INTERNATIONAL TELECOMMUNICATION UNION

WORKING GROUP ON THE INTERNATIONAL TELECOMMUNICATION REGULATIONS

Working Document/03-E

English only

GENEVA — FIRST MEETING — 7-8 **JUNE,** 2004

Chairman of the Council Working Group on ITRs

ITR messages archiving
(up-to-date: 03 June 2004)

1. Chairman's first message

- **Subject***:* **Council Working Group on the review of ITR**
- **Date: Mon, 8 Mar 2004 19:33:03 +0100**

To the members of ITR sub-Groups ,
Please find hereafter the first message of the Chairman of Council WG on ITR.
Dear Colleagues,
This is to acknowledge with thanks your registration for the activities of Council Working Group on the review of International Telecommunication Regulations and to inform you about our working methods as well as our program of work. We have now more than 30 experts subscribed to the email mailing list. Therefore, we can start the discussion by implementing an automatic email broadcasting system to exchange views and messages between experts. We have also two candidates to coordinate the work. Therefore, I will ask Dr. Mfungahema (Tanzania) and Mr. Marks (USA) to coordinate respectively the work of sub-working group 2 and 3. The post of coordinator for sub-working group 1 being still vacant, I will coordinate that group until a coordinator is nominated.
As most of experts have subscribed to all three sub-groups, I suggest that we use only one email address to exchange the messages. Please send your comment, suggestion or any proposal to itrcouncilwg@itu.int
<mailto:itrcouncilwg@itu.int>. You can send the message only from your registered email address, this is in order to avoid spam mails. A message sent to the above mentioned address will be automatically broadcasted to all experts registered to our mailing list. The message will also be archived and can be accessed from the web site <http://www.itu.int/itr> .
I have prepared a presentation which summarizes the work up to now. (see <http://www.itu.int/itr>). Also this website contains all documents from the past studies (see last point on the website).
You are encouraged to submit any ideas, questions or comments to our email discussion list. For that purpose, I have prepared some possible questions for starting the email discussion (see attached word document). It is my intention to organize our first physical meeting in May or June, depending on the progress we achieve before Council Ordinary Session to be held from 9 to 18 June 2004. Therefore, the objective of each sub-group during the next few months is to develop an input document to our next physical meeting. I count on your cooperation to achieve a useful study so that we can submit a relevant report to the Council.
With best regards,

A.   Fahmy <<Proposed Questions.doc>>
Chairman of Council Working Group on ITR review
Proposed Questions.doc

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2   Message from the Department of State - United States of America

- **Subject***:* **US Comments/Council Working Group on ITR Review**
- **Date***:* **Fri, 12 Mar 2004 12:41:38 -0500**

Please see below US Comments to the Council Working Group on ITRs.
Marian Gordon, US Department of State

The United States wishes to recognize the work of the Chairman of the Council Working Group on ITRs and the ITU Secretariat. In particular, we wish to acknowledge the usefulness of the summary presentation posted on the ITU Website and the initiation of this email discussion group with some proposed questions to spark the debate. We offer the following observations and suggestions with respect to that document and the proposed questions.
As a framework for how the discussion on ITRs should go forward, the United States sees the consensus reached at Marrakesh in the form of Resolution 121 (Marrakesh 2002) as the baseline for the Working Group. According to this Resolution, no consensus was reached as to whether the existing ITRs should be modified. Instead it was agreed that there would be a study of the relevancy of the current ITRs and an examination of whether the ITRs are responsive to the current telecommunications environment.
Specifically, Resolution 121 called for the establishment of a Working Group to:
1) take into account, as reference documents, the work carried out under Resolution
79 (Minneapolis, 1998) and the contributions to [the Plenipotentiary] conference on the issue;
2) study the ITRs and prepare recommendations on which provisions, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations;
3) prepare recommendations of required draft texts for amending the Constitution and Convention, if deemed appropriate; and
4) consider whether there is a need for new provisions in the ITRs, which should be dealt with at a world conference on international telecommunications. To ensure that the review of the ITRs is complete, efficient, and meets the needs of all ITU Members, it is imperative that the questions which shape this analysis reflect the spirit of the discussions in Marrakesh and are
fully considered by all Members. In this regard, while we believe that the questions proposed for starting email discussion are a useful beginning, we believe that they may not be fully reflective of the directives set forth in Resolution 121.

In addition, we wish to raise the question of whether a sequential approach to addressing the work of each sub-group would be useful, since, for example, the work of subgroup 2 appears to be dependent on the completed work of subgroup 1, and the work of subgroup 3 depends on that of Subgroups 1 and 2. Indeed, the issue of how current ITRs are used in practice
May need to be addressed prior to determining whether additions or deletions
should be made to them.
With respect to the specific work of subgroup 1, we believe that it would be useful to focus on examining the current ITU record on this subject and look for common trends or themes. Subgroup 2 could then scrutinize the record and consider and perhaps even prepare recommendations on which provisions, if any, should be terminated or retained, including a discussion on what

legal effect would result from transferring provisions. Subgroup 3 could consider what, if any, new provisions are needed.

To facilitate the work of the group, the United States proposes that the leadership of the Working Group, including the Chair and sub-group coordinators, discuss relevant issues necessary to initiate a fully inclusive discussion, while avoiding any prejudging of issues. The United States further encourages technical experts not currently involved in the Working Group to join in the discussion with a view towards modifying the current proposed questions to include the widest possible comment consistent with Resolution 121.

The United States looks forward to working with other Members in this endeavor. We welcome the view of all interested Members, and encourage the widest expression of views on the reflector at this time. In addition, we strongly urge that the reflector remain focused on the important conclusions of Resolution 121.

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3   Message from the ITR Secretariat

- **Subject*: First meeting of Council Working Group on ITR**
- **Date*: Wed, 28 Apr 2004 09:31:59 +0200**

In order to advance the work, a first meeting of the Working Group on ITRs will be held at ITU Headquarters in Geneva on 7-8 June 2004 (the meeting will start at 1400h on 7 June). Attached is an invitation letter. Hope that all of you are able to attend the meeting.
With best regards,
S. Tanaka DM1129E.doc

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4   Message from the Coordinator Sub-Group 2

- **Subject*: WG-ITR - letter from Dr. Mfungahema**
- **Date*: Thu, 29 Apr 2004 11:10:06 +0200**

To the members of Council WG-ITR,

I have received following message from Dr. Mfungahema, Coordinator for Sub-Group 2. As he had difficulty to use the email mailing list, I am forwarding his message to all the members.
With best regards,
S. Tanaka

Dear Mr Tanaka
Greetings !
Some time back I reacted to the US proposal and sent the following letter to:itrcouncilwg@itu.int. I do not know whether you or other members received it.

Dear all,
Greetings!

I would first like to thank the Chairman of the Working Group on ITRs for launching and kick starting the work, which is over due and with tight deadline. I also humbly take this opportunity to thank the Chairman for nominating me to save as a coordinator for sub group 2. I take this as both a trust and challenge.

Secondly I would like to recap my understanding of the work as distributed to various sub groups by the Chairman and whether or not this work be done concurrently or sequentially as suggested by the US proposal.
In my view, one can summarize the work as follows:

1. The mandate of sub group 1 is defined in the terms of reference No.1 Res 121. As there are more than 100 documents, it is not possible to take all documents as "baseline reference documents". Then this Group could select which will be the basic reference documents for sub groups 2 and agree on the documents sub groups 2 and 3 should take into account in their work. In my opinion there are three categories of documents which are important to consider; first is the executive summary drafted by the Chairman Roy Blane of the expert Group which is the results of experts Group meetings formed in 1999 and achieved its work in 2000, which can be downloaded from:(http:/www.itu.int/osg/spu/stratpol/ITRs/itrs_past.html).

2. Second document is "results of Council inquiry": reply to the questionnaire which summarize the views of Member States: http:/www.itu.int/osg/spu/stratpol.ITRs/analysis/index.html and final pp-02 documents at: http:/www.itu.int/osg/spu/stratpol/ITRs/pp02/contributions/index.html
I think the most relevant document is one submitted by Europe proposing to move Articles of ITR to different instruments of the Union.
Thus sub group 1 can review all documents but to my understanding of the
mandate of this group is to consider important work done in the past and how
this group could use the results in the present work.

3. The mandate of sub group 2 is to study the ITRs and prepare Recommendations. Therefore Subgroup 2 need to start by studying ITRs and only after that the sub group should prepare Recommendations. In the review process, the group should examine whether the provisions of current ITRs are still valid or not. Once they agree on the validity of provisions, then they should examine where to place the provisions in the instruments of the Unions.

4. Sub group 3 should seek and consider new items to be included in the ITRs
as recommendations. From the above understanding I am of the view that unlike the proposal from US, these sub groups can work concurrently. I, as a coordinator of sub group 2 is preparing a questionnaire on the appropriateness of the current ITRs for your consideration before the same is circulated to member states.

5. All the sub groups should be guided that the final objective is to have Recommendations that could be submitted to the council by 2005. The recommendations should address whether the current ITRs provisions should be terminated, retained in the ITRs, transferred to the CS or CV or embodied in the ITU Recommendations. The group should also identify new issues, if any that may be the subject of ITRs or ITU Recommendations as may be appropriate.

With best regards
Ray Mfungahema
Tanzania Communications Regulatory Authority

5   Message from the Coordinator Sub-group 2

- **Subject***: Questionnaire on ITRS*
- **Date***: Tue, 18 May 2004 14:39:56 +0300*

Dear All.
 Questionnaire to check the provisions of the ITRs one by one and see if they still respond to the requirements of the Member States

Reference is made to my previous posting on the WG on ITRs, where I promised that I will come up with a draft questionnaire for your consideration.
Approach in developing the questionnaire:
I first looked around if there was previous attempt to develop similar questionnaire and whether or not the same can be adopted or adapted to suit current needs. I found that in year 1999, the secretariat prepared such a questionnaire. (see: http://www.itu.int/osg/spu/stratpol/ITRs/auth/itr-03a.doc)
I think that approach is good and the questionnaire is still valid. What is required now is for each administration and member state to examine the provisions of the ITRs one by one using an agreed criteria to arrive at conclusive decisions.
I propose this approach and request members to consider the following questionnaire and bring replies and feedback during the first meeting of the WG on ITRs scheduled on 7 and 8 June 2004.

Questionnaire:

1)   The ITRs set many rules applicable to Administrations and to Recognized Operating Agencies (Art. 1.1) as well as to the Operating Agencies (Art. 1.6). There are also many operational details in the ITRs. Taking into account that today many countries has liberalised the telecom sector and many Administrations do not provide international telecommunication services, how can the Member States impose the observance of the detailed operational provisions upon Recognized Operating Agencies (ROA) and Operating Agencies (OA)?
Are operational rules applicable to the ROA and OA necessary in an international treaty?
In your country, how many operators are classified as ROA and how many as OA?
If it is not possible to impose the observance of the provisions upon ROA and OA, is itn't better to remove those detailed operational matters from the ITRs? If not why ?
Should they be deleted entirely or moved to a non-treaty instrument, for example ITU-T Recommendations?

2)   The fast pace of change in the telecommunication environment makes the task of defining telecommunication rules difficult. But in many countries the national regulatory processes have been completed and in some countries regulators have introduced only a minimum set of rules, considering that regulation is only needed where there is market failure.
Are the instructive regulations of the type found in Article 3, 4 and 6 of the ITRs consistent with your national telecommunication law or regulations?
Do you see some provisions of the ITRs contradicting your national regulations or regional regulations (e.g. EC directives) or other international instruments (e.g. WTO)?

Do you see some provisions of the ITRs, which are still relevant for the traditional services (e.g. fixed telephony) but not relevant for the new services (e.g. mobile or value added services)?
 3)   Noting that the preamble refers to "most efficient operation" and that Paragraph 1.6 refers to "compliance with the relevant ITU-T Recommendations", is Paragraph 1.6 sufficient to guarantee efficient operation of telecommunication, for example to ensure world-wide consistency, stability, and predictability of the E.164, E.212 and/or other numbering plans?

Regards

Ray Mfungahema
Tanzania Communications Regulatory Authority

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6   Message from the Chairman

- **Subject***: Questionnaire on ITRs*
- **Date***: Wed, 19 May 2004 18:33:51 +0200*

Dear all,

I'd like to thank Mr. Mfungahema for his effort and for the preliminary questionnaire he prepared. Of course this questionnaire could help well to provoke discussions at this stage.
However, I'd like to propose another approach. That's to start with the questions drafted by Mr. Mfungahema but keeping the questionnaire items open for all the experts to add new questions that they consider important. And I'd suggest that every expert may give his answer for the question he is raising to show his point of view regarding this item.
At this phase, answers will not be considered as an official answer representing the official point of view of that Member State this expert represents. It just reflects the personal opinion of those experts participating.
The secretariat then may make a table of questions and replies that summarizes posted questions and their respective replies. This table will be updated periodically.
I think this will create the kind of discussion that we need till the time of our meeting where we can then come up with some official questionnaire to be distributed on all Member States. We can then select its items based on what we conclude from the discussions.

Regards,
Alaa Fahmy
Chairman, WG-ITR

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7   Message from the Chairman

- **Subject***: Questionnaire on ITRs*
- **Date***: Tue, 25 May 2004 18:29:17 +0200*

Dear Colleagues,

This is further to my last message on May 15, regarding the questionnaire drafted by Mr. Mfungahema.
I wanted to reiterate the importance of hearing from everyone so that we can have a fruitful discussion when we meet. Our hope is to spark a good discussion and enable us to create a questionnaire that would solicit formal Member State inputs.
So, again I encourage every one to participate by providing his personal view either by providing his answers to this questionnaire or by adding to its items.
To that end, I also want to assure that your responses will be treated as your personal views and not that of your Member State.
I appreciate your valuable contribution.

Best Regards,
Alaa Fahmy

Chairman, Council Working Group on ITRs.

8   Message from the Chairman

- **Subject***: Meeting Reminder**
- **Date***: Sat, 29 May 2004 15:22:22 +0200**

Dear All,
This is to remind everyone about our Working Group meeting in Geneva in the period 7-8 June.
Meeting invitation letter including the draft agenda can be found at:
http://www.itu.int/ITU-T/itr/files/dm1129.doc
It's most welcome to everyone to provide his/her input before the meeting to be considered during discussions.
We want to make sure that our meeting takes into consideration the views and concerns of everyone, even those who won't be able to attend our meeting.
I look forward to seeing you in Geneva.

Regards,
Alaa Fahmy
Chairman, WG-ITR