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| **Expert Group on the International Telecommunication Regulations (EG-ITRs) Second meeting - Geneva, 12-13 February 2020** |  |
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| Sub article and Provision | Applicability in fostering provision and development of networks and services | Flexibility to accommodate New trends and Emergent issues | Summary Outcome |
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| 2012 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. | **Russia**: Nos. 1 of the 1988 and 2012 ITRs are not identical but are applicable to networks and services.  The part of No. 1 of the 1988 ITRs, which states "supplement the International Telecommunication Convention "is not in line with the text of No. 31 of the Constitution. | **Russia**: Ensures flexibility to accommodate new trends and emergent issues. | **Russia**: No. 1 of the 2012 ITRs is relevant to the development and use of telecommunications/ICTs. |
| **UK**: This provision recognises that it is the sovereign right of each State to regulate its telecommunications. This duplicates the Constitution of the ITU, where it is already recognised.  The purposes of the Union are already set out in the ITU Constitution. It is not necessary to duplicate them here in summary form. | **UK**: In today’s telecommunications market, an international treaty is not necessary or effective in order to promote the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for worldwide telecommunications. |  |
| **South Africa:** The Regulations, in conjunction with the preamble, complement the Constitution and Convention, which also supports the development of International telecommunication services. See for example Article 38 of the Constitution and Resolutions 201, 203 and 205. | **South Africa:** The preamble is sufficiently wide to accommodate new trends and emergent issues, while acknowledging the sovereign right of each country to regulate its telecommunication services. | **South Africa:** No change required. |
| **Côte d’Ivoire:** The Preamble of the 2012 ITRs is identical to that of the 1988 ITRs, although the context has changed considerably. In 1988 telecommunications basically consisted of the Public Switched Telephone Network (PSTN).  The advent of information and communication technologies (ICTs) and the convergence of networks and services allowed for the development of new forms of telecommunications that the preamble does not address. | **Côte d’Ivoire:** The provisions of the Regulations refer to telecommunications from the perspective of technology and infrastructure.  At one time, telecommunications services were intrinsically linked to network deployment.  Nowadays, with ICTs, the network layer is being separated from the service layer. As a result, innovations in end-user telecommunications services are driven primarily by the service layer.  The preamble should take this factor into account. | **Côte d’Ivoire:** The Preamble must be updated given the changes that have taken place in the provision of telecommunication services to the end user, so that the regulations focus on service to the end user. |
| **Egypt & Saudi Arabia**: Text is applicable | **Egypt & Saudi Arabia**: Text is flexible | **Egypt & Saudi Arabia**: Keep text as is |
| **Zimbabwe**: 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. | **Zimbabwe**: 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. | **Zimbabwe**: No change required. |
| 2 Member States affirm their commitment to implement these Regulations in a manner that respects and upholds their human rights obligations. | **Russia**: Applicable to networks and services. | **Russia**: Affects flexibility. |  |
| **UK**: This provision is irrelevant to fostering the provision and development of networks and services as Member States are already bound by international human rights law. It is not necessary to re-state this.  The ITU does not have a mandate in human rights. This is for the Human Rights Council and the UN General Assembly. | **UK**: The question of “flexibility” is irrelevant here. Human rights obligations apply generally and the UN General Assembly has recognised that human rights should be protected online and offline.  This provision is superfluous since respecting human rights is already a higher level obligation for Member States. |  |
| **South Africa:** In the context of the international telecommunication services, while noting the exclusion of content related matters, human rights issues could include protection of personal data, right to access mobile and internet-based communication technologies, freedom of expression, promoting universal access to the internet, etc. | **South Africa:** The reference to human rights obligations is very broad while specifics pertaining to human rights obligations are contained in other binding and non-binding instruments. This provision does not hinder new trends and emergent issues**.** | **South Africa:** No change required. |
| **Côte d’Ivoire:** Provision already covered by other instruments of the United Nations. | **Côte d’Ivoire:** Provision already covered by other instruments of the United Nations. | **Côte d’Ivoire:** Reference not necessary in the ITRs. |
| **Egypt & Saudi Arabia**: Text is applicable | **Egypt & Saudi Arabia**: Text is flexible | **Egypt & Saudi Arabia**: Keep text as is |
| **Zimbabwe**: 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. | **Zimbabwe**: 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. | **Zimbabwe**: No change required. |
| 3. These Regulations recognize the right of access of Member States to international telecommunication services. | **Russia**: Applicable to networks and services. | **Russia**: Affects flexibility. |  |
| **UK**: This paragraph creates a new right for member states, the ‘right of access’. But it is unclear what duties or obligations this places on states or on companies. This legal ambiguity could be unhelpful in the development of networks and services.  For instance, if a company is producing a new international telecommunication service, which right to access it does a state have? Does it have an automatic right to buy the services, or to receive services for free? Or something else? | **UK**: The lack of clarity in the meaning of a ‘right of access’ makes it inflexible in accommodating new trends and emergent issues. As technology evolves, more and more international telecommunication services will arise. This provision suggests that states have an automatic ‘right of access’ to all of these new services, but it is unclear what this means. This lack of clarity could hamper development and investment.  In today’s market, Member States normally obtain access via commercial agreements. The concept of a “right” here could introduce uncertainty which could disincentivize commercial investment. |  |
| **South Africa:** This provision could support, for example, land locked countries, who may be dependent on other countries to gain access to international telecommunication services. This will foster development of networks and services. | **South Africa:** This provision will promote and facilitate new trends and emergent issues. | **South Africa:** No change required. |
| **Côte d’Ivoire:** By definition the international telecommunications service refers to the basic telephone service.  Nowadays it is difficult to apply this provision to communications services made available over data networks, in particular IP networks. | **Côte d’Ivoire:** Does not cover new trends due to the restrictive definition of "international telecommunication services". | **Côte d’Ivoire:** Review the definition of "international telecommunication services". |
| **Egypt & Saudi Arabia**: Text is applicable | **Egypt & Saudi Arabia**: Text is flexible | **Egypt & Saudi Arabia**: Keep text as is |
| **Zimbabwe**: 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. | **Zimbabwe**: 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. | **Zimbabwe**: No change required. |
| 2012 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. | **Russia**: This provision of the 2012 ITRs are fully applicable to the development of networks and services. They are valid for all operating agencies providing international telecommunication services. It should be noted that No. 2 of the 1988 ITRs is not fully in line with the provisions of the ITU Constitution and Convention with regard to the applicable terminology “recognized private operating agency(ies)”. | **Russia**: This provision of the 2012 ITRs can ensure flexibility to accommodate new trends and emergent issues. | **Russia**: This provision of the 2012 ITRs take account of objective changes in the telecommunication/ICT ecosystem and the terminology of the current ITU Constitution and Convention. In addition, No. 5 of the 2012 ITRs defines a new term "authorized operating agencies", based on the definition under No. 1007 of the Annex to the Constitution. |
| **UK**: It is not necessary to say that these regulations do not address content issues. In fact, it is unhelpful that this provision implies that there are “content-related aspects of telecommunications”. This confuses the commonly-understood meaning of “telecommunications”. | **UK**: This provision is inflexible as while Member States can make reservations when they sign the Convention, they cannot later rescind or add new reservations as technological development demands. |  |
| **South Africa:** The definition of “telecommunication” acknowledges that content is ultimately transmitted, emitted or received, but these regulations focus on the how and not the what part of telecommunication. This clause could be supported to address the establishment of networks and services. It must however not address content related matters. | **South Africa:** While the intent of the regulations is to focus on general principle to the provision and operation of international telecommunications, it will allow flexibility to accommodate new trends and emergent issues.  On the other hand, the ITRs should not address content related matters as this will give rise to an entire new set of issues, which are best handled via Member States own legislative measures. | **South Africa:** No change required:  (Note: Care should be taken that the provisions within the ITRs remain within the purpose and scope as defined i.e. how transmission, emission and reception can be most efficiently achieved. Further, the ITRs must augment the relevant provisions within the Constitution and Convention and not just repeating same.) |
| **Côte d’Ivoire:** Telecommunications do have aspects relating to the type of content that should be distinguished from content regulation (privacy, defamatory content, offence against public morals…). | **Côte d’Ivoire:** Does not cover new trends due to the restrictive definition of "international telecommunication services". | **Côte d’Ivoire:** Include aspects of telecommunications relating to regulation of type of content.  Review the definition of "international telecommunication services". |
| **Egypt & Saudi Arabia**: Text is applicable | **Egypt & Saudi Arabia**: Text is flexible, although there might be no need to include the sentence on “content” as it is a given fact in the scope of ITU. | **Egypt & Saudi Arabia**: We suggest to delete the part that specifies that the ITRs do not deal with content related aspects. |
| **Zimbabwe**: Article levels out the playing field for operators and agencies. This allows for fair competitiveness and ensures delivery of quality services. | **Zimbabwe**: Articles allows for emerging products and service delivery. | **Zimbabwe**: No change required |
| 1.1 (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". | **Russia**: This provision of the 2012 ITRs are fully applicable to the development of networks and services. They are valid for all operating agencies providing international telecommunication services. It should be noted that No. 2 of the 1988 ITRs is not fully in line with the provisions of the ITU Constitution and Convention with regard to the applicable terminology “recognized private operating agency(ies)”. | **Russia**: This provision of the 2012 ITRs can ensure flexibility to accommodate new trends and emergent issues. | **Russia**: This provision of the 2012 ITRs take account of objective changes in the telecommunication/ICT ecosystem and the terminology of the current ITU Constitution and Convention. In addition, No. 5 of the 2012 ITRs defines a new term "authorized operating agencies", based on the definition under No. 1007 of the Annex to the Constitution. |
| **UK**: There is a lack of clarity regarding the definition of “authorized operating agencies” and how it relates to the definition of “operating agency” in the ITU Constitution. | **UK**: This provision implies the existence of unauthorized operating agencies and suggests that the ITRs do not apply to them. This lack of clarity is unhelpful. |  |
| **South Africa:** Member States of the ITU, some provisions apply to licensees (authorized operating agencies) and it is then up to Member States to ensure that licensees under their jurisdiction comply to the ITRs, as required.  This clause is sufficiently wide to acknowledge the “authorized operating agencies”, which include private service providers. | **South Africa:** The allowance of “authorized operating agencies” is flexible enough to include any entity that may be authorized by Member States (e.g. private services providers, or if a Member States allows operations without a license/permit, etc.), which is also sufficient to address new trends and emergent issues. | **South Africa:** No change required. |
| **Côte d’Ivoire:** This provision does not cover alternative actors that provide international telecommunication services without any State authorization or recognition (i.e.  OTT service actors). | **Côte d’Ivoire:** Lacks flexibility as restricted to traditional telecommunication operators and service providers and does not take into account new actors providing voice and messaging services via new electronic communication services. | **Côte d’Ivoire:** Expand the scope of the regulation to take account of new trends. |
| **Egypt & Saudi Arabia:** Text is applicable. It is an alignment of 1992 version of Constitution.  Operating agency is defined in Article 5 of the ITU Constitution as “Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.” | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text as is |
| **Zimbabwe**: Article levels out the playing field for operators and agencies. This allows for fair competitiveness and ensures delivery of quality services. | **Zimbabwe**: Articles allows for emerging products and service delivery. | **Zimbabwe**: No change required |
| 1.1 (c) These Regulations recognize in Article 13 the right of Member States to allow special arrangements. | **Russia**: The No. is applicable to networks and services. | **Russia**: Ensures flexibility to accommodate new trends and emergent issues. | **Russia**: This provision of the 2012 ITRs and 1.1 (b) of the 1988 ITRs are analogous in meaning. This provision uses terminology from the Constitution and Convention. |
| **South Africa:** The extent of these special arrangements is positive to foster development of networks and services. | **South Africa:** support special arrangements, as also reflected in Article 42 of the Constitution. The freedom to engage in special arrangements between countries is a desirable framework to support national requirements. | **South Africa:** No change required.  (Note: Article 13) will be discussed in detail at a 4th meeting -February 2021). |
| **Egypt & Saudi Arabia:** Text is applicable, same as 1988 but change of article | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text as is |
| **Zimbabwe**: Article levels out the playing field for operators and agencies. This allows for fair competitiveness and ensures delivery of quality services. | **Zimbabwe**: Articles allows for emerging products and service delivery. | **Zimbabwe**: No change required |
| 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies. | **Russia**: applicable to networks and services | **Russia**: ensure flexibility. | **Russia**: The 2012 ITRs and the 1988 ITRs are analogous in meaning, but the Russian text of 2012 is more precise. |
|  | **UK:** This provision does not apply to fostering provision and development of networks and services. It only sets out a definition in the treaty. | **UK:** The question of “flexibility” is irrelevant here. This provision sets out a definition in the treaty so on its own is neither flexible nor inflexible. |  |
| **South Africa:** Central focus for provisioning of international telecommunication services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable and no change from 1988 | **Egypt & Saudi Arabia:** Text is flexible and broad has witnessed stability from 1988 | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Current existing bodies are covered in the provision. | **Zimbabwe**: With emerging technologies such as AI and robotics; there may be need to broaden the definition of public, in future | **Zimbabwe**: No change required. |
| 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. | **Russia**: Both 2012 and 1988 provisions are applicable to networks and services. The Russian text of 1.3 of the 1988 ITRs, however, does not account take account of the need for interoperability. | **Russia**: Both 2012 and 1988 provisions ensure flexibility. The 1988 ITRs do not help to solve issues of interoperability. | **Russia**: 1.3 of the 2012 ITRs largely meets current requirements for the development of telecommunications/ICTs. |
| **UK:** Anything to foster the provision and development of networks and services. It only states the intentions of the treaty. | **UK:** The question of “flexibility” is irrelevant here because this provision simply states very high level intentions. |  |
| **South Africa:** This objective is supported. | **South Africa:** The broad nature of this provision is flexible to support new trends and emergent issues. | **South Africa:** No change required. |
| **Côte d’Ivoire:** Applicable to "international telecommunication services". | **Côte d’Ivoire:** Limited to international telecommunication services.  Does not cover new forms of electronic communication | **Côte d’Ivoire:** Provision is limited by the current definition of "international telecommunication services". |
| **Egypt & Saudi Arabia:** Text is applicable and no change from 1988 | **Egypt & Saudi Arabia:** Text is flexible and broad | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article allows the service providers to find solution to interconnect challenges. | **Zimbabwe**: The article is future-proof. All possible ways of global interconnection, subject to not violating human rights, are permissible. | **Zimbabwe**: No Change Required |
| 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. | **Russia**: Both 2012 and 1988 provisions are applicable to networks and services | **Russia**: Does not impede the application of flexible approaches. | **Russia**: The text of the 2012 ITRs, unlike the 1988 ITRs, makes reference to the current structure of ITU. |
|  | **UK:** This provision sets out something the treaty does not do, so it neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out something the treaty does not do, so it is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
|  |  |  | **South Africa:** No change required: the provision provides clarity regarding the legal status of recommendations contained in the ITRs. |
|  | **Egypt & Saudi Arabia:** Text is applicable after deleting “Instructions”. Text makes it clear that Recommendations of ITU-T remain non-binding. | **Egypt & Saudi Arabia:** Text is not flexible enough to include other Recommendations of ITU, if other ITU sectors decide to have any. | **Egypt & Saudi Arabia:** Recommendations of ITU-T could be changed to ITU Recommendations. |
|  | **Zimbabwe**: Provision is applicable | **Zimbabwe**: Provision is flexible | **Zimbabwe**: No change required: the provision provides clarity |
| 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. | **Russia**: The 2012 ITRs takes account of changes which have occurred since 1988 and is fully applicable to the development of networks and services. | **Russia**: The 2012 ITRs allows for the application of flexible approaches. | **Russia**: Currently reflects the need for collaboration among agencies. |
|  | **UK:** It is true that most international telecommunication services are governed by mutual agreements between operators. This provision suggests that these agreements are within the framework of these Regulations. In fact, they are made outside of the framework of the ITRs. The ITRs are unnecessary for these agreements and in that sense, this provision is not applicable. | **UK:** In the modern telecommunications environment, new trends and emergent issues are managed directly through mutual agreements between operating agencies and not via any higher level treaty provision. The ITRs are hardly relevant. |  |
|  | **South Africa:** This provision supports the development of networks and services base on commercial agreements.  This provision is supported. | **South Africa:** This provision supported as it allows the establishment of international telecommunication services on commercial terms through mutual agreement between authorised operating agencies. This term is flexible to support new trends and emergent issues. | **South Africa:** |
|  | **Côte d’Ivoire:** New actors that are not "authorized operating agencies" are involved in the provision of international telecommunication services without mutual agreement, multilaterally and without representation. | **Côte d’Ivoire:** New trends are creating new actors that are not covered by the concept of authorized operating agency. | **Côte d’Ivoire:** Review the definition of "international" services and for the purpose of cooperation with new actors insist on the importance of their representation (local or regional). |
|  | **Egypt & Saudi Arabia:** Text is applicable to current times | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
|  | **Zimbabwe**: Provision is applicable | **Zimbabwe**: Provision is flexible | **Zimbabwe**: No change required. |
| 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. | **Russia**: The 2012 ITRs takes account of changes which have occurred since 1988 and is applicable to the development of networks and services. | **Russia**: It is not incompatible with the application of flexible approaches. Considerable flexibility can be ensured by expanding the range of Recommendations used (including those of the other Sectors) and by reflecting the role of administrations. | **Russia**: It might be necessary to clarify the role of administrations, as the Regulations contain standards of a regulatory nature covering administrations, which, in turn, develop and adopt relevant ITU-T recommendations. |
| **UK:** This provision only says that agencies “should” comply with ITU-T recommendations and only “to the greatest extent practicable” and only to “relevant” recommendations. This is open to very wide interpretation and in any case it is not legally enforceable so its applicability is unclear. | **UK:** This provision is not flexible. There are many new ITU-T Recommendations every year to address New trends and Emergent issues. However, this also means that there is a cache of outmoded and redundant Recommendations. It is unclear if this provision requires authorized operating agencies to continue applying these redundant but applicable recommendations, or if they can pick and choose from the new Recommendations.  It is not clear how to comply with this provision because there are unlikely to be Recommendations for the newest trends and issues. |  |
| **South Africa:** This provision supports the development of networks and services, which is based on ITU-T Recommendations where required (other standards could also be used if needed).  This provision is supported. | **South Africa:** To the extent required, adherence to ITU-T recommendations facilitate the establishment of international telecommunication services while it allows the necessary flexibility to also use other standards if needed. Selection of standards will be determined as part of the bilateral commercial arrangements between licensees. | **South Africa:** No change required. |
| **Côte d’Ivoire:** Provisions 1.4 and 1.6 of the 2012 ITRs could be contradictory.  Since the recommendations are not binding the actors could fail to observe them. | **Côte d’Ivoire:** This provision is not applicable to authorized operating agencies. | **Côte d’Ivoire:** This provision should take into account all new trends in addition to authorized operating agencies and should be in line with paragraph 1.6 on follow-up to ITU-T Recommendations. |
| **Egypt & Saudi Arabia:** Text is applicable and the use of “to the greatest extent practicable” makes it non-mandatory. | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Article provides operational guidelines for agencies | **Zimbabwe**: Article provides future operational guidelines for agencies | **Zimbabwe**: No change required. |
| 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. | **Russia**: Applicable to the development of networks and services, taking into account national circumstances. | **Russia**: Ensures flexibility. | **Russia**: The two provisions of 1988 and 2012 ITRs are analogous in meaning. |
|  | **UK:** 1.7.a is not necessary because the first provision of the ITRs already recognizes to regulate its telecommunications, which is already stated in the ITU Constitution. | **UK:** 1.7.a The question of flexibility is irrelevant to this provision. |  |
|  | **South Africa:** This provision acknowledges the sovereign right of Member States to regulate within their jurisdictions. | **South Africa:** This provision recognises the sovereign right of Member States to authorise any entity within their jurisdiction to provide international telecommunication services through either a license or licence-exempted regime. New trends will therefore also be supported. | **South Africa:** No change. |
|  | **Côte d’Ivoire:** Applicable to the international telecommunication service as defined. | **Côte d’Ivoire:** Does not allow for new trends in the field of electronic communications that involve new actors. | **Côte d’Ivoire:** Take into account new trends and review the definition of "international telecommunication services". |
|  | **Egypt & Saudi Arabia:** Text is applicable, it recognizes the rights of a MS to give licenses to telecom providers giving international services using its own laws. | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
|  | **Zimbabwe**: 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. | **Zimbabwe**: Agencies must ultimately be subjected to the laws of the states they operate in. The provision allows for the globalization of agencies. | **Zimbabwe**: No change. |
| 1.7 (b) The Member State concerned shall, as appropriate, encourage the application of relevant ITU-T Recommendations by such service providers. | **Russia**: Applicable to the development of networks and services. | **Russia**: Allows for the application of flexible approaches. Considerable flexibility can be ensured by expanding the range of Recommendations used (including those of the other Sectors). | **Russia**: The texts of these provisions of the 2012 and 1988 ITRs are analogous in meaning. 2012 provision takes account of changes in the structure of ITU. |
|  | **UK:** The phrase “as appropriate” is open to such wide interpretation that it effectively places no obligation on Member States to encourage the application of relevant ITU-T recommendations. Even if a Member State does so, there is no obligation to require service providers to do so, which means this provision does not effectively apply. | **UK:** 1.7.b Is inflexible. There are many new ITU-T Recommendations every year to address New trends and Emergent issues. However, this also means that there is a cache of outmoded and redundant Recommendations. This provision requires member states to continue applying these redundant but applicable recommendations. |  |
|  | **South Africa:** This provision supports the development of networks and services. | **South Africa:** See also comments to Article 1.6 above regarding ITU-T recommendations. It also allows the necessary flexibility to Member States to decide on ITU-T recommendations if necessary or leave this to the discretion of the licensees involved in international telecommunication services. | **South Africa:** Possible change required: This provision is similar to that contained in Article 1.6, could consider possible merging of the articles. |
|  | **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
|  | **Zimbabwe**: 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. | **Zimbabwe**: Agencies must ultimately be subjected to the laws of the states they operate in. The provision allows for the globalization of agencies. | **Zimbabwe**: No change. |
| 1.7 (c) The Member States, where appropriate, shall cooperate in implementing these Regulations. | **Russia**: Applicable to the development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: The texts of these provisions of the 2012 and 1988 ITRs are analogous in meaning. 2012 provision reflects the provisions of the Constitution and Convention. |
| **UK:** In 1.7.c The phrase “as appropriate” is open to such wide interpretation that it effectively places little or no obligation on Member States. There is also no definition of “cooperation”, which makes it even more difficult to enforce. |  |  |
| **South Africa:** Applicable. | **South Africa:** Allows for flexibility in adapting to new emerging trends and emergent issues. | **South Africa**: No change required. |
| **Egypt & Saudi Arabia:** Text is applicable and positive | **Egypt & Saudi Arabia:** Text is flexible in that it includes “where appropriate”. | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: 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. | **Zimbabwe**: Agencies must ultimately be subjected to the laws of the states they operate in. The provision allows for the globalization of agencies. | **Zimbabwe**: No change. |
| 1.8 These Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise. | **Russia**: Applicable to the development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: The texts of these provisions of the 2012 and 1988 ITRs are not quite identical. |
|  | **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets the scope of the treaty so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues.  It is not clear if this provision is necessary as it is commonly understood that telecommunications include different means of transmission. |  |
|  | **South Africa:** Management of satellite orbits and the use of the radio frequency spectrum falls within the ambient of the Radio Regulations. The ITRs should not address any matter, which is (or should be covered) in the Radio Regulations. | **South Africa:** Flexible. | **South Africa:** No change required. |
|  | **Egypt & Saudi Arabia:** This provision gives a hierarchy, as it prioritizes the Radio Regulations over the ITRs. Text is applicable. | **Egypt & Saudi Arabia:** Text is not flexible, and it should not be flexible | **Egypt & Saudi Arabia:** Keep text |
|  | **Zimbabwe**: Applicable | **Zimbabwe**: Flexible. | **Zimbabwe**: No change required. |
| 2012 Article 2: Definitions (Egypt & Saudi Arabia: We believe that the definitions need to be revisited at the end of the process, as suggestions for amendments, suppressions, additions can be included.) (Russia: It would be appropriate to include in Article 2 of the ITRs a definition of the term “roaming”, which is used in Nos. 41, 42, 43 and 44.) | | | |
| 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. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. |  |
| **UK:** This provision sets out how the treaty works so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
|  |  | **South Africa:** No change required: (Note: Several of these definitions are the same as that contained in the Constitution and Convention, which is supported.) |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text as is |
|  |  | **Zimbabwe**: **No change required.** |
| 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. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: 2.2 of the 2012 ITRs may be replaced with a reference to No. 1012 of the Annex to the ITU Constitution. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets the scope of the treaty so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** According to this definition, the Internet and audiovisual media are telecommunications and should not be excluded from the scope of the Regulations if the objective is to promote the development of networks and services in an era of convergence.  This definition of course excludes all aspects relating to content regulation. | **Côte d’Ivoire:** In order to provide for media convergence and to offer the necessary flexibility to take account of new trends, it would be advisable to define the concept of "electronic communication" in line with an approach geared towards the end user. | **Côte d’Ivoire:** In addition to the definition of the term "telecommunications", it would be advisable to define a more inclusive term geared towards end-user services: "electronic communication". |
| **South Africa:** This definition is the same as that contained in Constitution (CS.1012) | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text as is |
| **Zimbabwe**: The article covers the current, common means of transmission of information | **Zimbabwe**: Flexible. | **Zimbabwe:** Definitions in Article 2 are the same as those contained in the Constitution and Convention, which is supported. |
| 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. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: The Nos. of the 1988 and 2012 ITRs are virtually identical |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets the scope of the treaty so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
|  |  | **Côte d’Ivoire:** There is a need for a definition from the standpoint of the end user, who is actually present in the country or belongs to the country and not from the standpoint of the means of telecommunication used, which sometimes are not in the country where the international services are used or delivered. |
| **South Africa:** This definition is the same as that contained in Constitution (CS.1011) | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article allows any agency to establish network services with other agencies without prejudice. | **Zimbabwe**: Future technologies are covered in the provision under the banner of “stations of any nature” | **Zimbabwe**: No change required. |
| 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. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: The definition in No. 19 of the 2012 ITRs is in line with the definition in the Annex to the ITU Constitution (No. 1014), while the text of No. 16 of the 1988 ITRs is not fully in line with the definition in the Annex to the ITU Constitution. No. 19 of the 2012 ITRs may be replaced with an appropriate reference to the Constitution. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets the scope of the treaty so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** Obsolete | **Côte d’Ivoire:** Obsolete |  |
| **South Africa:** This definition is the same as that contained in Constitution (CS.1014) | **South Africa:** Flexible | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article covers the current acceptable definition of government arms and security. | **Zimbabwe**: Other critical government arms are not covered in the provision. Local law enforcement agencies and all government arms must be included. | **Zimbabwe**: Other critical government arms such as law enforcement agencies should be included |
| 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. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: The definition in 2.5 of the 2012 ITRs is in line with the definition in the Annex to the ITU Convention (No. 1006), while the text of the 1988 ITRs is not fully in line with the definition in the Annex to the ITU Convention. 2.5 of the 2012 ITRs may be replaced with an appropriate reference to the Convention. |
| **UK:** This provision sets out how the treaty works so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **South Africa:** This definition is similar to the definition contained in the Constitution (CS.1006). Differences are referring to “Member States” (and not administrations) and “Authorising operating agencies” (and not recognised operating agencies); these differences are supported. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article allows for the provision of international telecommunication services. | **Zimbabwe**: Flexible | **Zimbabwe**: No Change |
| 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. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: 2.6 of the 2012 ITRs is relevant and uses up-to-date terminology. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** This provision does not apply to the routing of Internet traffic and is restrictive considering the number of intermediary actors that have ensured the provision of international telecommunications services thus far. | **Côte d’Ivoire:** International route includes new means and actors that are not covered by the current definition. | **Côte d’Ivoire:** This definition should take into account communication flows such as those over the Internet and its multilateral dimension as well as the intermediary actors involved in the delivery of services to the end user. |
| **South Africa:** This provision supports the provision and development of networks and services. | **South Africa:** Flexible in accommodating new trends and emergent issues. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article satisfies the current definition of international routes. | **Zimbabwe**: The article covers future definition of international routes. | **Zimbabwe**: No change required. |
| 2.7 Relation: Exchange of traffic between two terminal countries, always referring to a specific service, if there is between their authorized operating agencies: | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: 2.7 of the 2012 ITRs is relevant and uses up-to-date terminology. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** There can be a "relation" between two terminal countries without there necessarily being an agreement between the authorized operating agencies, for example in connection with services available over the Internet.  The relation can be between a service platform and a user or several end users in different countries without the agreement of the authorized operating agencies.  **b)** The settlement of accounts is applicable only between authorized operating agencies**.** | **Côte d’Ivoire:** Does not offer the necessary flexibility to take account of developments such as communication services over the Internet.  **b)** Other means are involved in the "relation" and the settlement of accounts is discontinued because of new actors and technological developments. | **Côte d’Ivoire:** This definition should take into account services delivered over the Internet and their multilateral dimension.  **b)** Take into account agreements between intermediary actors in the delivery of services. |
| **South Africa:** Applicable. | **South Africa:** Not sufficiently flexible: The term is applicable in the context of the ITRs, however, the relevance of its inclusion is not clear and the attempt to define the term makes it inflexible. | **South Africa:** Consider deletion or refinement of the definition. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Applicable. | **Zimbabwe**: Flexible | **Zimbabwe**: No Change |
| 2.7 (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), | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: 2.7 (a) of the 2012 ITRs is relevant and uses up-to-date terminology. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** The relation often involves actors that are not authorized operating agencies. | **Côte d’Ivoire:** Does not take into account new trends that use other multilateral communication means and services and intermediary actors whose presence is not confined to one country. | **Côte d’Ivoire:** This definition should take into account communication flows such as those over the Internet and its multilateral dimension as well as the intermediary actors involved in the delivery of services to the end user. |
| **South Africa:** This provision supports the provision and development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article satisfies the current definition with respect to traffic exchange. | **Zimbabwe**: Flexible | **Zimbabwe**: No Change |
| 2.7 (b) normally, the settlement of accounts. | **Russia**: Does not affect applicability. | **Russia**: Does not affect flexibility. | **Russia**: 2.7 (b) of the 2012 ITRs is relevant and uses up-to-date terminology. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire: T**he settlement of accounts is applicable only between authorized operating agencies. | **Côte d’Ivoire:** Other means are involved in the "relation" and the settlement of accounts is discontinued because of new actors and technological developments. | **Côte d’Ivoire:** Take into account agreements between intermediary actors in the delivery of services. |
|  |  | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
|  |  | **Zimbabwe**: No change required. |
| 2.8 Accounting rate: The rate agreed between authorized operating agencies, in a given relation that is used for the establishment of international accounts. | **Russia**: Promotes development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: 2.8 of the 2012 ITRs is relevant and uses up-to-date terminology. |
| **UK:** This provision sets out the scope of the treaty so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** Applicable to RTCP | **Côte d’Ivoire:** Lacks flexibility as difficult to apply to alternative actors. | **Côte d’Ivoire:** Take into account agreements between intermediary actors in the delivery of services. |
| **South Africa:** Although it is acknowledged that accounting rate principles may still be applicable in some countries, this is no longer being used by authorised operating agencies/licensees. The terms and conditions for international agreements are established through commercial agreements. | **South Africa:** Not sufficiently flexible: different terminologies are used in commercial agreements to mean the same thing. | **South Africa:** Consider deletion or refinement of definition.  (Note: This matter will be discussed in detail when Appendix 1 is discussed at the 3rd meeting scheduled September 2020.  Related to this is the monetary unit, which is also addressed in Article 38 of the Constitution.) |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article covers the current acceptable definition of accounting rate | **Zimbabwe**: The article covers the future acceptable definition of accounting rate | **Zimbabwe**: No Change required. |
| 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. | **Russia**: Promotes development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: 2.9of the 2012 ITRs is relevant and uses up-to-date terminology. |
| **UK:** This provision sets out how the treaty works so on its own neither facilitates, nor hinders the provision and development of networks and services. | **UK:** This provision sets out how the treaty works so on its own is neither flexible, nor inflexible in accommodating new trends and emergent issues. |  |
| **Côte d’Ivoire:** Applicable to RTCP | **Côte d’Ivoire:** Lacks flexibility as difficult to apply to communication services delivered or accessible over the Internet. | **Côte d’Ivoire:** This definition should take into account communication flows such as those over the Internet and its multilateral dimension as well as the intermediary actors involved in the delivery of services and agreements between them. |
|  | **South Africa:** Not sufficiently flexible: Different terminologies are used in commercial agreements to mean the same thing. | **South Africa:** Consider deletion: The ITRs can contain provisions that speak about the charge established and collected by an administration without necessarily defining it. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: The article covers the current acceptable definition of collection charge. | **Zimbabwe**: The article covers the future acceptable definition of collection charge. | **Zimbabwe**: No change required |
| 2012 Article 3 International Network | | | |
| 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. | **Russia**: Promotes development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: 3.1 of the 2012 ITRs and 3.1 of the 1988 ITRs are identical in meaning. In addition, 2012 takes account of changes which have occurred in telecommunications/ICTs since 1988. |
| **UK:** This is not applicable because “Member States shall endeavour to ensure” is unenforceable.  In any case, competition in the market is the most effective way to guarantee a satisfactory quality of service while fostering provision and development. | **UK:** Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
| **Côte d’Ivoire:** Applicable to authorized operating agencies only within the meaning of the ITRs. | **Côte d’Ivoire:** Alternative actors providing electronic communications services are not directly involved in the maintenance and development of the international network and are not represented in the countries concerned. | **Côte d’Ivoire:** This provision should take into account the need for cooperation between alternative actors, particularly from the world of Internet (see Recommendation ITU-T D. 262 on OTTs), in the maintenance and improvement of the international network. |
| **South Africa:** This provision supports the development of networks and services on quality, although the word/term “satisfactory” is vague. | **South Africa:** This provision is supported. It should however be noted that international telecommunication services are provided based on quality as agreed with other parties and on commercial terms. This provision does however provide flexibility to accommodate new trends and emergent issues. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Article addresses the current need for development of network services, meeting agreed QoS standards. | **Zimbabwe**: Article addresses the QoS concerns for future and emerging technologies | **Zimbabwe**: No change required. |
| 3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services. | **Russia**: Promotes development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: The Nos. of the 1988 and 2012 ITRs are identical in meaning. The 2012 ITRs uses terminology from the ITU Constitution and Convention. |
| **UK:** “Member States shall endeavour to ensure” is unenforceable. And it is unclear how Member States should ensure this, at is now mostly the responsibility of the private sector. | **UK:** In the modern telecommunications market the provision of facilities is mostly for the private sector, not for Member States. |  |
| **South Africa:** Subject to national law, provisioning of telecommunication facilities are concluded based on commercial demand in support of capacity requirements with another country operator (authorised operating agency). | **South Africa:** The demand for international telecommunication services are driven by commercial imperatives based on mutual requests and agreements between operators. This provision does provide flexibility to accommodate new trends and emergent issues. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Article addresses the current need for development of network service to deliver solutions to various agencies. | **Zimbabwe**: The provision is flexible | **Zimbabwe**: No change required |
| 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. | **Russia**: Promotes development of networks and services. | **Russia**: Ensures flexibility. | **Russia**: the 1988 and 2012 ITRs are identical in meaning. |
| **UK:** This is a matter for mutual agreement between operating agencies. It is not necessary to have an intergovernmental treaty to state this. | **UK:** In the modern telecommunications market, routing is primarily agreed between private sector companies. |  |
| **Côte d’Ivoire:** This provision is not applicable to services provided over data networks (IP).  There are actors authorized by a State that provide international telecommunications services in other States without authorization and control. | **Côte d’Ivoire:** This provision is not flexible as the majority of services that are innovative in terms of electronic communications use data networks, in particular IP. | **Côte d’Ivoire:** The provisions of the ITRs must espouse data paradigms and allow States to assess data-based communications, according to their own legislation. |
| **South Africa:** This provision supports the development of networks and services. | **South Africa:** May not be sufficiently flexible: Selection of international routes is a matter to be decided between authorised operating agencies, which is done based on technical and commercial factors considered between the parties.  The latter part of the provision may not provide the necessary flexibility to accommodate new trends and emergent issues because it implies that the origin authorized operating agency need to reach some agreement relevant transit and destination authorized operating agencies by virtue of taking their interests into account. It would be better if the second part gave the origin authorized operating agency a “right” as oppose to just a “choice” to determine the route. | **South Africa:** Consider refinement of provision. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia: Keep text** |
| **Zimbabwe**: Article addresses the current practice in routing of traffic. | **Zimbabwe**: 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 | **Zimbabwe**: No change required. |
| 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. | **Russia**: Promotes development of networks and services, taking into account national circumstances. | **Russia**: Ensures flexibility, taking into account for national circumstances. | **Russia**: The Nos. of the 1988 and 2012 ITRs are similar in meaning.  The 2012 ITRs uses up-to-date terminology from the ITU Constitution and Convention, while the 1988 ITRs uses imprecise and out-of-date terminology. |
| **UK:** This provision is irrelevant in an international treaty as it is “subject to national law”.  “A satisfactory quality of service should be maintained to the greatest extent practicable” is open to wide interpretation and the provision does not state which ITU-T Recommendations are relevant. | **UK:** This provision is irrelevant in an international treaty as it is “subject to national law”.  Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
| **Côte d’Ivoire:** Access to the international network is not determined by States but depends on commercial agreements between authorized operators that are not subject to national legislation.  Users have access to national networks from which they benefit from international services. | **Côte d’Ivoire:** No comment | **Côte d’Ivoire:** This provision should take into account the fact that international communications involve intermediary actors that are not currently subject to the control of Member States. |
| **South Africa:** This provision supports the development of networks and services. | **South Africa:** QoS touches on basic human rights. This provision does provide flexibility to accommodate new trends and emergent issues. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible, provided we change it to “ITU Recommendations”. | **Egypt & Saudi Arabia:** Change to ITU Recommendations. |
| **Zimbabwe**: Article allows users to establish networking relationships freely. | **Zimbabwe**: The article must amend definition of “user” to cover emerging technologies such as robotics. | **Zimbabwe**: No change required |
| 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. | **Russia:** Promotes development of networks and services while at the same time ensuring the rights of Member States. | **Russia:** Ensures flexibility. | **Russia:** 3.5 of the 2012 ITRs reflects current needs in terms of the use of numbering resources. It may be necessary to include provisions on combating calling party number spoofing, line identification and number delivery (WTSA Resolutions 61, 65 and 91). |
| **UK: “**Member States shall endeavour to ensure” is unenforceable so it is difficult to see how it could help in fostering provision and development of networks and services. The fact that this provision is so weak and unenforceable makes it more difficult to address the problem of numbering misuse. | **UK:** The question of flexibility does not arise because it is unenforceable. |  |
| **Côte d’Ivoire:** This provision is difficult to apply as the measures required for its application should be explicitly defined in order to ensure worldwide harmonization, as stated in the Preamble. | **Côte d’Ivoire:** Does not take account of addressing and naming. | **Côte d’Ivoire:** This provision should explicitly define the need for harmonization and improvement of international communication networks. |
| **South Africa:** Management of international numbering resources is important to ensure accurate routing and billing of communications. Misuse of numbering resources should not be allowed. This provision supports the development of networks and services. | **South Africa:** Flexible: This provision is supported as it ensure accurate use of numbering resources. If not, it could lead to inaccurate or unsuccessful routing and billing of calls. Since an operator has no jurisdiction over other operators in another country, it is important that Member States support this matter. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Reference to the ITU-T Recommendations is limiting the flexibility of the text. | **Egypt & Saudi Arabia:** There is no need to specify ITU-T Recommendations in this provision and the text can be more flexible by eliminating it. |
| **Zimbabwe**: The article enforces compliance on numbering resources for accountability purposes. | **Zimbabwe**: The article enforces future compliance on numbering resources for accountability purposes. | **Zimbabwe**: No change required |
| 3.6 Member States shall endeavour to ensure that international calling line identification (CLI) information is provided taking into account the relevant ITU-T Recommendations. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** Reflects trends in the development and use of telecommunications/ICTs. |
| **UK:** “Member States shall endeavour to ensure” is unenforceable. | **UK:** It is not clear which ITU-T recommendations are “relevant”. There are many new ITU-T Recommendations every year. However, this also means that there is a cache of outmoded and redundant Recommendations. This provision could be inflexible if it leads to adherence to redundant recommendations. |  |
| **Côte d’Ivoire:** This provision is difficult to apply as the measures required for its application should be explicitly defined in order to ensure worldwide harmonization, as stated in the Preamble. |  | **Côte d’Ivoire:** This provision should explicitly define the need for harmonization and improvement of international communication networks. It should also insist on the importance of information sharing among Member States, namely CLI and other information relating to subscribers to combat spam, virtual allocation of SIM cards and fraud. |
| **South Africa:** Sending of accurate CLI information according to ITU-T Recommendations is important to ensure accurate routing and billing of communications. Misuse of CLI should not be allowed. This provision supports the development of networks and services. | **South Africa:** Flexible: This provision is supported as it curbs CLI manipulation, which could lead to inaccurate or unsuccessful routing and billing of international calls. Since an operator has no jurisdiction over other operators in another country, it is important that Member States support this matter. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable, but can be more applicable by making a reference to origin identifiers.  With the technological advancements and the introduction of IoT application in the international telecommunication service market we need to also consider origin identifiers. | **Egypt & Saudi Arabia:** Reference to the ITU-T Recommendations is limiting the flexibility of the text. | **Egypt & Saudi Arabia:** There is no need to specify ITU-T Recommendaitons in this provision and the text can be more flexible by eliminating it.  We need to broaden the subject to include Origin Identifiers. |
| **Zimbabwe**: Applicable- CLI is currently provided between member states for security and accountability. CLI must be maintained for accountability purposed | **Zimbabwe**: With a strong shift to IP, a consideration must be made to make IP address available, in cases of security risk. | **Zimbabwe**: No change required. |
| 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. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** Reflects trends in the development and use of telecommunications/ICTs. |
| **UK:** This Is unenforceable because it only says Member States “should” do this and it does not say exactly what “an enabling environment” means. | **UK:** In the modern telecommunications environment the implementation of regional telecommunication traffic exchange points is a matter for the private sector. There is a danger that without a clear definition of an “enabling environment”, Member States may take action under this provision which could actually hinder the development and provision of new services. |  |
| **South Africa:** This provision requires Member States to promote more than one point of interconnection for traffic exchange. This supports the provision and development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is currently applicable | **Egypt & Saudi Arabia:** Text is specific and not flexible enough |  |
| **Zimbabwe**: Applicable | **Zimbabwe**: Flexible | **Zimbabwe**: No change required. |
| 2012 Article 4 International Telecommunication Services | | | |
| 4.1 Member States shall promote the development of international telecommunication services and shall foster their availability to the public. | **Russia:** Promotes development of networks and services | **Russia:** Ensures flexibility. | **Russia:** Introductory text of article. |
| **UK:** This is unenforceable as it is not possible to judge whether adequate efforts to “promote” or “foster” have been undertaken. The emphasis here on the role of Member States could detract from the role of the private sector, which is responsible for the vast majority of investment, and might therefore discourage the provision and development of services. | **UK:** It is not clear what this means as it is not clear what “promote” or “foster” mean in practice. |  |
| **Côte d’Ivoire:** Applicable | **Côte d’Ivoire:** International telecommunication services do not cover communication services made available over the Internet. | **Côte d’Ivoire:** This provision should take into account communications made available over the Internet. |
| **South Africa:** International telecommunications are provided in terms of commercial agreements between authorized operating agencies. This provision is supported as it allows member states to promote international telecommunication services and foster their availability to the public where such a need has been identified. | **South Africa:** Use of commercial agreements allows flexibility to accommodate new trends and emergent issues. Need for Member State intervention is needed where there is a lack of development in international telecommunication services and there is a lack of availability to the public. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text as is |
| **Zimbabwe**: Applicable | **Zimbabwe**: Flexible | **Zimbabwe**: No change required. |
| 4.2 Member States shall endeavour 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. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** The Nos. of the 1988 and 2012 ITRs are similar in meaning.  No. 35 of the 2012 ITRs takes account of changes in the telecommunication/ICT ecosystem and the structure of ITU |
| **UK:** “Member States shall endeavour to ensure” is unenforceable.  Furthermore, cooperation by authorized operating agencies will take place “by agreement” of those agencies. This treaty does not require them to do so and it is unnecessary to encourage them do so - they will cooperate if they wish to, usually for commercial reasons. | **UK:** It is not clear which ITU-T recommendations are “relevant”. There are many new ITU-T Recommendations every year. However, this also means that there is a cache of outmoded and redundant Recommendations. This provision could be inflexible if it leads to adherence to redundant recommendations.  It is not clear how to comply with this provision because there are unlikely to be Recommendations for the newest trends and issues. |  |
|  | **Côte d’Ivoire:** Communications services extended to the Internet. | **Côte d’Ivoire:** Take into account provisions relating to the Internet. |
| **South Africa:** This supports the provision and development of networks and services | **South Africa:** Flexible: Recognising that the provisioning of international telecommunication services is based on commercial agreements between the respective authorized operating agencies, a member state can do an assessment to ascertain whether a national framework/guidelines, for their authorized operating agencies, is necessary for the purposes of promoting international telecommunication services and foster their availability to the public. | **South Africa:** No change required**.** |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text can be more flexible if we don’t limit it to ITU-T Recommendations. | **Egypt & Saudi Arabia:** Suggest to expand the text, that OA conform to all ITU Recommendations and not just ITU-T Recommendations, since there can be other ITU recommendations of relevance. |
| **Zimbabwe**: Applicable; cooperation in the provision of international telecommunication services is essential | **Zimbabwe**: Flexible | **Zimbabwe**: No change required. |
| 4.3 Subject to national law, Member States shall endeavour 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: | **Russia:** Promotes development of networks and services, taking into account national circumstances. | **Russia:** Ensures flexibility, taking into account national circumstances. | **Russia:** The Nos. of the 1988 and 2012 ITRs are similar in meaning. The 2012 ITRs takes account of changes in the telecommunication/ICT ecosystem and the structure of ITU. |
| **UK:** “Member States shall endeavour to ensure” is unenforceable. But in any case, competition in the market is usually the most effective way to guarantee access and a satisfactory quality of service. | **UK:** Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
| **South Africa:** This supports the provision and development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text can be more flexible if we don’t limit it to ITU-T Recommendations. | **Egypt & Saudi Arabia:** We suggest to broaden the text to refer to ITU Recommendations at large, and not just Recommendations of the Standardization sector. |
| **Zimbabwe**: Applicable: The article allows for member states to tailor make solution for their jurisdictions. All services must be of a minimum QOS standard | **Zimbabwe**: Flexible. The article allows for member states to tailor make solution for their jurisdictions. All services must be of a minimum QOS standard | **Zimbabwe**: 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; | **Russia:** Promotes development of networks and services | **Russia:** Ensures flexibility. | **Russia:** In Russian, the Nos. of the 1988 and 2012 ITRs are not quite identical. |
| **UK:** “Member States shall endeavour to ensure” is unenforceable. But in any case, competition in the market is usually the most effective way to guarantee access and a satisfactory quality of service. | **UK:** Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
| **South Africa:** This supports the provision and development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** The term “harm” needs to be clarified to ensure the proper applicability of this text | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Need for clarification on the term “harm” |
| **Zimbabwe**: Applicable | **Zimbabwe**: Flexible | **Zimbabwe**: No change required. |
| 4.3 (b) international telecommunication facilities and services available to customers for their dedicated use; | **Russia:** Promotes development of networks and services | **Russia:** Ensures flexibility. | **Russia:** In Russian, the Nos. of the 1988 and 2012 ITRs are not quite identical. No. 38 takes account of today’s realities and terminology. |
| **UK:** “Member States shall endeavour to ensure” is unenforceable. But in any case, competition in the market is usually the most effective way to guarantee access and a satisfactory quality of service. | **UK:** Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
| **South Africa:** This supports the provision and development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Applicable | **Zimbabwe**: Flexible | **Zimbabwe**: 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 | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia: T**he 2012 ITRs accurately reflects the current situation in telecommunications/ICTs. It may be necessary to clarify the definition of universal service. In principle, the ITRs do not contain provisions on universal service. |
| **UK:** “Member States shall endeavour to ensure” is unenforceable. But in any case, competition in the market is usually the most effective way to guarantee access and a satisfactory quality of service. | **UK:** Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
| **South Africa:** This supports the provision and development of networks and services. | **South Africa:** Flexible | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** The word “reasonably” is not measurable and can thus create can confusion and have a negative effect on applicability. | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** We suggest to delete “reasonably” |
| **Zimbabwe**: The provision is applicable | **Zimbabwe**: The provision is broad enough to accommodate future telecommunication services | **Zimbabwe**: 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. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** The 2012 ITRs accurately reflects the current situation in telecommunications/ICTs. |
|  | **UK:** “Member States shall endeavour to ensure” is unenforceable. But in any case, competition in the market is usually the most effective way to guarantee access and a satisfactory quality of service. | **UK:** Expectations of quality of services will vary according to the technology and its state of development. It is possible that action under this provision by Member States to ensure specific levels of quality of service could hinder innovation. |  |
|  | **South Africa:** This supports the provision and development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
|  | **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
|  | **Zimbabwe**: The provision is applicable to the provision of international telecommunication services. | **Zimbabwe**: Flexible | **Zimbabwe**: No change required. |
| 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. | **Russia:** Promotes development of networks and services | **Russia:** Ensures flexibility. | **Russia:** Reflects the needs of users. |
|  | **UK:** While these principles are important, member states are not the key actors, but rather the authorized operating agencies / service providers are. However, it is undefined how member states will foster these principles among their authorized operating agencies. The provision is unenforceable. | **UK:** In the modern telecommunications environment Member States are not the key actors. There is a risk that Member States could take action under this provision which could be counter-productive. |  |
|  | **South Africa:** The provision pushes for transparency on roaming charges to users; these are required to avoid bill shock to consumers, especially when roaming or making use of international telecommunications in another country. This provision supports the development of networks and services. | **South Africa:** Flexible. | South Africa: No change required. |
|  | **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
|  | **Zimbabwe**: The provision is applicable to the provision of international telecommunication services. | **Zimbabwe**: The article allow for regulation of emerging technologies when roaming. | **Zimbabwe**: No change required. |
| 4.5 Member States shall foster measures to ensure that telecommunication services in international roaming of satisfactory quality are provided to visiting users. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** Reflects the needs of users. |
| **UK:** This provision is unenforceable.  Furthermore, roaming services are generally based on agreements between operators, it is unclear what measures Member States are expected to take. | **UK:** It is possible that ‘authorised operating agencies’ would at points choose to temporarily deliver below ‘satisfactory quality’ services ‘to invest in new technology and expand other services, so this provision has the potential to hinder that. |  |
| **South Africa:** Provision pushes for monitoring of QoS on international roaming service to users. Roaming services are of the same quality as that offered to local users as it operates on the same network. This provision supports the development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Applicable; QoS in international roaming is pertinent | **Zimbabwe**: The provision is flexible | **Zimbabwe**: No change required. |
| 4.6 Member States should foster cooperation among authorized operating agencies in order to avoid and mitigate inadvertent roaming charges in border zones. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** Reflects the needs of users. |
| **UK:** This provision is unenforceable. In any case, authorised operating agencies already have a strong commercial incentive to cooperate with each other on this issue. In fact, if cooperation is suggested by the state, it may not appear voluntary and therefore parties may be reluctant in cooperating.  It is a concern that this provision does not say that Member States should apply it equally and fairly between all authorised operating agencies. This may hinder the provision and development of networks and services. | **UK:** This provision put too much emphasis on Member States to intervene. This means that the provision is less likely to accommodate new trends and emergent issues as these are typically first encountered by service providers. |  |
| **Côte d’Ivoire:** applicable | **Côte d’Ivoire:** Flexible | **Côte d’Ivoire:** This article is in the 2012 version but should be expanded to cover the problems related to borders, particularly with regard to interference and mutual responsibilities. |
| **South Africa:** Provision pushes for cooperation between private licensed operators to avoid and neutralize bill shock for international roaming service to users due to accidentally attaching to foreign networks when close to the border. This provision supports the development of networks and services. | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Member states provide current and up-to-date information on roaming services to mitigate bill shocks | **Zimbabwe**: The provision is not restrictive | **Zimbabwe**: No change required. |
| 4.7 Member States shall endeavour 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. | **Russia:** Promotes development of networks and services. | **Russia:** Ensures flexibility. | **Russia:** Reflects the needs of users. |
| **UK:** “Member States shall endeavour to promote” and “foster” are not legally enforceable and it is not clear how this should be done. | **UK:** This provision put too much emphasis on Member States to intervene. This means that the provision is less likely to accommodate new trends and emergent issues as these are typically first encountered by service providers. |  |
| **Côte d’Ivoire:** Depends to a great extent on intermediary actors. Tariffs are set/negotiated directly between operators and intermediary actors. | **Côte d’Ivoire:** Member States have no room for negotiation. | **Côte d’Ivoire:** This provision should take into account the general willingness of Member States to reduce roaming costs, at least to the level of the cost of national communications. This is demonstrated by the many regional agreements established in recent years. This reduction must be accompanied by discussions with the intermediary actors. |
| **South Africa:** Provision pushes for competition on international roaming service to users. This provision supports the development of networks and services | **South Africa:** Flexible. | **South Africa:** No change required. |
| **Egypt & Saudi Arabia:** Text is applicable | **Egypt & Saudi Arabia:** Text is flexible | **Egypt & Saudi Arabia:** Keep text |
| **Zimbabwe**: Member states cooperating regionally to foster competitive roaming prices. | **Zimbabwe**: Article allows for regulation of emerging technologies when roaming. | **Zimbabwe**: No change required. |