

**JOINT APT-ITU SEMINAR ON THE OUTCOMES OF WTSA-12 AND WCIT-12**

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*OPENING ADDRESS*

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Distinguished colleagues,  
Ladies and gentlemen,

I would like to thank the Secretary General of Asia-Pacific Telecommunity (APT), Mr. Toshiyuki Yamada for agreeing to co-organise this event. I believe it is important that following the extensive preparatory work, we should reflect on the outcome of the WTSA and the WCIT, how successful were the regional proposals, and how the decisions taken can be implemented in the region.

Mr. Yamada shared this view and so while we were still in Dubai we agreed to organize this event. I would like to thank the APT Secretariat for working so well with the ITU secretariat to prepare for these two days which I hope will be very beneficial to those attending, and also since we will archive all the presentations, for others that were unable to be here in person.

We will review the three important events held in Dubai at the end of last year: the Global Standards Symposium (GSS); the World Telecommunication Standardization Assembly (WTSA); and the World Conference on International Telecommunications (WCIT).

We were fortunate to have many of the leading standards bodies speaking at the GSS at the highest level: ISO; IEC; IEEE; IETF; CCSA; TTA; and TTC, as well as leading industry, government and regulator representatives.

The GSS highlighted that with convergence the demarcation between different standards bodies is becoming blurred, leading to a risk of overlap and duplication. As such, the GSS called for the development of cooperation agreements which will identify the specific but complementary roles of different standards bodies in achieving mutually defined objectives, and in developing common international standards or suites of standards.

In addition, GSS participants acknowledged that ICT standardization no longer applies to only the ICT industry and that more must be done to integrate the unique needs of vertical sectors – a move which would enable the widespread deployment of innovations such as e-Health, e-Learning, Intelligent Transport Systems, Mobile Money, and Smart Grid.

WTSA acted on these conclusions by establishing a Review Committee to address how ITU will meet these challenges over the coming years, and I am pleased that the Chairman, Yoichi Maeda is here with to talk about that. There was some concern about possible overlap with TSAG but I do not believe this is a problem. Clearly TSAG does not have the time to fully address these issues having a crowded agenda. The Review Committee will be an opportunity for some more open thinking, brain storming, on ideas of how to address these challenges. I would like to thank Japan for making the proposal for a Review Committee and pursuing it to a successful conclusion in Dubai.

WTSA also adopted 50 Resolutions, 6 new and 44 revised, and produced the first-ever Resolutions on e-health, software-defined networks (based on the APT proposal), and e-waste. We also saw our mandate re-emphasized and strengthened in areas such as climate change, conformity and interoperability, and accessibility, and saw encouragement for greater engagement of academia in our work.

In addition, seven of the A series Recommendations that guide our work were revised, in particular A.7 on Focus Groups which now allows TSB to provide Focus Groups with some support, thanks to APT's support on this issue.

The Assembly also made significant changes to Resolution 76 on conformity and interoperability, which I believe puts us on a much better footing to take this programme forward led by Study Group 11.

The consolidation of the current ITU-T structure keeping to 10 study groups was important. The recent meeting of SG11 had double the number of participants and a significant output, which shows how the current structure can be made effective.

WTSA was followed by the World Conference on International Telecommunication (WCIT) which as you know attracted immense public scrutiny.

152 countries participated actively in Dubai's revision of the ITRs, leading to an excellent new treaty which is a considerable boost to the work of the ITU-T Sector, as it requires Member States to encourage the application of relevant ITU-T Recommendations by service providers and authorized operating agencies in many areas, including Quality of service, numbering, International calling line identification, international roaming, emergency communications, countering spam, energy-efficiency, e-waste and accessibility.

WCIT also called for ITU-T to study the regulatory, technical and economic issues, which need to be taken into consideration due to the transition from dedicated phone and data networks to converged IP-based networks.

Of the 22 APT member countries participating in the WCIT, 15 signed the treaty. In total 89 countries signed immediately, and we hope many more will accede before it comes into force on 1 January 2015. This compares well with the 112 that signed the current treaty in Melbourne and to which 190 member States are now party to.

I would like to address some of the reasons why the other countries present in the WCIT apparently did not sign – reasons that have been conveyed to us informally by the concerned countries.

One reason is that the final text was adopted less than 24 hours before countries were being asked to sign. Clearly this did not allow sufficient time to consult many capitals, especially taking account of time differences.

Another concern was that the late inclusion of the third paragraph of the Preamble, which states that: “These Regulations recognize the right of access of Member States to international telecommunication services” apparently gave concern that it would affect countries’ ability to impose UN sanctions.

In this regard I would like to make two points: first is that the preambular text in international treaties does not have the same legal status as the text found in the subsequent articles, and it does not usually give rise to legal rights or obligations for subjects of international law.

Second, in accordance with Article 4 of the ITU Constitution, it prevails over the Administrative Regulations (i.e. the ITRs and the Radio Regulations) and Article 35 of the Constitution permits Member States to suspend the international telecommunication service with other countries provided that it immediately notifies such action to each of the other Member States through the Secretary-General.

Another concern is the perceived expansion in the scope of the ITRs.

Some feared that revising the ITRs to apply to Authorized Operating Agencies (AOAs) rather than Recognized Operating Agencies (ROAs) would be an expansion of scope.

However, Article 6 (No.38) of the ITU Constitution was modified in 1998 to states that the Administrative Regulations shall apply to the *operating agencies authorized by Member States to establish and operate telecommunications and which engage in international services*.

Since the Constitution prevails over the ITRs, the WCIT-12 was obliged to align the text in the ITRs (regarding the scope and its relation to operating agencies) with Article 6.

The scope of application of the 2012 ITRs therefore covers, besides the Member States which are parties to the treaty, the so-called “**authorized operating agencies**”, i.e. those operating agencies, authorized or recognized by a Member State, to establish, operate and engage in international telecommunications services **to the public** (Article 1.1b)

The scope of the present ITRs is therefore limited to those international telecommunication services available “to the public”. The fact that the ITRs regulate only publicly available international telecommunication services, leaves a number of categories of telecommunications networks and services typically not available to the public, such as government networks and private corporate networks, are outside the scope of the treaty.

The two new Articles 5A and Article 5B on network security and unsolicited bulk electronic communications (i.e. spam) were also causes of concern that this extended the treaty to content issues and therefore could facilitate censorship.

Article 5A encourages collaboration on addressing network security so as to protect the international telecommunication network from technical harm. This article is subject to the human rights obligations expressed in the Preamble as well as Article 1 of the ITRs, which states that: “These Regulations do not address the content-related aspects of telecommunications.” As such, Article 5A promotes security measures that do not relate to content and calls for international cooperation in implementing already prevalent best practices.

Article 5B encourages Member States to cooperate together to take the necessary measures to prevent spam and minimize its impact on international telecommunication services.

Again, this article is subject to human rights obligations as well as Article 1 of the ITRs. Therefore, as is the case of Article 5A, the implementation of Article 5B cannot include measures based on content filtering but rather the many other technical measures which do not use content filtering such as ITU-T X.1230/X.1240 series of Recommendations, and corresponding informative Supplements.

Finally, the Resolution 3 entitled “To foster an enabling environment for the greater growth of the Internet. WCIT Resolutions are **not part of the ITRs**, and do not require any ratification, acceptance or approval process, and are not inherently binding for Member States, but have immediate effect.

The only operative part of Resolution 3 calls for ITU to play an active and constructive role in the development of broadband and the multistakeholder model of the Internet. The subject matter is not new for ITU as Internet is addressed in PP-10 Resolutions 101, 102, 133, and 180, which were all unanimously agreed in 2010.

In retrospect therefore there seems nothing in the treaty that should prevent a Member State implementing it, indeed quite the opposite there are many reasons to do so: provisions requiring Member States to take action against any misuse of names and numbers in their territory; to improve transparency in mobile roaming charges; to improve energy efficiency; cut e-waste; to bring access to the 650 million people living with some kind of disability; to improve broadband connectivity for landlocked developing countries and small island states; and encourage investment and competition.

Another very positive aspect of the ITRs is the Preamble’s placing special emphasis on freedom of access to international telecommunication services, and its affirmation that Member States commit to implementing the treaty in a manner that respects and upholds their human rights obligations.

The new ITRs were signed by 89 of the 144 countries present in Dubai and authorized to sign. I very much hope that on reflection many more countries will accede, as was the case after

Melbourne. This will be essential for the future of the ITU. Details on how to accede are on the ITU website.

The treaty provides a framework for the accelerated growth of ICTs at the national and international level, in particular to bring Internet access to the two-thirds of the world's population which is still offline, by driving investment in broadband roll out and in ensuring the continuing promotion of digital inclusion for all.

We will reflect of these issues over the next two days, and I wish you a very informative and enjoyable event, and again our thanks to our colleagues in APT especially the Secretary-General.