was provision of the space segment for international public telecommunications services. However, he cautioned that once domestic, regional, specialized, and national security traffic had been allocated INTELSAT circuits, they should not later be displaced to make way for increased demand for international public services.

The Representative of Pakistan urged that INTELSAT provide domestic as well as international public telecommunications services. He cited as reasons the geographical separation between the two regions of his country, the stipulation in UN resolution 1721 that satellite communications be available to all nations, and the fact that technical requirements for earth stations intended for domestic and international service are identical. He also favored provision by INTELSAT for specialized needs, but felt that the specific services must be identified. Finally, he favored inclusion in the definitive arrangements of the principle stated in Article VIII(e) of the working paper submitted by the United States (Doc. 10).

The Representative of Algeria noted that, while nations could not be required to turn to INTELSAT to meet all their needs, the organization must be able to consider the provision of the space segment for all uses. He supported paragraph 195 of Doc. 6 as a statement of the primary objective of INTELSAT. He also supported the case-by-case consideration of requests to meet actual needs for specialized services, in accordance with paragraph 197. The final decision on INTELSAT's competence to provide the requested services and on the conditions under which they should be provided would rest with the Assembly. The space segment for domestic services--specialized or public--should be provided in accordance with paragraphs 209, 212, and 213 of Doc. 6, but each nation also had an absolute right to establish its own satellites for such purposes. Such non-INTELSAT-provided satellites, however, should be coordinated through the I.T.U. and in accordance with paragraphs 220-222. The

Algerian Representative felt that separate regional satellites must be economically compatible with the INTELSAT system. While noting that his delegation would not object to a country using channels in a regular INTELSAT satellite for security purposes, he regarded the provision by INTELSAT of separate satellites for military needs as contrary to the Preamble of the Interim Agreement.

The Representative of the United States noted the unanimity of view expressed in paragraphs 166 and 195 of Doc. 6 and indicated that these objectives had been incorporated in Doc. 10, Article VIII(a) submitted by the United States. He further observed that under the Interim Arrangements both international and domestic requirements have been met by INTELSAT and that no objections had been raised in the Committee to the continued meeting of domestic requirements. From an economic and conceptual viewpoint it is highly desirable to accommodate domestic needs through INTELSAT in order to take advantage of the economies of scale inherent in the global system. He noted that concern about the possible scarcity of satellite circuits was not likely to be a real problem. Technological improvements and long-range planning will enable INTELSAT to meet all circuit requirements expressed in the future, whether international or domestic, so that no priority between the two need be set in allocating circuits.

The Representative of Kuwait endorsed the statement by the Representative of Algeria at the previous session which urged that the definitive arrangements be drafted to encourage the widest possible participation. He also favored incorporating into the definitive arrangements the principles contained in the Preamble to the Interim Agreement and paragraphs 166-169, 172, 173, 175, 178 and 180 of Doc. 6. He further suggested that the word "competence" in paragraph 171 be changed to "rules" as in paragraph 180. He suggested that the work group dealing with agenda items I and II be guided by the principles, but not the wording, of paragraph 176. He also repeated his endorsement of the objectives contained in paragraphs 190, 195, 197, 209, 212 and 213, while taking exception to paragraph 227.

The Representative of the Federal Republic of Germany noted that there has been no disagreement expressed in the Committee on the need to provide the space segment for worldwide public telecommunications and welcomed the discussion to date regarding clarification of the meaning of single global system and domestic and regional systems. He agreed with the view advanced by the Representative of France on Saturday that member nations should be free to decide for themselves the type of communications media, such as radio, cable and satellite, to be used in meeting national needs. He also indicated agreement with the Dutch and Japanese views that restrictions on the use of domestic and regional systems outside the INTELSAT framework would be contrary to the provisions of the Treaty on the Peaceful Uses of Outer Space. He further stated that there are many aspects of specialized services that are not yet explored and that it would be premature to include in the definitive arrangements detailed provisions regarding regional, domestic and specialized services. Instead he indicated that such matters should be dealt with on

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an individual basis through consultation between INTELSAT and the countries or international organizations concerned. He further noted that no general liability or requirement of financial participation should extend to INTELSAT members not directly participating in any specialized services furnished by INTELSAT. He also agreed with the view of the United Kingdom that there should be periodic review by governments or the Assembly concerning specialized services which may be provided under the definitive arrangements.

The Representative of Colombia expressed agreement with earlier views advocating a global, integrated and compatible international satellite communications system. Noting that INTELSAT now in effect provides domestic, regional and international services and that this contributes to economy and the best use of the frequency spectrum, he saw no reason why such an arrangement could not continue under the definitive arrangements.

Referring to his statement of February 27, the Representative of Israel stated the primary objective of the definitive arrangements should be to develop a single global satellite system to provide international public telecommunications services on a commercial basis. He observed, however, that domestic satellite services may be vital to national interests of certain countries. Such needs, he stated, could be met by the global system if compatible with INTELSAT's main purpose, and would preferably be so met, but separate domestic systems could be created so long as they are compatible with orbital space and radio frequency requirements of the global system.

The Representative of Turkey stated that he believed, with the Representative of the United States, that the Charter of INTELSAT under the definitive arrangements should be as broad as possible. He also believed that any particular member should possess only limited control over the affairs of the organization.

The Representative of Ethiopia endorsed the idea of establishing a working group to deal with agenda items I and II but cautioned that the work group should not address itself at this time to other substantive issues which would be taken up by the Committee as a whole. He commended the ICSC on its report and supported paragraphs 195, 197, 213 and 216-219 of Doc. 6, subject to the condition that the services envisioned therein are acceptable from a technical and economic standpoint and that the ability of INTELSAT to provide public international telecommunications services is not adversely affected. He also supported paragraph 205 and interpreted it to include requests for regional systems. He also noted that it is not consistent with the Charter of INTELSAT to furnish services to meet military requirements and that doing so may, in addition, prevent universal participation.

The Representative of Switzerland noted his support of the general remarks made by the representatives of Belgium and the United Kingdom regarding the scope of INTELSAT's activities. He expressed agreement with the objectives stated in paragraphs 195, 198, 209, 212 and 213 of Doc. 6, but noted that conditions regarding their application need further clarification. They must be compatible with the main function of INTELSAT, and technically and economically compatible as well.

The Representative of Japan reiterated his view that the definitive arrangements for INTELSAT should establish a world organization with global coverage whose principal aim shall be to render an effective international public telecommunications service and indicated his support of paragraph 195 of Doc. 6. He also stated that he was not opposed to the provision of domestic and specialized services on the request of states and international organizations as long as the provision of such services did not work at a disadvantage to INTELSAT's primary objective. It would be premature to stipulate in a definitive agreement additional conditions under which INTELSAT would render specialized services. Domestic services should be left to the initiative of member states but that consultation with INTELSAT would be necessary to insure technical compatibility. He distinguished between regional specialized and regional public communication services; and total denial of the possibility of creating regional systems outside the INTELSAT framework would contravene the Outer Space Treaty. Separate regional public communications services would be acceptable if they did not compete with the global INTELSAT system; prior consultation with INTELSAT would be necessary. Regional systems should be supported by nations having common communications requirements; there should be no interference with the global system with regard to frequencies and orbital space; and participation in such regional arrangements should not prevent direct communication with other nations through the INTELSAT system.

Establishment of Working Group

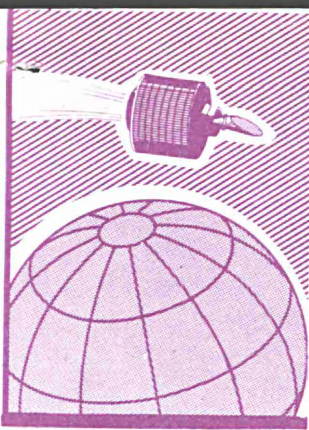
Chairman Roca solicited the views of the Committee regarding the establishment of a working group on agenda items I and II, as had been indicated at earlier sessions, would be desirable at the appropriate time. The Representative of Greece asked if the Committee might hear the Chairman's ideas. The Chairman pointed out that the group clearly should represent the various points of view that had emerged in the Committee's discussions, be geographically representative and be small enough to work efficiently and frankly. He would have liked to have had a chance to consult with delegations to ascertain their willingness to serve. However, since interest had been expressed he ventured to propose--solely by way of suggestion, he emphasized--a working group composed of representatives from the delegations of Chile, France, India, Lebanon, the Netherlands, New Zealand, Nigeria, Sweden and the United States. The Representatives of Sweden and Nigeria respectfully declined because of other commitments and, after some discussion, it was agreed that Canada and Ethiopia would replace them; it was also agreed that Japan would be added. The Chairman asked the working group to try to reach specific conclusions, and, where necessary, to present alternatives and the support therefor. He also expressed the view that the group should be essentially open and that any delegation might attend as an observer and have its views heard if there arose a matter of importance to it. In response to points raised by the Representatives of Greece and France, the Chairman expressed his understanding that, in view of the informal and frank discussions that the group should enjoy, observer delegations would not be authorized to attend, although the group should feel free to ascertain the views of observers whenever it deemed it desirable.

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Chairman Roca, upon determining that it was the sentiment of the Committee to continue meeting pending receipt of the report of the working group, scheduled the next meeting of the Committee for 10:00 a.m., March 4, in the Main Conference Room.

The meeting adjourned at 1:05 p.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/6 (Final)
March 8, 1969

SUMMARY RECORD - SIXTH SESSION OF COMMITTEE I TUESDAY, MARCH 4, 1969

Convening of Session

The session was convened at 10:05 a.m. by Chairman Roca.

First Meeting of Working Group

The Secretary announced that the first meeting of the Working Group established at the Fourth Session would start at 2:30 p.m. today in Room 1107.

Change in Agenda

The Chairman reported that several delegations had observed that Item III on the Committee's work program (Eligibility for INTELSAT Membership) was closely linked to Item V (Relationship with Member States) and had therefore suggested that the Committee might defer Item III to be considered with Item V, meanwhile passing on to discuss Item IV (Structure of the Organization). The Committee being agreeable, the Chairman indicated that the discussion would go on, for the moment, to Item IV, adding in response to an observation by the Representative of Austria that this would, be without prejudice to any delegations offering comments on Items I or II that the Working Group could still consider at its afternoon meeting.

Scope of INTELSAT's Activities

The Representative of Austria observed that there are complex and largely unexplored technical, political, legal, economic, and social problems in such fields as navigation services and direct television broadcasting to homes. The possibility of eventually providing specialized services should not be denied to INTELSAT, but governments should have the opportunity of making decisions with full knowledge of the facts. The Austrian delegation was also concerned about providing services for national security needs, particularly in view of the desire for universal membership.

The Observer from Mongolia supported the principles in the Inter-sputnik proposal. He also commented favorably on the views expressed by India and France, the Swedish proposal and the views of the ITU Secretary General on the appropriate relationship between his organization and an international communication satellite system. Illustrating the importance to Mongolia of satellite communication, he reported that an Orbita station being constructed would soon permit 20% of his people to receive television programs from Europe. He welcomed the idea of establishing a global system and stated that regional systems should also be permitted. The international system should be technically coordinated through the ITU. Satellite communications must be made available to all nations, with complete equality of all participants.

Structure of the Organization

The Representative of Ceylon supported paragraphs 166-169 of Doc. 6. The global system should also meet domestic needs and should serve all nations without discrimination. There should be a simple majority for procedural decisions and a two-thirds majority for important decisions in the Assembly, with each delegate possessing one vote. On the Governing Body, he supported paragraphs 346, 350, and 357 of Doc. 6.

The Representatives of Canada, India, and the Federal Republic of Germany called attention to document Com. I/26, which presented their views on the structure of the Organization. Their primary objective was to create a truly international and efficient organization.

The Representative of Mexico noted that Com. I/26, reflected many views shared by a majority of the ICSC and by his delegation in particular.

The Representative of the United States recalled that innovation had been required in 1964 to establish an organization to exploit a dynamic new technology that would be efficient and would attract wide participation. The efficiency of these arrangements was demonstrated by the success to date, although further improvement should always be sought. One need was for broadened participation by members. This goal is reflected in pages 8-10 of Doc. 10 submitted by the United States delegation and in paragraphs 295, 296, 300, 301, 304, 305, 307, and 461 of Doc. 6. For dealing with operational matters in a businesslike manner, a Board of Governors of the type described on pages 11-15 of Doc. 10 would be necessary. The Board must be both representative and small enough to be efficient. The ideas of the United States to this end are described in Article VI(a) of Doc. 10, which reflects paragraphs 346, 357, 358, and 361 of Doc. 6. Where unanimity cannot be reached, a majority of the investment shares entitled to representation on the Board would be needed for procedural decisions and a two-thirds majority for substantive decisions. No Signatory could possess more than 50% of the total vote in the Board. These concepts reflect paragraphs 403, 410, 419, and 423 of Doc. 6. The management function requires a high degree of

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technical competence. The Manager would be clearly subordinate to the Board of Governors and would make no policy decisions. The Manager's duties would be spelled out in a contract. The relevant United States views are contained in paragraph 255 of Doc. 6 and Article VI of Doc. 10. Wide international participation on the staff of the Manager is highly desirable and the difficulty, in fact, has been that more nominations have not been forthcoming. To further international participation in the management of INTELSAT, a change in the Manager in due course is provided for in Article V(b) of Doc. 10.

The Representative of Australia favored a four-tier structure. Australia felt it desirable that there be an international conference, such as that now taking place, to make intergovernmental decisions in accordance with accepted international principles, and an Assembly in which the participating entities would deal with telecommunications matters, reflecting the business nature of the enterprise. Participation in the Governing Body would be similar to that in the ICSC. The Manager would be the fourth tier.

The Representative of Venezuela supported the unanimous ICSC view favoring a three-tier structure as reflected in paragraph 244 of Doc. 6. He also endorsed paragraph 246 and referred to his earlier statement that the management body should be genuinely international and limited to purely commercial activities. He further indicated his general agreement with the views stated in Com. I/26.

The Representative of Chile fully supported the four-tier structure proposed by Australia. Such an arrangement was not fundamentally different from the proposed three-tier structure, but would permit those entities which are distinct from their governments but which do not have seats in the Governing Body to participate in an Assembly.

The Representative of the United Kingdom, while reserving the right to speak more fully, expressed support for the general interest of Com. I/26, although indicating exception to some of the details.

Eligibility for INTELSAT Membership

There being no further delegations wishing to speak at the moment on Item IV, the Chairman opened the floor for discussion of Item III.

The Observer from Romania noted his country's keen interest in the extension of its international communications through satellites. Article XII of the Interim Agreement limited INTELSAT membership to members of the ITU, but INTELSAT's outstanding success removed justification for the reluctance to extend membership to all countries of the world. Openness to universal membership, as characterized by the Intersputnik proposal, would be consistent with U.N. Resolution 1721, help more nations, increase the efficiency of INTELSAT, make it possible to create a single really global system, and improve international understanding.

The Observer from Poland stated that under the Definitive Arrangements the global system should be accessible to all nations, as expressed by the Chairman of the Conference, in the Preamble of the Interim Agreement, and in Doc. 6. However, the Interim Agreement limits membership to ITU members and therefore some nations are excluded from INTELSAT and from the benefits of satellite communications. Poland hopes the Definitive Arrangements will permit a truly universal organization, accessible to all states of the world, as reflected in the Intersputnik proposal.

The Representative of the United Kingdom observed that any member of the ITU may join INTELSAT. Not only has the system worked well, he stated, but practical reasons argue for its preservation. For example, INTELSAT earth stations have to meet standards which take account of those developed in the CCITT and the CCIR. The observers themselves had stressed the competence of the ITU in the entire field of space communications. He distinguished between the right of membership in INTELSAT and access by all nations to the global system, and held that the eligibility requirements in the Interim Agreement were not discriminatory.

The Representative of Greece endorsed the United Kingdom's view on eligibility and that in paragraph 229 of Doc. 6. He saw no discrimination. Turning to Agenda Item II, on which his delegation had not commented, he endorsed paragraphs 189, 195 and 205, provided that there be some connection between the latter paragraph and 216-19. He also endorsed paragraph 220, while finding paragraphs 226-7 unacceptable.

The Representative of France also agreed with the United Kingdom's view on eligibility for membership and on access to the system. The traditional media, when established by ITU members, are nonetheless available for use by all countries.

The Representative of Australia brought to the Committee's attention that Committee III is considering the problem of investment quotas without regard for voting rights since voting matters, which will be considered by Committee I, go beyond purely financial matters; it would, however, be helpful for it to be discussed in due course in the light of some consideration having been given to the aspect of investment quotas as Committee III is now doing.

The Representative of Tunisia said the fundamental concern of the developing nations is access to the space segment when needed on economic and appropriate conditions. The present structure of INTELSAT is dominated by commercial considerations and has not always reflected the less materialistic needs of the developing nations. The Representative of Tunisia noted the interest of the United Nations in spatial matters and, in particular, ITU's exclusive responsibility over studies and regulation in the field of space telecommunications. In view of the forthcoming World Administrative Space Radio Conference, it would be dangerous to take fundamental decisions affecting the future of space communications at this time, without the participation of all United Nations members and to fix the structure of

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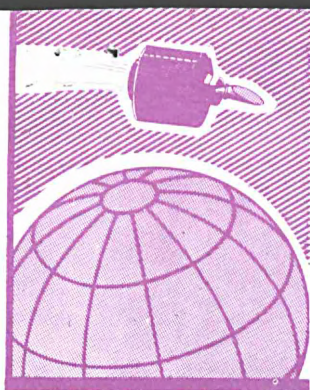
INTELSAT without taking account of all decisions of the specialized agencies.

The Representative of the United States agreed that providing good communications facilities is the primary need. However, he saw no conflict between this necessity and the commercial nature of INTELSAT. Commercial in this context means efficient and businesslike, not profitable in the entrepreneurial sense.

Close of the Session

There being no other delegations wishing to speak immediately, the session was adjourned at 11:45 a.m., to be reconvened at 10:00 a.m. on March 5, 1969.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/6
March 4, 1969

PROVISIONAL SUMMARY RECORD - SIXTH SESSION OF COMMITTEE I TUESDAY, MARCH 4, 1969

Convening of Session

The session was convened at 10:05 a.m. by Chairman Roca.

First Meeting of Working Group

The Secretary announced that the first meeting of the Working Group established at the Fourth Session would start at 2:30 p.m. today in Room 1107.

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Scope of INTELSAT's Activities

The Representative of Austria observed that there are complex and largely unexplored technical, political, legal, economic, and social problems in such fields as navigation services and direct television broadcasting to homes. The possibility of eventually providing specialized services should not be denied to INTELSAT, but governments should have the opportunity of making decisions with full knowledge of the facts. The Austrian delegation was also concerned about providing services for national security needs, particularly in view of the desire for universal membership.

NOTE: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

The Observer from Mongolia supported the principles in the Inter-sputnik proposal. He also commented favorably on the views expressed by India and France, the Swedish proposal and the views of the ITU Secretary General on the appropriate relationship between his organization and an international communication satellite system. Illustrating the importance to Mongolia of satellite communication, he reported that an Orbita station being constructed would soon permit 20% of his people to receive television programs from Europe. He welcomed the idea of establishing a global system and stated that regional systems should also be permitted. The international system should be technically coordinated through the ITU. Satellite communications must be made available to all nations, with complete equality of all participants.

Structure of the Organization

The Representative of Ceylon supported paragraphs 166-169 of Doc. 6. The global system should also meet domestic needs and should serve all nations without discrimination. There should be a simple majority for procedural decisions and a two-thirds majority for important decisions in the Assembly, with each delegate possessing one vote. On the Governing Body, he supported paragraphs 346, 350, and 357 of Doc. 6.

The Representatives of Canada, India, and the Federal Republic of Germany called attention to document Com. I/26, which presented their views on the structure of the Organization. Their primary objective was to create a truly international and efficient organization.

The Representative of Mexico noted that Com. I/26, reflected many views shared by a majority of the ICSC and by his delegation in particular.

The Representative of the United States recalled that innovation had been required in 1964 to establish an organization to exploit a dynamic new technology that would be efficient and would attract wide participation. The efficiency of these arrangements was demonstrated by the success to date, although further improvement should always be sought. One need was for broadened participation by members. This goal is reflected in pages 8-10 of Doc. 10 submitted by the United States delegation and in paragraphs 295, 296, 300, 301, 304, 305, 307, and 461 of Doc. 6. For dealing with operational matters in a businesslike manner, a Board of Governors of the type described on pages 11-15 of Doc. 10 would be necessary. The Board must be both representative and small enough to be efficient. The ideas of the United States to this end are described in Article VI(a) of Doc. 10, which reflects paragraphs 346, 357, 358, and 361 of Doc. 6. Where unanimity cannot be reached, a majority of the investment shares entitled to representation on the Board would be needed for procedural decisions and a two-thirds majority for substantive decisions. No Signatory could possess more than 50% of the total vote in the Board. These concepts reflect paragraphs 403, 410, 419, and 423 of Doc. 6. The management function requires a high degree of

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technical competence. The Manager would be clearly subordinate to the Board of Governors and would make no policy decisions. The Manager's duties would be spelled out in a contract. The relevant United States views are contained in paragraph 255 of Doc. 6 and Article VI of Doc. 10. Wide international participation on the staff of the Manager is highly desirable and the difficulty, in fact, has been that more nominations have not been forthcoming. To further international participation in the management of INTELSAT, a change in the Manager in due course is provided for in Article V(b) of Doc. 10.

The Representative of Australia favored a four-tier structure. Australia felt it desirable that there be an international conference, such as that now taking place, to make intergovernmental decisions in accordance with accepted international principles, and an Assembly in which the participating entities would deal with telecommunications matters, reflecting the business nature of the enterprise. Participation in the Governing Body would be similar to that in the ICSC. The Manager would be the fourth tier.

The Representative of Venezuela supported the unanimous ICSC view favoring a three-tier structure as reflected in paragraph 244 of Doc. 6. He also endorsed paragraph 246 and referred to his earlier statement that the management body should be genuinely international and limited to purely commercial activities. He further indicated his general agreement with the views stated in Com. I/26.

The Representative of Chile fully supported the four-tier structure proposed by Australia. Such an arrangement was not fundamentally different from the proposed three-tier structure, but would permit those entities which are distinct from their governments but which do not have seats in the Governing Body to participate in an Assembly.

The Representative of the United Kingdom, while reserving the right to speak more fully, expressed support for the general interest of Com. I/26, although indicating exception to some of the details.

Eligibility for INTELSAT Membership

There being no further delegations wishing to speak at the moment on Item IV, the Chairman opened the floor for discussion of Item III.

The Observer from Romania noted his country's keen interest in the extension of its international communications through satellites. Article XII of the Interim Agreement limited INTELSAT membership to members of the ITU, but INTELSAT's outstanding success removed justification for the reluctance to extend membership to all countries of the world. Openness to universal membership, as characterized by the Intersputnik proposal, would be consistent with U.N. Resolution 1721, help more nations, increase the efficiency of INTELSAT, make it possible to create a single really global system, and improve international understanding.

The Observer from Poland stated that under the Definitive Arrangements the global system should be accessible to all nations, as expressed by the Chairman of the Conference, in the Preamble of the Interim Agreement, and in Doc. 6. However, the Interim Agreement limits membership to ITU members and therefore some nations are excluded from INTELSAT and from the benefits of satellite communications. Poland hopes the Definitive Arrangements will permit a truly universal organization, accessible to all states of the world, as reflected in the Intersputnik proposal.

The Representative of the United Kingdom observed that any member of the ITU may join INTELSAT. Not only has the system worked well, he stated, but practical reasons argue for its preservation. For example, INTELSAT earth stations have to meet standards which take account of those developed in the CCITT and the CCIR. The observers themselves had stressed the competence of the ITU in the entire field of space communications. He distinguished between the right of membership in INTELSAT and access by all nations to the global system, and held that the eligibility requirements in the Interim Agreement were not discriminatory.

The Representative of Greece endorsed the United Kingdom's view on eligibility and that in paragraph 229 of Doc. 6. He saw no discrimination. Turning to Agenda Items I and II, on which his delegation had not yet spoken, he endorsed paragraphs 189, 195 and 205, provided that there be some connection between the latter paragraph and 216-19. He also endorsed paragraph 220, while finding paragraphs 226-7 unacceptable.

The Representative of France also agreed with the United Kingdom's view on eligibility for membership and on access to the system. The traditional media, when established by ITU members, are nonetheless available for use by all countries.

The Representative of Australia brought to the Committee's attention that Committee III is considering the problem of investment quotas without regard for voting rights since voting matters, which will be considered by Committee I, go beyond purely financial matters; it would, however, be helpful for it to be discussed in due course in the light of some consideration having been given to the aspect of investment quotas as Committee III is now doing.

The Representative of Tunisia said the fundamental concern of the developing nations is access to the space segment when needed on economic and appropriate conditions. The present structure of INTELSAT is dominated by commercial considerations and has not always reflected the less materialistic needs of the developing nations. The Representative of Tunisia noted the interest of the United Nations in spatial matters and, in particular, ITU's exclusive responsibility over studies and regulation in the field of space telecommunications. In view of the forthcoming World Administrative Space Radio Conference, it would be dangerous to take fundamental decisions affecting the future of space communications at this time, without the participation of all United Nations members and to fix the structure of

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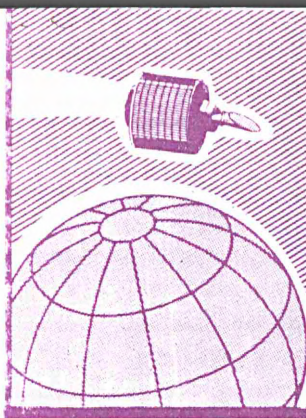
INTELSAT without taking account of all decisions of the specialized agencies.

The Representative of the United States agreed that providing good communications facilities is the primary need. However, he saw no conflict between this necessity and the commercial nature of INTELSAT. Commercial in this context means efficient and businesslike, not profitable in the entrepreneurial sense.

Close of the Session

There being no other delegations wishing to speak immediately, the session was adjourned at 11:45 a.m., to be reconvened at 10:00 a.m. on March 5, 1969.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/7 (Final)
March 10, 1969

SUMMARY RECORD - SEVENTH SESSION OF COMMITTEE I WEDNESDAY, MARCH 5, 1969

Convening of the Session

The session was convened at 10:08 a.m. by Vice Chairman Mohammad.

Structure of the Organization

The Representative of Canada elaborated on document Com. I/26. He also felt that a three-tier structure would be less unwieldy than a four-tier one, while effectively assuring participation of both telecommunications entities and governments. True internationalization of INTELSAT, while not feasible in 1964, could now be pursued because of the increase of skills and utilization. Full internationalization of the Manager could not be achieved overnight; a transition period would be needed to maintain a high level of managerial competence.

The Representative of Jamaica supported a four-tier structure. It would enable small countries to play an effective role and would clearly distinguish between the responsibilities of governments and entities.

The Representative of Denmark observed that Article IX of the Interim Agreement required that all Parties to the definitive arrangements contribute to policy formulation. The path of internationalizing INTELSAT had been successful and should be continued. The Assembly proposed in document Com. I/26 would move in this direction, thereby substantially improving the present organization. He advocated a three-tier structure. A transitional period is needed to maintain high level managerial competence.

The Representative of Belgium supported the Swedish distinction between the political and commercial aspects and limiting the commercial section--that is, the Corporation--to providing the space segment for traditional international public telecommunications services. Governments could eventually provide specialized services if the need arises by creating new corporations or by extending the powers of INTELSAT. INTELSAT could now be authorized to provide facilities for specialized services at the expense of the users. A fourth organ--an Assembly of Signatories--should be added to those proposed by the Swedish delegation to enable telecommunications entities not represented in the Governing Body to participate.

The Representative of the United Kingdom noted the need for establishing definitive arrangements that would not need to be modified significantly early in their life. All members must have the opportunity to participate significantly in their organization's affairs, and the management must be integrated into the organization. Document Com. I/26 points in the right direction. All can have their say in an Assembly with equal voting rights. The manager must be internationalized, but efficiency must be preserved. He suggested some of the functions that might be allotted to the Assembly. The Assembly should confirm, rather than appoint the General Manager; this appointment cannot await the convening of an Assembly and the manager will be responsible to the Governing Body. Governments should appoint whomever they wish as delegates to a single Assembly, for the respective roles of governments and entities cannot always be clearly distinguished. Each delegation would have one vote in the Assembly, with decisions made by a simple majority in procedural matters and perhaps a two-thirds majority in substantive matters. Responsibility for determining the working policies of the organization would rest with the Governing Body although the latter's functions probably cannot be spelled out in detail in the agreement. Ways should be found to reflect in the Governing Body the views of areas of the world whose use is too low to afford them representation; however, the size of the Governing Body must not be so expanded as to impair its efficiency. Voting in the Governing Body should continue to be based on investment shares related to use. Referring to document Com. I/40, the Representative of the United Kingdom felt that Article V(b) of the draft agreement submitted by the United States and the present Manager's willingness to assign more Signatories' nominees did not go nearly far enough in assuring internationalization of the Manager. The "myriad of practical, technical problems" mentioned in the United States document (Com. I/41) could be solved by the dual approach recommended in Com. I/40. The Manager must be in a constitutional position in which no suspicion of bias could arise; a national entity, however competent or objective, cannot be in such a position.

Chairman Roca assumed the Chair at this point.

The Representative of Japan supported a three-tier structure. Formed by the governments, the Assembly should be the highest organ; it should supervise the overall activities of the Organization. Japan had reservations, however, about assigning to the Assembly, as proposed in document Com. I/26, the functions of approving long-range programs, appointing the General Manager, and of amending the Agreement and asked the sponsors for clarification. A two-thirds majority should be required in the Assembly on substantive matters. In addition to the present means of achieving representation on the ICSC, equitable geographical distribution should be sought, but the Governing Body should remain small enough to be effective. It is vital that the management remain highly competent, be international, and be effectively guided by the Governing Body. Initially the Management could be entrusted to a single national entity, subject to replacement by the Governing Body.

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The Representative of Italy supported the United Kingdom and French view that eligibility of membership must not be confused with access to the system. As for structure, the need is for improvement, not for fundamental change. The advantages of both the three-tier and four-tier structures could be combined in a single Assembly to which the governments appoint either governmental or telecommunications representatives. Doc. 10 and document Com. I/26 both provide for a three-tier structure, but each with different responsibilities for the respective organs; it would be helpful if the sponsors put their proposals in common language to better identify the basic issues.

The Representative of Australia, noting that document Com. I/26 seemed to suggest some questions be decided by a conference, wondered whether the apparent difference between three and four-tier structures might be a question of interpretation. The basic question was whether all telecommunications entities would be able to participate in the maintenance of the global system. Voting in the Assembly needed further study; an annual meeting of the size and nature of the present Conference would involve severe practical problems.

The Representative of Pakistan advocated a three-tier structure, with an Assembly composed of all Parties, constituting the supreme organ. He supported paragraphs 267-281, 283-284, and 289 of Doc. 6, but did not support paragraphs 286-287. On the Governing Body, he supported paragraphs 346, 352, 357, and 369-389, in conjunction with recognition of the supremacy of the Assembly. The Governing Body should require a two-thirds majority, by unweighted vote, for substantive decisions, as advocated in paragraph 421. On procedural matters, he supported paragraph 423. He opposed paragraph 396; supported paragraphs 405, 406, and 409; and opposed paragraph 414. He supported paragraphs 425-430 on the Chairman and 434-435 on the Manager. To the extent practicable, the Assembly should appoint key personnel. While favoring paragraphs 466-474 on the Manager's functions, he believed that the requesting state should be associated with the examination involved in paragraph 468.

The Representative of Sweden noted the concurrence of Doc. 8 and Com. I/26 in their advocacy of a three-tier structure (thought the Swedish proposal could easily be adapted to a four-tier structure if the majority wished) and of legal personality for the organization. Sweden proposed a dual structure to eliminate difficulties relating to privileges and immunities and liability; the dual structure need not interfere with a three-tier structure. The dual arrangement could be dropped if these difficulties could be eliminated. The agreements should not irrevocably designate a single national entity as Manager. Internationalization also requires that the Assembly have real powers and that the present domination by the United States be replaced by something broader than domination by a small group of states possessing overwhelming voting power. Sweden shares the United States view that the Assembly cannot decide operational matters; thus Sweden proposes separate governmental and commercial functions. The Assembly would have the main purpose of assuring observance of the non-discriminatory principle. Com. I/26 may not adequately distinguish between commercial and public functions or the protection of the role of the smaller states.

The Representative of the Philippines felt the structure recognize the principles of internationalization, sovereignty, and the commercial nature

of the organization. He favored a three-tier structure. An Assembly should be the supreme organ and should exercise the functions listed in ICSC paragraphs 266-274. Telecommunications entities may be represented within the national delegations. A two-thirds majority would be required for substantive decisions. The Governing Body should consist of no more than 20 members and should exercise all the functions normally required to conduct the activities of the organization, those not vested in the Assembly, and those contained in paragraphs 369-382, 384, and 386-389 of Doc. 6. The Philippines supported paragraph 393 on the determination of voting shares in the Governing Body. No one representative should be able to block a decision. In staffing the Management Body, competence should be the overriding criterion, and geographical distribution next. The relationship of the Manager to the Governing Body should be spelled out in the agreements, and until an internationalized manager is created a transition period will be necessary.

The Representative of Switzerland believed that Com. I/26 would promote a truly international, universal organization, permitting the smaller members to participate truly in the organization. Com. I/26 also had the virtue of deriving from the collaboration of countries from three areas of the world. A three-tier structure, within an organization possessing legal personality, is desirable. An Assembly representing all Signatories could be added. Efficiency must not be impaired during the transitional period. The Swiss Representative hoped the observers would express their views on these matters.

The Representative of Algeria also hoped to hear the views of the observers. The major need is to insure true participation of all members. He supported a three-tier structure with an Assembly, consisting of the Parties, as the supreme organ. The division of powers between the Assembly and Governing Body should follow the lines expressed by the Swedish delegate. He cited some appropriate functions of the Assembly. The Assembly would have unweighted voting and would meet no more than once every two years. The Governing Body would consist of no more than 25 representatives of the Signatories; it must represent all economic and geographic areas, small countries as well as large. He shared the United States view as expressed in paragraph 361 of Doc. 6. Each world region should have a minimum number of seats in the Governing Body, to better coordinate the global system as among regions. The Governing Body's functions would be basically those of the ICSC, taking into account the supremacy of the Assembly. Algeria supported paragraphs 373-390. Voting must be such that each member will feel that it is effectively participating in decisions. Algeria also supported paragraphs 401, 405, 419 and 501; it could also support paragraph 393, with the basic bloc of votes being five. Internationalization of the Manager and its independence of any Party are vital. To assure a continuity of experience and competence, some COMSAT personnel should participate in the future Management Body. The Management Body would be subordinate to the Governing Body.

The Representative of Greece noted the difficulty of studying fully the various documents containing proposals and hoped the general discussion might be concluded soon so as to leave specifics to the working group. He observed that the Assembly should lay down basic principles for the Governing Body, but should not interfere in specific policy decisions. As in the United Nations,

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the Assembly should confirm, not appoint, the General Manager. In the Governing Body, voting should be weighted because the main responsibilities rest with those with the largest financial participation. However, the voting system should be such as to dilute somewhat the weight of the major countries; in the World Bank each member has a minimum number of votes for each share of stock held. This could serve as an example. Commenting on statements and especially that of the Algerian Delegation, the Representative of Greece did not favor the suggestion that any member of the Assembly could bring before it other matters, not contained in its terms of reference lest political questions might be introduced and impair the businesslike conduct of the organization. He also commended the Kuwait contribution (Com. III/3) regarding investment quotas (and, thus, voting rights) as an equitable basis for discussion.

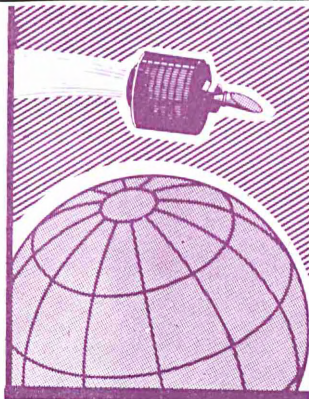
Second Meeting of Working Group

The Vice Chairman announced that the second meeting of the Working Group would take place at 4:30 p.m. in Room 1105.

Adjournment of the Session

The session was adjourned at 12:40 p.m. until March 6 at 10:00 a.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/7
March 5, 1969

PROVISIONAL SUMMARY RECORD - SEVENTH SESSION OF COMMITTEE I
WEDNESDAY, MARCH 5, 1969

Convening of the Session

The session was convened at 10:08 a.m. by Vice Chairman Mohammad.

The Representative of Canada elaborated on document Com. I/26. He also felt that a three-tier structure would be less unwieldy than a four-tier one, while effectively assuring participation of both telecommunications entities and governments. True internationalization of INTELSAT, while not feasible in 1964, could now be pursued because of the increase of skills and utilization. Full internationalization of the Manager could not be achieved overnight; a transition period would be needed to maintain a high level of managerial competence.

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Note: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

The Representative of the United Kingdom noted the need for establishing definitive arrangements that would not need to be modified significantly early in their life. All members must have the opportunity to participate significantly in their organization's affairs, and the management must be integrated into the organization. Document Com. I/26 points in the right direction. All can have their say in an Assembly with equal voting rights. The manager must be internationalized, but efficiency must be preserved. He suggested some of the functions that might be allotted to the Assembly. The Assembly should confirm, rather than appoint the General Manager; this appointment cannot await the convening of an Assembly and the manager will be responsible to the Governing Body. Governments should appoint whomever they wish as delegates to a single Assembly, for the respective roles of governments and entities cannot always be clearly distinguished. Each delegation would have one vote in the Assembly, with decisions made by a simple majority in procedural matters and perhaps a two-thirds majority in substantive matters. Responsibility for determining the working policies of the organization would rest with the Governing Body although the latter's functions probably cannot be spelled out in detail in the agreement. Ways should be found to reflect in the Governing Body the views of areas of the world whose use is too low to afford them representation; however, the size of the Governing Body must not be so expanded as to impair its efficiency. Voting in the Governing Body should continue to be based on investment shares related to use. Referring to document Com. I/40, the Representative of the United Kingdom felt that Article V(b) of the draft agreement submitted by the United States and the present Manager's willingness to assign more Signatories' nominees did not go nearly far enough in assuring internationalization of the Manager. The "myriad of practical, technical problems" mentioned in the United States document (Com. I/41) could be solved by the dual approach recommended in Com. I/40. The Manager must be in a constitutional position in which no suspicion of bias could arise; a national entity, however competent or objective, cannot be in such a position.

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- 5 -

the Assembly should confirm, not appoint, the General Manager. In the Governing Body, voting should be weighted in favor of those with the largest financial stake, but all members should be able to participate effectively; perhaps the World Bank voting approach could be followed. The Algerian proposal that the Assembly consider any matters brought before it by Parties must not introduce unduly political matters and impair businesslike conduct of the organization. The Representative of Greece commended the Kuwait contribution (Com. III/3) regarding investment quotas (and, thus, voting rights) as an equitable basis for discussion.

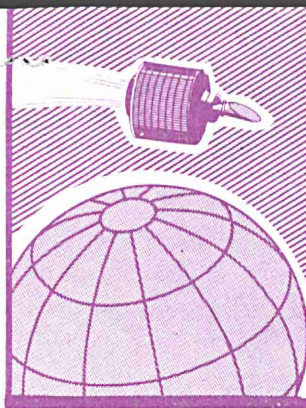
Second Meeting of Working Group

The Vice Chairman announced that the second meeting of the Working Group would take place at 4:30 p.m. in Room 1105.

Adjournment of the Session

The session was adjourned at 12:40 p.m. until March 6 at 10:00 a.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/8 (Final)
March 12, 1969

SUMMARY RECORD--EIGHTH SESSION OF COMMITTEE I THURSDAY, MARCH 6, 1969

Convening of the Session

The session was convened at 10:10 a.m. by Chairman Roca.

Structure of the Organization

The Representative of Austria supported a three-tier structure characterized by checks and balances. It is particularly important, as INTELSAT expands that all member countries, including the smallest, be able to participate in the Assembly in the formulation of the Organization's general policy. Each member country would possess one vote in the Assembly.

The Observer from Poland felt all members must have equal rights and representation in a system which seeks to serve all nations of the world. The Assembly must be supreme, with its decisions compulsory on the Governing Body and the Manager. The Governing Body should reflect equitable geographic representation, with each member entitled to one vote, and be appointed by the Assembly. The Management Body should be an international organ, characterized by adequate geographical distribution and competence of personnel, appointed by the Assembly on the recommendation of the Governing Body.

The Representative of New Zealand, favoring a three-tier structure, stated that the Assembly should review the Organization's activities and lay down broad policies for the other organs. Voting could combine equality of the members with weighting on the basis of investment shares. The Governing Body would be similar to ICSC, provide guidance and direction to the **Manager**, and also include some membership on the basis of geographic distribution. To be efficient, it should not have more than 20 members, no one or two of whom could impose or block a decision. The Manager must be fully responsive to international control, but this does not mean that the Manager must be an international body. It is not self-evident that an international secretariat would be more responsive to international control than a manager

employed by contract. The high order of competence required can best be obtained from a commercial enterprise. It has not been argued that Comsat has been either unresponsive or inefficient. The New Zealand delegation was interested to hear the Japanese view that a single national entity would be acceptable as Manager, and the United States proposal for a fixed-term contract subject to periodic review by the Assembly.

The Representative of Thailand preferred a three-tier structure. The organization should have legal personality with the Assembly's functions limited to general supervision as suggested by Sweden. Each government should have one vote in the Assembly. The composition and voting procedures of the Governing Body should be as proposed in Article VI of Doc. 10. Additional clarification on how an international Manager would function is needed.

The Representative of India, explained document Com. 1/26 favored a single Assembly wherein governments would have the opportunity to be represented either by telecommunications entities or by Government representatives. A large Governing Body would militate against quick, efficient decisions and the Assembly must have a clearly defined role. Com. 1/26 seeks a balance between the two considerations through the assignment of functions to the Assembly and the Governing Body. To be effective the Governing Body must be of reasonable size and must give due weightage to members with large investment and experience. However, the smaller members must not feel their votes are ineffective. Decision-making in the Governing Body should require the association of a good number of members with decisions; it should avoid the possibility of a few members enforcing or blocking a decision without persuading others. Agency management has undoubtedly been efficient but it is incorrect in principle; management should be internationalized, making maximum use of available resources.

The Representative of Chile supported the points of view expressed by the Delegation of Australia at the previous meeting and believed the distinction between public and commercial aspects of INTELSAT could not be adequately reflected in a three-tier structure. In the latter, nongovernmental entities that are not members of the Governing Body would have virtually no opportunity to participate in the organization in which they have invested. For this and other reasons, the Chilean Delegation indicated its support of the Interim Committee's para. 251 which envisaged a four-tier organization.

The Representative of Kenya felt that the developing countries must have a say in running the organization. Equitable geographic distribution of voting rights in the Governing Body, with all members of the Body having the same voting rights, was therefore essential.

The Representative of Kuwait suggested a Governing Body of 20-25 members with the minimum investment level required for membership being appropriate to reach that size. Like the Representative of Greece yesterday, he called attention to document Com. III/3 on investment shares, which his delegation had submitted. All members of INTELSAT must be able to play their rightful role in the organization.

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The Representative of Italy praised the success of Comsat as Manager and NASA's contribution of launch services without demanding reimbursement for development costs. He cautioned against jeopardizing the progress of INTELSAT by hastily substituting possibly hypothetical improvements for demonstrated competence. However, the definitive arrangements should sharply separate the role of manager from that of any single signatory. The Management Body should be defined by contract so that it can be changed. The Signatories should have the possibility of developing management teams for such time as the Governing Body may decide to replace Comsat. The United Kingdom has suggested ways to accomplish this end.

The Representative of the United States felt that INTELSAT could already be described as truly international. It had quickly achieved a membership of 67 countries, was about to achieve global coverage by its satellites and was run by a Committee, representing 48 countries, that generally has reached consensus or unanimity. The questions likely to be before the Assembly would be largely commercial; the few political issues that might arise could be settled by an occasional review Conference such as this. The US felt strongly that all nations should participate in running the organization. It proposed a 2/3 vote in the Governing Body to ensure that any decision was backed by a broad group of members. As for the Manager, the important thing is how the job gets done. What is needed is an international determination of what ought to be done and a competent way to do it. Internationalization of the organization does not, in theory or fact, require internationalizing the manager. No alternative yet presented offers the kind of competence, provided by Comsat, essential to the success of so complex a task as an international telecommunications satellite system. Of course, the way should be left open for change as comparable managerial competence develops and Doc. 10 offered by the US, in fact, leaves open that possibility.

The Representative of Mexico stated that one of the major differences was between those who favored a consortium of the present type and those who preferred an intergovernmental organization with legal personality, organs created by treaty, and an ability to act independently of any individual Party. The difference stemmed from the viewpoint of commercial law and that of public international law. Certainly, any transition from the first to the second type of organization must take place without affecting the interests of the current members and without impairing the efficiency of INTELSAT. But our discussions must be based on a choice between the two types. Would the United States be willing to abandon its insistence on the consortium?

The Representative of Turkey could accept either a three- or four-tier structure. His primary concern was the degree of participation that poor nations would have in the organization. Document Com. I/26 would be generally acceptable to Turkey.

The Representative of Israel favored a three-tier structure, but could accept a four-tier one. Common ground regarding the Assembly's functions could be found in Documents Com. I/26 and Com. I/41. The Governing Body

should consist of no more than 18 representatives of Signatories, with investment shares determined as in Com. III/16, submitted by Israel. The Manager should be fully internationalized when it is practicable, without risking any reduction in competence.

The Representative of Pakistan, while continuing to support paragraph 434 of Doc. 6, stressed the vital importance of preserving efficiency; otherwise, all members would suffer financially.

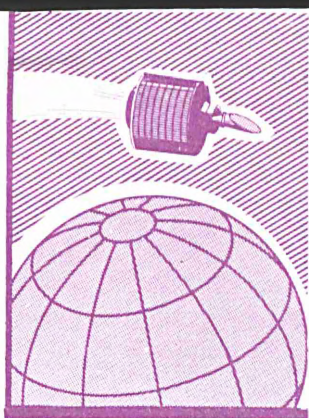
Creation of Working Group on Structure of the Organization

The Committee concurred in the Chairman's suggestion that a Working Group be created to review the viewpoints and appropriate documents presented regarding the Structure of the Organization, in the same manner as the Working Group earlier established regarding Items I and II of the Work Program, with a view to trying to present for the Committee's consideration concrete proposals, including, where necessary, alternatives and the support therefor. As before the Chairman felt that the Group should reflect the views expressed and equitable geographic representation, while being small enough to work expeditiously. After some discussion, it was decided that the Working Group would consist of Australia, Chile, India, Indonesia, Italy, Mexico, Sweden, Switzerland, United Kingdom, United States, Venezuela, and two members of the Africa-Middle East group of members suggested by the latter in consultation with the Chairman. Several members suggested that all members who so desired be permitted to attend the Group's session and participate on issues of importance to them. It was decided that the Working Group would meet briefly at 2:30 p.m. on March 7 to lay out its approach to its work.

Adjournment of the Session

The session was adjourned at 1:40 p.m. until Monday, March 10, to give delegations time to study the documents and reflect on the Committee's discussion.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/8
March 6, 1969

PROVISIONAL SUMMARY RECORD - EIGHTH SESSION OF COMMITTEE I
THURSDAY, MARCH 6, 1969

Convening of the Session

The session was convened at 10:10 a.m. by Chairman Roca.

Structure of the Organization

The Representative of Austria supported a three-tier structure characterized by checks and balances. It is particularly important, as INTELSAT expands that all member countries, including the smallest, be able to participate in the Assembly in the formulation of the Organization's general policy. Each member country would possess one vote in the Assembly.

The Observer from Poland felt all members must have equal rights and representation in a system which seeks to serve all nations of the world. The Assembly must be supreme, with its decisions compulsory on the Governing Body and the Manager. The Governing Body should reflect equitable geographic representation, with each member entitled to one vote, and be appointed by the Assembly. The Management Body should be an international organ, characterized by adequate geographical distribution and competence of personnel, appointed by the Assembly on the recommendation of the Governing Body.

The Representative of New Zealand, favoring a three-tier structure, stated that the Assembly should review the Organization's activities and lay down broad policies for the other organs. Voting could combine equality of the members with weighting on the basis of investment shares. The Governing Body would be similar to ICSC, provide guidance and direction to the **Manager**, and also include some membership on the basis of geographic distribution. To be efficient, it should not have more than 20 members, no one or two of whom could impose or block a decision. The Manager must be fully responsive to international control, but this does not mean that the Manager must be an international body. It is not self-evident that an international secretariat would be more responsive to international control than a manager

Note: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

employed by contract. The high order of competence required can best be obtained from a commercial enterprise. It has not been argued that Comsat has been either unresponsive or inefficient. The New Zealand delegation was interested to hear the Japanese view that a single national entity would be acceptable as Manager, and the United States proposal for a fixed-term contract subject to periodic review by the Assembly.

The Representative of Thailand preferred a three-tier structure. The organization should have legal personality with the Assembly's functions limited to general supervision as suggested by Sweden. Each government should have one vote in the Assembly. The composition and voting procedures of the Governing Body should be as proposed in Article VI of Doc. 10. Additional clarification on how an international Manager would function is needed.

The Representative of India, explained document Com. I/26, favored a single Assembly wherein governments would have the opportunity to be represented either by entities or by officials. The Assembly must be supreme; but its size would militate against quick, efficient decisions. Com. I/26 seeks a balance between the two considerations through the assignment of functions to the Assembly and the Governing Body. To be effective the Governing Body must be of reasonable size and must give preponderance to members with the greatest investment and experience. However, the smaller members must not feel their votes are ineffective, and a reasonable number of members must be required to impose or block a decision in the Governing Body. Agency management has been efficient, but it is incorrect in principle; management should be internationalized, making maximum use of available resources.

The Representative of Chile believed the distinction between public and commercial aspects of INTELSAT could not be adequately reflected in a three-tier structure. In the latter, non-governmental entities that are not members of the Governing Body would have virtually no opportunity to participate in the organization in which they have invested.

The Representative of Kenya felt that the developing countries must have a say in running the organization. Equitable geographic distribution of voting rights in the Governing Body, with all members of the Body having the same voting rights, was therefore essential.

The Representative of Kuwait suggested a Governing Body of 20-25 members with the minimum investment level required for membership being appropriate to reach that size. Like the Representative of Greece yesterday, he called attention to document Com. III/3 on investment shares, which his delegation had submitted. All members of INTELSAT must be able to play their rightful role in the organization.

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The Representative of Italy praised the success of Comsat as Manager and NASA's contribution of launch services without demanding reimbursement for development costs. He cautioned against jeopardizing the progress of INTELSAT by hastily substituting possibly hypothetical improvements for demonstrated competence. However, the definitive arrangements should sharply separate the role of manager from that of any single signatory. The Management Body should be defined by contract so that it can be changed. The Signatories should have the possibility of developing management teams for such time as the Governing Body may decide to replace Comsat. The United Kingdom has suggested ways to accomplish this end.

The Representative of the United States felt that INTELSAT could already be described as truly international. It had quickly achieved a membership of 67 countries, was about to achieve global coverage by its satellites and was run by a Committee, representing 48 countries, that generally has reached consensus or unanimity. The questions likely to be before the Assembly would be largely commercial; the few political issues that might arise could be settled by an occasional review Conference such as this. The US felt strongly that all nations should participate in running the organization. It proposed a 2/3 vote in the Governing Body to ensure that any decision was backed by a broad group of members. As the Manager the important thing is how the job gets done. What is needed is an international determination of what ought to be done and a competent way to do it. Internationalization of the organization does not, in theory or fact, require internationalizing the manager. No alternative yet presented offers the kind of competence, provided by Comsat, essential to the success of so complex a task as an international telecommunications satellite system. Of course, the way should be left open for change as comparable managerial competence develops and Doc. 10 offered by the US, in fact, leaves open that possibility.

The Representative of Mexico stated that one of the major differences was between those who favored a consortium of the present type and those who preferred an intergovernmental organization with legal personality, organs created by treaty, and an ability to act independently of any individual Party. The difference stemmed from the viewpoint of commercial law and that of public international law. Certainly, any transition from the first to the second type of organization must take place without affecting the interests of the current members and without impairing the efficiency of INTELSAT. But our discussions must be based on a choice between the two types. Would the United States be willing to abandon its insistence on the consortium?

The Representative of Turkey could accept either a three- or four-tier structure. His primary concern was the degree of participation that poor nations would have in the organization. Document Com. I/26 would be generally acceptable to Turkey.

The Representative of Israel favored a three-tier structure, but could accept a four-tier one. Common ground regarding the Assembly's functions could be found in Documents Com. I/26 and Com. I/41. The Governing Body

should consist of no more than 18 representatives of Signatories, with investment shares determined as in Com. III/16, submitted by Israel. The Manager should be fully internationalized when it is practicable, without risking any reduction in competence.

The Representative of Pakistan, while continuing to support paragraph 434 of Doc. 6, stressed the vital importance of preserving efficiency; otherwise, all members would suffer financially.

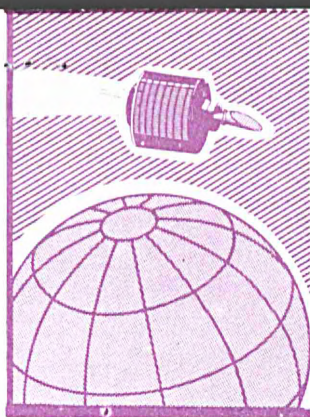
Creation of Working Group on Structure of the Organization

The Committee concurred in the Chairman's suggestion that a Working Group be created to review the viewpoints and appropriate documents presented regarding the Structure of the Organization, in the same manner as the Working Group earlier established regarding Items I and II of the Work Program, with a view to trying to present for the Committee's consideration concrete proposals, including, where necessary, alternatives and the support therefor. As before the Chairman felt that the Group should reflect the views expressed and equitable geographic representation, while being small enough to work expeditiously. After some discussion, it was decided that the Working Group would consist of Australia, Chile, India, Indonesia, Italy, Mexico, Sweden, Switzerland, United Kingdom, United States, Venezuela, and two members of the Africa-Middle East group of members suggested by the latter in consultation with the Chairman. Several members suggested that all members who so desired be permitted to attend the Group's session and participate on issues of importance to them. It was decided that the Working Group would meet briefly at 2:30 p.m. on March 7 to lay out its approach to its work.

Adjournment of the Session

The session was adjourned at 1:40 p.m. until Monday, March 10, to give delegations time to study the documents and reflect on the Committee's discussion.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/9 (Final)
March 15, 1969

SUMMARY RECORD - NINTH SESSION OF COMMITTEE I MONDAY, MARCH 10, 1969

Convening of the Session

The session was convened at 10:05 a.m. by Chairman Roca.

Change in Agenda

The Chairman announced that, in response to a suggestion by the Federal Republic of Germany, the Steering Committee had transferred Agenda Item VI, Number of Agreements Constituting the Definitive Arrangements, to Committee II.

Additional Participant and Additional Observer

The Chairman noted that Guatemala had acceded to the Interim Agreements and was now participating in the Conference, and that the Ivory Coast was present as an observer.

Eligibility for INTELSAT Membership and Relationships with Non-Member States

The Observer from the Ivory Coast, while noting that his country intended to join INTELSAT, felt that the future organization should be more democratic, that there should be less financial burden on developing countries and that there should be leeway for regional systems, which, for instance, could be appropriate to African needs.

The Representative of France, noting the merits of the Ivory Coast statement, announced he would return to it under point IX of the Agenda, Rights and Obligations of Members.

The Representative of Japan believed that INTELSAT membership should be open to all ITU members. Non-members should be excluded because INTELSAT could not be sure they accepted the rules of the ITU, but they should have access to the space segment.

The Japanese views were supported by the Representatives of Canada, India,

Germany, Malaysia, Spain, Israel, Italy, and Korea. The Representative of India added access to the system by non-members should be through the facilities of a member which would thereby assure adherence to the proper standards. The Representative of Malaysia, on the other hand, believed that either direct or indirect access should be permitted to a non-member with the proper type of earth station.

The Representative of Venezuela stated that although it should not be construed as his final opinion on the subject, he would like to know why INTELSAT should require that states eligible to become members of INTELSAT be members of the ITU. He believed that INTELSAT could establish for its members the same technical regulations as those established by the ITU. The Venezuelan view was supported by the Representatives of Chile, Syria, and Peru. The Representative of Syria noted the United Nations resolution that satellite telecommunications be available to all nations, the presence of non-ITU members as observers at the present Conference, and the exclusion of certain nations from membership in the ITU regardless of their desire to join.

The Representative of Israel asked which of the Observers at the Conference were not members of the ITU.

The Representative of Morocco also inquired as to the criteria on which the choice of Observers had been made. The Secretary explained that when invitations had been extended to all INTELSAT members, the United States had also informed all members of the United Nations and its specialized agencies of the Conference and had indicated that if they were interested in INTELSAT the United States would be happy to invite them as Observers. All those present as Observers had indicated a desire to attend and had thus been invited as Observers.

The Secretary also advised that of the Observers attending the Conference, only Mauritius is not a member of ITU. He noted that Mauritius is a member of the United Nations and a number of its specialized agencies. The Observer from the ITU also pointed out that Mauritius as a UN member, is fully eligible to join the ITU, but has not yet decided to do so.

The Representatives of Portugal, the United Kingdom, Nigeria, New Zealand, Ireland, and the United States also supported the view that membership in the ITU be a prerequisite for membership in INTELSAT. The Representative of the United Kingdom cautioned against confusing the right of membership with that of access, he believed all states should enjoy the latter right. New Zealand agreed with this view.

The Representative of Algeria felt that all states should have the right to membership in INTELSAT. While agreeing with him, the Representative of Peru suggested that the right be given to requiring compliance with ITU regulations in the definitive agreements and opening the latter to all States, if this were impossible he would agree with the majority of Conference participants in limiting INTELSAT membership to ITU members. The Observer from the USSR,

- 3 -

indicating that even non-members of the ITU heed ITU regulations, stated that some nations are prevented from joining the ITU; he held that, in accordance with the principle of non-discrimination, all states should be eligible to join the Global Satellite System.

The Representative of France felt there was a contradiction in the views of some members, who favored the right of all states to join INTELSAT but would insert provisions in the definitive arrangements that would prevent certain nations from joining.

The Representative of Greece asked whether, under the Interim Agreement, a non-member of the United Nations, the International Atomic Energy Agency, or any specialized agency could have access to the INTELSAT system. The secretary indicated that he would make inquiries on this point. However, the U.S. Representative noted that it was essentially a question of interpretation of the present agreement. In his view, the preamble to the Interim Agreement opened access to the system to all states; this was distinct, however, from Article XII which opened the Agreement to signature of states belonging to the ITU.

The Representative of Kuwait asked that the Secretary furnish information regarding the eligibility for ITU membership. Extracts of the appropriate portions of the Telecommunications Convention are attached.

Signatories and Duration of the Agreements

The Vice Chairman, having assumed the chair, opened the floor to discussion of Signatories and Duration of the Agreements. He agreed with suggestions that even though Item VI had been deleted from the Work Program the numbering of the subsequent items be retained to avoid confusion. Discussion, thus, was open on Items VII and VIII. He also concurred with the Australian Representative that in view of the importance of Item IV any Delegation wishing still to refer to that point would be free to do so.

The Representatives of Australia and Lebanon suggested that Committee II be asked to consider former Item VI as soon as possible since Committee I's proper consideration of Items VII and VIII is dependent on Committee II's conclusions on this point. The Chairman undertook to call this point to the attention of the Chairman of Committee II.

The Representative of the United Kingdom, stated that, if the Definitive Arrangements were contained in two related documents, the United Kingdom endorses the unanimous ICSC recommendation, paragraph 574 of Doc. 6, that the first agreement be signed by governments and the second either by governments or by telecommunications entities, public or private, designated by governments. Also endorsing this view were Canada, United States of America, Malaysia, Pakistan, Italy, Nigeria, Portugal, Spain, Mexico, Belgium, France, Venezuela,

Norway, Ireland, Indonesia, Netherlands, and Thailand. Pakistan favored the signing of the first agreement by Parties and signing of the second agreement by Signatories. The Representative of Panama felt that the second agreement, like the first, should be signed only by governments. He argued that the developing countries were too dependent on telecommunications for their progress to leave any part of the Global System in the hands of entities. The Representative of Mexico suggested that Committee II, when discussing Agenda Item VII, should consider the need for a precise definition of the scope of obligations of the telecommunications entities as signatories to the second agreement.

The Representative of Venezuela endorsed paragraph 560 until such time as it is decided to incorporate in the definitive agreements a provision containing adequate machinery for amending and revising the agreements. The Representative of Malaysia, supported paragraph 579 of Doc. 6, which recommended that the agreements have no fixed duration.

Adjournment of Session

The Vice Chairman noted the general support for the recommendations contained in paragraph 574 of Doc. 6. He suggested, and it was agreed, that at its next meeting the Committee would continue considering Agenda Items VIII and, if time permitted, go on to Item IX.

The session adjourned at 12 p.m., with the next meeting scheduled for Tuesday, March 11, at 10 a.m.

ARTICLE 1

Composition of the Union

1. The International Telecommunication Union shall comprise Members and Associate Members.

2. A Member of the Union shall be:

- a) any country or group of territories listed in Annex 1 upon signature and ratification of, or accession to, this Convention by it or on its behalf;
- b) any country, not listed in Annex 1, which becomes a Member of the United Nations and which accedes to this Convention in accordance with Article 19;
- c) any sovereign country, not listed in Annex 1 and not a Member of the United Nations, which applies for Membership of the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Convention in accordance with Article 19.

5. For the purpose of 6, 7 and 8, if an application for Membership or Associate Membership is made, by diplomatic channel and through the intermediary of the country of the seat of the Union, during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

ARTICLE 19

Accession to the Convention

1. The government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of Article 1.

2. The instrument of accession shall be deposited with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. Unless otherwise specified therein, it shall become effective upon the date of its deposit. The Secretary-General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

ANNEX 1

(see number 4)

Afghanistan
Albania (People's Republic of)
Algeria (Algerian Democratic and Popular Republic)
Saudi Arabia (Kingdom of)
Argentine Republic
Australia (Commonwealth of)
Austria
Belgium
Bielorussian Soviet Socialist Republic
Burma (Union of)
Bolivia
Brazil
Bulgaria (People's Republic of)
Burundi (Kingdom of)
Cambodia (Kingdom of)
Cameroon (Federal Republic of)
Canada
Central African Republic
Ceylon
Chile
China
Cyprus (Republic of)
Vatican City State
Colombia (Republic of)
Congo (Democratic Republic of the)
Congo (Republic of the)
(Brazzaville)
Korea (Republic of)
Costa Rica
Ivory Coast (Republic of the)
Cuba
Dahomey (Republic of)
Denmark
Dominican Republic
El Salvador (Republic of)
Group of Territories represented by the French Overseas Post and Telecommunication Agency

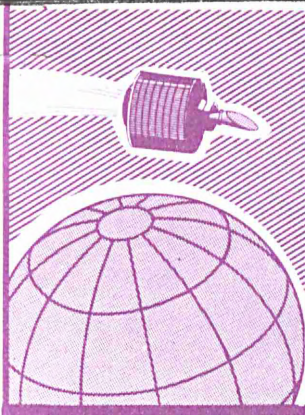
Ecuador
Spain
United States of America
Ethiopia
Finland
France
Gabon Republic
Ghana
Greece
Guatemala
Guinea (Republic of)
Haiti (Republic of)
Upper Volta (Republic of)
Honduras (Republic of)
Hungarian People's Republic
India (Republic of)
Indonesia (Republic of)

Iran
Iraq (Republic of)
Ireland
Iceland
Israel (State of)
Italy
Jamaica
Japan
Jordan (Hashemite Kingdom of)
Kenya
Kuwait (State of)
Laos (Kingdom of)
Lebanon
Liberia (Republic of)
Libya (Kingdom of)
Liechtenstein (Principality of)
Luxembourg
Malaysia
Malawi
Malagasy Republic
Mali (Republic of)
Malta

Morocco (Kingdom of)
Mauritania (Islamic Republic of)
Mexico
Monaco
Mongolian People's Republic
Nepal
Nicaragua
Niger (Republic of the)
Nigeria (Federal Republic of)
Norway
New Zealand
Uganda
Pakistan
Panama
Paraguay
Netherlands (Kingdom of the)
Peru
Philippines (Republic of the)
Poland (People's Republic of)
Portugal
Spanish Provinces in Africa
Portuguese Oversea Provinces
Syrian Arab Republic
United Arab Republic
Federal Republic of Germany
Ukrainian Soviet Socialist Republic
Somali Republic
Rhodesia
Roumania (Socialist Republic of)
United Kingdom of Great Britain and Northern Ireland
Rwanda (Republic of)

Senegal (Republic of the)
Sierra Leone
Singapore
Sudan (Republic of the)
South Africa (Republic of)
and Territory of South-West Africa
Sweden
Switzerland (Confederation of)
Tanzania (United Republic of)
Chad (Republic of the)
Czechoslovak Socialist Republic
Territories of the United States of America
Overseas Territories for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible
Thailand
Togolese Republic
Trinidad and Tobago
Tunisia
Turkey
Union of Soviet Socialist Republics
Uruguay (Oriental Republic of)
Venezuela (Republic of)
Viet-Nam (Republic of)
Yemen
Yugoslavia (Federal Socialist Republic of)
Zambia (Republic of)

For "Situation Regarding Rhodesia," see Administrative Council resolution R No. 599.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/9
March 10, 1969

PROVISIONAL SUMMARY RECORD - NINTH SESSION OF COMMITTEE I MONDAY, MARCH 10, 1969

Convening of the Session

The session was convened at 10:05 a.m. by Chairman Roca.

Change in Agenda

The Chairman announced that, in response to a suggestion by the Federal Republic of Germany, the Steering Committee had transferred Agenda Item VI, Number of Agreements Constituting the Definitive Arrangements, to Committee II.

Additional Participant and Additional Observer

The Chairman noted that Guatemala had acceded to the Interim Agreements and was now participating in the Conference, and that the Ivory Coast was present as an observer.

Eligibility for INTELSAT Membership and Relationships with Non-Member States

The Observer from the Ivory Coast, while noting that his country intended to join INTELSAT, felt that the future organization should be more democratic, that there should be less financial burden on developing countries and that there should be leeway for regional systems, which, for instance, could be appropriate to African needs.

The Representative of France, noting the merits of the Ivory Coast statement, announced he would return to it under point IX of the Agenda, Rights and Obligations of Members.

The Representative of Japan believed that INTELSAT membership should be open to all ITU members. Non-members should be excluded because INTELSAT could not be sure they accepted the rules of the ITU, but they should have access to the space segment.

The Japanese views were supported by the Representatives of Canada, India,

Germany, Malaysia, Spain, Israel, Italy, and Korea. The Representative of India added access to the system by non-members should be through the facilities of a member which would thereby assure adherence to the proper standards. The Representative of Malaysia, on the other hand, believed that either direct or indirect access should be permitted to a non-member with the proper type of earth station.

The Representative of Venezuela, while not expressing a definitive view on the subject, wondered why INTELSAT should require ITU membership. INTELSAT could establish for its members the same standards as those established by the ITU. The Venezuelan view was supported by the Representatives of Chile, Syria, and Peru. The Representative of Syria noted the United Nations resolution that satellite telecommunications be available to all nations, the presence of non-ITU members as observers at the present Conference, and the exclusion of certain nations from membership in the ITU regardless of their desire to join.

The Representative of Israel asked which of the Observers at the Conference were not members of the ITU.

The Representative of Morocco also inquired as to the criteria on which the choice of Observers had been made. The Secretary explained that when invitations had been extended to all INTELSAT members, the United States had also informed all members of the United Nations and its specialized agencies of the Conference and had indicated that if they were interested in INTELSAT the United States would be happy to invite them as Observers. All those present as Observers had indicated a desire to attend and had thus been invited as Observers.

The Secretary also advised that of the Observers attending the Conference, only Mauritius is not a member of ITU. He noted that Mauritius is a member of the United Nations and a number of its specialized agencies. The Observer from the ITU also pointed out that Mauritius as a UN member, is fully eligible to join the ITU, but has not yet decided to do so.

The Representatives of Portugal, the United Kingdom, Nigeria, New Zealand, Ireland, and the United States also supported the view that membership in the ITU be a prerequisite for membership in INTELSAT. The Representative of the United Kingdom cautioned against confusing the right of membership with that of access, he believed all states should enjoy the latter right.

The Representative of Algeria felt that all states should have the right to membership in INTELSAT. While agreeing with him, the Representative of Peru suggested that the right be given to requiring compliance with ITU regulations in the definitive agreements and opening the latter to all States, if this were impossible he would agree with the majority of Conference participants in limiting INTELSAT membership to ITU members. The Observer from the USSR,

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indicating that even non-members of the ITU heed ITU regulations, stated that some nations are prevented from joining the ITU; he held that, in accordance with the principle of non-discrimination, all states should be eligible to join the Global Satellite System.

The Representative of France felt there was a contradiction in the views of some members, who favored the right of all states to join INTELSAT but would insert provisions in the definitive arrangements that would prevent certain nations from joining.

The Representative of Greece asked whether, under the Interim Agreement, a non-member of the United Nations, the International Atomic Energy Agency, or any specialized agency could have access to the INTELSAT system. The secretary indicated that he would make inquiries on this point. However, the U.S. Representative noted that it was essentially a question of interpretation of the present agreement. In his view, the preamble to the Interim Agreement opened access to the system to all states; this was distinct, however, from Article XII which opened the Agreement to signature of states belonging to the ITU.

The Representative of Kuwait asked that the Secretary furnish information regarding the eligibility for ITU membership. Extracts of the appropriate portions of the Telecommunications Convention are attached.

Signatories and Duration of the Agreements

The Vice Chairman, having assumed the chair, opened the floor to discussion of Signatories and Duration of the Agreements. He agreed with suggestions that even though Item VI had been deleted from the Work Program the numbering of the subsequent items be retained to avoid confusion. Discussion, thus, was open on Items VII and VIII. He also concurred with the Australian Representative that in view of the importance of Item IV any Delegation wishing still to refer to that point would be free to do so.

The Representatives of Australia and Lebanon suggested that Committee II be asked to consider former Item VI as soon as possible since Committee I's proper consideration of Items VII and VIII is dependent on Committee II's conclusions on this point. The Chairman undertook to call this point to the attention of the Chairman of Committee II.

The Representative of the United Kingdom, stated that, if the Definitive Arrangements were contained in two related documents, the United Kingdom endorses the unanimous ICSC recommendation, paragraph 57⁴ of Doc. 6, that (the first agreement be signed by governments and the second either by governments or by telecommunications entities, public or private, designated by governments). Also endorsing this view were Canada, United States of America, Malaysia, Pakistan, Italy, Nigeria, Portugal, Spain, Mexico, Belgium, France, Venezuela,

Norway, Ireland, Indonesia, Netherlands, and Thailand. The Representative of Panama felt that the second agreement, like the first, should be signed only by governments. He argued that the developing countries were too dependent on telecommunications for their progress to leave any part of the Global System in the hands of entities. The Representative of Mexico suggested that Committee II, when discussing Agenda Item VII, should consider the need for a precise definition of the scope of obligations of the telecommunications entities as Signatories to the second agreement.

The Representative of Venezuela endorsed paragraph 580 of Doc. 6, which proposes that the definitive agreements be of limited duration. The Representative of Malaysia, supported paragraph 574 of Doc. 6, which recommended that the Agreements have no fixed duration.

Adjournment of Session

The Vice Chairman noted the general support for the recommendations contained in paragraph 574 of Doc. 6. He suggested, and it was agreed, that at its next meeting the Committee would continue considering Agenda Items VIII and, if time permitted, go on to Item IX.

The session adjourned at 12 p.m., with the next meeting scheduled for Tuesday, March 11, at 10 a.m.

* * *

EXTRACTS FROM TELECOMMUNICATION CONVENTION
AND FINAL PROTOCOL
Montreux, November 12, 1965

ARTICLE 1

Composition of the Union

1. The International Telecommunication Union shall comprise Members and Associate Members.
2. A Member of the Union shall be:
 - a) any country or group of territories listed in Annex 1 upon signature and ratification of, or accession to, this Convention by it or on its behalf;
 - b) any country, not listed in Annex 1, which becomes a Member of the United Nations and which accedes to this Convention in accordance with Article 19;
 - c) any sovereign country, not listed in Annex 1 and not a Member of the United Nations, which applies for Membership of the Union and which, after having secured approval of such application by two-thirds of the Members of the Union, accedes to this Convention in accordance with Article 19.

. . .

5. For the purpose of 6, 7 and 8, if an application for Membership or Associate Membership is made, by diplomatic channel and through the intermediary of the country of the seat of the Union, during the interval between two Plenipotentiary Conferences, the Secretary-General shall consult the Members of the Union; a Member shall be deemed to have abstained if it has not replied within four months after its opinion has been requested.

. . .

ARTICLE 19

Accession to the Convention

1. The government of a country, not a signatory of this Convention, may accede thereto at any time subject to the provisions of Article 1.
2. The instrument of accession shall be deposited with the Secretary-General by diplomatic channel through the intermediary of the government of the country of the seat of the Union. Unless otherwise specified therein, it shall become effective upon the date of its deposit. The Secretary-General shall notify the Members and Associate Members of each accession when it is received and shall forward to each of them a certified copy of the act of accession.

ANNEX 1

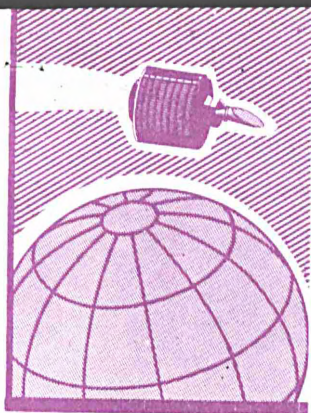
(see number 4)

Afghanistan
Albania (People's Republic of)
Algeria (Algerian Democratic and
Popular Republic)
Saudi Arabia (Kingdom of)
Argentine Republic
Australia (Commonwealth of)
Austria
Belgium
Bielorussian Soviet Socialist
Republic
Burma (Union of)
Bolivia
Brazil
Bulgaria (People's Republic of)
Burundi (Kingdom of)
Cambodia (Kingdom of)
Cameroon (Federal Republic of)
Canada
Central African Republic
Ceylon
Chile
China
Cyprus (Republic of)
Vatican City State
Colombia (Republic of)
Congo (Democratic Republic of the)
Congo (Republic of the)
(Brazzaville)
Korea (Republic of)
Costa Rica
Ivory Coast (Republic of the)
Cuba
Dahomey (Republic of)
Denmark
Dominican Republic
El Salvador (Republic of)
Group of Territories represented
by the French Overseas Post
and Telecommunication Agency
Ecuador
Spain
United States of America
Ethiopia
Finland
France
Gabon Republic
Ghana
Greece
Guatemala
Guinea (Republic of)
Haiti (Republic of)
Upper Volta (Republic of)
Honduras (Republic of)
Hungarian People's Republic
India (Republic of)
Indonesia (Republic of)

Iran
Iraq (Republic of)
Ireland
Iceland
Israel (State of)
Italy
Jamaica
Japan
Jordan (Hashemite Kingdom of)
Kenya
Kuwait (State of)
Laos (Kingdom of)
Lebanon
Liberia (Republic of)
Libya (Kingdom of)
Liechtenstein (Principality of)
Luxembourg
Malaysia
Malawi
Malagasy Republic
Mali (Republic of)
Malta
Morocco (Kingdom of)
Mauritania (Islamic Republic of)
Mexico
Monaco
Mongolian People's Republic
Nepal
Nicaragua
Niger (Republic of the)
Nigeria (Federal Republic of)
Norway
New Zealand
Uganda
Pakistan
Panama
Paraguay
Netherlands (Kingdom of the)
Peru
Philippines (Republic of the)
Poland (People's Republic of)
Portugal
Spanish Provinces in Africa
Portuguese Oversea Provinces
Syrian Arab Republic
United Arab Republic
Federal Republic of Germany
Ukrainian Soviet Socialist Republic
Somali Republic
Rhodesia
Roumania (Socialist Republic of)
United Kingdom of Great Britain
and Northern Ireland
Rwanda (Republic of)

Senegal (Republic of the)
Sierra Leone
Singapore
Sudan (Republic of the)
South Africa (Republic of)
and Territory of South-West
Africa
Sweden
Switzerland (Confederation of)
Tanzania (United Republic of)
Chad (Republic of the)
Czechoslovak Socialist Republic
Territories of the United States
of America
Overseas Territories for the
international relations of which
the Government of the United
Kingdom of Great Britain and
Northern Ireland are responsible
Thailand
Togolese Republic
Trinidad and Tobago
Tunisia
Turkey
Union of Soviet Socialist Republics
Uruguay (Oriental Republic of)
Venezuela (Republic of)
Viet-Nam (Republic of)
Yemen
Yugoslavia (Federal Socialist
Republic of)
Zambia (Republic of)

For "Situation Regarding
Rhodesia," see
Administrative Council
resolution R No. 599.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/10(Final)
March 17, 1969

SUMMARY RECORD--TENTH SESSION OF COMMITTEE I TUESDAY, MARCH 11, 1969

Convening of the Session

The session was convened at 10:05 a.m. by Chairman Roca.

Eligibility for INTELSAT Membership, Structure of Organization, Rights and Obligations of Members

The Representative of Denmark stated that, if INTELSAT is an organization satisfactory to its members under the Definitive Arrangements, they should obligate themselves not to compete with it. At the same time, they should have the right to establish regional satellites, subject to the conditions stated in paragraph 607 of Document 6, for international public telecommunications services. Those who establish domestic systems should also be careful not to damage INTELSAT. Since other organizations were involved in the field of specialized services via satellite, such as the U.N. Committee on the Peaceful Uses of Outer Space, the present Conference was not in a position to make regulations on this subject. INTELSAT should, however, play an active role in this field. On needs of a national security nature, the Danish delegation supported paragraph 620 of Document 6.

The Observer from Czechoslovakia, who favored universal membership in the global system, opposed linking membership in the ITU with that in INTELSAT but members should recognize the role of the ITU. He recommended, as a suitable example, the Status of the International Atomic Energy Agency. As to structure, the Assembly, in which each nation would have one vote, should direct the general policy of the organization. The Governing Body, equitably representing all geographical regions with regard to the use of the space segment for public telecommunications services, and according an equal vote to each member, would be responsible for creating and supervising the satellite system. An international staff under a Director General should be chosen on the basis of competence and geographical distribution to constitute the executive body.

Number of Agreements Constituting the Definitive Arrangements

The Representative of Japan, as Chairman of Committee II, informed the Committee that the consensus of Committee II was for two agreements.

Procedure

The Chairman, in response to a suggestion by the Indian Representative, indicated that, for clarification, he would go over the agenda items that had

remained outstanding, one by one, to be sure that all delegations that wished to had had a chance to address these topics.

Eligibility for INTELSAT Membership

The Representative of Kuwait endorsed the Syrian proposal that membership be open to all states that agree to adhere to ITU regulations and those of the organization itself.

Structure of the Organization

Speaking on behalf of Australia, Belgium, and his own delegation, the Representative of Chile explained their views that the organization should be a four-tier structure. A three-tier structure would leave some nations without a forum in which their designated telecommunication entities could directly participate and in this sense they would be discriminated against. A four-tier structure would produce a clear forum for decisions at the governmental level. The difference between a three or four-tier organization was functional rather than fundamental. The three delegations believed that, if there are two agreements, one should be signed by governments and one by governments or telecommunications entities designated by governments. In the Assembly of Parties, each member would have one vote. In the Assembly of Signatories, members would vote according to their investment quotas if the subject being considered involved approval of a Governing Body action; on more general subjects, each member would have a single vote.

The Representative of Malaysia could accept either a four-tier or a three-tier structure, but preferred the latter. In regard to inter-relationship of the various organs, he supported, in general, the proposals in Com. I/26 and Com. I/26 (Add.1). He could support either an international body or a national entity as manager, provided the present management competence and the present relationship between the manager and NASA was in no way impaired.

The Representative of India considered it wise to assure respect for ITU regulations by making ITU membership a prerequisite for membership in INTELSAT. All nations which had joined or shown an interest in INTELSAT were, or could easily become, ITU members. Responding to the statement of the Representative of Chile, he did not see how a large Assembly of Signatories could function on the basis of voting related to investment quotas. Weighted voting was, however, acceptable in the Governing Body, provided a few members could not impose or block a decision.

The Representative of Syria supported the Swedish proposal in Document 8, that the decision-making machinery be compatible with the sovereignty of the member states. To be durable, an international organization must be based on

- 3 -

appropriate international principles. There should be a three-tier structure, in which the Assembly would approve--not merely consider--the activities of the organization. Important decisions would be made by a two-thirds majority. The Governing Body, like the ICSC, would include members representing quotas of at least 1.5%, but would also contain at least four members, representing geographic areas, chosen by the Assembly. A small number of countries must not be able to impose or block a decision. The Management Body must reflect the international spirit of the organization.

The Observer from Ghana slightly preferred a three-tier to a four-tier structure. In order that even small countries may have influence in the organization, the Assembly should annually review the activities of the Governing Body, and its decisions should be mandatory. No two or three countries should be able to block a decision in the Governing Body, in which there should be equitable geographical distribution.

Relationships with Non-Member States

The Representative of India believed that non-members of INTELSAT should only have (indirect) access to the system through a member; while desiring universal access, he felt non-members should not enjoy a situation better than that of members who had invested in the system. The Representatives of Italy, Lebanon, Pakistan, Nigeria, and Brazil concurred.

The Representative of the United Kingdom felt the principle of non-discriminatory access would require the organization to grant direct as well as indirect access to the space segment to non-members that belong to the ITU and, on the basis of individual agreements, to non-members that do not belong to the ITU.

The Representative of Chile believed non-members should be permitted not only indirect access but also direct access through agreement with the organization. This view was shared by the Representatives of Austria, Spain, Sweden, Algeria, Malaysia, France, Syria, the United States, Iran, Switzerland, Israel, Canada, Indonesia, Japan, Belgium, Thailand, and Tunisia. In addition, the Representatives of Spain and Sweden called for inclusion of a clause in the Definitive Arrangements to guarantee that non-members may freely choose the nation through whose earth station they wish to have access.

The Representative of Mexico favored universality of access, but with the prerequisite of membership in ITU, in order that INTELSAT should not in any way substitute itself for the ITU.

The Representative of Kuwait, speaking as the Vice Chairman of Committee III, noted that the latter Committee was considering in detail the question of access by non-members.

The Representative of India noted the broad support for direct access by non-members, by agreement with the organization. The U.S. suggestion that the agreements with non-members take appropriate account of the fact that non-members had not invested in the system met his point that non-members should not have a more favorable situation than members. On this understanding he could accept this view.

Establishment of Work Group on Agenda Items III and V

In consultation with the Committee, the Chairman established the following Work Group to consider Eligibility for INTELSAT Membership and Relationships with Non-member States: Austria, Belgium, Chile, Denmark, France, Germany, India, Japan, Peru, Spain, Thailand, Tunisia, United Kingdom, and United States.

Duration of the Agreements

A number of delegations endorsed the principles that the agreements establishing the Definitive Arrangements have no fixed duration (paragraph 579 of Document 6) and that suitable, flexible procedures for reviewing and amending the Definitive Arrangements be provided as recommended in paragraph 583. Among the delegates supporting these general concepts were India, Thailand, Mexico, Portugal, Kuwait, Peru, Turkey, Algeria, Switzerland, Italy, Spain, Jamaica, and Australia. The Swiss delegation also suggested the advisability of mandatory review of the agreements by the Parties after a set number of years. The Representative of the Federal Republic of Germany felt the question of duration was linked to that of review.

Japan, France, and Morocco reserved their positions on the duration of the agreements pending determination of the substantive provisions, particularly those on amendment procedures. Sweden and Tunisia reserved their positions on duration pending determination of the substantive provisions of the agreements in general.

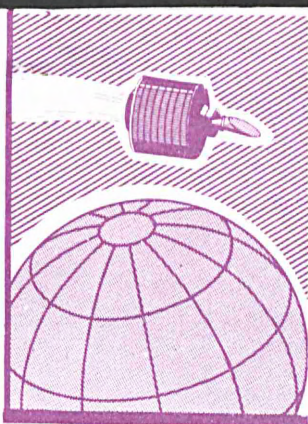
The Representative of Mexico stressed that the agreements must reflect the permanence and solidity of the organization so that nations can make long term investments and commitments with confidence. India noted the necessity for striking the proper balance between the ability to adapt to the dynamic technology characteristic of satellite communication and the need for stability and continuity that justify significant capital investment in the system. The Representative of Spain felt that the Committee should give careful attention to the ICSC proposals regarding revision of the Agreements.

The Representative of Pakistan recommended a ten year duration with a review conference at the conclusion of that period. The Representative of Venezuela recalling his earlier support of paragraph 580 added that Venezuela would reconsider its position if adequate review and amendment mechanisms were provided.

Next Meeting of Committee I

After consulting the Committee, the Chairman scheduled the next session of the Committee for Thursday, March 13, at 10:00 a.m. so that Work Group B could meet at 10:00 a.m. Wednesday to consider the important matters before it.

The meeting adjourned at 12:35 p.m.
* * *



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/10
March 11, 1969

PROVISIONAL SUMMARY RECORD - TENTH SESSION OF COMMITTEE I TUESDAY, MARCH 11, 1969

Convening of the Session

The session was convened at 10:05 a.m. by Chairman Roca.

Eligibility for INTELSAT Membership, Structure of Organization, Rights and Obligations of Members

The Representative of Denmark stated that, if INTELSAT is an organization satisfactory to its members under the Definitive Arrangements, they should obligate themselves not to compete with it. At the same time, they should have the right to establish regional satellites, subject to the conditions stated in paragraph 607 of Document 6, for international public telecommunications services. Those who establish domestic systems should also be careful not to damage INTELSAT. Since other organizations were involved in the field of specialized services via satellite, such as the U.N. Committee on the Peaceful Uses of Outer Space, the present Conference was not in a position to make regulations on this subject. INTELSAT should, however, play an active role in this field. On needs of a national security nature, the Danish delegation supported paragraph 620 of Document 6.

The Observer from Czechoslovakia, who favored universal membership in the global system, opposed linking membership in the ITU with that in INTELSAT. As to structure, the Assembly, in which each nation would have one vote, should direct the general policy of the organization. The Governing Body, equitably representing all geographical regions and according an equal vote to each member, would be responsible for creating and supervising the satellite system. An international staff under a Director General should be chosen on the basis of competence and, as far as possible, geographical distribution, to constitute the executive body. The Czechoslovak delegation considered document Com. I/58, dealing with the Management Body, to be acceptable.

Number of Agreements Constituting the Definitive Arrangements

The Representative of Japan, as Chairman of Committee II, informed the Committee that the consensus of Committee II was for two agreements.

Procedure

The Chairman, in response to a suggestion by the Indian Representative, indicated that, for clarification, he would go over the agenda items that had

Note: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

remained outstanding, one by one, to be sure that all delegations that wished to had had a chance to address these topics.

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- 3 -

appropriate international principles. There should be a three-tier structure, in which the Assembly would approve--not merely consider--the activities of the organization. Important decisions would be made by a two-thirds majority. The Governing Body, like the ICSC, would include members representing quotas of at least 1.5%, but would also contain at least four members, representing geographic areas, chosen by the Assembly. A small number of countries must not be able to impose or block a decision. The Management Body must reflect the international spirit of the organization.

The Observer from Ghana slightly preferred a three-tier to a four-tier structure. In order that even small countries may have influence in the organization, the Assembly should annually review the activities of the Governing Body, and its decisions should be mandatory. No two or three countries should be able to block a decision in the Governing Body, in which there should be equitable geographical distribution.

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The Representative of the United Kingdom felt the principle of non-discriminatory access would require the organization to grant direct as well as indirect access to the space segment to non-members that belong to the ITU and, on the basis of individual agreements, to non-members that do not belong to the ITU.

The Representative of Chile believed non-members should be permitted not only indirect access but also direct access through agreement with the organization. This view was shared by the Representatives of Austria, Spain, Sweden, Algeria, Malaysia, France, Syria, the United States, Iran, Switzerland, Israel, Canada, Indonesia, Japan, Belgium, Thailand, and Tunisia. In addition, the Representatives of Spain and Sweden called for inclusion of a clause in the Definitive Arrangements to guarantee that non-members may freely choose the nation through whose earth station they wish to have access.

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The Representative of Kuwait, speaking as the Vice Chairman of Committee III, noted that the latter Committee was considering in detail the question of access by non-members.

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Duration of the Agreements

A number of delegations endorsed the principles that the agreements establishing the Definitive Arrangements have no fixed duration (paragraph 579 of Document 6) and that suitable, flexible procedures for reviewing and amending the Definitive Arrangements be provided as recommended in paragraph 583. Among the delegates supporting these general concepts were India, Thailand, Mexico, Portugal, Kuwait, Peru, Turkey, Germany, Algeria, Switzerland, Italy, Spain, Jamaica, and Australia. The Swiss delegation also suggested the advisability of mandatory review of the agreements by the Parties after a set number of years.

Japan, France, and Morocco reserved their positions on the duration of the agreements pending determination of the substantive provisions, particularly those on amendment procedures. Sweden and Tunisia reserved their positions on duration pending determination of the substantive provisions of the agreements in general.

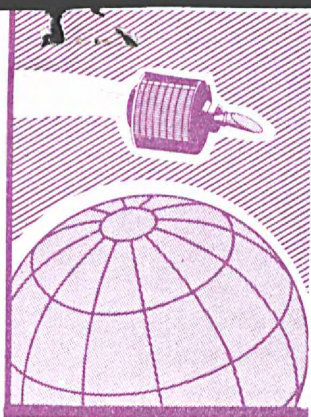
The Representative of Mexico stressed that the agreements must reflect the permanence and solidity of the organization so that nations can make long term investments and commitments with confidence. India noted the necessity for striking the proper balance between the ability to adapt to the dynamic technology characteristic of satellite communication and the need for stability and continuity that justify significant capital investment in the system. The Representative of Spain felt that the Committee should give careful attention to the ICSC proposals regarding revision of the Agreements.

The Representative of Pakistan recommended a ten year duration with a review conference at the conclusion of that period. The Representative of Venezuela recalling his earlier support of paragraph 580 added that Venezuela would reconsider its position if adequate review and amendment mechanisms were provided.

Next Meeting of Committee I

After consulting the Committee, the Chairman scheduled the next session of the Committee for Thursday, March 13, at 10:00 a.m. so that Work Group B could meet at 10:00 a.m. Wednesday to consider the important matters before it.

The meeting adjourned at 12:35 p.m.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/11(Final)
March 18, 1969

SUMMARY RECORD - ELEVENTH SESSION OF COMMITTEE I THURSDAY, MARCH 13, 1969

Convening of Session

The session was convened at 10:10 a.m. by Chairman Roca.

Arrangements for Statement by United Nations Observer

The Chairman reported that the Steering Committee had considered the request of the United Nations Observer to make a statement and suggested that an appropriate occasion would be at the opening of Committee I's session on Saturday. The heavy remaining work schedule of the Committee would preclude debate, but the UN Document could be circulated tomorrow to provide opportunity for its study. The Committee agreed with these suggestions.

Expansion of Working Group B

After discussing the advantages and disadvantages of expanding Working Group B, and recognizing the desirability of participation by any delegation that so wished, the Committee decided to add Belgium, Brazil, France, Japan, and Spain to Working Group B, noting that all of these delegations had been attending regularly as observers.

Coordination of Working Groups

The Chairman reported that the Steering Committee had recommended that Committees I and III establish a joint working party to consider Access to the System. To this end, he suggested that Working Group C meet briefly at the conclusion of this committee session to select its Chairman, and the latter could then meet with the Chairman of Working Group 3 of Committee III to work out an appropriate coordination of their efforts.

Duration of the Agreements

The Representative of Canada, recognizing the need for stability, urged that there be no fixed duration of the Agreements. On the related issue of

review procedure, proposed amendments could be dealt with in the Assembly, to which the Governments would send suitable representatives for the purpose. In addition, periodic review conferences should be held at long intervals.

The Chairman summarized his impressions of the Committee's conclusions regarding Items VII and VIII. If there are two agreements, as had been recommended by Committee II, the first should be between governments and the second should be signed either by governments or by telecommunications entities, public or private, designated by governments. On Item VIII, there appeared to be general support for the concepts in ICSC paragraphs 579 and 583, in the sense that the agreements establishing the definitive arrangements should not be of fixed duration and should include specific, adequate provisions for their revision and amendment by governments. Several delegations reserved their position on the duration of the agreements pending determination of the substantive provisions.

Rights and Obligations of Members

The Representative of the Netherlands felt that there should be no duplication of global facilities, but that regional and domestic satellites should be permitted under the conditions in paragraphs 607 and 610 of Doc. 6. The required consultation with the Governing Body would be on the subjects referred to in paragraphs 217-8. Parties would also have the right to establish satellites solely for national security purposes.

The Representative of India was reluctant to accept a complete prohibition against competitive systems; to do so, might deter certain nations from joining INTELSAT. Regional systems should be permitted if not competitive technically or financially.

The Representative of France noted the difficulty of formulating a precise definition of the competition that some states wished to prohibit. Regional systems using small earth stations could save considerable sums for countries whose traffic needs were not large. Such systems would be complementary to INTELSAT, not competitive. Adopting paragraphs 603-4 of Doc. 6 would clarify the meaning of "competitive" and permit further nations to join the global system. INTELSAT members should have the right to communicate via other systems with countries not belonging to INTELSAT, and not intending to join, promptly when the need for new communications links arises.

The Representative of Italy believed that a non-member should have direct access, at rates less attractive than those for members, and indirect access on a non-discriminatory basis through the member state of its choosing. Competition with the global system in providing international public telecommunications services should be prohibited. Regional satellites should be permitted on the conditions stated in paragraphs 607 and 216-219 of Doc. 6. Domestic satellites are within the sovereign prerogative of any nation capable of providing them. Specialized services must be handled on a case-by-case basis by the Governing Body, as it would be premature now to establish regulations on the subject.

- 3 -

The Representative of Japan stressed the need to harmonize two requirements: that states be free to use outer space in accordance with the 1967 Treaty, and that member states not obstruct INTELSAT by their actions. States have the right to establish satellites for specialized, domestic, and regional services. To prevent technical interference, member states wishing to establish satellites for specialized services should be required to furnish all relevant information to INTELSAT. States wishing to establish domestic satellites should conduct prior consultations with INTELSAT so that the Governing Body and the Assembly may express their views on technical compatibility. Careful coordination with INTELSAT should be necessary prior to establishing regional satellites so that the proposed satellites are technically compatible with those of INTELSAT, will not prevent direct links among all participants through the INTELSAT system, and are supported by Parties having a common regional communications interest.

The Observer from the Ivory Coast stated that his country could join a global system that was not only effective and profitable, but that also permitted the genuine participation of the small states.

The Representative of the United States felt that, in the common interest, INTELSAT members should obligate themselves to use INTELSAT for all their international public telecommunications traffic via satellite. Establishment of an independent domestic system should be subject to prior determination by the Board of Governors that the system is technically compatible with INTELSAT. INTELSAT should also be authorized to provide circuits or satellites for the domestic use of requesting states. While INTELSAT should be authorized to provide satellites for specialized uses, members singly or in groups should also be permitted to establish their own satellites for these uses, subject to the same condition as that for domestic satellites. Nothing in the agreements should affect the right of states to establish satellites solely for national security purposes.

The Representative of Spain believed that members should obligate themselves not to compete with INTELSAT. Regional satellites, while permissible, cannot handle traffic "of any kind," as stated in paragraph 607 of Doc. 6, and their implementation, in any event, must be approved by the Governing Body. He questioned the view of those delegates who believed that efficiencies and economies could be achieved through separate regional systems since countries participating in a regional system would need a second earth station. A domestic satellite would require only technical coordination, as provided in paragraph 610. States singly or jointly could establish satellites for specialized purposes, subject to the same technical coordination as for domestic satellites. States should be permitted to establish satellites of a national security nature.

The Representative of Canada supplemented the views in Com. I/28 concerning specialized, regional and domestic satellite systems.

The Representative of Nigeria endorsed the Canadian views and noted that the term "competitive" in paragraph 600 of Doc. 6 required clarification in view of such problems as the ineligibility of some states to join INTELSAT. A regional system should be confined to a well defined geographic area and not compete with the global system.

The Representative of the United Kingdom stated that, while membership in the organization should rest on rights that will attract new members, members must accept obligations consonant with the fundamental aims of the organization. Members should not establish or participate in competitive systems. States have an inalienable right to establish their own domestic systems but should consult with INTELSAT to avoid technical interference. The possibility of members establishing regional systems, as defined by the Netherlands, should not be excluded but, as stated by the Representative of Canada, economic as well as technical compatibility should be taken into account. A member should be permitted to participate in specialized satellite systems and to establish its own system to meet national security needs.

The Representative of Malaysia, noting the investment in and reliance of small states on INTELSAT, supported the views expressed by the United States. He explained in some detail his view that any regional system outside of INTELSAT would in fact be competitive with INTELSAT, draining revenue from INTELSAT. INTELSAT should be able to meet the needs for regional systems, such as one permitting the countries of a region to use small earth stations, and only in the very rare event that the Governing Body failed to meet such a requirement, member nations could establish a separate regional system. Paragraph 602-4 of Doc. 6 capture Malaysia's point of view. He agreed with the Canadian views regarding domestic systems. Satellites for national security needs should be treated the same as domestic satellites.

The Representative of the United States agreed with the Malaysian views. The notion that INTELSAT or any of its members can, in fact, be helped by separate regional systems still remained to be proved by those advocating such a view. The French Representative said that, since they apparently had not been entirely clear, he would explain his delegation's views more specifically at an appropriate opportunity since the hour was late.

Schedule of Meetings

The Chairman announced that Work Group A would meet at 10:00 a.m. and Work Group B at 11:30 a.m. on Friday, March 14.

Adjournment of the Session

The meeting adjourned at 12:35 p.m. until 10:00 a.m., March 15.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/11
March 13, 1969

PROVISIONAL SUMMARY RECORD--ELEVENTH SESSION OF COMMITTEE I THURSDAY, MARCH 13, 1969

Convening of Session

The session was convened at 10:10 a.m. by Chairman Roca.

Arrangements for Statement by United Nations Observer

The Chairman reported that the Steering Committee had considered the request of the United Nations Observer to make a statement and suggested that an appropriate occasion would be at the opening of Committee I's session on Saturday. The heavy remaining work schedule of the Committee would preclude debate, but the UN Document could be circulated tomorrow to provide opportunity for its study. The Committee agreed with these suggestions.

Expansion of Working Group B

After discussing the advantages and disadvantages of expanding Working Group B, and recognizing the desirability of participation by any delegation that so wished, the Committee decided to add Belgium, Brazil, France, Japan, and Spain to Working Group B, noting that all of these delegations had been attending regularly as observers.

Coordination of Working Groups

The Chairman reported that the Steering Committee had recommended that Committees I and III establish a joint working party to consider Access to the System. To this end, he suggested that Working Group C meet briefly at the conclusion of this committee session to select its Chairman, and the latter could then meet with the Chairman of Working Group 3 of Committee III to work out an appropriate coordination of their efforts.

Duration of the Agreements

The Representative of Canada, recognizing the need for stability, urged that there be no fixed duration of the Agreements. On the related issue of

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review procedure, proposed amendments could be dealt with in the Assembly, to which the Governments would send suitable representatives for the purpose. In addition, periodic review conferences should be held at long intervals.

The Chairman summarized his impressions of the Committee's conclusions regarding Items VII and VIII. If there are two agreements, as had been recommended by Committee II, the first should be between governments and the second should be signed either by governments or by telecommunications entities, public or private, designated by governments. On Item VIII, there appeared to be general support for the concepts in ICSC paragraphs 579 and 583, in the sense that the agreements establishing the definitive arrangements should not be of fixed duration and should include specific, adequate provisions for their revision and amendment by governments. Several delegations reserved their position on the duration of the agreements pending determination of the substantive provisions.

Rights and Obligations of Members

The Representative of the Netherlands felt that there should be no duplication of global facilities, but that regional and domestic satellites should be permitted under the conditions in paragraphs 607 and 610 of Doc. 6. The required consultation with the Governing Body would be on the subjects referred to in paragraphs 217-8. Parties would also have the right to establish satellites solely for national security purposes.

The Representative of India was reluctant to accept a complete prohibition against competitive systems; to do so, might deter certain nations from joining INTELSAT. Regional systems should be permitted if not competitive technically or financially.

The Representative of France noted the difficulty of formulating a precise definition of the competition that some states wished to prohibit. Regional systems using small earth stations could save considerable sums for countries whose traffic needs were not large. Such systems would be complementary to INTELSAT, not competitive. Adopting paragraphs 603-4 of Doc. 6 would clarify the meaning of "competitive" and permit further nations to join the global system. INTELSAT members should have the right to communicate via other systems with countries not belonging to INTELSAT, and not intending to join, promptly when the need for new communications links arises.

The Representative of Italy believed that a non-member should have direct access, at rates less attractive than those for members, and indirect access on a non-discriminatory basis through the member state of its choosing. Competition with the global system in providing international public telecommunications services should be prohibited. Regional satellites should be permitted on the conditions stated in paragraphs 607 and 216-219 of Doc. 6. Domestic satellites are within the sovereign prerogative of any nation capable of providing them. Specialized services must be handled on a case-by-case basis by the Governing Body, as it would be premature now to establish regulations on the subject.

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The Representative of Japan stressed the need to harmonize two requirements: that states be free to use outer space in accordance with the 1967 Treaty, and that member states not obstruct INTELSAT by their actions. States have the right to establish satellites for specialized, domestic, and regional services. To prevent technical interference, member states wishing to establish satellites for specialized services should be required to furnish all relevant information to INTELSAT. States wishing to establish domestic satellites should conduct prior consultations with INTELSAT so that the Governing Body and the Assembly may express their views on technical compatibility. Careful coordination with INTELSAT should be necessary prior to establishing regional satellites so that the proposed satellites are technically compatible with those of INTELSAT, will not prevent direct links among all participants through the INTELSAT system, and are supported by Parties having a common regional communications interest.

The Observer from the Ivory Coast stated that his country could join a global system that was not only effective and profitable, but that also permitted the genuine participation of the small states.

(Log) The Representative of the United States felt that, in the common interest, INTELSAT members should obligate themselves to use INTELSAT for all their international public telecommunications traffic via satellite. Establishment of an independent domestic system should be subject to prior determination by the Board of Governors that the system is technically compatible with INTELSAT. INTELSAT should also be authorized to provide circuits or satellites for the domestic use of requesting states. While INTELSAT should be authorized to provide satellites for specialized uses, members singly or in groups should also be permitted to establish their own satellites for these uses, subject to the same condition as that for domestic satellites. Nothing in the agreements should affect the right of states to establish satellites solely for national security purposes.

The Representative of Spain believed that members should obligate themselves not to compete with INTELSAT. Regional satellites, while permissible, cannot handle traffic "of any kind," as stated in paragraph 607 of Doc. 6, and their implementation, in any event, must be approved by the Governing Body. He questioned the view of those delegates who believed that efficiencies and economies could be achieved through separate regional systems since countries participating in a regional system would need a second earth station. A domestic satellite would require only technical coordination, as provided in paragraph 610. States singly or jointly could establish satellites for specialized purposes, subject to the same technical coordination as for domestic satellites. States should be permitted to establish satellites of a national security nature.

The Representative of Canada supplemented the views in Com. I/28 concerning specialized, regional and domestic satellite systems.

The Representative of Nigeria endorsed the Canadian views and noted that the term "competitive" in paragraph 600 of Doc. 6 required clarification in view of such problems as the ineligibility of some states to join INTELSAT. A regional system should be confined to a well defined geographic area and not compete with the global system.

The Representative of the United Kingdom stated that, while membership in the organization should rest on rights that will attract new members, members must accept obligations consonant with the fundamental aims of the organization. Members should not establish or participate in competitive systems. States have an inalienable right to establish their own domestic systems but should consult with INTELSAT to avoid technical interference. The possibility of members establishing regional systems, as defined by the Netherlands, should not be excluded but, as stated by the Representative of Canada, economic as well as technical compatibility should be taken into account. A member should be permitted to participate in specialized satellite systems and to establish its own system to meet national security needs.

The Representative of Malaysia, noting the investment in and reliance of small states on INTELSAT, supported the views expressed by the United States. He explained in some detail his view that any regional system outside of INTELSAT would in fact be competitive with INTELSAT, draining revenue from INTELSAT. INTELSAT should be able to meet the needs for regional systems, such as one permitting the countries of a region to use small earth stations, and only in the very rare event that the Governing Body failed to meet such a requirement, member nations could establish a separate regional system. Paragraph 602-4 of Doc. 6 capture Malaysia's point of view. He agreed with the Canadian views regarding domestic systems. Satellites for national security needs should be treated the same as domestic satellites.

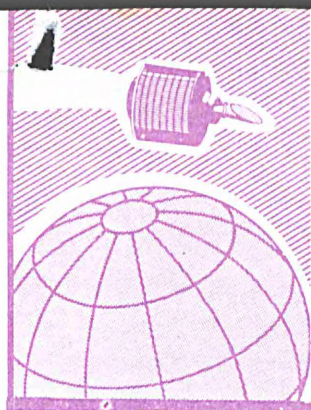
The Representative of the United States agreed with the Malaysian views. The notion that INTELSAT or any of its members can, in fact, be helped by separate regional systems still remained to be proved by those advocating such a view. The French Representative said that, since they apparently had not been entirely clear, he would explain his delegation's views more specifically at an appropriate opportunity since the hour was late.

Schedule of Meetings

The Chairman announced that Work Group A would meet at 10:00 a.m. and Work Group B at 11:30 a.m. on Friday, March 14.

Adjournment of the Session

The meeting adjourned at 12:35 p.m. until 10:00 a.m., March 15.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/12
March 15, 1969

PROVISIONAL SUMMARY RECORD - TWELFTH SESSION OF COMMITTEE I SATURDAY, MARCH 15, 1969

Convening of the Session

The session was convened at 10:15 a.m. Vice Chairman Mohammad, in the Chair, reported the receipt from the Committee II Chairman of a copy of the report of the Committee II Working Group on Legal Status and the related Summary Record. The Chairman was transmitting this material to Working Group I-B, since it related its work on the Structure of the Organization. The Chair also recalled that the Committee had agreed earlier to hear the United Nations Observer as the first order of business. He suggested further that the Committee might go on to discuss Item X, Relations with the ITU, since the Observer from the ITU could be present today. There was no objection.

Statement of Observer from the United Nations

The Observer from the United Nations explained that, if the United Nations had the cost-free use of a limited number of circuits in the space communications network, it could, for the first time, have equal, instantaneous, and secure links with all states for its operational and informational programs. Hopefully, the governments would consider the proposals contained in Com. I/31, submitted on behalf of the Secretary General of the United Nations, and would reflect such consideration in the definitive arrangements. The defects in the telecommunications facilities available to the United Nations often interfere with the peace-keeping efforts of the organization and its distribution of information to the 130 member nations. These defects are unacceptable in the dawning era of plentiful communication facilities.

The Representative of Austria urged careful consideration of the United Nations request by the present Conference.

Relations with ITU

The Chairman, having opened the floor to discussion of Relations with the ITU, the Observer from the ITU offered some observations on ITU's coordination of the world's telecommunications network. Of particular relevance was the World Administrative Space Radio Conference in 1971 to prescribe procedures

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to assure interference-free operations between space systems and conventional radio systems. Whatever the internal procedures in the definitive arrangements, broader coordination within the ITU framework would also be necessary to assure interference-free operation of INTELSAT facilities with other facilities established by INTELSAT members and non-members.

The Representatives of the United Kingdom and Mexico reiterated the importance of the ITU role in the development of space telecommunications. The Representative of Australia hoped that discussion of the relationship between the ITU and INTELSAT would continue next week and the Chairman agreed.

Rights and Obligations of Members

The Representative of Turkey felt that, while states should have the right to launch satellites for specialized or domestic purposes, INTELSAT should also be authorized to members so requesting these facilities. In the special case of East and West Pakistan, and in other similar situations, domestic circuits should be furnished by INTELSAT. Nations have the right to inaugurate regional systems, but before doing so they should consider the competitive impact on the economics of the global system and, in particular, on the developing countries dependent upon that system. Turkey's views agreed generally with the Japanese paper (Com. I/77).

The Representative of the Philippines noted that INTELSAT alone had made it possible for the overwhelming majority of states to benefit from space communications. This great benefit made certain obligations incumbent upon the members. States have the right to establish domestic satellites after consultation with the Governing Body to assure technical compatibility. But INTELSAT should have the authority to provide circuits or satellites for domestic use at the request of members. On regional satellites, no argument yet advanced had shown that such a system outside INTELSAT would be economically compatible with or beneficial to all the members of INTELSAT. While a regional system might offer cheaper communications to states with less traffic at present but this would not provide for the likely growth in communications. INTELSAT should be permitted to establish facilities for specialized telecommunications services. Individual states or groups of states should have a similar right, after coordination with the organization, provided the needed services cannot be provided by INTELSAT. After coordination with INTELSAT, states may establish satellites for national security purposes, and INTELSAT itself may provide circuits for such purposes to requesting states.

The Representative of India said that members could not consider the obligations referred to in paragraph 600 of Doc. 6 until it was known that the definitive organization would reflect the principle of non-discrimination and would be truly international, including its management body, thus creating prospects of universal membership.

The Representative of Indonesia, endorsing ICSC paragraph 607, believed that a regional system would enable a group of countries to have regional public

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telecommunications facilities as an essential component of the infrastructure for regional development. Nations may establish domestic satellites for public telecommunications purposes with the prior conditions in paragraphs 215-219 of Doc. 6. On specialized services, Indonesia supported the Japanese views in Com. I/77.

The Representative of Algeria noted that rights and obligations had to be considered in light of the non-universality of INTELSAT's membership. He supported paragraph 605 of Doc. 6. He also supported paragraphs 607-8 on regional satellites, except that the words "of any kind" should not be interpreted to include national security services and that "consultation" needed to be defined. The Governing Body should be able to express an opinion on the subjects in paragraphs 220-225, but the Algerian Delegation would have to return to the question of economic compatibility in paragraph 219. Regional satellites may be established for specialized purposes if in accordance with ITU rules and in consultation with INTELSAT. INTELSAT should not contribute financially or technically to providing facilities for national security purposes.

The Representative of Australia supported paragraph 600 of Doc. 6. He also supported paragraphs 607, 610, 614 and 615 regarding regional, domestic and specialized services subject to the requirement of prior consultation as defined in paragraphs 216, 217 and 219. Each state should be free to establish its own system for meeting national security needs.

To clarify his previously stated views in more detail, the Representative of France indicated he agreed with the principle set forth by Japan that the definitive arrangements should not limit the rights of states to the free use of outer space, except that member states should refrain from actions prejudicial to INTELSAT. They should agree to route a reasonable portion of their international traffic through INTELSAT. The rights of member states can be limited in the definitive arrangements only by express prohibitions. If independent regional systems are more economical, such systems should be allowed. INTELSAT and such regional systems should enter into cooperative agreements whereby all members can benefit. France is in accord with the Arab view expressed in the addendum to the ICSC Report concerning economies to be realized by countries with little traffic through use of less expensive earth stations. Competition is a fundamental element in obtaining services at lowest cost. While one may hope for a single, global system, such is not yet the case. The fact that a separate system is being developed by the Socialist States cannot be overlooked. For the common benefit the socialist and non-socialist satellite systems must be able to interconnect. Therefore, if paragraph 602 is included in the definitive arrangements, it should be accompanied by paragraphs 603-5.

Procedure

While acknowledging the utility of the work groups established, the Algerian Representative noted his concern that small delegations and even entire regions could not properly follow the work of all of them. He urged

scheduling that would alleviate this problem. This view was supported by the Tunisian Representative. The Chairman acknowledged the concern expressed and said that he would bring this problem to the attention of the Conference Chairman.

Adjournment

The session adjourned at 11:35 a.m. until 10:00 a.m. on Monday, March 17.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/13
March 17, 1969

PROVISIONAL SUMMARY RECORD - THIRTEENTH SESSION OF COMMITTEE I MONDAY, MARCH 17, 1969

Convening of the Session

The session was convened at 10:20 a.m. with Vice Chairman Mohammad in the Chair.

Rights and Obligations of Members and Relations with the ITU

The Representative of Belgium believed that member states, though sovereign, should voluntarily obligate themselves not to use other global space systems for international public telecommunications services provided by INTELSAT. As suggested in Japanese document Com. I/74, they may establish domestic and regional systems after consulting INTELSAT on technical compatibility. Since it could always be maintained that regional systems deprive INTELSAT of some potential traffic, and since members can be expected to refrain from actions that imperil the economic viability of INTELSAT, consultation on the economic compatibility of proposed regional systems with INTELSAT should not be required. Regional systems could contribute to decentralization and might, thus, provide a way for all states to participate in the global system.

The Representative of Australia reiterated his support for paragraphs 216, 217, and 219, which recognize the competence of both the Governing Body and the ITU.

The Representative of the United States believed that the activities of INTELSAT members should in the aggregate constitute systematic use of the resources involved. The technical compatibility of domestic, specialized, or regional systems which may be established by members in accordance with the definitive arrangements should therefore be dealt with by INTELSAT. ITU regulations must be respected, and the ITU will have a further role in coordination when non-members of INTELSAT and other types of systems are involved. The United States supported paragraphs 563 and 220-222 of Doc. 6. The most desirable formal relationship between INTELSAT and the ITU cannot be defined in one agreement. Therefore, the Governing Body should have the authority to conclude desirable arrangements over the years.

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The Representative of Australia indicated the delicacy and complexity of involvement of the Governing Body in decisions so relevant to national sovereignty as frequency allocation, especially when domestic satellites are involved. This matter would require the most careful consideration.

The Representative of Canada referred to Com. I/75 and Com. I/83 as describing the proper consultative role of INTELSAT when separate regional systems are contemplated. A similar role in the establishment of separate specialized systems was not warranted, since the relationship of INTELSAT to specialized services was not yet determined and the provision of such services was not a prime purpose of INTELSAT. The Governing Body should be authorized to arrange for INTELSAT to attend ITU meetings from time to time.

The Representative of Peru strongly supported paragraph 600 of Doc. 6. Any separate system designed to provide international public telecommunications services that INTELSAT could provide would be competitive. INTELSAT should be competent to provide, upon request, further regional facilities for such purposes. Separate domestic systems may be established after consultation with the appropriate organ of INTELSAT to assure technical compatibility and in accordance with ITU regulations. The question of specialized services requires further study. Nations may establish satellites for national security purposes provided they do not engender technical interference with the INTELSAT system.

The Representative of Syria endorsed the views expressed earlier by Algeria concerning the rights and obligations of members. He supported paragraph 605 of Doc. 6 while rejecting paragraphs 600-604 as impractical. In view of the existence of other systems and the lack of universality of INTELSAT regional systems could be established within INTELSAT or independently, provided they are compatible with the rules of the ITU. As stated in Appendix C to Com. I/84, public telecommunications traffic between the two parts of Pakistan should be treated as international traffic. INTELSAT should be isolated from activities of a military nature, and the definitive arrangements should contain no clauses on the subject.

The Representative of Israel endorsed paragraphs 600 and 607 with the latter subject to the condition that INTELSAT is unable to satisfy regional needs. He also endorsed paragraphs 610 on domestic satellites and 614 regarding specialized services, while expressing no opinion with respect to National Security needs.

The Representative of Nigeria, while supporting paragraph 600 of Doc. 6, reiterated the need for further clarification of that paragraph. INTELSAT should be competent to establish regional satellites on request provided they would serve a geographically well-defined region. Domestic satellites may be established in conformity with paragraphs 600 and 610. INTELSAT should be competent itself to meet the varying needs of member states, other than those of a national security nature.

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The Representative of New Zealand agreed fully with the Nigerian views. He supported paragraph 600 and felt that regional needs could be met by INTELSAT itself. He hoped that domestic services, too, could be provided most economically through facilities integrated into the global system.

Adjournment

There being no further requests to speak at that time on Items IX or X the Chairman suggested that the Committee adjourn to allow Working Group T/B additional time for its important work. In response to a query from the Italian Representative, he said that he would consult with the Steering Committee regarding the advisability of a Work Group on Item IX in light of the feeling by the smaller delegations that the number of Working Groups be limited and because of the short time remaining until the close of the Conference. The session then adjourned until 10:30 a.m., March 18, 1969, at which time the reports of Working Groups A and C will be considered.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/13 (Final)
March 21, 1969

SUMMARY RECORD - THIRTEENTH SESSION OF COMMITTEE I MONDAY, MARCH 17, 1969

Convening of the Session

The session was convened at 10:20 a.m. with Vice Chairman Mohammad in the Chair.

Rights and Obligations of Members and Relations with the ITU

The Representative of Belgium believed that member states, though sovereign, should voluntarily obligate themselves not to use other global space systems for international public telecommunications services provided by INTELSAT. As suggested in Japanese document Com. I/74, they may establish domestic and regional systems after consulting INTELSAT on technical compatibility. Since it could always be maintained that regional systems deprive INTELSAT of some potential traffic, and since members can be expected to refrain from actions that imperil the economic viability of INTELSAT, consultation on the economic compatibility of proposed regional systems with INTELSAT should not be required. Regional systems could contribute to decentralization and might, thus, provide a way for all states to participate in the global system.

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The Representative of the United States believed that the activities of INTELSAT members should in the aggregate constitute systematic use of the resources involved. The technical compatibility of domestic, specialized, or regional systems which may be established by members in accordance with the definitive arrangements should therefore be dealt with by INTELSAT. ITU regulations must be respected, and the ITU will have a further role in coordination when non-members of INTELSAT and other types of systems are involved. The United States supported paragraphs 563 and 220-222 of Doc. 6. The most desirable formal relationship between INTELSAT and the ITU cannot be defined in one agreement. Therefore, the Governing Body should have the authority to conclude desirable arrangements over the years.

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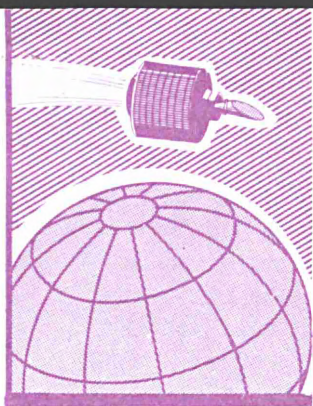
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The Representative of New Zealand supported paragraph 600 and felt it was very likely that regional needs could be met by INTELSAT itself. He hoped that domestic services, too, could be provided most economically through facilities integrated into the global system.

Adjournment

There being no further requests to speak at that time on Items IX or X the Chairman suggested that the Committee adjourn to allow Working Group I/B additional time for its important work. In response to a query from the Italian Representative, he said that he would consult with the Steering Committee regarding the advisability of a Work Group on Item IX in light of the feeling by the smaller delegations that the number of Working Groups be limited and because of the short time remaining until the close of the Conference. The session then adjourned until 10:30 a.m., March 18, 1969, at which time the reports of Working Groups A and C will be considered.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/14
March 18, 1969

PROVISIONAL SUMMARY RECORD - FOURTEENTH SESSION OF COMMITTEE I
TUESDAY, MARCH 18, 1969

Convening of the Session

The session was convened at 11:14 a.m. with Vice Chairman Mohammad in the Chair.

Agenda Items IX and X

To conclude the discussions of Items IX and X and in light of the lack of time for consideration by a Working Group it was agreed that the Secretary would prepare, for the Committee's final examination, a brief summary of the main points in the Committee's consideration of these subjects.

Report of Committee I A

Ambassador Roca assumed the Chair and Mr. Mohammad, the Chairman of Working Group A presented the Group's report (Com. I/84 (Rev. 1)). He also referred to Com. I/95, a proposed addition by the United Kingdom.

The Representative of the United Kingdom explained that his proposal was designed to provide for the treatment of domestic public telecommunications services between geographically isolated points, such as the United Kingdom and Hong Kong, as if they were international. Rather than try to amend the report at this stage, he would be content to have the United Kingdom's paper forwarded along with the report for due consideration in the Conference's further work.

The Representative of France, while agreeing with the report of Working Group A, cautioned that the amendment suggested by the United Kingdom should not lead to the inclusion of domestic traffic in determining any nation's voting weight in the Governing Body.

The Representative of Denmark called attention to his country's views in Com. I/99 and proposed deleting the restrictive clause concluding section (b)

NOTE: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

of the second Article proposed by Working Group A in Com. I/84. If domestic services can be provided by INTELSAT only "to the degree that these services do not adversely affect the capacity of the Organization to achieve its primary purpose," the Organization would consider metropolitan Denmark's telecommunications with Greenland and the Faroe Islands in a category below that of telecommunications between another country and Greenland. In view of the importance of these links to Denmark, this situation was not acceptable.

The Representative of India noted the unanimous view of the Working Group that international and domestic traffic should be treated differently. He also pointed out that Com. I/84(Rev. 1) was not intended to deal with details, which could rather be dealt with under such items as definitions and investment shares. The Working Group report made it clear that domestic traffic could be carried, under certain conditions and on a non-discriminatory basis, on the global satellites. The wording proposed by the United Kingdom would cause certain domestic traffic to be included in determining investment shares and voting weight. The meanings of "geographically separate" and "jurisdiction" also could give rise to questions. It would be best, as the United Kingdom had suggested, to forward the British and Danish views along with Com. I/84(Rev.1), but not to amend the latter document at the present time.

The Representative of Malaysia observed that, since the Conference was in no sense at the end of its work, and since there was disagreement in the Committee over the substance of Com. I/84, it would be sufficient to note Com. I/84(Rev. 1) and forward it for further consideration.

The Representative of Sweden, noting that the provision of facilities for international public telecommunications services had always been considered the primary purpose of INTELSAT, could not accept the change in concept proposed by the United Kingdom in Com. I/95.

The Representative of Chile, while admitting their validity, felt the questions presented by Pakistan, the United Kingdom, and Denmark were special cases and the definitive arrangements must be based on the fundamental concept that the provision of facilities for international public telecommunications services is the primary purpose of INTELSAT and not on special cases. He opposed the United Kingdom proposal.

The Representative of Denmark merely asked that his views be attached to the report and that it be made clear that the Committee had not reached agreement on that report.

The Representative of Canada interpreted "single" in the proposed Preamble as a limitation upon global and public international--and not on regional or specialized--systems. The requesting member or members should ordinarily finance the separate facilities provided by the organization for domestic or specialized services under section (f) of the final Article in

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Com. I/84. The question of possible financing by the Organization itself must be discussed by the Conference. The definitive agreements should specify the need for consulting the competent international organizations, as appropriate, on the activities of INTELSAT.

The Representative of Switzerland agreed that the United Kingdom and Danish views should be annexed to Com. I/84(Rev. 1), but felt the text of the latter should not be amended. He supported the Canadian views on the financing of specialized services.

The Representative of Greece suggested that the views of the United Kingdom and Denmark could be reflected adequately, as a footnote to page 5 of Com. I/84(Rev. 1) rather than as an amendment or attachment thereto. He also shared the concern expressed by France that domestic traffic through facilities furnished by the organization not be considered when establishing investment shares and voting weight in the Governing Body.

The Representative of the United Kingdom said that a footnote to the report would be an acceptable means of calling attention to his point of view.

The Representative of the United States believed that the report as drafted provided adequate safeguards both for the historical purpose of the organization (paragraph (b) of Objectives and Purposes) and for the continuing satisfaction of domestic requirements (paragraph (b) under Scope and Activities). The real need is likely to be full utilization of facilities rather than finding space for domestic traffic because of a shortage of facilities.

The Representative of Japan was also satisfied with the reflection in the report of differing views concerning domestic and international traffic. The views of the United Kingdom and Denmark could be added to the report.

The Observers from the Soviet Union agreed with the view of several delegations that the global system must be truly international, open to all countries which accept its rules, whether or not members of the ITU, without discrimination and without encroachment upon the sovereign rights of participating countries. All participants should have equal rights and equal obligations in the control and operation of the system. Each country or group of countries has the sovereign right to establish and participate in national and regional systems while participating in an international global communications system. The recommendations of the United Nations on the exploration and use of space should be strictly followed.

The Soviet Union does not agree that regional and national systems outside the framework of the global system would be uneconomical and deleterious to the global system. All problems of coordination among various systems can be solved. Coordination and consideration of technical aspects should take

place within the framework of the ITU. The results of the Radio Administrative Conference of the ITU to be held in late 1970 or early 1971 will be the basis for solving concrete technical problems concerning the establishment or development of space communication systems.

The Representative of Mexico wondered whether that Committee was competent to deal with the problem raised by the Canadian footnote to the report on the use of the terms "nation," "country," and "area" in the proposed Preamble. The Representative of Canada, noting that his concern was with consistency and not with substance, expressed willingness to omit the footnote.

The Representative of Portugal supported the United Kingdom proposal contained in Com. I/95. Considerations of distance between two areas are more crucial than sovereignty over the two areas in determining the need for satellite communications between those areas. The Representative of Portugal asked that his statement be appended to the report of Working Group A. (Note: This statement is being issued as Com. I/106.)

The Representative of Pakistan reiterated the unique nature of his country's domestic telecommunications requirements. The interim agreements did not distinguish between domestic and international public telecommunications services; neither should now be placed in a category inferior to that of the other. He also asked that Com. II/13, submitted by his delegation, be appended to the Report of Working Group A, for he considered the comments regarding the definitions of international and domestic contained therein to be relevant.

The Representative of Spain noted his interest in Com. I/95 of the United Kingdom, the French views on the implications of that document for voting weight, and the Indian statement on the definition of "geographically separated" and "jurisdiction." The Representative of Venezuela associated himself with the Spanish comments.

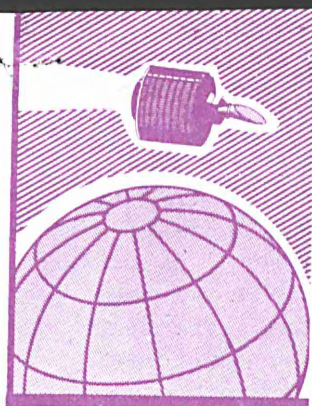
The Committee concurred with the Chairman's suggestion that it accept the Working Group's report and refer it to the Plenary and, in so doing, it expand footnote number 1 on page 5 to include references to the views of the United Kingdom and Denmark in documents Com. I/95 and Com. I/99, respectively, and to pertinent comments by the delegation of Pakistan in document Com. II/13. Furthermore, in referring the report to the Plenary, attention of the latter would be called to the comments of delegations as reflected in the Summary Record and, at his request, to the statement of the Representative of Portugal (Com. I/106). The Canadian footnote would be retained as it raises a point on which doubt apparently exists which should be clarified.

Report of Working Group I C

It was decided to meet at 9:30 a.m. on March 19 to consider the report of Working Group C of Committee I.

Adjournment

The session adjourned at 12:55 p.m.



PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/14 (Final)
March 25, 1969

SUMMARY RECORD - FOURTEENTH SESSION OF COMMITTEE I
TUESDAY, MARCH 18, 1969

Convening of the Session

The session was convened at 11:14 a.m. with Vice Chairman Mohammad in the Chair.

Agenda Items IX and X

To conclude the discussions of Items IX and X and in light of the lack of time for consideration by a Working Group it was agreed that the Secretary would prepare, for the Committee's final examination, a brief summary of the main points in the Committee's consideration of these subjects.

Report of Committee I A

Ambassador Roca assumed the Chair and Mr. Mohammad, the Chairman of Working Group A presented the Group's report (Com. I/84 (Rev. 1)). He also referred to Com. I/95, a proposed addition by the United Kingdom.

The Representative of the United Kingdom explained that his proposal was designed to provide for the treatment of domestic public telecommunications services between geographically separated points, such as the United Kingdom and Hong Kong, as if they were international. Rather than try to amend the report at this stage, he would be content to have the United Kingdom's paper forwarded along with the report for due consideration in the Conference's further work.

The Representative of France, while agreeing with the report of Working Group A, cautioned that the amendment suggested by the United Kingdom should not lead to the inclusion of domestic traffic in determining any nation's voting weight in the Governing Body.

The Representative of Denmark called attention to his country's views in Com. I/99 and proposed deleting the restrictive clause concluding section (b)

of the second Article proposed by Working Group A in Com. I/84. If domestic services can be provided by INTELSAT only "to the degree that these services do not adversely affect the capacity of the Organization to achieve its primary purpose," metropolitan Denmark's telecommunications with Greenland and the Faroe Islands would be placed in a category below that of telecommunications between other countries and Greenland. In view of the importance of these links to Denmark, this situation was not acceptable. In case the proposal to delete the restrictive clause could not be generally agreed, it would be the hope of the Danish delegation that an arrangement for such extreme geographical conditions could be found on the basis of the approach reflected in the U.K. document Com. I/95, and Pakistan document Com. II/13.

The Representative of India noted the unanimous view of the Working Group that international and domestic traffic should be treated differently. He also pointed out that Com. I/84(Rev. 1) was not intended to deal with details, which could rather be dealt with under such items as definitions and investment shares. The Working Group report made it clear that domestic traffic could be carried, under certain conditions and on a non-discriminatory basis, on the global satellites. The wording proposed by the United Kingdom would cause certain domestic traffic to be included in determining investment shares and voting weight. The meanings of "geographically separate" and "jurisdiction" also could give rise to questions. It would be best, as the United Kingdom had suggested, to forward the British and Danish views along with Com. I/84(Rev.1), but not to amend the latter document at the present time.

The Representative of Malaysia observed that, since the Conference was in no sense at the end of its work, and since there was disagreement in the Committee over the substance of Com. I/84, it would be sufficient to note Com. I/84(Rev. 1) and forward it for further consideration.

The Representative of Chile, while admitting their validity, felt the questions presented by Pakistan, the United Kingdom, and Denmark were special cases and the definitive arrangements as regards the definition of scope must express clearly the fundamental concept that the provision of facilities for international public telecommunications services is the primary purpose of INTELSAT and should not bring in consideration of special cases. He opposed the United Kingdom proposal to change paragraph (b) of the Article on "Scope of Activities" (Com. I/84 (Rev. 1)).

The Representative of Denmark merely asked that his views be attached to the report and that it be made clear that the Committee had not reached agreement on that report.

The Representative of Canada interpreted "single" in the proposed Preamble as a limitation upon global and public international--and not on regional or specialized--systems. The requesting member or members should ordinarily finance the separate facilities provided by the organization for domestic or specialized services under section (f) of the final Article in

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Com. I/84. The question of possible financing by the Organization itself must be discussed by the Conference. The definitive agreements should specify the need for consulting the competent international organizations, as appropriate, on the activities of INFELSAT.

The Representative of Switzerland agreed that the United Kingdom and Danish views should be annexed to Com. I/84 (Rev. 1), but felt the text of the latter should not be amended. He supported the Canadian views on the financing of specialized services.

The Representative of Greece suggested that the views of the United Kingdom and Denmark could be reflected adequately, as a footnote to page 5 of Com. I/84 (Rev. 1) rather than as an amendment or attachment thereto. He also shared in general the views expressed by the Representative of France.

The Representative of the United Kingdom said that a footnote to the report would be an acceptable means of calling attention to his point of view.

The Representative of the United States believed that the report as drafted provided adequate safeguards both for the historical purpose of the organization (paragraph (b) of Objectives and Purposes) and for the continuing satisfaction of domestic requirements (paragraph (b) under Scope and Activities). The real need is likely to be full utilization of facilities rather than finding space for domestic traffic because of a shortage of facilities.

The Representative of Japan was also satisfied with the reflection in the report of differing views concerning domestic and international traffic. The views of the United Kingdom and Denmark could be added to the report.

The Observers from the Soviet Union agreed with the view of several delegations that the global system must be truly international, open to all countries which accept its rules, whether or not members of the ITU, without discrimination and without encroachment upon the sovereign rights of participating countries. All participants should have equal rights and equal obligations in the control and operation of the system. Each country or group of countries has the sovereign right to establish and participate in national and regional systems while participating in an international global communications system. The recommendations of the United Nations on the exploration and use of space should be strictly followed.

The Soviet Union does not agree that regional and national systems outside the framework of the global system would be uneconomical and deleterious to the global system. All problems of coordination among various systems can be solved. Coordination and consideration of technical aspects should take

place within the framework of the ITU. The results of the Radio Administrative Conference of the ITU to be held in late 1970 or early 1971 will be the basis for solving concrete technical problems concerning the establishment or development of space communication systems.

The Representative of Mexico wondered whether that Committee was competent to deal with the problem raised by the Canadian footnote to the report on the use of the terms "nation," "country," and "area" in the proposed Preamble. The Representative of Canada, noting that his concern was with consistency and not with substance, expressed willingness to omit the footnote.

The Representative of Portugal supported the United Kingdom proposal contained in Com. I/95. Considerations of distance between two areas are more crucial than sovereignty over the two areas in determining the need for satellite communications between those areas. The Representative of Portugal asked that his statement be appended to the report of Working Group A. (Note: This statement is being issued as Com. I/106.)

The Representative of Pakistan reiterated the unique nature of his country's domestic telecommunications requirements. The interim agreements did not distinguish between domestic and international public telecommunications services; neither should now be placed in a category inferior to that of the other. He also asked that Com. II/13, submitted by his delegation, be appended to the Report of Working Group A, for he considered the comments regarding the definitions of international and domestic contained therein to be relevant.

The Representative of Spain noted his interest in Com. I/95 of the United Kingdom, the French views on the implications of that document for voting weight, and the Indian statement on the definition of "geographically separated" and "jurisdiction." The Representative of Venezuela associated himself with the Spanish comments.

The Committee concurred with the Chairman's suggestion that it accept the Working Group's report and refer it to the Plenary and, in so doing, it expand footnote number 1 on page 5 to include references to the views of the United Kingdom and Denmark in documents Com. I/95 and Com. I/99, respectively, and to pertinent comments by the delegation of Pakistan in document Com. II/13. Furthermore, in referring the report to the Plenary, attention of the latter would be called to the comments of delegations as reflected in the Summary Record and, at his request, to the statement of the Representative of Portugal (Com. I/106). The Canadian footnote would be retained as it raises a point on which doubt apparently exists which should be clarified.

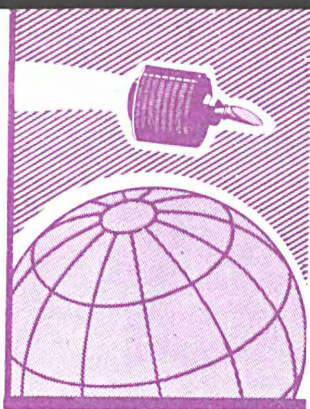
Report of Working Group I C

It was decided to meet at 9:30 a.m. on March 19 to consider the report of Working Group C of Committee I.

Adjournment

The session adjourned at 12:55 p.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/15
March 19, 1969

PROVISIONAL SUMMARY RECORD - FIFTEENTH SESSION OF COMMITTEE I
WEDNESDAY, MARCH 19, 1969

Convening of the Session

The session was convened at 9:35 a.m. by Chairman Roca.

Report of Committee I-C

Mr. Wheeler of the United Kingdom, Chairman of Working Group C, presented the Group's report contained in Com. I/94 as corrected. The Representative of Canada asked whether a Working Group of Committee III had offered, for inclusion in the report of Working Group C, a statement on the financial conditions of access by non-members. Mr. Wheeler reported that the statement had arrived too late for inclusion, but it would undoubtedly be available in Committee III's reporting.

The Representative of Chile noted that his delegation, prevented by its small size from participating in Working Group C, did not necessarily share the unanimous view of the Group on eligibility for membership in INTELSAT.

The Chairman proposed, and it was agreed without objection, that the Report of Committee I-C, like that of Committee I-A, be accepted and forwarded to the Plenary.

Summary of Agenda Items IX and X

On the suggestion of the Representative of the United States, the Committee decided to consider this subject now rather than hold a further session in the afternoon.

The Representative of Malaysia believed that Com. I/107, prepared by the Secretariat, summarized the views expressed in the Committee on Agenda Items IX and X. He suggested, however, that the specific references to the ICSC Report in paragraph 2 be deleted. The Representatives of India and Switzerland supported this suggestion, the latter asking, however, that the text of the ICSC paragraph be incorporated in the summary for the sake of clarity. The Representative of the United States supported the Swiss request. The suggestion of Malaysia, combined with that of Switzerland, was accepted.

NOTE: Any changes or corrections in this Summary Record must be submitted to the Secretary General within 48 hours.

The Representative of India also proposed that the second paragraph of the summary indicate "support" rather than "general support," or else that a footnote refer to the difficulties in connection with this concept expressed by India in Com. I/85. The Representative of the United States, feeling that the support had indeed been general, believed a footnote as suggested by the Indian Representative, would be preferable to deletion of "general." It was so agreed.

The Indian Representative felt that, in the last sentence of the sixth paragraph, the phrase "a few others" should be changed to reflect the support, that he believed had been shown, for the concept that the definitive arrangements should exclude all mention of military matters. This proposal was accepted.

The Representative of Nigeria felt that the fifth paragraph did not clearly enough indicate the opposing view. It was agreed to replace the second half of the first sentence with: "others questioned the feasibility or desirability of such an arrangement; they proposed that regional satellite systems be within the framework of the Organization."

The Representative of Australia suggested, and it was agreed, that paragraphs 1 and 5 be reworded to be appropriate to a report from the Committee to the Conference. He also suggested, and it was agreed, that the need for further study be stated at the end of the report, since it should refer to the entire matter rather than merely to the subject of the fifth paragraph.

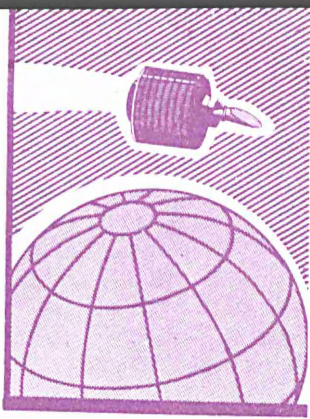
Next Session of Committee I

Since the subject which was to have been considered by Committee I in the afternoon had already been treated, and since the report of Committee I-B was not expected until tomorrow, it was agreed that Committee I would next meet at a time to be determined, probably tomorrow afternoon.

Adjournment

The session was adjourned at 10:10 a.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR
THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/15 (Final)
March 21, 1969

SUMMARY RECORD - FIFTEENTH SESSION OF COMMITTEE I
WEDNESDAY, MARCH 19, 1969

Convening of the Session

The session was convened at 9:35 a.m. by Chairman Roca.

Report of Committee I-C

Mr. Wheeler of the United Kingdom, Chairman of Working Group C, presented the Group's report contained in Com. I/94 as corrected. The Representative of Canada asked whether a Working Group of Committee III had offered, for inclusion in the report of Working Group C, a statement on the financial conditions of access by non-members. Mr. Wheeler reported that the statement had arrived too late for inclusion, but it would undoubtedly be available in Committee III's reporting.

The Representative of Chile noted that his delegation, prevented by its small size from participating in Working Group C, did not necessarily share the unanimous view of the Group on eligibility for membership in INTELSAT.

The Chairman proposed, and it was agreed without objection, that the Report of Committee I-C, like that of Committee I-A, be accepted and forwarded to the Plenary.

Summary of Agenda Items IX and X

On the suggestion of the Representative of the United States, the Committee decided to consider this subject now rather than hold a further session in the afternoon.

The Representative of Malaysia believed that Com. I/107, prepared by the Secretariat, summarized the views expressed in the Committee on Agenda Items IX and X. He suggested, however, that the specific references to the ICSC Report in paragraph 2 be deleted. The Representatives of India and Switzerland supported this suggestion, the latter asking, however, that the text of the ICSC paragraph be incorporated in the summary for the sake of clarity. The Representative of the United States supported the Swiss request. The suggestion of Malaysia, combined with that of Switzerland, was accepted.

The Representative of India also proposed that the second paragraph of the summary indicate "support" rather than "general support," or else that a footnote refer to the difficulties in connection with this concept expressed by India in Com. I/85. The Representative of the United States, feeling that the support had indeed been general, believed a footnote as suggested by the Indian Representative, would be preferable to deletion of "general." It was so agreed.

The Indian Representative felt that, in the last sentence of the sixth paragraph, the phrase "a few others" should be changed to reflect the support, that he believed had been shown, for the concept that the definitive arrangements should exclude all mention of military matters. This proposal was accepted.

The Representative of Nigeria felt that the fifth paragraph did not clearly enough indicate the opposing view. It was agreed to replace the second half of the first sentence with: "others questioned the feasibility or desirability of such an arrangement; they proposed that regional satellite systems be within the framework of the Organization."

The Representative of Australia suggested, and it was agreed, that paragraphs 1 and 5 be reworded to be appropriate to a report from the Committee to the Conference. He also suggested, and it was agreed, that the need for further study be stated at the end of the report, since it should refer to the entire matter rather than merely to the subject of the fifth paragraph.

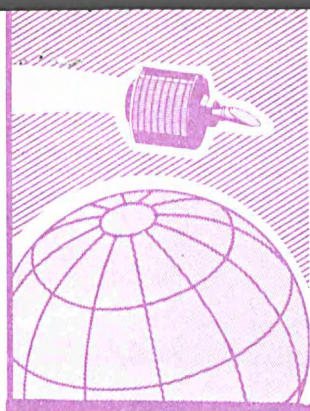
Next Session of Committee I

Since the subject which was to have been considered by Committee I in the afternoon had already been treated, and since the report of Committee I-B was not expected until tomorrow, it was agreed that Committee I would next meet at a time to be determined, probably tomorrow afternoon.

Adjournment

The session was adjourned at 10:10 a.m.

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PLENIPOTENTIARY CONFERENCE ON DEFINITIVE ARRANGEMENTS FOR THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE CONSORTIUM

Washington, D.C., February - March 1969

Com. I/SR/16 (Final)
March 24, 1969

SUMMARY RECORD - SIXTEENTH SESSION OF COMMITTEE I THURSDAY, MARCH 20, 1969

Convening of the Session

The session was convened at 4:13 p.m. by Chairman Roca.

Report of Committee I-B

Mr. Vallotton of Switzerland, Chairman of Working Group B, presented the report of his Group (Com. I/111). The complexity of the subject (Structure of the Organization) and lack of time had prevented his Group from reaching agreement on the major points. However, greater understanding of the various viewpoints had emerged. He also noted that the Working Group had not discussed the recommendation in Com. I/102 and mentioned at the end of paragraph 10 of Com. I/111. He suggested it be considered by the Committee.

The Representative of France explained that the recommendation was intended merely to supplement the information that would be available to the resumed Conference and would in no way prejudice the latter's decisions.

The Representative of Spain noted the need for a structure both international and efficient. The Assembly should be a forum for both Parties and Signatories, meeting either together or separately; it could thus meet the varying needs expressed at the Conference. The Governing Body should be limited in size, representative both regionally and functionally, and sufficiently stable in its membership. To achieve a management that is both international and efficient, the Conference should consider the transfer of some functions from the Manager to the Governing Body, a carefully planned transition period for said transfer, and a contract between the Governing Body and a national entity.

The Representative of Mexico stressed that the Mexican proposal presented in paragraph 31 of Com. I/111, calling for a Meeting of Signatories subordinate to the Assembly of States, was intended solely as a compromise between divergent positions.

At the suggestion of the Representatives of Chile and Venezuela, it was agreed to eliminate the underlining of the word "equitable" in paragraph 12.

The Representative of Canada proposed it be made clear that the documents mentioned in paragraph 3 of the report accompany the report.

There being no further comments, it was agreed to forward the report of Working Group B to the plenary session, along with the relevant documents and statements as contained in the records of the Committee's sessions.

Consideration of Com. I/102

The Chairman then returned to Com. I/102.

The French Representative observed that Sections I and II of Com. I/102 reflect the views of France and Belgium on the international management body and should be forwarded along with the views of other delegations. However, the French Delegation felt the Committee should take a position on the recommendation which concludes Com. I/102, and which can be considered independently of the preceding text.

The Representative of Chile noted an error in the Spanish translation, which refers to "Directing Body" rather than "Management Body." The Secretariat will correct the Spanish version.

The Representative of the United States observed that at the third plenary session there was clear consensus that the Conference would only note, discuss and comment upon the various reports and not endorse any particular views at this time. Under Article IX of the Interim Agreement, the purpose of this Conference is to write the definitive arrangements and is not called to direct the activities of the ICSC as suggested by the recommendation in Com. I/102. The United States took no position with respect to the wisdom of the recommendation but was merely making the point that it is an inappropriate action for this Conference to take at this time.

The Representative of France noted that Com. I/102 is mentioned in paragraph 3 of Com. I/111. The Conference, he said, should operate in the spirit of the text of Article IX of the Interim Agreement. The French and Belgium Delegations thought their proposal was consistent with the goal stated in the last sentence of Article IX by trying to provide much pertinent information to advance the Conference's work.

The Representative of Belgium shared the French views and stated that the recommendation in Com. I/102 is separable from the rest of the document and should be judged on its own merits. It does not deal substantively

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with the form and structure of the Organization but is an administrative proposal.

The Representative of Nigeria shared the views expressed by the United States. The Committee can do no more than note the documents mentioned in paragraph 3; otherwise, the way would be open for continued discussion of all of the documents referred to therein.

The Representative of Switzerland, as Chairman of Working Group I-B, noted that the question of a special study had been raised earlier before the Working Group by Mexico, that a majority in ICSC Paragraph 632 suggested an expert study, and that Com. I/102 was available only briefly for consideration by the Working Group. It therefore seemed appropriate that delegations making a recommendation have their views heard.

The Chairman, recalling the understanding reached by the Conference that it would not adopt any agreements at this time, suggested that the Committee transmit the recommendation to the plenary session, without any comment. The Representative of India expressed concern that such a procedure might be misinterpreted as indicating a judgment by the Committee, since he believed it would be premature to conduct the study recommended by France and Belgium. The Chairman explained that he intended that in transmitting the report, the Committee would note specifically that it did not take any stand with regard to it. The Representative of Israel endorsed the Chairman's proposal.

The Representative of France asked that there be specific note of ICSC para. 632 (in Doc. 6) which suggests a similar study, as noted earlier by the Chairman of Working Group B and the Chairman agreed.

The Chairman's proposed line of procedure was accepted.

Resumé of Other Committee Discussions

The Chairman recalled briefly the results of the Committee's discussions on the signatories and duration of the definitive arrangements.

Document Com. I/107 (Rev. 1) was approved without objection.

Adjournment

The Committee adjourned at 5:37 p.m.

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