The ITU in the Modern World:
Fourteen Years from the Reconstruction.

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Abstract

Almost fifty years after the reconstitution of the ITU following on the Second World War, the ITU revised its constitutional structures at Geneva and Kyoto in 1992/94. Subsequently its new Constitution and Convention have been amended and further refined. The functions of the ITU have expanded from those of regulation, registration and standardisation. Development has been invented as a major ITU responsibility and, largely entrusted to the new Development Sector, represented a major addition to the purposes of the Union. The decisions of the 2006 Antalya plenipotentiary conference have further contributed to that extension of purpose.

This paper reviews and comments on selected results of the 2006 ITU Plenipotentiary Conference. The elections of officers as well as other decisions indicate that the ITU is determined to play an active role in telecommunications in the developing countries. Its administrative role remains, but concern must be expressed as to whether its several roles are properly balanced and whether it is adequately financed.

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1. Introduction.

The fourth Plenipotentiary Conference of the International Telecommunication Union following its major reconstruction in 1992/4 was held at Antalya, Turkey, from 6-24 November 2006.[1] The Conference took many decisions important for the general work of the ITU in the ensuing years. Here to an extent I select matters of main interest to space, leaving discussion of other areas to another forum.[2] In addition to the Antalya Final Acts the Report of the ITU Council to the Conference is important in assessing the working of the ITU since 1992/4.[3]

2. General comment

It is now a decade and a half since the ITU reconstructed its basic documentation by splitting it into the Constitution and Convention. An intention of the 1990s reform was that the Constitution should contain matters less likely to be amended in the future, while the Convention might be more subject to change.[4] Subsequent plenipotentiaries at Minneapolis in 1998 and Marrakesh on 2002 continued the work.[5] Now, reading the Antalya Final Acts one can see that the intention has largely been achieved. Antalya does not make that many changes to the text of either the Constitution or the Convention, and, in the main these are semantic, tidying up measures and clarifications. For example Art. 2.1 (13) of the Convention has been amended to make

it clear that the five top elected officials (Sec.-Gen., Deputy Sec.-Gen. and the Directors of the Sectors' Bureaux) may be re-elected only once to the same post, whether the second election is for a term consecutive with the original or not.

3. Management

ITU management is a continuing concern. Thus Res. 122, revised at Antalya, continues to encourage ITU-T, its study groups and the World Telecommunication Standardisation Assembly. More generally Res. COM5/5 calls for a thorough 'Study on the management and functioning of the Union' with a view to the next plenipotentiary taking any necessary steps. Interestingly, Res. COM 5/6 calls for the new Sec. Gen. clearly to delegate functions to the Deputy Sec. Gen. in order to make the best of use that managerial position. In the meantime by Res. COM6/2 results based budgeting (RBB) is to be implemented in ITU management.

4. Structure, Council membership, timing of meetings, the RRB

Antalya made no major changes to the structure of the ITU. Interestingly, with one exception, all the Council members 2002-6 were re-elected.[6] For the future, by Res. Plen/1 steps have been initiated which will result in the Council membership being increased by one (to 47), and the regional allocation of seats may be revised.[7] Res. COM6/4 calls for changes in the timing of meetings, moving Council to the last quarter of the calendar year so as to improve financial review, and the Plenipotentiary to the April/June slot so as to improve the links between plans and budget.
Under the new ITU system the Radio Regulations Board (RRB)

succeeded to some of the functions of the previous International Frequency Registration Board (IFRB). The RRB is part-time and its responsibilities and functions have been developing. Res. 119 adopted in 2002 at Marrakesh instructed studies and review to improve the RRB. These are to continue.

5. Elected officials

At Antalya all but one of the major offices were up for election, and because in all but in the one case their previous holders had completed two terms, new personnel had to be found. The new Secretary General, his Deputy and two of the three Directors of the Sectors have accordingly changed. However, it is notable that the new Secretary General, Dr H. Touré was the Director of the Development Bureau from 1998-2006, and the new Deputy Sec. Gen., Houlin Zhao, was Director of the Standardisation Bureau from 1999-2006. This may indicate that the interest in the needs of the developing countries will continue, as indicated by the creation of the Development Sector in 1992/4 and by recent activities of the ITU, for example the 'World Summit on the Information Society 2003-2005' (WSIS).[8] The new Director of the Development Bureau is S. Al-Basheer Al-Morshid, who has a Saudi-Arabian telecoms and an ITU background. Standardisation (ITU-T) is now headed by M. Johnson, who has represented the UK in many ITU meetings and conferences. V. Timofeev was re-elected unopposed as Director of the Radiocommunication Bureau, having been first elected in 2002.[9] The newly elected officials have all therefore had significant experience in and with the ITU, which (hopefully) may augur well.

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6. Membership statistics

As of 16 July 2007 191 states were parties to the ITU Constitution and Convention.[10] The UN itself has 192 members.[11] World coverage of the ITU is therefore almost universal.[12] Apart from states which are full members, lesser categories of membership are competent within the ITU structure (CV Art. 20: 228-241E). There have been changes in their numbers since these categories were introduced. The 2006 figures are as noted, with those reported to the 2002 plenipotentiary conference indicated in brackets. As at Antalya there were 301 (274) recognised operating agencies (ROA), and 210 (245) scientific or industrial organisations (SIO) members of one or more of the ITU Sectors (CV 229). There were 44 (41) 'other entities', that is entities active in telecommunications approved by their national states to take part in a Sector (CV 230), and 120 (94) Associates which take part in the work of one study group within a particular Sector (CV 241A). Seventy-five (72) regional international organisations (CV 231) and 11 (11) regional telecommunications organisations were members in 2006 (CV 269B). Five (5) international satellite organisations were also members, mainly of the Radiocommunication Sector (CV 269C).

Most of these changes appear satisfactory, but the statistics for the distribution among the ITU Sectors is worrying both in the patterns of involvement in different parts of the ITU and as to their impact on ITU finances (see below). The 2002/2006 figures are: for Radiocommunication (ITU-R) 153/146; for Standardisation (ITU-T) 167/159. These are the Sectors most important for space activities. That they have declined may not be a good sign. On the other hand the equivalent numbers for Development (ITU-D) are 143/177, which are complemented by Associates numbers of 81/99. This seems to indicate an increased interest and activity in development matters (as we see below) and as was noted above in connection with elections to the major offices.

7. Finances

The big question is whether the ITU can continue to provide the service its membership requires, and which the enunciation of its purposes envisages. Can it do all it is asked to do with the finances it is given?

A refrain found in many parts of the Antalya documentation is finance. It appears sometimes expressly and sometimes as an undercurrent. The short point is that the ITU is under financial pressure. Of itself that may not be wrong – for years there have been arguments that the ITU could provide better value for money. But the frequent recurrence of financial elements in the Antalya texts is, to an outsider, striking. Finance was a matter of concern at Marrakesh in 2003, with reductions in spending built into the Strategic Plan for 2003-2006.[13] These concerns continue, as the Council Report to the Antalya Conference makes plain.[14] Its para 27 shows that in the period 2003-6 ITU income adjusted for inflation fell by 12.9%, with an equivalent decline in contributions from both state and sector members. Since the 1998 Minneapolis Plenipotentiary Conference the take up of contributory units has fallen in 2002-2006: in the case of States from 368 3/16 to 342 5/8, and for Sector Members from 360 3/8 to 309 7/8.[15] Sales of publications are down from CHF 15.5m in 2002 to CHF 12.7m in 2005 (ITU Council Report, para 29). There has been

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reduced demand for space at ITU Telecom exhibitions (ITU Council Report, para 31), and in general the various other income streams including 'cost recovery' have not met budget figures including that for support for ITU-D projects (ITU Council Report, para 21).

One step to meet reduced income has been the introduction of two new contributory unit classes to CV Art. 33.1.1(468), an 11 unit and a 6 unit class. Whether that will encourage states is an interesting question: whether it will result in one state not reducing its contribution as much as it might, or another marginally increasing its contribution awaits information on the take-up of units for the period 2007-11.[16] The next ITU Council Report to the Plenipotentiary will validate or invalidate optimism.

More important is the content of Antalya Decision 5. Since the Minneapolis Plenipotentiary Decision 5 has related to 'Income and Expenditure' for the forthcoming four years and Decision 6 contained the correlative Financial Plan. Antalya Decision 5 now brings these together. Annex 1 to Decision 5 estimates income as 624614k CHF, and expenditure of 673662k CHF. Expenditure reduction is budgeted to reduce this deficit to 39088k CHF. Annex 2 then lists eighteen 'options for reducing expenditure'. These include the elimination of various duplications, the centralisation of finance and administration, the extending the duration of vacancies, the reduction of the production of paper copies for most meetings and functions, limiting the duration of meetings, the redeployment of staff, and the reduction of the number of meeting (including reducing the meetings of the Radio Regulations Board from four to three per year).

New ventures are to be scrutinised for value, and for their non-duplication of existing efforts. As to the effectiveness of such measures we can but wait and see.[17] Cost recovery will also certainly remain an important aspect of the provision of some ITU products and services, including the processing of space-relevant notifications to the Radiocommunication Sector (Res. 91, as revised). Such financial steps are desirable. It is noticeable, however, that in addition here and there one can also see invitations to Member States and to Sector Members to make voluntary contributions for particular purposes.[18] Not all state members are willing to finance all that others within the ITU would like to see it do.

8. Sector members

The increasing importance of non-state members within the ITU Sectors is recognised by Antalya Res. 14, which amends Rev. 14 as adopted at Kyoto back in 1994. Sector members are to be given more access to Sector materials and their home states are encouraged to coordinate views emanating from within the state. The explanation for this is probably to be found in the privatisation of telecommunications in a number of countries and their interest in ITU regulatory and other products.

9. Aid and Development

Successive plenipotentiaries have tackled problems of individual states due to war, civil commotion and the like. Antalya Res. 126 continues to provide resources for the public broadcasting system of Serbia (formerly the Federal Republic of Yugoslavia). Other previous Resolutions for similar purposes continue valid.[19] By Res. 34 assistance

and aid to countries in special need for rebuilding their telecommunication sector will continue, though it is noted that a lack of sufficient stability has on occasion prevented such provision.[20]

As noted 'Development' was introduced as a purpose of the ITU in the 1992/4 reconstruction, and ITU-D created to further that purpose. Development is a recurrent theme of the Antalya documents. Next-generation networks (NGN) may leave the developing countries behind (Res. GT-PLEN/30); mitigating the digital divide remains a target (Res. GT-PLEN/5); and the ITU clearly intends to play a major role in securing the outcomes of the World Summit on the Information Society WSIS) (Res. GT-PLEN/6 and GT-PLEN/7).[21]

10. Future

Apart from matters indicated above, it is good that the ITU is taking steps to keep itself up to date with emergent needs, including through involvement in the new telecommunications systems and internet protocol-based networks (Res. 101, rev. Antalya). As always Res. 71 sets out the 'Strategic Plan' for the Union during the next quadrennium (2008-2011). Objectives and outputs are set out. May they be achieved. For that the Union will require financial stability. It is to be hoped that the measures adopted at Antalya will help, but really the trend for states to reduce their take up of contributory units must be reversed.

It has also to be said that the ITU now faces a difficult remit. The enormous speed and complexities of telecommunication developments are likely to continue. The Internet is a new field. As privatisation and globalisation progress business is impatient with any constraints and what it may perceive as slow and uncertain procedures. The global

interest may be overlooked as commercial interests rank short-term profit above satisfactory long-term solutions. There may even be a threat that the parts of the ITU may fragment and become detached from each other resulting in managerial and other difficulties as parts 'fight their corner'. It is hard to remain up-to-date across the various ITU fields (arenas?) and take a broad view. But it is interesting!

NOTES

[1] Final Acts of the Plenipotentiary Conference of the International Telecommunication Union, Kyoto, 1992 (Geneva: ITU, 1992) as amended by the Final Acts of the Additional Plenipotentiary Conference, Kyoto, 1994, 1996 UKTS 24, Cm. 3145. Final Acts of the Plenipotentiary Conference (Minneapolis, 1998) (Geneva: ITU, 1998); Final Acts of the Plenipotentiary Conference (Marrakesh, 2002) (Geneva: ITU, 2002). Final Acts of the Plenipotentiary Conference (Antalya, 2006) (Geneva: ITU, 2006).
[2] I still have some hope of in due course writing a book on the ITU as a whole.
[3] 'Report of the Council on the Activities of the Union, 2003-2006', ITU PP-06/20, 14 June 2006.
[4] Citation nowadays is normally to paragraph number with the prefix CS = Constitution and CV = Convention.
[5] *Collection of the basic texts of the International Telecommunication Union adopted by the Plenipotentiary Conference*, 2nd ed. 2003 (Geneva: ITU, 2003). Marrakesh made a major amendment to the previous documentation by moving much of the material as to the calling and rules of procedure of conferences from the

Convention to a separate document, 'General Rules of Conferences, Assemblies and Meetings of the Union'. See *Collection* at 129-60. Antalya made minor amendments to these Rules.

[6] Tanzania replaced Uganda.

[7] The current representation of the regions on Council is: Region A – Americas (8 seats); Region B – Western Europe (8 seats); Region C – Eastern Europe (5 seats); Region D – Africa (13 seats) and Region E – Asia and Australia (12 seats).

[8] *WSIS Outcome Documents* (Geneva: ITU 2005): www.itu.int/wsis/promotional/outcome.pdf

[9] Short biographies of each are on the relevant ITU websites.

[10] St Kitts and Nevis joined on 15 March and the Republic of Montenegro on 21 June 2006.

[11] Is the difference Palau, which joined the UN in 1994?

[12] The main non-ITU states would seem to be North Korea and Taiwan (depending on how you regard the latter's status).

[13] Cf. F. Lyall, 'Article I of the Outer Space Treaty and the International Telecommunication Union' (2003) 46 *Proc. IISL* 96-106 at 98-99, Sec. 3.2 'Finance'.

[14] See n. 3 above.

[15] ITU Council Report, *supra* n. 3, para 28.

[16] Are all the developing countries willing to meet the obligations that are theirs as a consequence of their existence as states? Some seem to rely on Art. I of the OST and ask that their entitlement to share in the benefits of space be met. Cf. the 'Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries', 4 February 1997;

A/RES/51/122; and F. Lyall, 'Small States, Entrepreneurial States and Space'. (2007) 49 *Proc. IISL* (forthcoming).

[17] Res. COM6/5 calls for continuing progress towards the maximisation of interpretation and the translation of documentation into all six official languages of the Union, though it recognises that all six may not be needed for working groups, study groups and regional meetings. *Sed quare.* Cost recovery on publications is called for.

[18] E.g. Res. 123 as revised at Antalya on 'Bridging the standardisation gap between developing and developed countries'.

[19] Resolutions 125 (Palestine), 127 (Afghanistan). The status of Palestine within the ITU is regulated by a revised Res. 99.

[20] The Annex to Res. 34 lists as countries in special need: Burundi, Timor Leste, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Liberia, Rwanda, Sierra Leone, Democratic Republic of Congo, Iraq, Lebanon and Somalia.

[21] *Supra*, n. 8.