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| **Council 2022 Final meeting, Bucharest, 24 September 2022** |  |
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| **Agenda item: ADM 7** | **Revision 1 to**  **Document C22/11-E** |
| **25 August 2022** |
| **Original: English** |
| Report by the Secretary-General | |
| ARREARS AND SPECIAL ARREARS ACCOUNTS | |

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| Summary  The Plenipotentiary Conference (Dubai, 2018) instructed the Secretary-General to report annually to the Council on the measures taken and progress made towards collection of the debts of Member States, Sector Members, Associates and Academia in arrears or having special arrears accounts, and on all cases of non-compliance with the agreed terms of settlement. Previously, the Council, at its 1999 session, had laid down guidelines for repayment schedules for the settlement of arrears and special arrears accounts.  This revised document was prepared in order to update the information concerning countries who have settled or negotiated new repayment agreements with the Union, such as Gambia, Guinea-Bissau and Nicaragua and also to include the request from Iraq’s Administration concerning the write off of interest on arrears (CHF 36,969.60) further to the settlement of its 2018 - 2022 contributions.  Action required  The Council is requested:  1) to **take note** of this document;  2) to **authorize** the Secretary-General to write off **CHF 4 264 948.35** of interest on arrears and irrecoverable debts;  3) to **adopt** the draft decision attached in Annex B.  \_\_\_\_\_\_\_\_\_\_\_\_  References  [*CS 169*](https://www.itu.int/en/council/Documents/basic-texts/Constitution-E.pdf), [*CV 474*](https://www.itu.int/en/council/Documents/basic-texts/Convention-E.pdf),[*Resolutions 41 (Rev. Dubai, 2018)*](https://www.itu.int/en/council/Documents/basic-texts/RES-041-E.pdf) *and* [*152 (Rev. Busan, 2014)*](https://www.itu.int/en/council/Documents/basic-texts/RES-152-E.pdf)[*C99/27*](http://www.itu.int/itudoc/gs/council/c99/docs/docs1/027.html), [*C14/26*](http://www.itu.int/md/S14-CL-C-0026/en), [*C15/50*](http://www.itu.int/md/S15-CL-C-0050/en)*,* [*C16/42*](http://www.itu.int/md/S16-CL-C-0042/en),[*C17/42*](https://www.itu.int/md/S17-CL-C-0042/en)*,* [*C18/42*](https://www.itu.int/md/S18-CL-C-0042/en)*,* [*C19/42*](http://www.itu.int/md/S19-CL-C-0042/en)*,* [*C20/42*](http://www.itu.int/md/S20-CL-C-0042/en) *and* [*C21/42*](https://www.itu.int/md/S21-CL-C-0042/en) |

**Annexes:** 2

ARREARS AND SPECIAL ARREARS ACCOUNTS

# 1 Status of arrears and special arrears accounts at 31 December 2021

1.1 The status of arrears and special arrears accounts at 31 December 2021 is detailed in Annex C of the Financial Operating Report for the 2021 financial year ([Document C22/4](https://www.itu.int/md/S22-CL-C-0043/en)3). The changes in arrears, special arrears accounts and cancelled special arrears accounts since 2014 are given in Annex A of this document.

1.2 The sanctions imposed and efforts deployed to recover the amounts owed and wipe off irrecoverable debts have made it possible to curb the increase in arrears and obtain an appreciable and consistent reduction therein between 2014 and 2021 (see Annex A). Thus, the total of arrears, special arrears accounts and cancelled special arrears accounts fell from CHF 52.2 million at 31 December 2014 to CHF 39.9 million at 31 December 2021, a decrease of 23 per cent.

1.3 It should be noted that the status of arrears in relation to last year showed a certain stability. In 2021, the arrears had a slight decrease of 1 per cent compared to 2020 (40.6 million).

# 2 Actions taken with a view to the settlement of arrears and special arrears accounts and implementation of [Resolution 41 (Rev. Dubai, 2018)](https://www.itu.int/en/council/Documents/basic-texts/RES-041-E.pdf)

2.1 Pursuant to No. 169 (Article 28) of the Constitution, “*A Member State which is in arrears in its payments to the Union shall lose its right to vote ... for so long as the amount of its arrears equals or exceeds the amount of the contribution due for the two preceding years*”.

2.2 Furthermore, *resolves* 6 of Resolution 152 (Rev. Busan, 2014) provides that, in the event of late payment, suspension of participation in ITU shall, in the case of a Sector Member or Associate, “*occur six months (180 days) after the date on which payment of the annual contribution was due, and in the absence of a negotiated and agreed repayment schedule, exclusion of a Sector Member or an Associate on grounds of non-payment shall occur three months (90 days) after the date of receipt of the notification of suspension*”, while *resolves* 7 stipulates that, “with a view to retaining members and recovering past debts owed, the Secretary-General may have flexibility in implementing *resolves* 6 of this resolution and negotiating repayment plans with Sector Members and Associates”.

2.3 Finally, under No. 474 of the Convention, amounts due in respect of contributions “*shall bear interest from the beginning of the fourth month of each financial year of the Union at 3% (three per cent) per annum during the following three months, and at 6% (six per cent) per annum from the beginning of the seventh month*”. At 31 December 2021, interest of CHF 1 877 592.00 had been calculated on arrears of contributions owed.

2.4 It should be noted that due to Covid-19 and following numerous requests from members to extend the deadline to settle their 2020 and 2021 contributions, the Secretary-General decided to grant a grace period of six months to all ITU members before applying default interest on arrears. Therefore, in 2020 and 2021, there was an average decrease of around 32 per cent of revenue from contributions’ interest compared to the year 2019 (before Covid-19). In 2019, the interest calculated on arrears of contributions owed amounted to CHF 2 918 350.00.

2.5 A statement of account is sent to each debtor twice a year, and the outstanding amounts are given in the quarterly Finance Circular issued by the Financial Resources Management Department.

2.6 Each year, a reminder is sent to Member States which have lost their right to vote or which are liable to lose their right to vote in the following year if their arrears are not settled. Member States in arrears for publications are also reminded that unless their arrears are settled, publications will be delivered only against prepayment.

2.7 The Secretary-General has taken all possible actions to reduce outstanding amounts, including special reminders and ongoing efforts by all the regional offices of the Union.

2.8 Member States in arrears are requested to submit to the Secretary-General and agree with him a repayment schedule, and to comply strictly with the agreed terms of settlement. Those which have not complied have been informed about the sanctions immediately taken in their regard, including cancellation of the special arrears account and the obligation to renegotiate a repayment schedule in accordance with the guidelines laid down by the Council in 1999.

2.9 Sector Members, Associates, and Academia in arrears are likewise requested to submit and negotiate repayment schedules. Those which have not done so or have not complied with the agreed terms of settlement have been informed of the suspension of their participation in the work of the Sector(s) or, as appropriate, study group concerned. They receive regular reminders of the amounts that need to be settled in order to recover the right to participate in the work of the Union.

2.10 Pursuant to Resolution 41 (Rev. Dubai, 2018), one new special arrears account with a former Sector Member was opened by the Secretary-General in 2021. The Secretary-General thus signed a five-year repayment agreement with Cameroon Telecommunications (CAMTEL).

2.11 During 2021, the Administration of Somalia failed to comply with its repayment schedule, and its special arrears account was cancelled. However, in March 2022, Somalia regularized its financial situation and its special arrears account was reinstated.

2.12 Attention is also drawn to the fact that seven other accounts had been cancelled prior to 2021. The Member States (Central African Republic, Comoros, Equatorial Guinea, Gabon and Sierra Leone) as well as the Entities concerned (Apprentissages sans Frontières (Switzerland) and Ellipsat Inc. (United States of America)) are thus obliged to negotiate new repayment schedules for their respective debts in accordance with the guidelines laid down by the Council. It must be noted that, at the moment, the signatures of repayment agreements with Comoros and Equatorial Guinea are in progress. All other Member States, Sector Members, and Associates are strictly complying with their agreed repayment schedules.

2.13 Regarding satellite network filings (SNF), pursuant to Decision 545 (Council 2007), of the 28 administrations/operators that were entitled to have their invoices revised, 27 settled their debts, and one signed a repayment schedule (Ellipsat Inc., United States of America, including the debt of the former Virtual Geosatellite, bought by Ellipsat Inc.). However, the repayment agreement signed by Ellipsat Inc. was cancelled in 2017 for non-payment. At present, Ellipsat Inc. is the only entity which has an outstanding debt, concerning SNF, amounting to CHF 35 180 on 31 December 2021.

2.14 Under Resolution 41 (Rev. Dubai, 2018), the Council was instructed to review the level of the Reserve for Debtors’ Accounts with a view to ensuring appropriate debt coverage, and to report to the next plenipotentiary conference on the results obtained in application of the resolution. As from 2009, following the introduction of the IPSAS standards, new principles for establishing the Reserve for Debtors’ Accounts were introduced.

2.15 Thus, on 31 December 2021, the balance of the Reserve for Debtors’ Accounts stood at CHF 41.2 million and covered 100 per cent of the amounts to be taken into account by the Reserve in compliance with the aforementioned new principles. The balance of the Reserve for Debtors’ Accounts is now reassessed systematically on 31 December each year. It is to be noted that this 100 per cent coverage does not exonerate Member States, Sector Members, Associates, and Academia from their commitments to the Union.

# 3 Recommendation

3.1 The Council is requested to approve the writing off of interest on arrears and irrecoverable debts totaling **CHF 4 264 948.35**, in accordance with the guidelines laid down by the Council in 1999, against a corresponding withdrawal from the Reserve for Debtors’ Accounts. Details of the irrecoverable debts are as follows:

3.2 Interest on arrears:

– CHF 114 109.65 owed by Gambia, who completely settled its repayment agreement  
 (CHF 104 522.45) as well as its 2019 - 2021 contributions (CHF 9 587.20).

– CHF 75 450.70 owed by Guinea, who settled its 2013 - 2021 contributions and publications.

– CHF 36 969.60 owed by Iraq, who settled its 2018 - 2022 contributions.

– CHF 76 454.55 owed by Libyana Mobile Phone Company (Libya), who settled its 2011 - 2012  
 contributions.

Total interest on arrears is **CHF 302 984.50.**

3.3 Amounts owed by companies whose debts are to be considered irrecoverable. Two types of cases are shown:

– companies for which the recovery procedure has been exhausted; and

– companies in court-supervised liquidation, according to the correspondence received from the administrations concerned or from national competent authorities.

The companies in question are:

|  |  |  |
| --- | --- | --- |
| **Country** | **Company Name** | **Year** |
| Bahrain | Gateway Gulf LLC, Manama | 2010 |
| China | PCCW Mobile HK Limited (Ex. Mandarin Communications Ltd.), Hong Kong | 2002-2004 |
| China | PCCW Mobile HK Limited, Hong Kong | 2002-2006 |
| France | PMIConseil, Luynes | 2018 |
| Ghana | Regional Maritime University, Accra | 2012 |
| Honduras | UNITEC, Tegucigalpa | 2012 |
| India | Bharat Sanchar Nigam Ltd. (BSNL), New Delhi | 2017-2019 |
| India | Luna Ergonomics Pvt. Ltd, Noida | 2011 |
| India | Sinhgad Technical Education Society, Pune | 2011-2012 |
| Jordan | Middle East Communications, Amman | 2008-2009 |
| Jordan | Talal Abu-Ghazaleh & CO. Int'l (TAGI), Amman | 2006-2007 |
| Kenya | Intersat Africa Limited, Nairobi | 2010-2012 |
| Kenya | Telkom Kenya Ltd, Nairobi | 2005-2007 |
| Mauritania | Agence de Promotion de l'Accès Universel aux Services (APAUS), Nouakchott | 2012 |
| Saudi Arabia | Electronia Ltd., Al Khubar | 2008-2010 |
| Saudi Arabia | Tuwaiq Communications Company, Riyadh | 2008-2009 |
| Tunisia | Ecole Nationale d'Ingénieurs de Tunis (ENIT), Tunis | 2011-2012 |
| United States | Actiontec Electronics, Sunnyvale | 2008 |
| United States | Conversay, Redmond | 2007-2008 |
| United States | E-MAC Corporation, Arlington | 2005-2007 |
| United States | Graphnet Inc., New York | 1987-2002 |
| United States | ITXC Corporation, Matawan | 2004-2007 |
| United States | NextWave Wireless Inc., San Diego | 2009 |
| United States | Razoom Inc., Palo Alto | 2010 |
| United States | UTStarcom Inc., Fremont | 2004-2010 |
| United States | Visible Energy Inc. Palo Alto | 2010 |
| Zimbabwe | University of Zimbabwe, Harare | 2008-2009 |

These debts amount to a total of **CHF 3 961 963.85.** Annex B contains further details.

ANNEX A

Changes in arrears and special arrears accounts

(in CHF thousands)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Situation at 31 December** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** | **2021** |
|  |  |  |  |  |  |  |  |  |
| **Member States** |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Contributions | 7,825 | 8,450 | 10,070 | 9,639 | 8,683 | 8,965 | 11,068 | 12,362 |
|  |  |  |  |  |  |  |  |  |
| Publications | 36 | 36 | 36 | 37 | 40 | 41 | 47 | 46 |
|  |  |  |  |  |  |  |  |  |
| Total | 7,861 | 8,486 | 10,106 | 9,676 | 8,723 | 9,006 | 11,115 | 12,408 |
|  |  |  |  |  |  |  |  |  |
| **Sector Members & others** |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Contributions | 16,729 | 16,300 | 15,367 | 13,938 | 11,213 | 11,193 | 9,356 | 7,550 |
|  |  |  |  |  |  |  |  |  |
| Publications | 9 | 12 | 6 | 5 | 52 | 52 | 50 | 53 |
|  |  |  |  |  |  |  |  |  |
| Total | 16,738 | 16,312 | 15,373 | 13,943 | 11,265 | 11,245 | 9,406 | 7,603 |
|  |  |  |  |  |  |  |  |  |
| ***Contributions*** | ***24,554*** | ***24,750*** | ***25,437*** | ***23,577*** | ***19,896*** | ***20,158*** | ***20,424*** | ***19,912*** |
|  |  |  |  |  |  |  |  |  |
| ***Publications*** | ***45*** | ***48*** | ***42*** | ***42*** | ***92*** | ***93*** | ***97*** | ***99*** |
|  |  |  |  |  |  |  |  |  |
| **TOTAL ARREARS** | **24,599** | **24,798** | **25,479** | **23,619** | **19,988** | **20,251** | **20,521** | **20,011** |
|  |  |  |  |  |  |  |  |  |
| **REPAYMENT AGREEMENTS** | **18,392** | **15,823** | **8,094** | **7,601** | **17,229** | **4,550** | **6,712** | **6,191** |
|  |  |  |  |  |  |  |  |  |
| **CANCELLED REPAYMENT AGREEMENTS** | **8,582** | **10,418** | **12,547** | **13,394** | **2,111** | **14,644** | **12,948** | **13,301** |
|  |  |  |  |  |  |  |  |  |
| **SATELLITE NETWORK FILINGS** | **577** | **563** | **584** | **584** | **384** | **263** | **253** | **267** |
|  |  |  |  |  |  |  |  |  |
| **MISCELLANEOUS INVOICES** | **72** | **71** | **68** | **66** | **63** | **63** | **63** | **143** |
|  |  |  |  |  |  |  |  |  |
| **UIFN Maintenance Fees** | **--** | **--** | **--** | **--** | **--** | **29** | **78** | **77** |
|  |  |  |  |  |  |  |  |  |
| **GMPCS** | **--** | **--** | **--** | **--** | **--** | **--** | **--** | **2** |
|  |  |  |  |  |  |  |  |  |
| **Total** | **52,222** | **51,673** | **46,772** | **45,264** | **39,775** | **39,800** | **40,575** | **39,992** |

This table does not include current debtors (i.e. 2021), representing a sum of CHF 15 638 000 at 31 December 2021, which brings the total amount to CHF 55 630 000.

In 2021, the current debtors increased by 9 per cent compared with the year 2020.

ANNEX B

Draft decision

Cancellation of interest on arrears and irrecoverable debts

The ITU Council,

having examined

the report by the Secretary-General on arrears and special arrears accounts ([Document C22/11](https://www.itu.int/md/S22-CL-C-0011/en) (Rev.1)),

decides

to approve the writing off of the following interest on arrears and irrecoverable debts in the amount of **CHF 4 264 948.35** against a corresponding withdrawal from the Reserve for Debtors’ Accounts. Please refer to the details in the table below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Country** | **Company Name** | **Year** | **Principal** | **Interest** | **Total** |
| Gambia | Ministry of Information and Communication Infrastructure (MOICI) | 2019-2021 | 0.00 | 114,109.65 | 114,109.65 |
| Guinea | Ministère des Postes, des Télécommunications et de l’Economie Numérique | 2013-2021 | 0.00 | 75,450.70 | 75,450.70 |
| Iraq | Ministry of Communications | 2018-2022 | 0.00 | 36,969.60 | 36,969.60 |
| Libya | Libyana Mobile Phone Company | 2010-2012 | 0.00 | 76,454.55 | 76,454.55 |
| ***Sub-total 3.2*** | | | **0.00** | **302,984.50** | **302,984.50** |
| Bahrain | Gateway Gulf LLC, Manama | 2010 | 3,975.00 | 3,853.75 | 7,828.75 |
| China | PCCW Mobile HK Limited (Ex. Mandarin Communications Ltd.), Hong Kong | 2002-2004 | 70,875.00 | 142,949.25 | 213,824.25 |
| China | PCCW Mobile HK Limited, Hong Kong | 2002-2006 | 307,800.00 | 686,055.10 | 993,855.10 |
| France | PMIConseil, Luynes | 2018 | 3,975.00 | 1,317.65 | 5,292.65 |
| Ghana | Regional Maritime University, Accra | 2012 | 1,508.86 | 1,136.00 | 2,644.86 |
| Honduras | UNITEC, Tegucigalpa | 2012 | 1,987.50 | 1,496.25 | 3,483.75 |
| India | Bharat Sanchar Nigam Ltd. (BSNL), New Delhi | 2017-2019 | 0.00 | 6,841.00 | 6,841.00 |
| India | Luna Ergonomics Pvt. Ltd, Noida | 2011 | 3,975.00 | 3,410.60 | 7,385.60 |
| India | Sinhgad Technical Education Society, Pune | 2011-2012 | 2,815.60 | 2,151.25 | 4,966.85 |
| Jordan | Middle East Communications, Amman | 2008-2009 | 3,975.00 | 4,354.60 | 8,329.60 |
| Jordan | Talal Abu-Ghazaleh & CO. Int'l (TAGI), Amman | 2006-2007 | 7,950.00 | 11,257.85 | 19,207.85 |
| Kenya | Intersat Africa Limited, Nairobi | 2010-2012 | 3,975.00 | 3,198.50 | 7,173.50 |
| Kenya | Telkom Kenya Ltd, Nairobi | 2005-2007 | 159,000.00 | 235,397.55 | 394,397.55 |
| Mauritania | Agence de Promotion de l'Accès Universel aux Services (APAUS), Nouakchott | 2012 | 3,975.00 | 2,992.55 | 6,967.55 |
| Saudi Arabia | Electronia Ltd., Al Khubar | 2008-2010 | 3,975.00 | 3,874.45 | 7,849.45 |
| Saudi Arabia | Tuwaiq Communications Company, Riyadh | 2008-2009 | 41,737.50 | 46,857.50 | 88,595.00 |
| Tunisia | Ecole Nationale d'Ingénieurs de Tunis (ENIT), Tunis | 2011-2012 | 7,452.69 | 5,840.70 | 13,293.39 |
| United States | Actiontec Electronics, Sunnyvale | 2008 | 10,600.00 | 12,856.90 | 23,456.90 |
| United States | Conversay, Redmond | 2007-2008 | 42,400.00 | 52,131.20 | 94,531.20 |
| United States | E-MAC Corporation, Arlington | 2005-2007 | 23,118.75 | 34,047.35 | 57,166.10 |
| United States | Graphnet Inc., New York | 1987-2002 | 311,873.35 | 1,427,313.60 | 1,739,186.95 |
| United States | ITXC Corporation, Matawan | 2004-2007 | 31,650.00 | 49,510.40 | 81,160.40 |
| United States | NextWave Wireless Inc., San Diego | 2009 | 18,550.00 | 18,776.25 | 37,326.25 |
| United States | Razoom Inc., Palo Alto | 2010 | 10,600.00 | 10,276.55 | 20,876.55 |
| United States | UTStarcom Inc., Fremont | 2004-2010 | 34,450.00 | 36,014.15 | 70,464.15 |
| United States | Visible Energy Inc. Palo Alto | 2010 | 9,716.30 | 9,419.90 | 19,136.20 |
| Zimbabwe | University of Zimbabwe, Harare | 2008-2009 | 12,366.20 | 14,356.25 | 26,722.45 |
| ***Sub-total 3.3*** | | | **1,134,276.75** | **2,827,687.10** | **3,961,963.85** |
| **Grand Total** | | | **1,134,276.75** | **3,130,671.60** | **4,264,948.35** |

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