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| **Agenda item: PL 3** | **Document C23/77-E** |
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| Contribution from: Algeria (People's Democratic Republic of), Saudi Arabia (Kingdom of), Burkina Faso, Côte d’Ivoire (Republic of), Egypt (Arab Republic of), United Arab Emirates, Ghana, Mauritius (Republic of), Nigeria (Federal Republic of), South Africa (Republic of), Tunisia, and Zimbabwe (Republic of) | |
| TERMS OF REFERENCE OF THE EXPERT GROUP ON THE ITRs | |
| **Purpose**  This document contains a multi-country proposal to the ITU Council 2023 on the terms of reference for the EG-ITRs, for Council’s consideration and approval.  **Action required by the Council**  Consideration and approval of the proposed Terms of Reference (ToR) of EG-ITRs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  [Resolution 146](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-146-E.pdf) (Rev. Bucharest, 2022) of the Plenipotentiary Conference | |

**INTRODUCTION**

The International Telecommunication Regulations have been the subject of much debate at various ITU Plenipotentiary Conferences. So far three expert Groups convened to resolve the issues over the years, that have not managed to resolve the issues. This calls for a mind shift as we plan the convening of the fourth Expert Group to deal with the matter.

ITU Member States have been divided into two major groups. One group whose view is basically that the ITRs have become irrelevant and should be discarded and another group whose view is that the ITRs are still useful and relevant, subject to some amendments to modernise them taking into account, new issues that were not envisaged when the regulations were formulated.

The two groups’ views have been so polarised at PP-22 until the Chairman of PP-22 intervened to broker a consensus on the re-convening of the Expert Group on the ITRs.

We believe that the solution to the problem lies in a third school of thought that has been emerging from discussions that have been taking place. This school of thought is that the current sets of ITRs, both 1988 and 2012 are outdated in their current form and that there is need to come up with a new set of ITRs, based on the realities of today.

The countries signatory to this proposal to Council-23 have looked at all schools of thought, and the international telecommunications environment under which ITU Member States and relevant service providers are working. We are of the view that what is required, is an approach that makes ITU members, work as one team, to resolve real issues that are affecting international telecommunications, including the emergence of new technologies.

**PROPOSAL**

Pursuant to Resolution 146 (Rev. Bucharest, 2022) of the Plenipotentiary Conference, Instructing the Secretary-General:

to reconvene an EG-ITR, open to the ITU Member States and Sector Members, with terms of reference and working methods established by the ITU Council, this document proposes the terms of reference for the EG-ITR, for Council’s consideration.

The countries signatory to this document propose that the terms of reference of the EG-ITRs be as follows:

1. On the basis of contributions submitted by Member States, Sector Members and contribution from the Directors of the Bureaux, the EG-ITRs shall carry out an analysis:
2. To Identify all the issues that affect international telecommunications, including changes in technologies since 2012;
3. To assess the relevance of the current ITRs to support the emerging issues, affecting the international telecommunications;
4. To determine which of the issues identified require a multilateral agreement for international telecommunications to operate efficiently;
5. To come up with parameters of provisions that should be included in such a multilateral agreement;
6. To come up with high-level principles that can be used to govern international telecommunications;
7. To prepare a final report to Council for onward transmission to the next Plenipotentiary Conference, that contains the high-level draft principles for a draft treaty for consideration by the next Plenipotentiary Conference, with a view to retiring the existing ITRs and convening a conference to come up with a new treaty to govern international telecommunications.

The EG-ITRs shall undertake also a review of the 2012 ITRs considering the following:

* 1. addressing only high-level policy issues related to the provision and operation of international telecommunication services and technologies,
  2. that provisions contain only obligations of Member States, and not direct the activities of private parties

to prepare a draft treaty for consideration by the next Plenipotentiary conference, with a view to retiring the existing ITRs.

1. The Group should be open to the following:

• ITU Member States

• Sector Members

1. To the maximum extent possible, the ITU secretariat should provide interpretation in the six official languages, remote participation, webcasting, captioning and transcription for meetings of the EG-ITRs;
2. The Group should meet at least once a year and submit a report to each Council session, with the Final Report being submitted to Council 2026.

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