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|  | **Document EG-ITRs-6/2** |
| **17 October 2025** |
| **English only** |
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| Contribution by Hill | |
| IMPACT OF THE ITRs | |
| **Purpose**  To remind the Group that the 1988 ITRs were instrumental in facilitating the successful deployment and use of telecommunication services and applications worldwide, including in particular the expansion of networks based on the TCP/IP protocol and of the services popularly referred to as the Internet.  **Action required**  The Expert Group on the International Telecommunication Regulations is invited to **consider** this document.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  *Council Resolution* [*1379 (Mod. 2023) – Terms of Reference*](https://www.itu.int/md/S23-CL-C-0121/en)*; Documents* [*ITR-EG-C10*](https://www.itu.int/md/T05-ITR.EG-C-0010/en)*;* [*EG-ITRs-1/2*](https://www.itu.int/md/S23-EGITRS1-C-0002/en)*;* [*EG‑ITRs-3/2*](https://www.itu.int/md/S24-EGITRS3-C-0002/en)*;* [*EG‑ITRs-4/2*](https://www.itu.int/md/S25-EGITRS4-C-0002/en) *and* [*EG-ITRs-5/10(Rev.1)*](https://www.itu.int/md/S25-EGITRS5-C-0010/en) | |

Summary of the proposal for the meeting report

The 1988 ITRs were instrumental in facilitating the successful deployment and use of telecommunication services and applications worldwide, including in particular the expansion of networks based on the TCP/IP protocol and of the services popularly referred to as the Internet: Article 9, Special Arrangements, removed restrictions that could have impeded the expansion of such services. We request that the text of this contribution be annexed, as a statement from Hill, to the report of the present meeting.

Background

In its statement annexed to the report of the fifth meeting of the EG-ITRs (see Document [EG‑ITRs-5/10](https://www.itu.int/md/S25-EGITRS5-C-0010/en)), Canada states:

*(…) the successful deployment and use of telecommunication services and applications worldwide, as reflected and evidenced in several international telecommunication reports and publications, including those of the ITU, has not been the result of the ITRs. (…)*

However, several contributions to the EG-ITRs have set forth a different view.

Impact of the ITRs

Document [EG-ITRs-1/2](https://www.itu.int/md/S23-EGITRS1-C-0002/en) states:

*1.8 Further, contrary to what seems to be implied in C 73[[1]](#footnote-1)2, and C 66[[2]](#footnote-2)3, all international telecommunication services rely on the ITRs to some extent, and the provisions of the ITRs* ***are*** *applicable in fostering the provision and development of international telecommunication/ICT services and networks. While most international telecommunication services no longer use the accounting rates of Article 6 of the 1988 ITRs, Internet traffic is enabled by the Special Arrangements of Article 9 of the 1988 ITRs[[3]](#footnote-3)4. Indeed, the 2012 ITRs recognize the fact, in their Article 8, that accounting rates are no longer prevalent, however Special Provisions were retained as Article 13, in order to ensure that Internet traffic would not be disrupted. (…)*

The same text is set forth in 1.8 of Document [EG-ITRs-3/2](https://www.itu.int/md/S24-EGITRS3-C-0002/en).

Further, the continuing importance of the Special Arrangements provision (Article 9 of the 1988 ITRs) is explained in detail in Document [EG-ITRs-4/2](https://www.itu.int/md/S25-EGITRS4-C-0002/en).

Indeed, the importance of the ITRs is well documented, with references, in pp. 8-16 of Hill, Richard (2013), The New International Telecommunications Regulations and the Internet, Springer/Schulthess, a peer-reviewed book. As shown therein, the 1988 ITRs were instrumental in facilitating the successful deployment and use of telecommunication services and applications worldwide, including in particular the expansion of networks based on the TCP/IP protocol and of the services popularly referred to as the Internet: Article 9, Special Arrangements, removed restrictions that could have impeded the expansion of such services.

In addition, as documented in pp. 23-26 of the cited book, with references to contributions to ITU meetings, from 1998 to 2010, the US argued that the ITRs had served the telecommunications industry well, so there was no need to modify them. In particular, the US staunchly defended the three-month deadline for settlement of accounts found in Article 2 of Appendix 1 of the 1988 ITRs.

As late as March 2008, the US stated “Although some have suggested that the ITRs are outdated or not widely used, the United States disagrees. US telecommunications carriers regularly reference the ITRs (often references as the ‘Melbourne Agreement’ or ‘Melbourne Convention’) in their bilateral operating agreements with other international carriers … The removal of the ITRs would risk creating unnecessary uncertainty and confusion in these traffic arrangements which could adversely impact the delivery of services.”

The US went on to provide selected examples of ITR Articles and their application to international telecommunications agreements to illustrate their continued use and value, citing Articles 1.1b, 1.5, 1.7a, 3, 4, 5, 6, 9, and Appendix I.

The US concluded:

– The ITRs provide a well-understood and well-established framework of principles and rules which facilitate the global exchange of international traffic and the expansion of networks and services to meet user needs in all countries.

– The role of the ITRs, as a treaty-level agreement, remains critical to help ensure the stable and reliable flow of international telecommunications. Any termination or modification of the ITRs must be assessed in light of these tangible benefits the ITRs provide.

See Document ITR-EG-C10 at: <https://www.itu.int/md/T05-ITR.EG-C-0010/en>.

Statement

We request that the above text (that is, the sections “Summary”, “Background”, and “Impact of the ITRs”) be annexed as a statement from Hill to the Report of the present meeting.

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1. 2 <https://www.itu.int/md/S23-CL-C-0073/en>. [↑](#footnote-ref-1)
2. 3 <https://www.itu.int/md/S23-CL-C-0066/en>. [↑](#footnote-ref-2)
3. 4 Hill, Richard (2013) *The New International Telecommunications Regulations and the Internet: A Commentary and Legislative History*, Schulthess/Springer, p. 8. [↑](#footnote-ref-3)