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Advisory Committee on Administrative
and Budgetary Questions

TELECOMMUNICATION FACILITIES

(Note by the Secretary-General)

1. The purpose of the present note is to inform the Advisory Committee on Administrative and Budgetary Questions of recent developments affecting the telecommunication services of the United Nations and the use of those services by certain of the specialized agencies.
2. In a previous note on this subject (A/CN.1/R.126 of 2 October 1952) the Secretary-General invited the Advisory Committee to offer its observations on the granting of facilities to the specialized agencies to use the United Nations telecommunication network against a pro rata reimbursement of costs. There was attached to the note a statement on the general question of United Nations telecommunications (A/CN.1/R.126, Annex I), which the Secretary-General had transmitted to the International Telecommunication Union with the request that it be brought to the notice of the members of that agency at their Quinquennial Plenipotentiary Conference at Buenos Aires (October to December 1952).
3. The observations of the Advisory Committee were set forth in a report dated 4 December 1952 on the administrative budgets of the specialized agencies for 1953 (A/2287, paragraphs 85-86):

"The action of the Secretary-General of the United Nations in granting facilities to the specialized agencies to use the United Nations telecommunications network fully accords with the general principles of co-ordination affirmed by the General Assembly; such action is also conducive to economy, in view of the fact that none of the specialized agencies has telecommunication operating services, while the United Nations network has spare capacity.

"The Advisory Committee takes note of the assurance given by the Secretary-General that there is no intention of extending the United Nations services for the sole purpose of accommodating the specialized agencies.

"The Advisory Committee notes that the General Assembly has decided that no distinction should be made in this field as between the status of the United Nations on the one hand, and that of the specialized agencies on the other. The relevant articles in the respective Conventions on Privileges and Immunities are virtually identical.

"This question is now before the Plenipotentiary Conference of ITU, which will consider a proposal by the Secretary-General of the United Nations that the definition of 'government' telegrams and telephone calls should be widened to include those originating with the executive heads of agencies. The Committee therefore emphasizes that it is concerned solely with a problem of common services, to which is linked the wider issue raised by the General Assembly in resolution 22 D (I) of 13 February 1946, in which it expressed the opinion that 'there are many advantages in the unification as far as possible of the privileges and immunities enjoyed by the United Nations and the various specialized agencies'."

These observations were brought to the notice of the ITU Conference.

4. On 26 November 1952, the ITU Plenipotentiary Conference rejected the proposals in favour of government privileges for the specialized agencies transmitted by the Secretary-General of the United Nations, and on the same date adopted a resolution on the use of the United Nations telecommunication network for the telegraph traffic of the specialized agencies (see Annex I), of which the salient points are as follows:

- (a) The Conference declared that the system of charging and method of operation proposed by the United Nations were out of harmony with the provisions of the International Telegraph Regulations and therefore contrary to Article XVI 1/ of the Agreement between the United Nations and the ITU; that in normal circumstances the United Nations network should not be used to carry the traffic of specialized agencies in competition with commercial networks; and that ITU does not favour any departure from the provisions of Article XVI of the Agreement with the United Nations;
- (b) The Secretary-General of the United Nations is invited to withdraw at the earliest practicable moment his offer to the specialized agencies to carry their traffic over the United Nations network.

5. The United Nations, under its Agreement with ITU (Article I), has recognized ITU "as the specialized agency responsible for taking such action as may be appropriate under its basic instrument"; and under Article XVI of

1/ Formerly Article XV.

the same Agreement, the United Nations has undertaken "to operate the telecommunication services under its control in accordance with the terms of the International Telecommunication Convention and the regulations annexed thereto". In view of these facts, the Secretary-General feels that he has no option but to accept the claim made by ITU, in the preamble to its resolution, that the United Nations offer to the specialized agencies is contrary to Article XVI of the Agreement, and accordingly to accede to the invitation to withdraw that offer.

6. The resolution does not appear to preclude the conclusion of special arrangements with individual governments, as provided in Article 40^{1/} of the International Telecommunication Convention, whereby the United Nations might carry specialized agencies traffic between specific points. Thus one might, for instance, envisage special arrangements by one of the agencies with the Governments of India and Switzerland for the use of the United Nations telecommunication service between Delhi and Geneva, in order to facilitate the operations of this agency in the field. It has, of course, not yet been possible to explore whether such arrangements are feasible.

7. At the Plenipotentiary Conference of ITU the United Nations representative pointed out that some of the specialized agencies may have drawn up their 1953 budgets on the assumption that they could count on the use of United Nations telecommunication facilities. He added that the Secretary-General of the United Nations would find it difficult therefore to implement the ITU resolution at once, pending the necessary adjustments by some of the agencies concerned to meet the new situation in their budgetary estimates of the following year.

^{1/} Article 40, which has become Article 41 of the International Telecommunication Convention of Buenos Aires, reads as follows:

"members and Associate Members reserve for themselves, for the private operating agencies recognized by them and for other agencies duly authorized to do so, the right to make special arrangements on telecommunication matters which do not concern Members and Associate Members in general. Such arrangements, however, shall not be in conflict with the terms of this Convention or of the Regulations annexed thereto, so far as concerns the harmful interference which their operation might be likely to cause to the radio services of other countries."

In order to meet this point and to forestall difficulties and embarrassment to all concerned, at the request of the United Nations representative the words "at the earliest practicable moment" were inserted in the second operative paragraph of the ITU resolution.

8. In view of the foregoing and a request by ILO that the question should be placed on the agenda of the next session of the ACC, the Secretary-General took action:

- (a) To notify the specialized agencies officially of the ITU resolution;
- (b) To inform the agencies that he does not propose to alter present arrangements until after the next session of the Administrative Committee on Co-ordination (25 May 1953); and
- (c) To submit the whole matter to that Committee, for review.

9. The developments referred to in the present note will have financial consequences both for the United Nations and the specialized agencies; they are at variance with accepted principles of co-ordination. On these grounds, the Secretary-General invites the Advisory Committee to consider this matter at the opening of its next session (May 1953) and to transmit to the Administrative Committee on Co-ordination whatever comments it may deem appropriate, so that these may be taken into account in the course of ACC's discussions.

10. A letter on the subject addressed to the Secretary-General by the Acting Director-General of FAO, on 25 February 1953, is reproduced in Annex II, for the information of the Committee.

RESOLUTION No. 26

Use of the United Nations Telecommunication Network
for the telegraph traffic of the Specialized Agencies

The Plenipotentiary Conference of the International Telecommunication Union, Buenos Aires,

having examined the request of the United Nations (Document No. 228) that the International Telecommunication Union should sanction their proposal to carry the traffic of the specialized agencies over their point-to-point telecommunication network at a charge equal to the pro rata proportion of the cost of operation, according to the traffic carried:

considering

1. that the system of charging and method of operation proposed by the United Nations is out of harmony with the provisions of the International Telegraph Regulations and therefore contrary to Article XVI of the Agreement between the United Nations and the International Telecommunication Union;
2. that any departure from the provisions of the International Telecommunication Convention and the Telegraph Regulations in favour of the United Nations is undesirable;
3. that the United Nations telecommunication network should never in normal circumstances compete with existing public channels of telecommunication;
4. that in cases of emergency however it may be desirable for the traffic of the specialized agencies to be carried over the United Nations point-to-point network either at a tariff composed as prescribed in Article 26 of the International Telegraph Regulations or free of charge;

declares

1. that in normal circumstances the United Nations point-to-point telecommunication network should not be used to carry the traffic of the specialized agencies in competition with existing commercial telecommunication networks;

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Annex I

English

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2. that the International Telecommunication Union does not favour any departure from the provisions of Article XVI of the Agreement between the United Nations and the International Telecommunication Union;

3. that some exception may be made in cases of emergency;
instructs the Secretary-General

1. to convey to the Secretary-General of the United Nations the opinion of this Conference;

2. to invite him to withdraw at the earliest practicable moment his offer to the specialized agencies to carry their traffic over the United Nations network;

3. to inform him that the International Telecommunication Union would have no objection if, in cases of emergency, the traffic of the specialized agencies were carried over the United Nations point-to-point network at a tariff composed as prescribed in Article 26 of the International Telegraph Regulations or free of charge.

FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Viale delle Terme di Caracalla
Rome

25 February 1953

Excellency,

I wish to acknowledge your letter AFS 193/2/07 of 9 February addressed to Mr. Dodd with which you transmitted copies of Resolution No. 26 adopted by the recent Conference of the International Telecommunication Union.

This resolution has been received with great surprise in FAO, and I wish to make a formal protest to you, as executive head of the United Nations, against one Specialized Agency's passing a resolution directly discriminating against its fellow Specialized Agencies. The resolution comes at a particularly inopportune moment when all Agencies are being pressed from all sides to exercise the greatest possible economy in every respect, and when the General Assembly of the United Nations has for some time been bringing to the attention of the Agencies the importance of increasing, again in the interests of economy, the common services available. The resolution, by seeking to prevent the Specialized Agencies from sending their telecommunication traffic over the United Nations net-work, appears not only to foster unnecessary spending of money by the Agencies, for the benefit of commercial telecommunication net-works, but deliberately to diminish the use of facilities of common services which are in existence.

I note with appreciation that you are referring the whole question of telecommunication facilities to the Administrative Committee on Co-ordination which is to meet in May 1953, and wish to inform you that the Director General of FAO will present his views on the matter at that meeting.

Accept, Excellency, the assurance of my highest consideration.

Herbert Broadley /s/
Acting Director-General

His Excellency
Trygve Lie
Secretary-General
United Nations
New York
