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| **Expert Group on International Telecommunication Regulations (EG‑ITRs)** |  |
| **First meeting – Geneva, 9-10 February 2017**  |  |
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|  | **Document EG-ITRs 1/7-E** |
| **10 January 2017** |
| **Original: Russian** |
| Contribution from Regional Commonwealth in the field of Communications |
| Updating General Secretariat documents concerning preparations for the World Conference on International Telecommunications 2012 and preparation of new documents on legal and procedural aspects of the examination and revision of the International Telecommunication Regulations (ITRs), as well as procedures for accession thereto |

Introduction

The International Telecommunication Regulations (ITR) are one of the instruments of the Union – part of the the Administrative Regulations that regulate the use of telecommunications and are binding on all Member States (CS/29 and CS/31). The ITRs supplement the Constitution and Convention with the aim of achieving ITU's goals of promoting the development and efficient operation of telecommunications.

A World Conference on International Telecommunications (WCIT) may partially, or in exceptional cases completely, revise the ITRs and may deal with any other question of a worldwide character within its competence and related to its agenda (CS/146).

The current version (1988) of the International Telecommunication Regulations (ITRs) was adopted by the World Administrative Telephone and Telegraph Conference held in Melbourne (Australia) in 1988. Its purpose was to update the previous set of regulations governing the telegraph and telephone services that had been drawn up in 1973.

The 1988 ITRs were not revised partially or fully for 24 years until 2012, and the Member States therefore initiated a revision process which went on from 1998 to 2012. During that period much work was done, a large number of documents were submitted and studied, and legal reviews were conducted of the consequences of revising and adopting new ITRs.

On completion of that process WCIT 2012 (Dubai, UAE) revised the ITRs of 1988, which will thus cease to be in force as of 31 December 2017.

Discussion

In the opinion of many Member States, mostly developing countries[[1]](#footnote-1), WCIT 2012, for objective reasons and because the ITRs had not been revised for 24 years, was not able to discuss in adequate depth and reach a compromise on all current issues and take account of the essential contemporary trends in telecommunications/ICTs in the new ITRs of 2012.

Bearing in mind the high level of interest of Member States, especially the developing countries, in updating the ITRs of 2012, the Plenipotentiary Conference in 2014 (Busan, Republic of Korea), in the light of contributions received from Member States and the results of work done by WCIT 2012, adopted Resolution 146 "Periodic review and revision of the International Telecommunication Regulations", which resolves that a periodic review of the International Telecommunication Regulations shall normally be carried out every eight years, and that the review process of the International Telecommunication Regulations shall commence in 2017. Under the terms of that Resolution, the Secretary-General was instructed to convene an Expert Group on the International Telecommunication Regulations (EG-ITR), open to the ITU Member States and Sector Members, with terms of reference and working methods established by the ITU Council, to review the ITRs of 2012.

The Council in its 2016 meeting adopted Resolution 1379 under the terms of which the EG-ITR was set up and its terms of reference and working methods established.

At the Council meeting in question a number of Member States submitted contributions on the question of revision of the ITRs of 2012 which noted the need to have information on the legal and other aspects of the ITR revision process, its status, and the likely consequences for the Union and for Member States, Sector Members and users of international telecommunication services worldwide. However, a number of Member States and representatives of the General Secretariat noted that those questions had been comprehensively studied during the lengthy process of revision of the 1988 ITRs in various groups set up between 1998 and 2012.

The reports of those groups, contributions from Member States and Sector Members, as well as General Secretariat documents, contain information on the issues discussed.

Proposals

In the light of the above, and noting the considerable amount of available material prepared by the ITU General Secretariat in the preparatory process for WCIT 2012, we propose the following:

1) To request that the General Secretariat carry out a review of all documents drawn up by it between 1998 and 2012 concerning the legal and other aspects of the ITRs and revision thereof.

2) Among the documents referred to under point 1, first of all review the existing legal and regulatory documents, background information and analytical data, update their status in accordance with current (2017) circumstances, and carry out an analysis that will include but not be restricted to the following documents:

a) [CWG-WCIT12/TD-4](http://www.itu.int/md/T09-CWG.WCIT12-100125-TD-PLEN-0004/en) – Vienna Convention on the Law of Treaties 1969. The document reproduced for information the text of the Vienna Convention on the Law of Treaties. Articles 26 ff. concern observance, application and interpretation of treaties.

b) [CWG-WCIT12/TD-5](http://www.itu.int/md/T09-CWG.WCIT12-100125-TD-PLEN-0005/en) – Background information of a legal nature. During discussions in past meetings of the ITR-EG, a recurring question has been "what are the legal implications of this or that language in the treaty?" The purpose of this paper is to set forth some considerations to be taken into account when answering such questions.

c) [CWG-WCIT12/TD-16](http://www.itu.int/md/T09-CWG.WCIT12-100412-TD-PLEN-0016/en) – Unilateral acts of international organizations
as an expression of their normative authority. Explanations regarding the normative" authority of international organizations, in this particular case ITU, and the consequences of decisions adopted by them in cases where international organizations directly establish provisions of international law that are binding on Member States.

d) [TD 30 (PLEN/ITR-EG)](http://www.itu.int/md/T09-ITR.EG-090602-TD-PLEN-0030/en) – Food for thought concerning consent to be bound by the ITRs. Examines the question of the acceptance by a Member State of the obligations to apply the ITRs in accordance with the ITU Constitution and Convention.

e) [CWG-WCIT12/INF-1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0001/en) – Predecessor of the current (1988) ITRs.

f) [CWG-WCIT12/INF-2](http://www.itu.int/md/T09-CWG.WCIT12-INF-0002/en) – Status of Instructions in the 1988 ITRs.

g) [CWG-WCIT12/INF-3](http://www.itu.int/md/T09-CWG.WCIT12-INF-0003/en) – Summary of ITU Workshop on taxation of telecommunication services and related products.

h) [CWG-WCIT12/INF-4 Rev.1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0004/en) – Supplement 2 to Recommendation ITU-T E.156. Questions relating to misuse of numbering resources.

i) [CWG-WCIT12/INF-5](http://www.itu.int/md/T09-CWG.WCIT12-INF-0005/en) – Overview of Quality of Service.

j) [CWG-WCIT12/INF-6](http://www.itu.int/md/T09-CWG.WCIT12-INF-0006/en) – Overview of Convergence.

k) [CWG-WCIT12/INF-7](http://www.itu.int/md/T09-CWG.WCIT12-INF-0007/en) – Security in the use of ICTs.

l) [CWG-WCIT12/INF-8](http://www.itu.int/md/T09-CWG.WCIT12-INF-0008/en) – Overview of enforcement issues, including status of ITU-T Recommendations.

m) [CWG-WCIT12/INF-9](http://www.itu.int/md/T09-CWG.WCIT12-INF-0009/en) – International Frameworks. Information document on the ITRs and other international frameworks.

n) [CWG-WCIT12/INF-10](http://www.itu.int/md/T09-CWG.WCIT12-INF-0010/en) – The human right to access communications.

o) [CWG-WCIT12/INF-11 Rev.1](http://www.itu.int/md/T09-CWG.WCIT12-INF-0011/en) – Protection of Critical National Infrastructure.

p) [CWG-WCIT12/INF-12](http://www.itu.int/md/T09-CWG.WCIT12-INF-0012/en) – Overview of ITU work on tariff and accounting matters, including international mobile roaming, international Internet connectivity, and taxation issues.

q) [CWG-WCIT12/INF-13](http://www.itu.int/md/T09-CWG.WCIT12-INF-0013/en) – Interconnection and Interoperability.

r) [CWG-WCIT12/INF–15](http://www.itu.int/md/T09-CWG.WCIT12-INF-0015/en) – Summary report of the ITU workshop on origin identification and alternative calling procedures.

3) On the basis of the work done, and of the contributions to EG-ITR received from Member States, draft material on issues pertaining to the implementation of law in resolving issues arising from the accession of Member States to the 2012 ITRs.

4) Include all the material received for consideration by EG-ITR in the period 2017-2018, as indicated in the above points, including from the contributions of Member States and Sector Members, in a single document that can be used in the preparation of a final report from EG-ITR to the Council in 2018.

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1. These include the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition. [↑](#footnote-ref-1)