

PLENARY MEETING

Addendum 2 to
Document 3-E
5 October 2012
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Asia-Pacific Telecommunity Administrations

ASIA-PACIFIC COMMON PROPOALS FOR THE WORK OF THE CONFERENCE

NOC ACP/3A2/1

PREAMBLE

Reasons: Title of Preamble should remain unchanged.

MOD ACP/3A2/2

1 While the sovereign right of each ~~country-state~~ to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter referred to as "Regulations") ~~supplement~~complement the Constitution and Convention of the International Telecommunication Union, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

Reasons: To comply with the language used in the Preamble of the Constitution.

Note: In the revision of the ITR there are many areas that either as the existing term or term proposed there is reference to the term "Convention". Council Working Group on Stable Constitution (CWG-STB) is currently dealing with the replacement of the term "Convention" with a suitable term which should be submitted to the Plenipotentiary Conference 2014. Based on the decisions of the Plenipotentiary Conference 2014 should the term "Convention" is to be replaced by another term APT Members are of the view that the WCIT-12 should authorize the Secretariat to editorially carry forward the term in the revised ITR in order to be consistent with the decisions of the Plenipotentiary Conference 2014.

ARTICLE 1

Purpose and Scope of the Regulations

MOD ACP/3A2/3

3 b) These Regulations recognize ~~in Article 9~~ the right of Members States to allow special arrangements as provided in Article 9.

Reasons: To align with the Constitution.

NOC ACP/3A2/4

4 1.2 In these Regulations, “the public” is used in the sense of the population, including governmental and legal bodies.

MOD ACP/3A2/5

6 1.4 References to ~~CCITT-ITU-T~~ 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.

Reasons: Instruction(s) is/are no longer exists/exit.

MOD ACP/3A2/6

9 1.7 a) These Regulations recognize the right of any Member State, subject to national law and should it decide to do so, to require that ~~administrations and private~~ operating agencies*, which operate in its territory and provide an international telecommunication service to the public, be authorized by that Member State.

Reasons: As stated in the footnote.

MOD ACP/3A2/7

10 b) The Member State concerned shall, as appropriate, encourage the application of relevant ~~CCITT-ITU-T~~ Recommendations by such service providers.

Reasons: To align with the Constitution.

NOC ACP/3A2/8

12 1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.

* Whenever, in these Regulations, reference is made to “Operating Agency”. It is understood that the term also covers “Recognised Operating Agency”, and/or “Private Operating Agency” and/or “Private Recognised Operating Agency”, “or other entities”, according to the context in which these terms are used in a given country.

NOC ACP/3A2/9

ARTICLE 2

Definitions

Reasons: Title of Article 2 remains unchanged.

NOC ACP/3A2/10

13 For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

NOC ACP/3A2/11

14 2.1 *Telecommunication*: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

NOC ACP/3A2/12

15 2.2 *International telecommunication service*: The offering of a telecommunication capability between telecommunication offices or stations of any nature that are in or belong to different countries.

SUP ACP/3A2/13

18 ~~2.5 — Privilege telecommunication~~

Reasons: Such facilities are currently not provided.

NOC ACP/3A2/14

21 2.6 *International route*: Technical facilities and installations located in different countries and used for telecommunication traffic between two international telecommunication terminal exchanges or offices.

SUP ACP/3A2/15

27 ~~2.10 — Instructions: A collection of provisions drawn from one or more CCITT Recommendations dealing with practical operational procedures for the handling of telecommunication traffic (e.g., acceptance, transmission, accounting).~~

Reasons: The provision is out of date. *Instructions* no longer exist.

NOC ACP/3A2/16

ARTICLE 4

International Telecommunication Services

Reasons: Title of Article 4 remains unchanged.

MOD ACP/3A2/17

32 4.1 Members States shall promote-recognize that the implementation and development of international telecommunication services and need to be promoted. They shall also endeavour to make that such services be made generally available to the public in their national network(s).

Reasons: To align with the Constitution.

MOD ACP/3A2/18

33 4.2 Member States shall to the extend possible ensure that administrations* operating agencies* cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant CCITT-ITU-T Recommendations.

Reasons: Reflects the reality of the current operating environment.

MOD ACP/3A2/19

34 4.3 Subject to national law, Members States shall endeavour to ensure that administrations* operating agencies provide and maintain, to the greatest extent practicable, a minimumsatisfactory quality of service corresponding to the relevant CCITT-ITU-T Recommendations with respect to:

Reasons: Difficulty in specifying what constitutes a 'minimum' quality of service.

NOC ACP/3A2/20

35 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;

NOC ACP/3A2/21

36 b) international telecommunication facilities and services available to customers for their dedicated use;

NOC ACP/3A2/22

37 c) at least a form of telecommunication which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

MOD ACP/3A2/23

38 d) a capability for interworking between different services, as appropriate, to facilitate international telecommunications services.

Reasons: To reflect the modern environment.

NOC ACP/3A2/24

ARTICLE 5

Safety of Life and Priority of Telecommunications

Reasons: Title of Article 5 remains unchanged.

MOD ACP/3A2/25

39 5.1 Safety of life telecommunications, such as distress telecommunications, shall be entitled to transmission as of right and ~~shall~~, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution and Convention and taking due account of relevant ~~CCITT~~ITU-T Recommendations.

Reasons: To align with the Constitution.

MOD ACP/3A2/26

40 5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over telecommunications other than those referred to in No. 39, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ~~CCITT~~ITU-T Recommendations.

Reasons: To align with the Constitution.

MOD ACP/3A2/27

41 5.3 The provisions governing the priority enjoyed by ~~all~~any other telecommunications services are contained in the relevant ~~CCITT~~ITU-T Recommendations.

Reasons: To align with the Constitution.

NOC ACP/3A2/28

ARTICLE 7

Suspension of Services

Reasons: Title of Article 7 remains unchanged.

MOD ACP/3A2/29

55 7.1 If a Member State exercises its right in accordance with the Constitution and Convention to suspend international telecommunication services partially or totally, that Member State shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

Reasons: To align with the Constitution.

MOD ACP/3A2/30

56 7.2 The Secretary-General shall immediately bring such information to the attention of all other Members States, using the most appropriate means of communication.

Reasons: To align with the Constitution.

NOC ACP/3A2/31

ARTICLE 8

Dissemination of Information

Reasons: Title of Article 8 remains unchanged.

MOD ACP/3A2/32

57 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by ~~administrations*~~Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the ~~Administrative~~Council or by competent ~~administrative~~conferences, and taking account of conclusions or decisions of ~~Plenary Radiocommunication Assemblies, of the International Consultative Committees~~World Telecommunication Standardization Assemblies and World Telecommunication Development Conferences.

Reasons: To align with the Constitution and current structure of ITU.

MOD ACP/3A2/33

ARTICLE 10

Final ProvisionsEntry into force and provisional application of the Final Acts

Reasons: Modify existing Title as indicated to reflect new content of Article 10.

SUP ACP/3A2/34

APPENDIX 3

Service and Privilege Telecommunications

Reasons: The concept of “privilege telecommunications” is no longer relevant.

Proposed Revisions to the Resolutions, Recommendations and Opinion

SUP ACP/3A2/35

RESOLUTION NO. 1

Dissemination of Information Concerning International Telecommunication Services Available to the Public

Reasons: The Resolution is out of date. Covered by Nos. 202 and 203 of the Convention.

SUP ACP/3A2/36

RESOLUTION NO. 2

Cooperation of the Members of the Union in Implementing the International Telecommunication Regulations

Reasons: ITR provision 1.7.c deals with the cooperation when implementing the ITRs, therefore Resolution 2 may not be needed

SUP ACP/3A2/37

RESOLUTION NO. 3

Apportionment of Revenues in Providing International Telecommunication Services

Reasons: No longer relevant, because the studies called for in the Resolution have been carried out by ITU-T Study Group 3. Moreover, the issue is fully addressed in Resolution 22(Rev.Antalya,2006) under the same title.

SUP ACP/3A2/38

RESOLUTION NO. 4

The Changing Telecommunication Environment

Reasons: No longer relevant, because the invitation was acted upon by the 1989 Plenipotentiary Conference.

SUP ACP/3A2/39

RESOLUTION NO. 5

CCITT and World-Wide Telecommunications Standardization

Reasons: No longer relevant, because the actions called for were taken by the Administrative Council* and the 1989 Plenipotentiary Conference.

* *Now Council.*

SUP ACP/3A2/40

RESOLUTION NO. 7

Dissemination of Operational and Service Information Through the General Secretariat

Reasons: No longer relevant, since the information is published as appropriate in the Operational Bulletin, and covered by Nos. 202 and 203 of the Convention.

SUP ACP/3A2/41

RESOLUTION NO. 8

Instructions for International Telecommunication Services

Reasons: Not relevant anymore. As mentioned in CWG WCIT-12/INF-2 (Status of Instructions), both Recommendation C.3 (Instructions for international communications services) and ITU-T Recommendation E.141 (Instructions for operators on the operator-assisted international telephone service), have been withdrawn.

ADD ACP/3A2/42

DRAFT NEW RESOLUTION [ACP-1]

Special measures for landlocked developing countries and small island developing states for access the international optical fibre network

The World Conference on International Telecommunications (Dubai, 2012),

considering

- a) Resolution 65/172 of 20 December 2010 of the United Nations General Assembly on specific actions related to the particular needs and problems of landlocked developing countries;
- b) Resolution 30 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference on special measures for the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition;
- c) the Millennium Declaration and the 2005 World Summit Outcome;
- d) the outcome of the Geneva (2003) and Tunis (2005) phases of the World Summit on the Information Society (WSIS);
- e) the Almaty Declaration and Almaty Programme of Action Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries,

recalling

the New Partnership for Africa's Development (NEPAD), which is an initiative intended to boost economic cooperation and development at regional level, given that many landlocked and transit developing countries are in Africa,

reaffirming

- a) the right of access of landlocked countries to the sea and freedom of transit through the territory of traffic transiting countries by all means of transport, in accordance with applicable rules of international law;
- b) that traffic transiting countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,

recognizing

- a) the importance of telecommunications and new information and communication technologies (ICT) to the development of LLDCs and SIDS;
- b) current difficulties of the countries mentioned above continue to adversely affect their development,

noting

that access to the international optical fibre network for LLDCs and SIDS and the laying of optical fibre across traffic transiting countries are not indicated in the infrastructure development and maintenance priorities in the Almaty Programme of Action,

conscious

- a) that fiber optic cable is a profitable telecommunications transport medium;
- b) that access within landlocked countries to the international fiber optic network will promote their integral development and the potential for them to create their own Information Society;
- c) that the planning and laying of international optical fibre calls for close cooperation between landlocked and traffic transiting countries;
- d) that in making the basic investment in laying fiber optic cable, capital investments by the private sector are required,

resolves to instruct the Director of the Telecommunication Development Bureau

- 1 to study the special situation of telecommunication/ICT services in the LLDCs and SIDS, taking into account the importance of access to the international fiber optic network at reasonable costs;
- 2 to report to the ITU Council of measures taken with respect to the assistance provided to LLDCs and SIDS as referred to instructs 1;
- 3 to assist countries mentioned above to develop their required plan that contains practical guidelines and criteria to govern and promote sustainable regional, subregional, multilateral, and bilateral projects affording LLDCs and SIDS greater access to the international fiber optic network,

invites Member States

- 1 to cooperate with landlocked countries by promoting regional, subregional, multilateral, and bilateral projects for telecommunication infrastructure integration that afford LLDCs and SIDS greater access to the international fiber optic network;
- 2 to take appropriate measures to ensure that the Member States to collaborate actively in the development of telecommunication/ICT services in LLDCs and SIDS;
- 3 to assist landlocked developing countries, traffic transiting countries and SIDS in executing telecommunication infrastructure integration projects,

encourages landlocked developing countries and SIDS

to continue to accord high priority to telecommunication/ICT activities and projects that promote integral socioeconomic development, adopting technical cooperation activities financed from bilateral or multilateral sources that will benefit the general public,

invites Member States, Sector Members, Associates and Academia

to continue support the work of ITU-D in studies of the situation of telecommunication/ICT services in the least developed countries, LLDCs and SIDS, small island developing states, and countries with economies in transition so identified by the United Nations and requiring special measures for telecommunication/ICT development,

instructs the Secretary-General

to bring this resolution to the attention of the Secretary-General of the United Nations, with a view of bringing it to the attention of the United Nations High Representative for the Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDSs) their special needs.

SUP ACP/3A2/43

RECOMMENDATION NO. 1

Application to the Radio Regulations of the Provisions of the International Telecommunication Regulations

Reasons: Not relevant because the actions called for have been carried out by the Administrative Council and the World Administrative Radio Conference. The mentioned transitional period between the entry into force of the partially revised Radio Regulations (October 3, 1989) and the entry into force of the International Telecommunication Regulations (July 1, 1990), is over.

SUP ACP/3A2/44

RECOMMENDATION NO. 2

Changes to Definitions Which also Appear in Annex 2 to the Nairobi Convention

Reasons: The actions called for were taken by the Administrative Council and the 1989 Plenipotentiary Conference.

SUP ACP/3A2/45

RECOMMENDATION NO. 3

Expeditious Exchange of Accounts and Settlement Statements

Reasons: No longer required, because the provisions in question are covered by ITU-T D-series Recommendations (see in particular D.190 on Exchange of international traffic accounting data between Administrations using electronic data interchange (EDI) techniques).
