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| **Expert Group on the International Telecommunication Regulations (EG-ITRs)** |  |
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| PROVISION BY PROVISION review of the INTERNATIONAL TELECOMMUNICATIONS REGULATIONS | |

**Introduction**

Zimbabwe is pleased to present its views and comments on the comprehensive review of the international telecommunications regulations as per to the Work Plan agreed to at the September meeting of the Expert Group on the International Telecommunication Regulations (EG-ITRs).

**Discussion**

Zimbabwe carried an industry consultation on the applicability and flexibility of the 2012 International Telecommunication Regulations. Generally, the views from the consultation were that operators deem the ITRs to be relevant for the provision of International Telecommunication Regulators. Suggestions for revision of some provisions were also proffered and are herein contained in Annex 1.

**ANNEX 1**

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| **2012 Article** | **Sub article and provision** | **Related 1988 sub article and provision** | **Applicability in fostering provision and development of networks and services** | **Flexibility to accommodate New trends and Emergent issues** | **Summary outcome** |
| **Preamble** | 1. While the sovereign right of each State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereafter referred to as “Regulations”) complement the Constitution and the Convention of the International Telecommunication Union, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for worldwide telecommunications.  2. Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations.  3. These Regulations recognize the right of access of Member States to international telecommunication services. | While the sovereign right of each country to regulate its telecommunications is fully recognized, the provisions of the present Regulations supplement the International Telecommunication Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for worldwide telecommunications. | The Preamble is crafted in a manner that allow for the development of network services. It is not in conflict with States sovereign rights to provide network services. | The provision is flexible enough to allow for member states to be innovative individually whilst at the same time fostering uniformity. MNOs must continuously innovate to meet changing customer needs. The article offers the provision of this need to innovate without infringing of human rights. | **No change required.** |
| **Article 1** | 1.1 a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. These Regulations do not address the content-related aspects of telecommunications.  b) These Regulations also contain provisions applicable to those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services to the public, hereinafter referred as "authorized operating agencies".  c) These Regulations recognize in Article 13 the right of Member States to allow special arrangements. | * 1. a) These Regulations establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They also set rules applicable to administrations\*.   1.1 b) These Regulations recognize in Article 9 the right of Members to allow special arrangements | Article levels out the playing field for operators and agencies. This allows for fair competitiveness and ensures delivery of quality services. | Articles allows for emerging products and service delivery. | **No change required**: |
| **Article 1** | 1.2 In these Regulations, “the public” is used in the sense of the population, including governmental and legal bodies. | 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies. | Current existing bodies are covered in the provision. | With emerging technologies such as AI and robotics; there may be need to broaden the definition of public, in future | **No change required.** |
| **Article 1** | 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services. | 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services. | The article allows the service providers to find solution to interconnect challenges. | The article is future-proof. All possible ways of global interconnection, subject to not violating human rights, are permissible. | **No Change Required** |
| **Article 1** | 1.4 References to Recommendations of the ITU Telecommunication Standardization Sector (ITU-T) in these Regulations are not to be taken as giving to those Recommendations the same legal status as these Regulations. | 1.4 References to CCITT Recommendations and Instructions in these Regulations are not to be taken as giving to those Recommendations and Instructions the same legal status as the Regulations. | Provision is applicable | Provision is flexible | **No change required:** the provision provides clarity |
| **Article 1** | 1.5 Within the framework of these Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between authorized operating agencies. | 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between administrations\* | Provision is applicable | Provision is flexible | **No change required.** |
| **Article 1** | 1.6 In implementing the principles of these Regulations, authorized operating agencies should comply with, to the greatest extent practicable, the relevant ITU-T Recommendations | 1.6 In implementing the principles of these Regulations, administrations\* should comply with, to the greatest extent practicable, the relevant CCITT Recommendations, including any Instructions forming part of or derived from these Recommendations | Article provides operational guidelines for agencies | Article provides future operational guidelines for agencies | **No change required.** |
| **Article 1** | 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that authorized operating agencies which operate in its territory and provide an international telecommunication service to the public be authorized by that Member State.  1.7 b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T Recommendations by such service providers.  1.7 c) The Member States, where appropriate, shall cooperate in implementing these Regulations. | 1.7 a) These Regulations recognize the right of any Member, subject to national law and should it decide to do so, to require that administration and private operating agencies, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member.  1.7 b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.  1.7 c) The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations (For interpretation, also see Resolution No. 2). | The article allows for member states to tailor make solution for their jurisdictions. This ensures that any agency that wishes to operate in other member state is subject to these regulations thereof. | Agencies must ultimately be subjected to the laws of the states they operate in. The provision allows for the globalization of agencies. | **No change.** |
| **Article 1** | 1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. | 1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. | Applicable | Flexible. | **No change required.** |
| **Article 2** | 2.1 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes. | For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes. | **-** | **-** | **No change required.** |
| **Article 2** | 2.2. Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. | 2.1 Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems. | The article covers the current, common means of transmission of information | Flexible. | **Definitions in Article 2 are the same as those contained in the Constitution and Convention, which is supported.)** |
| **Article 2** | 2.3 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries. | 2.2 International telecommunication service: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries. | The article allows any agency to establish network services with other agencies without prejudice. | Future technologies are covered in the provision under the banner of “stations of any nature” | **No change required.** |
| **Article 2** | 2.4 Government telecommunications: Telecommunications originating with any: Head of State; Head of a government or members of a government; Commanders-in Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or replies to government telecommunications mentioned above. | 2.3 Government telecommunication: A telecommunication originating with any: Head of a State; Head of a government or members of a government; Commanders- in Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or reply to a government telegram. | The article covers the current acceptable definition of government arms and security. | Other critical government arms are not covered in the provision. Local law enforcement agencies and all government arms must be included. | **Other critical government arms such as law enforcement agencies should be included** |
| **Article 2** | 2.5 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:  – Member States;  – authorized operating agencies; and  – the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union. | 2.4 Service telecommunication: A telecommunication that relates to public international telecommunications and that is exchanged among the following:  - administrations;  - recognized private operating agencies,  - and the Chairman of the Administrative Council, the Secretary-General, the Deputy Secretary-General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union. | The article allows for the provision of international telecommunication services. | Flexible | **No Change** |
| **Article 2** | 2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices. | 2.6 International route: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices. | The article satisfies the current definition of international routes. | The article covers future definition of international routes. | **No change required.** |
| **Article 2** | 2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service, if there is between their authorized operating agencies: | 2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service if there is between their administrations\*: | Applicable. | Flexible | **No Change** |
|  | 2.7 a) a means for the exchange of traffic in that specific service: - over direct circuits (direct relation), or  - via a point of transit in a third country (indirect relation), and | 2.7 a) a means for the exchange of traffic in that specific service: over direct circuits (direct relation), or  via a point of transit in a third country (indirect relation), and | The article satisfies the current definition with respect to traffic exchange. | Flexible | **No Change**  . |
|  | 2.7 b) normally, the settlement of accounts. | 2.7 b) normally, the settlement of accounts. | **-** | **-** | **No change required.** |
| **Article 2** | 2.8 Accounting rate: The rate agreed between authorized operating agencies, in a given relation that is used for the establishment of international accounts. | 2.8 Accounting rate: The rate agreed between administrations\* in a given relation that is used for the establishment of international accounts. | The article covers the current acceptable definition of accounting rate | The article covers the future acceptable definition of accounting rate | **No Change required.** |
| **Article 2** | 2.9 Collection charge: The charge established and collected by an authorized operating agency from its customers for the use of an international telecommunication service. | 2.9 Collection charge: The charge established and collected by an administration\* from its customers for the use of an international telecommunication service | The article covers the current acceptable definition of collection charge. | The article covers the future acceptable definition of collection charge. | **No change required** |
| **Article 3** | 3.1 Member States shall endeavour to ensure that authorized operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service | 3.1 Members shall ensure that administrations\* cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. | Article addresses the current need for development of network services, meeting agreed QoS standards. | Article addresses the QoS concerns for future and emerging technologies | **No change required.** |
| **Article 3** | 3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services. | 3.2 Administrations\* shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services. | Article addresses the current need for development of network service to deliver solutions to various agencies. | The provision is flexible | **No change required** |
| **Article 3** | 3.3 Authorized operating agencies shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal authorized operating agencies concerned, the origin authorized operating agency has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination authorized operating agencies. | 3.3 Administrations\* shall determine by mutual agreement which international routes are to be used. Pending agreement and provided that there is no direct route existing between the terminal administrations\* concerned, the origin administration\* has the choice to determine the routing of its outgoing telecommunication traffic, taking into account the interests of the relevant transit and destination administrations\*. | Article addresses the current practice in routing of traffic. | Routing must be allowed to be determined by both parties, subject to best practices. the goal of communication must not only be to send information but also send quality information | **No change required**. |
| **Article 3** | 3.4 Subject to national law, any user, by having access to the international network, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to the relevant ITU-T Recommendations. | 3.4 Subject to national law, any user, by having access to the international network established by an administration\*, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant CCITT Recommendations. | Article allows users to establish networking relationships freely. | The article must amend definition of “user” to cover emerging technologies such as robotics. | **No change required** |
| **Article 3** | 3.5 Member States shall endeavour to ensure that international telecommunication numbering resources specified in ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used. | - | The article enforces compliance on numbering resources for accountability purposes. | The article enforces future compliance on numbering resources for accountability purposes. | **No change required.** |
| **Article 3** | 3.6 Member States shall endeavor to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations | - | Applicable- CLI is currently provided between member states for security and accountability. CLI must be maintained for accountability purposed | With a strong shift to IP, a consideration must be made to make IP address available, in cases of security risk. | **No change required.** |
| **Article 3** | 3.7 Member States should create an enabling environment for the implementation of regional telecommunication traffic exchange points, with a view to improving quality, increasing the connectivity and resilience of networks, fostering competition and reducing the costs of international telecommunication interconnections. | No analogous provision. | Applicable | Flexible | **No change required.** |
| **Article 4** | 4.1 Member States shall promote the development of international telecommunication services and shall foster their availability to the public | 4.1 Members shall promote the implementation of international telecommunication services and shall endeavour to make such services generally available to the public in their national network(s) | Applicable | Flexible | **No change required.** |
| **Article 4** | 4.2 Member States shall endeavor to ensure that authorized operating agencies cooperate within the framework of these Regulations to provide, by agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant ITU-T Recommendations. | 4.2 Members shall ensure that administrations\* cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations. | Applicable; cooperation in the provision of international telecommunication services is essential | Flexible | **No change required.** |
| **Article 4** | 4.3 Subject to national law, Member States shall endeavor to ensure that authorized operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service corresponding to the relevant ITU-T Recommendations with respect to: | 4.3 Subject to national law, Members shall endeavor to ensure that administrations\* provide and maintain, to the greatest extent practicable, a minimum quality of service corresponding to the relevant CCITT Recommendations with respect to: | Applicable: The article allows for member states to tailor make solution for their jurisdictions. All services must be of a minimum QOS standard | Flexible. The article allows for member states to tailor make solution for their jurisdictions. All services must be of a minimum QOS standard | **No change required.** |
|  | 4.3 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel; | 4.3 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel; | Applicable | Flexible | **No change required.** |
|  | 4.3 b) international telecommunication facilities and services available to users for their dedicated use; | 4.3 b) international telecommunication facilities and services available to customers for their dedicated use; | Applicable | Flexible | **No change required.** |
|  | 4.3 c) at least a form of telecommunication service which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and | 4.3 c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and | The provision is applicable | The provision is broad enough to accommodate future telecommunication services | **Remove the term ‘reasonably’ from the provision or define** |
|  | 4.3 d) a capability for interworking between different services, as appropriate, to facilitate international telecommunication services. | 4.3 d) a capability for interworking between different services, as appropriate, to facilitate international communications. | The provision is applicable to the provision of international telecommunication services. | Flexible | **No change required.** |
| **Article 4** | 4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, transparent, up-to-date and accurate information to end users on international telecommunication services, including international roaming prices and the associated relevant conditions, in a timely manner. | -. | The provision is applicable to the provision of international telecommunication services. | The article allow for regulation of emerging technologies when roaming. | **No change required.** |
| **Article 4** | 4.5 Member States shall foster measures to ensure that telecommunication services in international roaming of satisfactory quality are provided to visiting users. | - | Applicable; QoS in international roaming is pertinent | The provision is flexible | **No change required.** |
| **Article 4** | 4.6 Member States should foster cooperation among authorized operating agencies in order to avoid and mitigate inadvertent roaming charges in border zones. | - | Member states provide current and up-to-date information on roaming services to mitigate bill shocks | The provision is not restrictive | **No change required.** |
| **Article 4** | 4.7 Member States shall endeavor to promote competition in the provision of international roaming services and are encouraged to develop policies that foster competitive roaming prices for the benefit of end users. | - | Member states cooperating regionally to foster competitive roaming prices. | Article allows for regulation of emerging technologies when roaming. | **No change required.** |

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