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| **Council 2018 Geneva, 17-27 April 2018** |  |
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| **Agenda item: PL 1.8** | **Document C18/79-E** |
| **2 April 2018** |
| **Original: English** |
| Note by the Secretary-General | |
| CONTRIBUTION FROM THE ARAB REPUBLIC OF EGYPT  On the outcomes of EG-ITRs | |

I have the honour to transmit to the Member States of the Council a contribution submitted by the **Arab Republic of Egypt**.

Houlin ZHAO  
 Secretary-General

CONTRIBUTION FROM THE ARAB REPUBLIC OF EGYPT

ON THE OUTCOMES OF EG-ITRS

Egypt would like to thank the Chairman and the management team of the Expert Group on the ITRs (EG-ITRs) for all their effort and hard work in leading the meetings of the Expert Group. It was a difficult process and the divergent views of the group members made it even more challenging to lead the group. We would therefore, like to congratulate the Chairman of EG-ITRs on his excellent leadership and management of the group.

Egypt participated in all meetings of EG-ITRs and in this regard we have the following remarks:

1. **On the report**

* Due to the divergent views of the different regional groups the Expert Group couldn’t reach a conclusion on the review of the ITRs. This is reflected in the report of the Expert Group, which mentions that some members were of the view that there is no need to review the ITRs while others were of the view that it is essential review the ITRs. Some members were of the view that it is essential to hold another WCIT, while others did not see that. Some members were of the view that there is potential legal conflict between the 1988 and the 2012 ITRs while others believed there is no conflict between the two treaties and they did not see any problem of working with two treaties. Some members also pointed to the fact that there is no need for the ITRs anymore and that relations between operators are managed by commercial agreements.
* In short, despite the great efforts of the EG management team the Report of the group is a mere reflection of the discussion and the debates that took place during all meetings of EG-ITRs. It does not contain a result or a recommendation or a conclusion.
* Therefore, **we believe that the Expert Group needs more time to work and to amend its ToR.**
* We also believe that we need more input from Sector Members in the discussions of the Group.

1. **The need to have one consolidated treaty**

* With regards to the potential legal conflict, ITU legal advisor explained that in case of a legal conflict between the 1988 and the 2012 ITRs the 1988 treaty shall prevail.
* In our opinion the issue should not be whether or not there is legal conflict between the two treaties, since the idea is to have one consolidated agreed upon treaty for all Member States. **We believe that it is important to try to figure out which articles and which provisions are the ones preventing those Member States from signing the ITRs. These can be then discussed further between Member States and Sector Members and an effort from all concerned parties would be made in order to reach a compromise and thus consensus.**
* It is not favorable to have two versions of the same treaty and we are confident that all parties are keen in reaching a compromise that satisfies everyone. It is the desire for such consensus that urged Member States to agree on Resolution 146 (Antalya, 2006) on the review of the ITRs, which resolved to review the ITRs and to hold a World Conference on International Telecommunications (WCIT) in 2012, as well as Resolution 171 (Guadalajara, 2010) on the preparations for 2012 WCIT, which established that CWG-WCIT-12 continue its work.

1. **Holding a future WCIT**

* With regards to the suggestion that some Members gave on holding another WCIT, we would like to draw the attention to contribution EG-ITRs-2/4-E, which highlighted an important aspect that needs to be taken into account if we are considering holding another WCIT, namely the financial aspect. Holding another WCIT is a huge financial investment, from the side of the host country, of ITU, and also from the sides of all participants. Therefore, we believe that there have to be some conditions and arrangements in the preparatory process of future WCIT conferences.

The preparations for WCIT 2012 ended by a huge report reflecting all view and did not achieve consensus and it completely relied on the Conference to achieve this. This is something that we would like to avoid if we decide to hold a future WCIT.

1. **On the proposal to suppress the ITRs**

* Some Member States are of the view that there is no need for the ITRs and instead of a treaty, Members can rely on commercial arrangements.
* In this regard, we would like to draw the attention to the Preamble of the 2012 ITRs which states that the "ITRs.. complement the Constitution and the Convention of the International Telecommunications Union" (Dubai, 2012). The preamble of the 1988 ITRs states that "the provisions of the present Regulations supplements the International Telecommunication Convention" (Melbourne, 1988). This confirms that the ITU Constitution and Convention would not be complete without the ITRs.
* Therefore, in case Members agree to suppress the whole treaty, some articles and provisions will have to be added to the Constitution and Convention, which will lead us to almost the same debate we are in today. Discussions will take place on which articles should be reflected in the Constitution and/or the Convention and which should not.

Finally, we would like to thank everyone who participated in the Expert Group for all the enlightening contributions and interventions made, which definitely opened Members’ perspectives to different points of view.