

TELECOM-
MUNICATIONS



Treaty Series No. 59 (1973)

Commonwealth Telecommunications Organisation Financial Agreement, 1973

London, 30 March 1973

[The Agreement entered into force on 1 April 1973]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1973*

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**COMMONWEALTH TELECOMMUNICATIONS ORGANISATION
FINANCIAL AGREEMENT, 1973**

The Governments signatories to this Agreement;

Desiring to constitute new financial arrangements to supersede those subsisting under the Commonwealth Telecommunications Organisation Financial Agreement signed at London on 27 January 1969; ⁽¹⁾

Agree as follows :

ARTICLE 1

The Parties to this Agreement shall be known as Partner Governments.

ARTICLE 2

In this Agreement :

- (a) the expression "Council" means the Commonwealth Telecommunications Council established by the constitution of the Commonwealth Telecommunications Organisation;
- (b) the expression "common-user facilities" means all those facilities which are used to provide external telecommunications services other than those facilities which the Council may from time to time exclude;
- (c) the expression "common-user segment" means such part of a common-user facility or combination of common-user facilities as the Council may from time to time determine;
- (d) the expression "common-user services" means all those external telecommunications services for the provision of which common-user facilities are used other than those services which the Council may from time to time exclude.

ARTICLE 3

For the purpose of operating and maintaining common-user facilities and common-user services each Partner Government shall nominate a Department, public corporation or other body (hereinafter referred to as the "National Body") having the powers necessary for the purposes of this Agreement and reference hereinafter to the National Body shall include any operator subordinate to that National Body in operating and maintaining common-user facilities and common-user services.

⁽¹⁾ Treaty Series No. 54 (1969), Cmnd. 3989.

ARTICLE 4

The Partner Governments on their own behalf and on behalf of their National Bodies shall use the Council as a means of consultation on all matters substantially affecting common-user facilities or the use of such facilities and will give due consideration to the recommendations and advice given by the Council.

ARTICLE 5

Before making any substantial addition, extension or alteration to common-user facilities or to external telecommunications facilities which might become common-user facilities, or any substantial change in the use of common-user facilities,

- (a) a National Body shall furnish to the Council such particulars as may be necessary for the purpose of this Agreement, in relation to the addition, extension, alteration or change in use, as the Council may prescribe; and
- (b) that National Body and the Partner Government concerned shall give due consideration to the recommendations and advice of the Council relating to the addition, extension, alteration or change in use.

ARTICLE 6

(1) The expenses incurred in each financial year in respect of each common-user segment shall, subject to such provisions as the Council may determine in accordance with Article 7 of this Agreement, be shared between the National Bodies in proportion to their use of that segment in that year. For the purposes of this Agreement a return on capital in respect of a common-user facility shall be deemed to be an expense.

(2) The manner in which National Bodies shall account with one another for revenues arising from their use of common-user facilities and from use of those facilities by entities other than National Bodies shall, having regard to the purpose and operation of paragraph (1) of this Article, be determined by the Council in accordance with Article 7 of this Agreement.

(3) National Bodies shall, without delay, pay the sums which appear as outstanding as between them as a result of the carrying out of the procedures referred to in paragraphs (1) and (2) above and in Article 13.

(4) Provided that the rights and obligations of Partner Governments and their National Bodies under this Agreement are not thereby diminished the Council may prescribe arrangements for operators subordinate to National Bodies to account and settle accounts with each other and with National Bodies for the purposes of this Agreement as if they were separate National Bodies.

ARTICLE 7

For the purposes of this Agreement the Council shall determine from time to time:

- (a) the expenses which are to be regarded as the expenses of the common-user facilities, including the rate or rates of return on capital in respect of common-user facilities;
- (b) the manner in which such expenses are to be computed;
- (c) the manner in which the expenses of a common-user segment shall be shared between different types of telecommunications services;
- (d) the manner in which the use of a common-user segment shall be assessed for the purpose of sharing the expenses of that common-user segment;
- (e) the adjustments and allowances which shall be made in order to assess the sums due from one National Body to another in respect of the sharing of the expenses of common-user facilities;
- (f) the accounting procedures which are necessary to give effect to this Agreement;
- (g) the manner in which National Bodies shall account with one another for the revenues arising from use of the common-user facilities, having regard to the purpose and operation of Article 6 (1) of this Agreement;
- (h) the currencies or monetary units in which accounts are to be prepared;
- (i) the financial year;
- (j) the times and manner in which sums due from one National Body to another shall be paid.

ARTICLE 8

Each National Body shall furnish in such form and manner as the Council may from time to time prescribe such information and estimates as the Council may require for the purposes of this Agreement.

ARTICLE 9

(1) Acceptance of this Agreement under provision of Article 10 of this Agreement shall be effected by the signature of the Agreement which shall be kept in the custody of the Government of the United Kingdom of Great Britain and Northern Ireland. The latter Government shall notify all other Partner Governments and the Council of such signatures as soon as possible.

(2) By their acceptance of this Agreement, Partner Governments accept it on their own behalf, on behalf of their National Bodies and, subject to any reservations or exceptions made from time to time, in respect of the territories for the international relations of which they are responsible.

ARTICLE 10

The Government of any independent Member of the Commonwealth and, by agreement of the Partner Governments, the Government of any other Commonwealth country or territory may accept this Agreement and become a Partner Government by signing the Agreement as provided for in paragraph (1) of Article 9 of this Agreement.

ARTICLE 11

On the date on which any Partner Government ceases to be a member of the Commonwealth it shall forthwith cease to be a Partner Government.

ARTICLE 12

(1) If any Partner Government wishes to withdraw from this Agreement, it may do so by giving notice in writing to the Government of the United Kingdom of Great Britain and Northern Ireland. The latter Government shall notify all other Partner Governments and the Council of such notice and the date of receipt thereof as soon as possible.

(2) The notice shall take effect at the end of a financial year as determined under Article 7(i) and the period of notice shall include two complete financial years from the date of the receipt of the notice by the Government of the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 13

(1) The accounts under this Agreement in respect of the National Body of a Government ceasing to be a Partner Government under Article 11 or Article 12 of this Agreement shall be made up as at the date of that Government ceasing to be a Partner Government and all outstanding payments, liabilities and obligations shall be discharged without delay.

(2) The National Body of a Government ceasing to be a Partner Government shall furnish such information as the Council may prescribe for the purpose of paragraph (1) of this Article.

ARTICLE 14

In the event of a Government ceasing to be a Partner Government this Agreement shall thereafter remain in force and effect as between the remaining Partner Governments subject only to such consequential modifications, if any, as they may agree to be necessary or expedient.

ARTICLE 15

(1) This Agreement shall enter into force for all Governments signing it on or before 31 March 1973 on 1 April 1973.

(2) This Agreement other than Article 6 shall enter into force for a Government signing it after 31 March 1973 pursuant to Article 10 on the date of signature and Article 6 shall enter into force for that Government on such date, not earlier than the beginning of the financial year in which that Government accepts this Agreement, as the Council shall prescribe.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

Done at London in a single original which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to all signatory Governments and to the Commonwealth Secretary-General.

SIGNATURES

<i>Government</i>	<i>Date</i>
Australia	30 March 1973
Barbados	30 March 1973
Botswana	30 March 1973
Canada	30 March 1973
Cyprus	30 March 1973
The Gambia	30 March 1973
India	4 May 1973
Jamaica	6 April 1973
Kenya	30 March 1973
Malawi	31 March 1973
New Zealand (excluding Cook Islands, Niue and Tokelau Islands)	16 May 1973
Sierra Leone	30 March 1973
Singapore	8 May 1973
Sri Lanka	30 March 1973
Trinidad and Tobago	30 March 1973
Uganda	27 April 1973
United Kingdom (with declaration)*	30 March 1973

* "In signing this Agreement the Government of the United Kingdom of Great Britain and Northern Ireland declare, in accordance with Article 9(2), that the Agreement shall not apply to Southern Rhodesia."

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