

**PLENARY MEETING**

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## **United States of America**

### **PROPOSALS FOR THE WORK OF THE CONFERENCE**

#### **I. Introduction**

This contribution presents proposals to the World Conference on International Telecommunications 2012 (WCIT-12) that have been developed by the United States of America for the revision of the International Telecommunications Regulations (ITRs). The intent of these proposals is to support a revision of the ITRs that advances the worldwide goal of greater competitive and affordable access to telecommunications networks. The ITRs have provided a foundation for growth in the international telecommunications market, contributing to overall economic development around the world. The United States supports efforts to utilize the ITRs as a tool to foster continued development of international telecommunications, without overburdening the telecommunications sector with unnecessary and intrusive regulation. The United States reaffirms its readiness to work with all of the delegations to achieve a successful outcome at WCIT-12.

The United States also notes, however, that the Internet has evolved to operate in a separate and distinct environment that is beyond the scope or mandate of the ITRs or the International Telecommunication Union. Specifically, it emerged from multi-stakeholder organizations such as the Internet Society, the Internet Engineering Task Force (IETF), the World Wide Web Consortium (W3C), the Regional Internet Registries (RIRs), and the Internet Corporation for Assigned Names and Numbers (ICANN). These organizations have played a major role in designing and operating the Internet and have succeeded by their very nature of openness and inclusiveness. The United States believes these existing institutions are most capable of addressing issues with the speed and flexibility required in this rapidly changing Internet environment. As a decentralized network of networks, the Internet has achieved global interconnection without the development of any international regulatory regime. The development of such a formal regulatory regime could risk undermining its growth.

Therefore, the United States will not support proposals that would increase the exercise of control over Internet governance or content. The United States will oppose efforts to broaden the scope of the ITRs to empower any censorship of content or impede the free flow of information and ideas. It believes that the existing multi-stakeholder institutions,

incorporating industry and civil society, have functioned effectively and will continue to ensure the continued vibrancy of the Internet and its positive impact on individuals and society. Furthermore, recalling that Member States agreed in Plenipotentiary Resolution 130 (Guadalajara, 2010) that “legal or policy principles related to national defense, national security, content and cybercrime . . . are within [Member States’] sovereign rights,” the United States will oppose any provisions that interfere with those rights. The United States invites other administrations to engage in dialogue consistent with these principles, which are vital to the continuing development of international telecommunications.

## **II. United States’ Views on the ITRs**

The United States believes the changes that have occurred in the global communications sector since the 1988 World Administrative Telegraph and Telephone Conference (WATTC-88) in Melbourne, Australia, can be addressed and accommodated with limited revisions to the ITRs. It is important that the ITRs continue to reflect high-level principles that are sufficiently flexible to accommodate existing and future technological and market changes.

In addition, the United States notes that the existing ITRs are currently in force and, as such, are the most relevant starting point for negotiations on their revision. The decisions of the ITU Plenipotentiary Conference 2010 (PP-10) serve as a guide for those revisions. The ITU Administrative Regulations, i.e. the ITRs and the Radio Regulations, must continue to be consistent with and complement the ITU Constitution and Convention. In addition, the revised ITRs should continue to be a “stable treaty,” with no need for regular or frequent updating. Moreover, the ITRs must continue to recognize the sovereign right of Member States to regulate their telecommunications sectors.

A recent statistical report from the ITU catalogues the extraordinary increase in competition in the global communications market over the past decade (ITU StatShot, 2011). The ITU report notes that in 2010, competition was allowed for mobile and data services in more than 90% of countries and for international gateway access in 78% of countries. It further notes that competition in basic voice services exists in two-thirds of countries and in leased lines in three-quarters of the world’s countries. This competition has led to unprecedented technological advances and spurred the development of new services.

The success of international communications since 1988 indicates that the ITRs have provided a sound contribution to innovation and growth. As a result, most provisions of the ITRs require minimal, if any, changes. The exception is Article 6, which addresses the exchange of international telecommunications traffic. Article 6 requires substantial revisions to reflect today’s communications environment and to accommodate future technological and market changes.

The current ITRs reflect a communications market where most traffic was exchanged between monopoly carriers and where the traffic was fixed telephony, fixed data, and telegraph. Today, most traffic is exchanged under commercial arrangements between carriers operating in competitive environments where there are multiple competing services.

Therefore, the United States proposes the following:

- Minimal changes to the preamble of the ITRs;
- Alignment of the definitions in the ITRs with those in the ITU Constitution and Convention, including no change to the definitions of telecommunications and international telecommunications service;
- Maintaining the voluntary nature of compliance with ITU-T Recommendations;
- Continuing to apply the ITRs only to recognized operating agencies or RoAs; i.e., the ITRs' scope should not be expanded to address other operating agencies that are not involved in the provision of authorized or licensed international telecommunications services to the public; and
- Revisions of Article 6 to affirm the role played by market competition and commercially negotiated agreements for exchanging international telecommunication traffic.

### **III. Proposals for the Work of the Conference**

The United States recognizes the role that the ITRs have played in promoting the growth of telecommunications networks. Meanwhile, the United States also recognizes the sovereign right of each country to regulate its own telecommunications sector. Moreover, the United States opposes adding provisions to the ITRs that can be interpreted to restrict the choices available to governments in regulating their national telecommunications regimes. If the ITRs are to promote telecommunications development in an enduring manner, they must remain flexible enough to allow for rapid technological change and the evolution of new business models and consumer-oriented services.

In light of the above, the United States is pleased to submit its first tranche of proposals in **Addendum 1** for consideration by the World Conference on International Telecommunications 2012 (WCIT-12). The United States reserves the right to add to, or otherwise modify, the views and proposals expressed herein through subsequent contributions.

Subsequent proposals are included as additional **Addendums** to this document.

The attached table in the **Annex** provides a summary of the list of proposals from the United States.

**Annex**

**List of Proposals to WCIT-12 from the United States of America**

<b>USA</b>	<b>Title of USA</b>	<b>Summary of Proposal</b>
<b>USA/9A1/1</b>	Title of International Telecommunication Regulations	Remains unchanged.
<b>USA/9A1/2</b>	Title of Preamble	Remains unchanged.
<b>USA/9A1/3</b>	Text of Preamble	To align with the current terminology used in CS No. 31.
<b>USA/9A1/4</b>	Title of Article I	Remains unchanged.
<b>USA/9A1/5</b>	Text of Article 1.1 a)	Editorial update to clarify that the ITRs apply to Member States.
<b>USA/9A1/6</b>	Text of Article 1.1 b)	Editorial update.
<b>USA/9A1/7</b>	Text of Article 1.2	No changes proposed; this provision stood the test of time.
<b>USA/9A1/8</b>	Text of Article 1.3	No changes proposed; this provision embodies the purposes of the Union articulated in Article 1 of the CS.
<b>USA/9A1/9</b>	Text of Article 1.4	Editorial changes to reflect that ITU-T Recommendations should continue to be voluntary. Delete provisions regarding Instructions because they are no longer in effect.
<b>USA/9A1/10</b>	Text of Article 1.5	The proposed revisions reflect the international telecommunication traffic exchange in competitive environment.
<b>USA/9A1/11</b>	Text of Article 1.6	Proposed changes reflect reasons given for Article 1.4.
<b>USA/9A1/12</b>	Text of Article 1.7 a)	Editorial update to align with CS/CV.
<b>USA/9A1/13</b>	Text of Article 1.7 b)	Propose deletion as this provision is similar to the provision found in Article 1.6.
<b>USA/9A1/14</b>	Text of Article 1.7 c)	Proposed revisions align the text with terms in CS/CV.
<b>USA/9A1/15</b>	Text of Article 1.8	No changes proposed; this provision stood the test of time.
<b>USA/9A1/16</b>	Title of Article 2	Remains unchanged.

USA	Title of USA	Summary of Proposal
USA/9A1/17	Text of Article 2	No changes proposed; introduction describes the scope and purpose of the definitions included in the ITRs.
USA/9A1/18	2.1 <i>Telecommunication</i>	No proposed revisions.
USA/9A1/19	2.2 <i>International telecommunication service</i>	No proposed revisions.
USA/9A1/20	2.3 <i>Government telecommunications</i>	Proposed revisions align ITRs definition with definition found in CS No. 1014.
USA/9A1/21	2.6 <i>International route</i>	The proposed revision supports suppression of this definition.
USA/9A1/22	2.7 <i>Relation</i>	The proposed revision supports suppression of this definition.
USA/9A1/23	2.8 <i>Accounting rate</i>	The definition is no longer necessary in light of proposed changes to Article 6.
USA/9A1/24	2.9 <i>Collection charge</i>	Editorial changes.
USA/9A1/25	2.10 <i>Instructions</i>	The proposed revision supports the suppression of the reference to ITU-T Instructions.
USA/9A1/26	Title of Article 3	Remains unchanged.
USA/9A1/27	Text of Article 3.3	Propose deletion as this provision is not appropriate in a competitive environment.
USA/9A1/28	Title of Article 6	Proposed edits reflect the fact that detailed regulatory provisions governing charging and accounting for international telecommunication services are not appropriate for a competitive market.
USA/9A1/29	Title of Article 6.1	Propose deletion as title is obsolete.
USA/9A1/30	Text of Article 6.1.1	Proposed revisions provide language that is flexible and can accommodate technological advances and market developments.
USA/9A1/31	Text of Article 6.1.2	Proposed deletion as this article is not relevant in competitive markets.
USA/9A1/32	Text of Article 6.1.3	Renumbered to 6.2.
USA/9A1/33	Text of Article 6.2.1	Moved from 1.6 in Appendix 1.
USA/9A1/34	Title and text of Article 6.2 and subsection	Propose deletion as it is replaced by new 6.1.
USA/9A1/35	Text of Article 6.3 and subsection	Propose deletion as these provisions are obsolete.
USA/9A1/36	Text of Article 6.4 and subsections	Propose deletion Appendix 1 and modifying Appendix 2.

USA	Title of USA	Summary of Proposal
<b>USA/9A1/37</b>	Title of Article 9	Remains unchanged.
<b>USA/9A1/38</b>	Text of Articles 9.1 a)	Editorial update to align with CS/CV.
<b>USA/9A1/39</b>	Text of Article 9.1 b)	Propose deletion of “of third countries” as technical harm to all telecommunication facilities should be avoided, not just of third countries.
<b>USA/9A1/40</b>	Text of Article 9.2	Editorial update to align with CS/CV.