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SOMMARIO

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ECONOMICS AND POLITICS IN SUBMARINE TELEGRAPH CABLES (XIXTH AND XXTH CENTURIES).

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HERITAGE AND PRESERVATION

edited by Andrea Giuntini and Ana Paula Silva

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THE BUREAUCRATISATION OF THE TELEGRAPH UNION*

From the 1850s, a long series of bilateral and multilateral treaties signed by the European States led to the establishment of the Telegraph Union, which, partly for this reason, preserved the statutory characteristics already present in the Austro-German Telegraph Union (1851) and that of Western Europe (1855)¹. The Telegraph Union was founded in 1865 after the Conference of Paris, and was the *first supranational organization* to bring together different countries with the aim of regulating a public service². The main aim of the Union was to guarantee international telegraph communications, something which could be done only through technical standardization, regulatory uniformity and a mutual agreement on international tariffs³. The main procedural tools of the Telegraph Union were conferences, with delegates called from all member countries. The first four conferences, held between 1865 and 1875, were called «plenipotentiary» because the delegations that took part had been granted full powers by their

* An early version of some segments have already appeared in G. BALBI, *Network Neutrality. Switzerland's role in the genesis of the Telegraph Union*, Peter Lang, Bern 2014.

¹ G. BALBI-S. CALVO-S. FARI-G. RICHERI, «Bringing together the two large electric currents that divide Europe». *Switzerland's role in promoting the creation of a common European telegraph space (1849-1865)*, «ICON», 15 (2009), pp. 61-80.

² In the beginning, all the countries in which the telegraph service was run under a state monopoly took part, so excluding nations of primary importance like Great Britain and the United States. Great Britain took part in the Conference of Paris in 1865 on behalf of the Indian colonies. In 1869, the British government nationalized the telegraphic service and, from the 1871 Conference of Rome, took part in the meetings of the Telegraph Union as representing its own metropolitan area. G.A. CODDING JR., *The International Telecommunication Union. An Experiment in international cooperation*, Leiden 1952.

³ P. DURAND BARTHEZ, *Union Internationale des Télécommunications*, Paris, Thèse pour le doctorat en droit, Université de Paris I – Pantheon Sorbonne Sciences Economiques – Sciences Humaines – Sciences Juridiques, Paris 1979.

countries to stipulate international treaties (such as telegraph conventions). Besides the periodic telegraph conferences, the Telegraph Union set up a permanent organ to represent it in the months between one conference and another: the *Bureau International des Administrations Télégraphiques* (1868)⁴.

In 1875, St Petersburg was the last of the diplomatic conferences which led to the drawing up of a convention with the value of an international treaty. As it was the last diplomatic conference, a more streamlined version was drawn up containing the Union's basic, unchangeable principles which were to remain in force until 1932, when the Madrid Conference decreed the birth of the International Telecommunications Union. Only technical delegations attended the conferences following St Petersburg, which were limited to producing documents concerning the technical and tariff regulations of the international telegraph service. This paper aims to explore and to explain how the Bureau, and indirectly Switzerland, shapes the Telegraph Union (TU)'s organization just before and during the St Petersburg Conference.

The three-year period (1872-1875) separating the Rome and St Petersburg Conferences was relatively peaceful, consolidating the new balance of power which had been forming over the previous years (section 1). In a moment where great changes and the consolidation of organizational procedures and structures decided in the past lived side by side (section 2 and 3), Switzerland was able to tread softly and quietly assert its role as guide to the Union (section 4).

Continuity and change

The Bureau carried out five important functions: collecting information about new technologies; publishing the «Journal Télégraphique»; sending official memorandums to member states; archiving documentation about changes in the norms; and offering consultancy for the national administrations about the technical features of the international service⁵. As recognised by most of the other member states, these functions were all carried out under the direction of the Swiss telegraph administration.

⁴ L. LABORIE, *L'Europe mise en réseaux. La France et la coopération internationale dans les postes et les télécommunications (années 1850-années 1950)*, Bruxelles 2010.

⁵ S. FARI, *Una penisola in comunicazione. Il servizio telegrafico italiano dall'Unità alla Grande guerra*, Bari 2008, p. 468.

This guiding role was not determined as much by the fact the Bureau headquarters were in Switzerland but that the head answered directly to the Swiss Telegraph Administration and therefore indirectly to the Federal Council⁶. Besides acting as guarantor of the Bureau's efficiency, Switzerland was also called to prove in this field too that it was inspired by principles of neutrality and was not using its position of privilege to influence the TU's decisions to its own advantage. Opinions over how Switzerland stood differ. According to George A. Codding Jr., the Bureau treated procedural and administrative questions to exert the least possible influence over the general policies of the Union, or at least make it imperceptible to those who were not directly involved⁷. More recent studies however offer a different reading, and attribute to the Bureau a greater power than was thought, both in its technical consultancy with single administrations and with collecting proposals for modifying conventions and regulations⁸. In any case, in both circumstances the Bureau initiated correspondence with all contracting states and often added its own opinions to the answers, thus influencing the decisions of the single members⁹.

To sum up, the period 1872 to 1875 confirmed the Bureau's role in regulating international telegraph relations despite the changes at the top. In 1869, the Federal Council had appointed the head of Swiss Telegraphs Lendi as Acting Director, and put off any definitive decision until the Rome Conference, while pointing at the same time to a viable solution. The delegates in Rome officially ratified the Federal Council's proposal in Lendi's absence on 24 May 1872. According to the «Journal Télégraphique», Lendi's nomination was to be interpreted a duty to the person who «had successfully managed it in a temporary role»¹⁰. In spite of the apparently symbolic nature of the appointment, Lendi carried out his functions competently in the short time he was

⁶ G. BALBI-S. CALVO-S. FARI-G. RICHERI, *Swiss specialties: Switzerland's role in the genesis of the Telegraph Union, 1855-1875*, «Journal of European Intergration History», 19 (2013), 2, pp. 207-225.

⁷ CODDING, *The International Telecommunication Union*, p. 51.

⁸ FARI, *Una penisola in comunicazione*, pp. 469-475.

⁹ See for example the inquests about telegraph operators contracting lung diseases and the establishment of an international telegraph school in ITU (ITU Archives Geneva)-Corr, dossier n. 74, 1870, and dossier n. 132, 1872. In both cases the Bureau's opinion expressed in the letter opening the inquest, influencing implicitly many administrations.

¹⁰ «L'avait provisoirement géré avec succès», see Charles Lendi, «Journal Télégraphique», 1/25 (1873), p. 192.

left to live. The documentation of the Post Department on the budgets of the Bureau¹¹ and International Telegraph School¹², show that he was active for a few more months.

Lendi died on 12 January 1873 and besides entrusting the everyday running to the Administrative Secretary of the Bureau, the Post Department provided at once to the definitive appointment of the new director. Differently from before, it was decided not to wait for the opinion of the next Conference because «the inconveniences that could arise for running the business and developing the service of a new provisory organisation» forced the Federal Council to make a permanent nomination¹³. Differently from the later custom, the head of the Post Department was not nominated, for the Federal Council chose to recall into service Louis Curchod since he «had already been designated by the unanimous desire of all the states at meeting in Vienna (1868) and that he had consequently all the guarantees that this nomination would be favourably accepted by the various Administrations and would answer fully to the requested conditions»¹⁴.

Given that for the first time the Federal Council was appointing the permanent Bureau head, it intended to select a person with guaranteed international prestige, whose performance was already highly rated by the TU delegates, and what was more important, Curchod had already been given this role by the Vienna Conference. Yet again, the Federal Council gives the impression of following or almost anticipating a desire then expressed by all the member states.

In spite of the changes – which in four years had brought to the top two directors and for a few months an administrative secretary – what emerges from the documents¹⁵ about the period in which the

¹¹ *Lettre écrite par Lendi adressée au Département des Postes*, 28 Mai 1872 (in ITU-Corr, feuille n. 1/2, 1872), and *Lettre écrite par Lendi adressée au Conseil Fédéral*, 11 Juin 1872 (in ITU-Corr, feuille n. 2/1, 1872).

¹² *Lettre écrite par Ernesto D'Amico adressée au Bureau International*, 6 Juillet 1872 (in ITU-Corr, feuille n. 132/1, 1872) and *Lettre écrite par le Bureau international adressée à Ernesto D'Amico*, 24 Juillet 1872 (in ITU-Corr, feuille n. 132/3, 1872).

¹³ «Les inconvénients qui pourraient résulter pour la gestion des affaires et le développement du service d'une nouvelle organisation provisoire» and «une nomination définitive». *Lettre écrite par le Département des Postes adressée à le Directeur de l'Administration des Télégraphes*, 7 Février y 1873, in ITU-Corr, feuille n. 1/12, 1873.

¹⁴ «Avait déjà été désigné par le veut unanime des délégués de tous les Etats réunis à Vienne et qu'il avait dès lors toutes les garanties désirables que cette nomination serait favorablement accueillie des diverses Administrations et répondrait pleinement aux conditions voulues» (*ibidem*).

¹⁵ As was recognized in the 1873, «The Federal Council had to provide again for

Bureau had to face changes at the top is that it managed to keep a noteworthy stability. It was showing that it had reached such a level of bureaucratisation in the Weberian sense of the efficiency and rationality¹⁶ that it was able to carry out its functions, whatever the circumstances. In spite of appearances, this rational management of international telegraphic relations was not in contradiction with the substantially proactive role of the Bureau.

Curchod mentoring the Russian delegate

Among the tasks given to the Bureau in the Rome Regulations was to collect proposals for changes/amendments to the articles in the convention and prepare the documents for the delegates at the coming conference (art. 34).

After a brief debate over which topics to assign to the Convention or the Regulations, the Rome Conference had decided to entrust the Bureau with a last, but very important task, i.e. prepare a: «*modification of the Convention and Regulations which must be communicated to all the Offices about a year before the next Conference*»¹⁷. In other words, the Director would be called on to work on the text of a proper constitution for the Union, based on the Rome version.

In reality, it is not clear from the Convention, Regulations or Minutes of the Rome Conference if the new convention project was to be masterminded or simply assembled by the Bureau. In a literal interpretation, the Bureau was to limit itself to collecting and publishing proposals coming from administrations belonging to the Union. Furthermore, following the custom of the previous conferences, the creative and proactive role in drawing up the Convention was to come

the Direction of the International Bureau left suddenly vacant by the death of Mr Lendi. It called Mr Luois Curchod [...] This change in the person in charge of the service has not led to any modification in the conditions organizing the Bureau» («Le Conseil fédéral a dû pourvoir à nouveau à la Direction du Bureau International devenue subitement vacante par la mort de M. Lendi. Il a appelé M. Louis Curchod [...] Ce changement dans la personne placée à la tête du service n'a, d'ailleurs, amené aucune modification dans les conditions de l'organisation du Bureau»). *Rapport de gestion du Bureau international pour l'année 1874*, ITU-Corr, feuille n. 3/1, 1875.

¹⁶ See M. WEBER, *Economy and society; an outline of interpretive sociology*, New York 1968.

¹⁷ «*Remaniement de la Convention et du Règlement qui devrait être communiqué à tous les Offices environ une année avant la prochaine Conférence*». *Documents de la conférence télégraphique internationale de Rome*, p. 443, our italics.

from the administration organizing the conference, in this case the Russian one.

This ambiguity emerged and was resolved in a correspondence between the Bureau and the Russian administration over an apparently different topic: the voting system to adopt in the coming Conference. The exchange of letters also clarifies how important the Bureau and its director had become. It begins with a letter sent by Lüders, the head of Russian Telegraphs, to the Director of the Bureau, bringing up a question which had been left unresolved in Rome, i.e. «if the vote should belong to the States in the diplomatic sense of the word or to the Telegraph Administrations»¹⁸.

As organizer of the coming Conference, the Russian administration was to assume the chair and as such would have to decide if to allow the issue of the colonial vote to be aired afresh. On the invitation of the Italian administration, the Russian Director expressed his desire to settle the question for good: «Our government, with its task of preparing the next reunion is also of the opinion that the system of voting, because of its importance, cannot be left in this state of indecision, and it takes as its special mission the task of regulating it as quickly as possible»¹⁹.

Lüders then asked the Bureau to set in motion an opinion poll among other administrations in order to find out what they thought about the voting procedure, a task which was carried out by the secretary De St-Martial, acting head of the Bureau²⁰. Most of the member administrations were against the multiple vote and those that were in favour like Spain and Italy hoped to gain from the geomorphologic, demographic and telegraphic advantages of their countries. Whatever, Curchod had in the meantime resumed the role

¹⁸ «Le vote devait appartenir aux Etats dans le sens diplomatique du mot ou bien aux Administrations télégraphiques». *Lettre écrite par l'Administration Russe adressée au Bureau International*, 18 Décembre 1872, in ITU-Corr, feuille n. 29/1, 1872. In fact, as mentioned above in the introduction to the Rome Conference, Great Britain had brought one delegation representing its national networks and another speaking for its Indian dominions. As an exceptional measure and only after an explicit request from the British government, was it decided to give both delegations the right to vote, but only for the Rome sittings.

¹⁹ «Notre Gouvernement à qui il appartient de préparer la prochaine réunion est également d'avis que le système de votation, en raison de son importance, ne saurait rester dans cet état d'indécision; et il prend pour mission spéciale de la régler dans le plus bref délai», *ibidem*.

²⁰ *Lettre écrite par le Bureau International adressée à toutes les Administrations*, 10 Janvier 1873, in ITU-Corr, feuille n. 29/2, 1873.

of director again and took the project of the new convention firmly into his hands by means of the survey results and a dense correspondence.

In the summer of 1873, when the survey was coming to its end, Curchod decided to communicate the provisory results to the Head of Russian telegraphs in a somewhat surprising way, sending him two letters on the same day. The first had an official character and reported in a coldly professional way the opinions of all the administrations without ever quoting Curchod's²¹. The second was *confidentielle*, a kind of private communication between Curchod and Lüders²², as the former was carefully to state²³. More interesting than the first letter, the second can be read as Curchod's covert attempt to influence the preparatory stage of the conference. He was in fact moving along the line of a normative vacuum. He knew that the preceding documents did not attribute either to the Bureau or the Russian Administration the task of rewriting the new convention and therefore made a successful attempt to change the situation in his favour.

He declared very directly that the voting question was not in itself very important, almost as though to play down emphasis Lüders was giving it. Nevertheless, he wanted to furnish a reply, and taking the cue from Vinchent, his historical ally/adversary in various conferences, he declared his opposition to a multiple vote. He was in favour of keeping one vote, one state, and left open the question of giving the vote to multiple administrations within a state. Nevertheless, probably because he was reluctant to oppose Lüders and wanted show yet again his level of professionalism, he suggested at the end of his letter a simulation of a multiple vote²⁴. With in mind Spain, Italy and Russia's proposals, Curchod formulated a series of indicators (e.g. the number of inhabitants and territory size) with which to allocate the number of votes to the different states. The aim was obviously to give a

²¹ *Lettre écrite par le Bureau International adressée à l'Administration Russe*, 11 Juillet 1873, in ITU-Corr, feuille n. 29/20, 1873.

²² *Lettre écrite par le Bureau International adressée à l'Administration Russe (confidentielle)*, 11 Juillet 1873, in ITU-Corr, feuille n. 29/22, 1873.

²³ «It can only have, in any way [...] a personal character for me» («ne peut avoir, d'ailleurs [...] qu'un caractère tout personnel de ma part»), *ibidem*.

²⁴ The term simulation is used here in its technical-mathematical meaning, Curchod simulates the application of a new regulation by making a series of calculations which bring to an understanding of how a multiple vote would be divided among the various member states. He used mathematical simulation very much as happens nowadays.

scientific backing to his opinion, but in such a way as not to appear factious or presumptuous in Lüders' eyes.

The real reason for the confidential letter to Lüders was not so much to fix the voting question but to let the Russian know what Curchod thought about the future development of the Union. He began to go into the matter by commenting on the Italian's observations on the multiple vote. D'Amico had emphasized the fact that, before discussing voting procedure, they needed to know what type of document would be approved in the St Petersburg and successive conferences. D'Amico was in fact already drawing a distinction between diplomatic conferences with a one vote/one state rule and administrative ones where various administrations within the same state would all have the right to vote. Starting from this position Curchod illustrated his plan for St Petersburg and successive conferences:

I think that the Paris Convention should be replaced at St Petersburg by *a new international treaty brought about via the diplomatic channels*. This treaty *would only contain the basic principles* which have been the rule since the Paris Conference and even before and which have never give rise to any serious debate. It will be decided upon and signed by all those who would like to take part in the conditions which I feel must have to put aside giving voice more to some than to others; in the heart of the diplomatic conference there would be no real vote as such, a complete agreement is necessary but while respecting diplomatic usage, this diplomatic conference could perfectly well delegate to administrative conferences the job of formulating, pending government approval all kinds of measures (regulations and tariffs) needed to implement the conventions. In delegating this task it could without doubt organise administrative conferences and in particular the way of voting which will have to be respected and that will be able to, of common agreement, hold account in the repartition of ways the number of distinct administrations and their relative importance [...] *To sum up on one an international treaty unchangeable until notice of termination and on the other tariffs which lend themselves to necessary changes* and submitted to periodic reviews according to the forms dictated by the treaty itself²⁵.

²⁵ «Je pense que la Convention de Paris devrait être remplacée à St. Petersburg par un *nouveau traité international conclu par la voie et dans la forme diplomatiques*. Ce traité ne contiendrait que les principes fondamentaux qui ont fait règle depuis la conférence de Paris et même auparavant, et qui n'ont jamais donné lieu à aucune discussion sérieuse. Il serait arrêté et signé [sic] par tous les Etats qui voudraient y prendre part dans des conditions qui me paraissent devoir écarter toute idée de donner plus de voix aux uns qu'aux autres; dans le sein de la Conférence diplomatique il n'y aurait pas de vote proprement dit, il y faut un accord complet mais cette Conférence diplomatique, tout en respectant les usages de la diplomatie pourrait parfaitement déléguer a des conférences administratives le soin d'arrêter, sous réserve de l'approbations des Gouvernements respectifs, les mesures de tous genres (règlement et tarif) nécessaires

Thus for the first time Curchod explained how the organization of the Union was to be from St Petersburg onwards. He spoke for the first time of convening a last conference in which diplomats, the political representatives of national governments, would sign an unchangeable convention. For the first time he mentioned the fact that St Petersburg would be followed by administrative conferences alone.

While the Bureau had been given the task of drawing up a convention in Rome, the idea of making a permanent change to the nature of the conference was aired for the first time in this letter. Curchod had a very clear idea of the evolution of international conferences and he was equally aware that he could not impose it on Lüders and would have to negotiate. The following passage clarifies the point and highlights his diplomatic skills:

I think I must communicate to you with this attachment the convention project I have drawn up, to put in order my ideas, in applying preceding principles and taking as my base the Paris Convention revised at Rome. In my eyes this project is what should have been in the diplomatic convention, if it had been concluded at Rome, having found its place in the regulations and tariffs. I do not for the moment insist in length for the moment on this project; I have said enough so that *you can [...] form an opinion and I beg you let me know as soon as possible*. The work on certification prescribed by the Rome Conference can only be usefully undertaken when you have drawn up the plan. In effect it is on your Department that the direction of operations for the St Petersburg Conference falls, and *I cannot and must not be more than an instrument in your hands* for the preparatory works²⁶.

à l'exécution de la Convention, et en déléguant ce soin elle pourrait aussi, sans aucun doute, organiser des Conférences administratives et en particulier le mode de votations qui devra y être observé et qui pourra, d'un commun accord, tenir équitablement compte, dans la répartition des voix du nombre des administrations distinctes et de leur importance relative. [...] *En résumé, d'une part un traité international immuable jusqu'à dénonciation d'autre part les règlements et les tarifs se prêtent sans cesse aux changements nécessaires* et soumises à des révisions périodiques selon les formes dictées par le traité lui-même». *Ibidem*, our italics.

²⁶ «Je crois devoir *vous communiquez* ci-joint le projet de *convention que j'ai préparé*, pour me fixer les idées, en application des principes qui précèdent et en prenant pour base la convention de Paris révisée à Rome. Ce projet représente donc, à mes yeux ce qui aurait dû figurer dans la convention diplomatique, si on en avait conclu une à Rome, tout le reste ayant trouvé sa place dans le règlement et dans le tarif. Je n'insiste pas pour le moment plus longuement sur ce projet; j'en ci dis assez pour que *vous puissiez [...] former une opinion et je vous prie de me la faire connaître le plus tôt possibles*. Le travail de certification prescrit par la Conférence de Rome ne pourra être utilement entrepris que lorsque vous aurez arrêté le plan. En effet, c'est

Curchod was of course well aware he was no simple instrument in Lüders' hands. Quite the reverse, for he attached to the above declaration a project for the convention which not only Lüders would make totally his, but would be discussed and passed without any opposition in St Petersburg. Several studies, in fact, agree on the fact that the Bureau, in the person of Curchod, reached the apogee in its influence over the procedures and contents to be approved by the Union in preparing the documents for St Petersburg²⁷.

Though Lüders' answer referred explicitly to Curchod's official letter²⁸, his words show he must have read the confidential one carefully. In fact, he asked Curchod to explain how to cast his vote in the administrative and diplomatic conferences: «I beg you, dear Director, to submit again this object to the examination of the Administrations interested and collect their opinions on the decision if the vote should belong to the States in the diplomatic sense of the word or to the administrations and then give me the results together with your opinion on the subject»²⁹.

It is clear that once he had understood why Curchod judged the multiple vote pointless, Lüders wanted a proposal on how to solve the problem of the colonial vote. He therefore asked Curchod to open a new consultation and then give him the results together with his own opinion. The two heads met in Vienna most probably in August/September 1873³⁰ and there Curchod showed Lüders his project

à votre Département qu'incombe incontestablement la direction des opérations de la Conférence de St. Petersburg et *je ne puis ni ne dois être*, dans les travaux préparatoires qui la concernent, *qu'un instrument entre vos mains*». *Ibidem*, our italics.

²⁷ CODDING, *The International Telecommunication Union*, p. 51; FARI, *Una penisola in comunicazione*, p. 473.

²⁸ *Lettre écrite par le Bureau International adressée à l'Administration Russe*, 11 Juillet 1873, in ITU-Corr, feuille n. 29/20, 1873.

²⁹ «Je vous prie, Monsieur le Directeur, de vouloir bien soumettre de nouveau cet objet à l'examen des Administrations intéressées et en recueillir les opinions sur la décision si le vote devait appartenir aux Etats dans le sens diplomatique du mot ou bien aux administrations et ensuite me communiquer le résultat simultanément avec votre propre appréciation sur la matière». *Lettre écrite par l'Administration Russe adressée au Bureau International*, 27 Août 1873, in ITU-Corr, feuille n. 29/23, 1873, underlining in the original.

³⁰ «In conformity with what has been recently agreed among us at Vienna, I have the honour to address you the attachment, after having revued the draft and the voting proposal that I wrote with your suggestions and approval. It is a simple outline rather than a complete project, even supposing that its contents to be approved and adopted wholly by you» («Conformément à ce qui a été convenu récemment entre nous à Vienne, j'ai l'honneur de vous adresser ci-joint, après en avoir revu la rédaction,

for amending the voting procedures: 1) one vote per state for approving the last diplomatic convention; 2) possibility to allocate a vote to various administrations belonging to the same state providing the government in question made an explicit request and the delegates of each administration were present at the conference. An official letter from Curchod to Lüders of 24 October marked the final closure of the inquest³¹. Curchod had not only greatly influenced the final version of the voting procedure norm, so crucial for functioning of the conferences, but he had set up the future agenda of the Union and its aim to become a stable structure destined to last in time. What is noticeable is that he deployed the traditional bureaucratic and administrative instruments the conferences had given him to reach these aims. He never formally passed the limits set by convention rules and regulations and, in observing them, managed to pilot almost all the most important decisions. Coherent, he behaved in exactly the same way in St Petersburg.

The Bureau-cratic system

On 1 June 1875 the Fourth Conference of the TU opened in St Petersburg. The delegates realized at once that the assembly would not be introducing new norms as much as dealing with establishing immutable rules to give force and continuity to the Union's organizational structures. The Russian minister opening the conference, declaring it would have the great honour of *establishing permanently* in a kind of succinct international Code those of the rules created to regulated universal telegraph relations and *established by you in previous conferences*, which ten years of study and usage have above all shown the efficacy and urgency³².

le projet de vote que j'ai écrit sous votre inspiration et avec votre approbation. Il s'agit plutôt d'une simple esquisse que d'un projet complet, car à supposer même que son contenu fut approuvé et adopté en entier par vous»). *Lettre écrite par le Bureau International adressée à l'Administration Russe (confidentielle)*, 28 Septembre 1873, in ITU-Corr, feuille n. 29/25, 1873.

³¹ *Lettre écrite par le Bureau International adressée à l'Administration Russe*, 24 Octobre 1873, in ITU-Corr, feuille n. 29/28, 1873.

³² «Aura l'insigne honneur *d'établir définitivement* dans une espèce de Code international succinct celles, parmi les règles appelées à présider aux rapports télégraphiques universels et *établies par vous dans les précédentes Conférences*, dont dix années d'études et d'usage ont surtout démontré l'efficacité et l'urgence». *Documents*

The head of the Russian Telegraphs was more explicit, as was the Chairman Lüders:

The Rome Conference unanimously expressed the desire to change the convention into a less extensive and complicated act and tasked the International Bureau with drawing up the elements. This work is completed today. It is for us to now examine well the pieces which have been sent to you and all have in their hands. It is a question of looking for a solution to the regulation questions which will improve the present convention and find the way to make a *very simple, practical, general convention, of a nature to facilitate adhesion*. In effect, we must facilitate it and make it as desirable as possible, so that our Telegraph Union, which is already a big family, grows even bigger and spreads over a wider territory³³.

While in the opening of the proceedings Lüders pointed to the Bureau's crucial role in preparing the documents, consecration came at the end, in the closing sitting:

It was a very complicated task which the Conference was not able to take over in the course of the works, but it has been so well prepared by the International Bureau that the Conference had very little to change [...] These considerable improvements have been obtained without causing great work for the Conference and especially the Commissions³⁴.

What had happened was that the most important norms had already been decided and inserted by the Bureau in the project of the convention and regulations drawn up before the opening. All the assembly and commissions did was to make some «considerable changes» without altering the contents.

de la Conférence Télégraphique Internationale de St Petersburg, Bureau International des Administrations Télégraphiques, Berne 1875, p. 268, our italics.

³³ «La Conférence de Rome a exprimé à l'unanimité le désir de changer la Convention en un acte moins étendu et moins compliqué et elle a chargé le Bureau international d'en préparer les éléments. Ce travail est fait aujourd'hui. Il s'agit pour nous maintenant de bien examiner les pièces qui vous ont été remises et que vous avez tous entre les mains. Il s'agit de chercher, pour les questions règlementaires, une solution, qui améliore la convention actuelle et de trouver le moyen de faire une *convention bien simple, bien pratique, bien générale, de nature à faciliter l'adhésion*, en effet, nous devons la faciliter et la rendre *désirable autant que possible*, pour que notre Union télégraphique, qui est déjà une grande famille, s'agrandisse encore et s'étende sur un domaine plus vaste». Ivi, p. 271, our italics.

³⁴ «C'était une œuvre très compliquée dont la Conférence n'aurait pas pu se charger dans le cours de ses travaux, mais elle a été *si bien préparée par le Bureau international que la Conférence n'a eu que peu de changements à y apporter*. [...] Ces améliorations considérables n'ont pu s'obtenir sans causer de grands travaux à la Conférence et surtout aux Commissions». Ivi, p. 648.

Probably in order to tackle the needs concerning the drawing up a definitive convention, the St Petersburg Conference differed in both the preparatory stage and the assembly. During the first sitting, Curchod explained carefully what had happened in the phase of documentation preparation: «Mr Curchod [...] announces that he has submitted first of all to the Russian Administration, as tasked by the present Conference organisation a convention pre-project, which has been sent to all the states, as an attachment to the Imperial Government's circular».

This first project, in which the International Bureau in line with the Russian Administration's idea, only included the essential dispositions, consecrated in some way by a continuous experience and general adhesion, has undergone, following the codification of the regulations, some further modifications which do not distance from the principles adopted for its elaboration. The result of this double work were sent to all Administrations in January 1875, to be studied before the Conference. Mr Curchod notes about this that the examination will show that the Paris Convention dispositions, as coming out of the Rome deliberations, have been reproduced in the new convention and regulation projects. As for the propositions of the different Offices, they have only been produced in following the old text and the International Bureau had to gather and co-ordinate them in two different book, one of which, the yellow book, follows the order of the subjects in the Rome text and presents them exactly as the Administrations themselves had produced them. The other, blue book classes them in the order of the new projects, only adding formal modifications necessary in re-touching the original plan. Reference numbers create a concordance between the two books³⁵.

³⁵ «M. Curchod [...] fait connaître qu'il a soumis, d'abord, à l'Administration russe, comme chargée de l'organisation de la Conférence actuelle, un avant-projet de Convention qui a été communiqué à tous les Etats, en annexe à la circulaire du Gouvernement impérial. Ce *premier projet*, où le Bureau international, d'accord avec les idées de l'Administration russe, n'avait compris que les dispositions essentielles, consacrées, en quelque sorte, par une expérience constante et une adhésion générale, a subi, à la suite de la codification du Règlement, quelques modifications ultérieures qui ne s'écartent point, d'ailleurs, des principes adoptés pour son élaboration. Le résultat de ce *double travail* a été transmis, au mois de janvier 1875, à toutes les Administrations, pour pouvoir être étudié avant la Conférence. M. Curchod fait observer à ce sujet que cet examen permet de constater que toutes les dispositions de la Convention de Paris, telle qu'elle est sortie des délibérations de Rome, ont été reproduites dans les nouveaux projets de Convention et de Règlement. Quant aux propositions des différents Offices, ceux-ci n'ont pu les produire qu'en suivant l'ancien texte et le Bureau international a dû, dès-lors, les réunir et les coordonner dans deux

From a rapid comparison between the acts of the St Petersburg Conference and the previous ones, it emerges that the discussions over various convention and regulation articles were decidedly shorter. Most of the norms were read and approved without giving rise to the heated debates that had occurred in the past. It was generally the result of a rigorous procedure conducted by the Bureau, which organized a series of preliminary phases designed to obtain the delegates' tacit agreement, and lead to sittings where there was no need for debating or diverging. The Bureau had drawn up the convention and regulation project, submitted it to the administrations and received their comments. In the first sitting Curchod presented the project together with the amendments from the various delegations and suggested a procedure for approving the acts which with some minor changes was accepted. The procedure provided for: 1) an initial reading of the project for the Convention, article by article; 2) direct approval of the articles or re-reading of the regulation in the case of disagreement; 3) reading the regulation articles, one by one; 4) in the case of agreement, direct approval of the articles of the regulations and the convention norms pending from phase 2; 5) in the case of disagreement over an article, deferment to the relative committee³⁶; 6) committee formulating proposals for new articles; 7) after the initial reading of the convention and relations, presentation of committee's opinion of articles pending on phase 5 (approval/rejection of changes); 8) in the case of the committee's proposal being judged favourably by the delegates, delegates' direct approval of the article; 9) in the case of the committee's proposal being judged negatively, opening of a discussion between the different positions and in the case of no agreement, article referred to Bureau;

cahiers différents, dont l'un, le cahier jaune, suivant l'ordre des matières du texte de Rome, les présente exactement comme les Administrations elles-mêmes les avaient produites, et dont l'autre, le cahier bleu, les classe suivant l'ordre des nouveaux projets, en apportant seulement les modifications de formes nécessitées par le remaniement du plan primitif. Des chiffres de renvoi établissent la concordance entre l'un et l'autre de ces cahiers». Ivi, p. 285, our italics.

³⁶ The committees were bodies already formed in the Rome Conference to speed up discussion and approval proceedings of convention and regulation articles. While however in Rome they were informal bodies with a prevalently consulting power, in St Petersburg their function was to formalize. Two committees were named during the first sitting, the first for tariff matters while the second focused on doubts about regulation articles. In St Petersburg the committees acted with the power of parliamentary ones and gave their opinion on articles which had aroused discord among the delegates. A committee's opinion was normally accepted by the assembly.

- 10) collection of divergent opinions, Bureau formulating compromise;
- 11) almost automatic approval of the article formulated by the Bureau.

All this complex bureaucratic procedure concentrated much power in the Bureau's hands. It had drawn up the convention/regulation project, collected the relative amendments and established the procedure for debating the articles, as well as acquired the power to close the approval procedure of the norms in the case of disagreement among the delegates. If an article was not approved during the sittings, phase 10 actually allowed the Bureau to formulate a compromise article keeping account of the needs of all. This procedure was really formalising a custom that had been shaped back during the conferences of Paris, Vienna and Rome. Faced by the considerable discord among delegates in Paris and Vienna, Curchod had often successfully intervened and suggested a compromise article to please all involved. Given Lendi's absence and Curchod's late entry as Swiss representative, Vinchent had covered the same role in Rome. The formalisation of the procedure implied two new important consequences. The first was the formal recognition of the Bureau's intermediary role also within the conferences. The second was the Bureau drafting definitive convention articles which delegates had not agreed over, which were therefore the most delicate issues (like the antidumping regulation).

It goes without saying that such a high-profile role would not have been assigned to the Bureau if the delegates had not trusted it entirely and been convinced of the high level of competency and impartiality of its director. Their esteem transpires from their decisions and declarations recorded in the Acts of the Conference. A first example is to be found in the reading and approval of article 13 of the convention, which foresaw a change of regulation in any moment providing all the administrations involved were in agreement. As a permanent body, the Bureau had to collect the opinions and in the last resort ascertain the presence of unanimity. In spite of the opposition of a few delegates, the conference approved the articles which had been drawn up, with the knowledge they were also giving the Bureau a considerable power.

M. Vinchent notes that Russia's proposition would have the only aim of suppressing the faculty to modify regulations in the intervals between two conferences. This faculty is however in his eyes very useful and is «one of the most interesting attributions of the International Bureau». Perhaps for the greatest number of propositions and the most important ones, agreement will not be reached; but the study carried out by the International Bureau, does not bear less fruits for

this, for the question arrives mature at the Conferences and allows them to make a more rapid and enlightened solutions³⁷.

Further proof of the esteem enjoyed by Curchod and the Bureau's performance came out during the discussion of the articles concerning the Bureau itself. The Italian delegate asked for the possibility to express a personal opinion before the vote on the articles concerning the Bureau, and asked for Curchod and his secretary to leave the hall. D'Amico then waxed eloquent:

Mr D'Amico proposes first to the Conference to express to the Swiss Federal Government the recognition of all the Administrations for its valiant and useful intervention in the organisation of the International Bureau and *the services rendered by this body to European telegraphy*. He proposes the same to manifest to the International Bureau's head and secretary entire satisfaction for their efforts and success in the intelligent and economic management of the bureau³⁸.

Words turned into deeds when the same D'Amico made a proposal to increase the funds allocated to the Bureau, which won a unanimous vote. It was not of course a direct salary increase for Curchod, given that only the Swiss government could decree that. Nevertheless, such a generous rise in the resources at his disposal (from 50,000 to 60,000 francs) was a very precise invitation to the Federal Council to raise the salaries for Curchod and his secretary.

On 19 July 1875, the St Petersburg Conference closed and for the last time the new convention was signed by the diplomats representing the member states. The Bureau had scrupulously overseen all the operations of drawing up, discussing and approving the new convention.

³⁷ «M. Vincent constate que la proposition de la Russie ne saurait avoir objet que de supprimer la faculté de modifier le Règlement dans l'intervalle de deux Conférences. Cette faculté est cependant très-utile à ses yeux, et forme *une des attributions les plus intéressantes du Bureau international*. Il est possible que pour le plus grand nombre et pour les plus importantes des propositions, l'accord ne s'établisse pas; mais l'étude provoquée par le Bureau international n'en porte pas moins ses fruits, car la question arrive de la sorte mûrie aux Conférences et leur permet de prendre une solution plus rapide et plus éclairée». *Documents de la Conférence Télégraphique Internationale de St Petersburg*, p. 303.

³⁸ «D'Amico propose, d'abord à la Conférence d'exprimer au Gouvernement fédéral suisse la reconnaissance de toutes les Administrations, pour sa haute et utile intervention dans l'organisation du Bureau International et *pour les services rendus par cette institution à la télégraphie européenne*. Il propose également de témoigner au directeur et au secrétaire du Bureau international la satisfaction complète que méritent leurs efforts et leurs succès dans la gestion intelligente et économique de ce bureau». Ivi, p. 544, our italics.

It came away from St Petersburg notably reinforced in prestige, competences and functions. Its role in these terms was destined to last in time, since it was defined very precisely by the Convention, which would undergo no changes for the next sixty years.

The Bureau as a Swiss body

The years between the Rome and St Petersburg conferences were essential for fixing the regulations of international telecommunications, not so much for the contents of the two conferences themselves as for the increasingly important role taken on by the Bureau.

While in the beginning the Bureau had been presented as a simple office for settling everyday matters, it had turned out to be the real driving force powering the development of telegraph relations. Besides carrying out its original functions efficiently, it also took over, thanks to Curchod, a proactive role which had not been foreseen when it had been founded.

As emerges very clearly from St Petersburg, the work carried out by the Bureau made the conferences appear time-consuming and even superfluous, given that the topics had already been faced in letters thanks to the surveys that had already taken place. Whatever, the fact that the Bureau had acquired a central role in the workings of the Union meant that at the same time Switzerland had consolidated its great power of influence over the Bureau. And the Bureau was to all effects and purposes a Swiss body: 1) its headquarters were in the Swiss capital; 2) it answered directly administratively and economically to the Federal Council; 3) the personnel were all Swiss nationals; 4) the various secretary generals were chosen from the heads of Swiss telegraphs. These associations, which had been developed during the earlier conference, were given definitive form at St Petersburg. The Federal Council, which had already come to the conference with much influence, came away from it with the knowledge that the power would remain in its hands for many years. In preserving the *status quo* resulting from the previous conferences, St Petersburg also confirmed the desire to entrust to Switzerland the role of guide and coordinator to the Union. Curchod played a decisive role as both a highly esteemed international telegraph expert who had been entrusted with the Bureau right from the beginning and an able Swiss manager who calmly and quietly, working mostly behind the scenes with a ceaseless diplomatic action creating compromises between opposing

parties, had known how to bring the Bureau into Switzerland and then in later stages build up its power.

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