

## **CWG-WCIT12 CONTRIBUTION 92**

### **SOURCE: Asia-Pacific Telecommunity**

#### **PRELIMINARY APT COMMON PROPOSALS FOR THE WORK OF THE 2012 WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS (WCIT-12)**

##### **Introduction**

The 3<sup>rd</sup> APT Preparatory Meeting for the WCIT-12 which was held in Cairns, Australia from 22-24 March 2012, adopted the following proposals as Preliminary APT Common Proposals (PACPs) to the 2012 World Conference on International Telecommunications as contribution for the revision of the International Telecommunication Regulations (ITRs).

According to the procedure for approval of APT Common Proposals, the proposals will be circulated to the APT Member Administrations for their formal endorsement. However, the meeting recognized the importance of making these proposals available to the forthcoming meeting of the Council Working Group to prepare for WCIT-12 (CWG-WCIT12) that will be held from 23-25 April 2012.

##### **Proposals**

- 1. Proposal to systematically replace “CCITT” by “ITU-T”.**

##### **PACP/ 01**

APT Members are of the view that for the replacement of “CCITT” by “ITU-T” needs to be done systematically.

- 2. Proposal for use of the term “Member”, “Member States”, “Administration”, “Operating Agency”, “Recognized Operating Agency and Recognized Private Operating Agency”.**

##### **PACP/ 02**

- 2.1 Agreement was reached for the replacement of the term “*Member*” with “*Member State*”.
- 2.2 For the replacement of the term “*Administration*” with “*Member State*” or “*Operating Agencies*”, to be considered on a case by case basis, since some provisions are dealing with responsibilities of Member States; while other provisions are dealing with the responsibilities of Operating Agencies.

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2.3 In the ITRs reference is made to *Recognized Private Operating Agency*. In order to cover all three terms, *Operating Agency*, *Recognized Operating Agency* and *Recognized Private Operating Agency*, a possible option would be to refer to “*Operating Agency*” as an umbrella term while the two other terms, “*Recognized Operating Agency*” and “*Recognized Private Operating Agency*”, should be considered as subset of “*Operating Agency*”, to cover all possible cases in different countries as the situation may be.

**3. Proposal to systematically refer to “ITU Recommendations” rather than to “ITU-T Recommendations”.**

**PACP/ 03**

Such a course of action seems to be incorrect, due to the fact that in the ITRs reference may be made to ITU-T Recommendations in general and, where it is absolutely necessary, reference may be made to ITU-R Recommendations. Moreover, the term “ITU Recommendations” is broad and misleading as it does not clearly indicate the field of application of the Recommendation.

Consequently, to make a general reference to ITU Recommendations seems to be inappropriate and thus APT does not support such a course of action.

**4. Proposal to incorporate in the ITRs certain provisions found in the Constitution (CS) or Convention (CV)**

**PACP/ 04**

This is a fundamental question which needs a proper reply. It is to be noted that there may be no need to repeat certain provisions as contained in the Constitution and the Convention in the ITRs unless such repetition is absolutely necessary. For example, very limited provisions of the Constitution and perhaps of the Convention have been included in the Radio Regulations only where such inclusion was absolutely necessary.

Consequently, every effort should be made to avoid such repetition and thus inclusion of certain terms from the Constitution and the Convention in the ITRs must be kept to the minimum absolutely necessary.

**5. Proposal for the status of ITU-T Recommendations**

**PACP/ 05**

Provision of Article 1.4 of the ITRs stipulates:

*“1.4 References to CCITT Recommendations and Instructions in these Regulations are not to be taken as giving to those Recommendations and Instructions the same legal status as the Regulations.”*

It should be noted that as a general rule, the application of ITU-T Recommendations are non mandatory and optional/voluntary. There is neither a technical nor a regulatory basis for giving any of the ITU-T Recommendations the same legal status as the very general, high level provisions contained in the ITRs.

APT Members are therefore of the opinion that there seems to be no need to modify the existing provision of Article 1.4 of the ITRs, except appropriate editorial revision to change “CCITT” to “ITU-T”, which establishes that the ITU-T Recommendations are voluntary for ITU Member States.

It is worth mentioning that the term “Instructions” referred to in the provision of Article 1.4 currently does not exist in the ITRs. The above term may therefore be deleted.

## 6. Proposal for definitions

### PACP/ 06

6.1 The terms:

- Telecommunication (CS 1012)
- International telecommunication Service (CS 1011)
- Government telecommunications (CS 1014)
- Service telecommunication (CV 1006)

are already contained in ITU CS or CV, therefore there seems to be no need to repeat them in the ITRs unless it is absolutely necessary.

In accordance with No. 32 of Article 4 of the ITU CS, terms contained in CS/CV shall prevail when there is inconsistency.

6.2 Regarding the proposed new definitions such as “Hub”, “Fraud” and “Spam” it was considered that since some of these issues may be outside the scope of ITRs it would therefore be difficult to include these definitions in the ITRs. Therefore one possible alternative is to adopt relevant Resolutions to address these issues.

## 7. Proposal for new article 8.5 for Network Security

ITU Resolution 130 (Rev. Guadalajara, 2010), “Strengthening the role of ITU in building confidence and security in the use of information and communication technologies”

Based on item 12 in the Geneva Plan of action, “Confidence and security are among the main pillars of the Information Society.”

a) Promote cooperation among the governments at the United Nations and with all stakeholders at other appropriate fora to enhance user confidence, build trust, and protect both data and network integrity; consider existing and potential threats to ICTs; and address other information security and network security issues.

b) Governments, in cooperation with the private sector, should prevent, detect and respond to cyber-crime and misuse of ICTs.

f) Further strengthen the trust and security framework with complementary and mutually reinforcing initiatives in the fields of security in the use of ICTs, with initiatives or guidelines with respect to rights to privacy, data and consumer protection.

According to Tunis Agenda for the information society,

“39 We reaffirm the necessity to further promote, develop and implement in cooperation with all stakeholders a global culture of cybersecurity, as outlined in UNGA Resolution 57/239 and other relevant regional frameworks. This culture requires national action and increased international cooperation to strengthen security while enhancing the protection of personal information, privacy and data.

42 We affirm that measures undertaken to ensure Internet stability and security, to fight cybercrime and to counter spam, must protect and respect the provisions for privacy and freedom of expression as contained in the relevant parts of the Universal Declaration of Human Rights and the Geneva Declaration of Principles.”

It’s necessary to add contents and a new article X regarding network security issues. APT proposes to add the following clauses under this new article X (for instance, Article 8.5).

**PACP/ 07**

**ADD**

*New article 8.5:*

*Member States should encourage Operating Agencies<sup>1</sup> in their territories to take appropriate measures for ensuring network security.*

*Member States should collaborate to promote international cooperation to avoid technical harm to networks.*

<b>Proposed Revisions to the ITRs</b>	<b>Reasons for the proposal / Comments</b>
ADD: new 8.5 Member States should encourage Operating Agencies in their territories to take appropriate measures for ensuring network security. Member States should collaborate to promote international cooperation to avoid technical harm to networks.	With the rapid development of ICTs, the use of ICTs and relevant services may be international and inter-regional. In order to build the confidence in secure use of ICTs and relevant services among the member states and users, it's necessary to protect the security of ICT infrastructure and prevent the misuse of ICTs.

**8. Proposal for Number Misuse**

The misuse of numbering resources continues to be an important issue for APT member countries and members are of the view that more should be done to mitigate the problem. It is acknowledged that while important and initial steps have been taken to address this issue, most notably at the WTSA-08 (Johannesburg), the problem persists and continues to affect several APT countries in particular the small island countries of the Pacific. Therefore the APT members are adamant that this issue be addressed in the WCIT process in the form of a new article.

In this regard, APT Members propose the following clauses to be added to the relevant part of ITR, for instance, a new article 3.7

**PACP/ 08**

**ADD**

*New article 3.7:*

*Member States shall encourage the appropriate use of numbering resources so that they are used only by the assignees and only for the purposes for which they were assigned. In accordance with the relevant ITU-T Recommendations, Member States shall endeavor to ensure that unassigned resources are not used.*

**9. Proposal for Calling Party Number Delivery**

The APT member countries are of the view that the issue of Calling Party Identification should be addressed together with the misuse of numbering resources. The non-delivery of international calling party numbers, in particular, the country code of the originating country, only exacerbates the problem of misuse of numbering resources. Therefore the APT members are adamant that this issue be addressed in the ITRs in the form of a new article.

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<sup>1</sup>Operating Agencies covers:

- *Authorized Private Operating Agencies*
- *Recognized Private Operating Agencies*

In this regard, APT Members propose the following clauses to be added to the relevant part of ITR, for instance, new article 3.6.

**PACP/ 09**

**ADD**

*New article 3.6:*

*Member States shall encourage the provision of international calling party number delivery in accordance with the relevant ITU-T Recommendations.*

**10. Article 10 - Final Provisions**

APT Members are of the view that the following changes should be made to the Article 10:

**PACP/10**

**MOD**

10.1 These revised Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on xx, yy, zzzz 0001 hours UTC.

**PACP/11**

**MOD**

10.2 On the date specified in (10.1), the International Telecommunication Regulations (Melbourne, 1988) shall be replaced by these International Telecommunication Regulations (Dubai 2012)

At the 6<sup>th</sup> Meeting of the CWG-WCIT12 there was a proposal relating to entry into force and provisional application which is proposed below.

*“The Regulations, which complement the provisions of the Constitution and Convention of the International Telecommunication Union, shall enter into force on 1 January 2015 and shall be applied as of that date pursuant to Article 54 of the Constitution”.*

The APT is of the view that it is not appropriate to take a similar course of action to those taken with respect to the revision of the Radio Regulations. The Radio Regulation are subject to revision by the WRC which takes place every 3 to 4 years; no such arrangements are envisaged for the ITRs.

***Revision of the ITRs***

Generally speaking the revision of the ITR must be done by the same entity that adopted the initial/original version of that ITR. It should be noted that neither WTSA which is not a treaty making entity nor Plenipotentiary Conference can revise the ITRs.

Based on the above the following modification is proposed for 10.2:

**PACP/12**

**ADD**

10.2bis The partial or total revision of ITR can only be undertaken by a competent World Conference on International Telecommunication in accordance with Article 25 of the ITU Constitution.

*Editorial Note:*

With respect to the revision of the ITRs, it is worth mentioning that Resolution 171 calls on Council to analyse the necessity for periodic review of the ITRs.

Once Council decides on this matter, a Resolution may be required to be adopted by the WCIT-12 in that regard.

**PACP/13**

**MOD**

10.3 If a Member State makes reservations with regard to the application of one or more of the provisions of these Regulations, other Member States and their administrations\* shall be free to disregard the said provision or provisions in their relations with the Member State which has made such reservations and its administrations\* (*see note 2 below*).

*Note 1:* With respect to application of Appendices 1, 2 & 3 in order to satisfy the requirement of those Member States that do not wish to retain these Appendices in the ITR they may wish to make reservation on application of certain part or entire Appendix or Appendices, as appropriate or alternatively if situation arises other alternative such as Optional Protocol may be explored, if appropriate.

*Note 2:* It is necessary to carefully examine whether the term "Administration" referred to in 10.3 above should be retained, or should be replaced by operating agency with its subset of recognized operating agencies or recognized private operating agencies.

*Note 3:* The issue referred to in *Note 2* above is one of the instances mentioned in paragraph 2.2 of the proposals of the APT to WCIT (ACP 2).

*Note 4:* It should be noted that at the CWG-WCIT12 it was indicated that there is a need to align the French and English text, which are currently inconsistent.

Therefore it is necessary to carefully examine the matter for any alignment; if necessary.

**PACP/14**

**MOD**

10.4 Members of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform members promptly of the receipt of such notifications of approval.

**PACP/15**

**MOD**

IN WITNESS WHEREOF, the delegates of the Members of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member of the International Telecommunication Union. Done at Dubai, [14] December 2012.

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