

PLENARY MEETING

**Revision 1 to
Document 10-E
24 October 2012
Original: English/Spanish**

CITEL Administration

INTER-AMERICAN PROPOSALS FOR THE WORK OF THE CONFERENCE

IAP N°	Title	A T G	A R G	B A H	B R B	B L Z	B O L	B	C A N	C H L	C L M	C T R	D O M	D M A	S L V	E Q A	U S A	G R D	G T M	G U Y	H T I	H N D	J M C	M E X	N C G	P N R	P R G	P R U	K N A	V C T	L C A	S U R	T U R	U R G	V E N	TOTAL	
IAP-1	PROPOSAL TO REVIEW AND REVISE THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE 2012 WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS								X	X	X				X	X	X	X						X												X	9
IAP-2	PROPOSAL IN SUPPORT OF AVOIDING OVERLAPS BETWEEN RADIO REGULATIONS AND THE ITRs, AND MAINTAINING ALL RADIO-SPECIFIC REGULATIONS WITHIN THE RADIO REGULATION		X					X	X	X	X	X			X	X	X	X			X						X								X		13
IAP-3	PROPOSAL IN SUPPORT OF MAINTAINING THE VOLUNTARY NATURE OF ITU-T RECOMMENDATIONS							X	X	X	X	X			X	X	X	X			X		X			X								X	X		14
IAP-4	PROPOSAL FOR A NEW RESOLUTION OF THE WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS (WCIT-12)		X					X				X	X		X	X							X			X	X							X	X		11
IAP-5-6	PROPOSAL TO KEEP THE CURRENT DEFINITION OF "TELECOMMUNICATION" AND "INTERNATIONAL TELECOMMUNICATION SERVICE" OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITRs)		X					X	X	X					X		X	X			X												X	X	X		11
IAP-7	PROPOSAL ON INTERNATIONAL MOBILE ROAMING PRICES		X					X		X	X	X			X	X		X			X		X			X	X							X	X		14
IAP-8	PROPOSAL ON TRANSPARENCY IN INTERNATIONAL MOBILE ROAMING		X					X	X	X	X				X	X	X	X			X		X			X	X								X		14
IAP-9	PROPOSAL ON QUALITY ON INTERNATIONAL MOBILE ROAMING SERVICES		X					X							X	X							X			X								X			7
IAP-10	PROPOSAL OF PRINCIPLES TO BE OBSERVED IN THE REVISION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS		X					X	X	X	X				X	X	X	X			X		X												X		12
IAP-11	PROPOSAL ON REVISIONS TO PREAMBLE OF THE ITRs		X					X	X	X	X	X			X		X	X					X			X								X	X		13
IAP-12	PROPOSAL IN SUPPORT OF STABLE ITRs							X	X				X				X				X						X							X			7
IAP-13	INTERNATIONAL MOBILE ROAMING RATES							X	X						X	X					X		X			X						X					8
IAP-14	PROPOSED REVISIONS TO ARTICLE 1 OF THE ITRs Article 1.1 b)							X	X	X					X	X	X	X					X		X									X	X		10
IAP-15	PROPOSED REVISIONS TO ARTICLE 1 OF THE ITRs Article 1.2							X	X		X					X	X	X					X		X									X	X		9

IAP N°	Title	A T G	A R G	B A H	B R B	B L Z	B O L	B	C A N	C H L	C L M	C T R	D O M	D M A	S L V	E Q A	U S A	G R D	G T M	G U Y	H T I	H N D	J M C	M E X	N C G	P N R	P R G	P R U	K N A	V C T	L C A	S U R	T U R	U R D	V E N	TOTAL		
IAP-16	PROPOSED REVISIONS TO ARTICLE 1 OF THE ITRs Article 1.3							X	X	X							X	X			X													X	X		9	
IAP-17	PROPOSED REVISIONS TO ARTICLE 1 OF THE ITRs Article 1.6							X	X	X	X					X	X		X					X											X	X		11
IAP-18	INTERNATIONAL MOBILE SERVICES ON BORDER ZONES		X					X								X		X								X	X								X		7	
IAP-19	PROPOSAL TO MAINTAIN THE SCOPE AND APPLICATION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS TO RECOGNIZED OPERATING AGENCIES (ROAS)		X						X	X						X	X		X						X	X								X	X		10	
IAP-20	PROPOSAL FOR A NEW PROVISION 38A FOR THE INTERNATIONAL TELECOMMUNICATION REGULATIONS		X					X							X	X						X				X								X		7		
IAP-21	NO CHANGE (NOC) TO THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ON THE ISSUE OF SECURITY								X	X					X	X		X				X				X								X		8		
IAP-22-35	PROPOSAL ON APPENDIX 2 OF INTERNATIONAL TELECOMMUNICATION REGULATIONS		X						X	X						X								X	X									X		7		
IAP-36	PROPOSAL TO OBSERVE THE LIMITATIONS ON CYBERSECURITY ESTABLISHED BY PP-10 IN REVISING THE ITRS								X			X	X	X	X	X		X			X		X			X	X							X		11		
IAP-37	PROPOSED REVISIONS TO ARTICLE 1 OF THE ITRs Article 1.7 b)							X	X	X						X	X		X							X								X		8		
IAP-38	PROPOSED REVISIONS TO ARTICLES1 OF THE ITRs Article 1.8							X	X	X					X	X	X																	X		7		
IAP-39	PROPOSED CONFERENCE STRUCTURE FOR THE 2012 WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS		X					X	X						X	X		X					X			X									X		10	

IAP-1: PROPOSAL TO REVIEW AND REVISE THE INTERNATIONAL TELECOMMUNICATION REGULATIONS AT THE 2012 WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS

Support:

Canada, Colombia (Republic of), Ecuador, El Salvador (Republic of), United States of America, Guatemala (Republic of), Mexico, Peru, Venezuela (Bolivarian Republic of)

Background

The 2010 Plenipotentiary Conference (PP-10) adopted Resolution 171 (Guadalajara, 2010), which defines the scope of review of the International Telecommunication Regulations (ITRs) and establishes the preparatory process for the 2012 World Conference on International Telecommunications (WCIT-12).

With respect to the scope of review of the ITRs, PP-10 resolved to consider and study all relevant work and outputs that have been developed in the ITU regarding the ITRs; to discuss and examine all proposals for revision to the ITRs, including proposals for the addition of new and emerging issues, for updating and suppression of provisions and/or for abrogation as appropriate; and to discuss and examine all proposals for revision to the ITRs, provided that those proposals:

- i) are consistent with the purposes of the Union set forth in Article 1 of the ITU Constitution;
- ii) are in line with the scope and purpose of the ITRs as set out in its Article 1, with the understanding that CWG-WCIT 12 could consider proposals for the revision of Article 1 of the ITRs;
- iii) reflect, inter alia, strategic and policy principles, with a view to ensuring flexibility in order to accommodate technological advances;
- iv) are of relevance to be included in an international treaty.”

In addition, PP-10 also resolved that the Council Working Group to prepare for the 2012 World Conference on International Telecommunications (CWG-WCIT-12) will constitute the preparatory process for WCIT-12 that will take into consideration the results of the regional preparatory meetings.

Proposal

IAP/10/1

CITEL Member States welcome the opportunity to discuss all proposals for revisions to the ITRs, pursuant to the guidelines adopted in Resolution 171 (Guadalajara, 2010). To that end, the

CWG-WCIT-12 should discuss all issues, including new and emerging issues, provided any provisions proposed for inclusion in the ITRs are consistent with the scope of review outlined in Resolution 171 (Guadalajara, 2010).

In addition, CITELE Member States are of the view that any proposed revisions to the ITRs should be evaluated in the context of the enormous changes that have occurred in the international telecommunications market since the ITRs were last revised in 1988. The current provisions of the ITRs reflect an environment where predominately monopoly international carriers exchanged traffic with each other and where the only services were fixed voice telephone and telegraph. In today's competitive environment multiple carriers compete with each other to exchange international telephone traffic using services other than the fixed telephone. Considering this competitive environment, CITELE Member States believe that detailed regulatory provisions governing the exchange of international traffic are not necessary and, indeed, could impede further innovation.

CITELE Member States propose that all revisions to the ITRs reflect points i) through iv) in the Background section of this document.

* * * * *

IAP 2: PROPOSAL IN SUPPORT OF AVOIDING OVERLAPS BETWEEN RADIO REGULATIONS AND THE ITRs, AND MAINTAINING ALL RADIO-SPECIFIC REGULATIONS WITHIN THE RADIO REGULATION

Support:

Argentine (Republic), Brazil (Federative Republic of), Canada, Colombia (Republic of), Costa Rica, Dominican Republic, Ecuador, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Peru, Uruguay (Eastern Republic of)

Background

The ITU maintains four treaty documents- the Constitution (CS), the Convention (CV), the ITRs, and Radio Regulations (RRs) –that have different scopes and purposes. Article 4 of the ITU Constitution established a hierarchy among these four instruments, with the Constitution as the supreme instrument, and the Convention as an instrument of somewhat lesser importance and the Administrative Regulations (the ITRs and RR) as inferior to both the CS and CV:

31 3 The provisions of both this Constitution and the Convention are further
PP-98 complemented by those of the Administrative Regulations, enumerated below,
which regulate the use of telecommunications and shall be binding on all
Member States:

- International Telecommunication Regulations,
- Radio Regulations.

32 4 In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the case of inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.

Note that while Article 4 of the ITU Constitution establishes that the provisions of both the CS and the CV have priority over those of the Administrative Regulations, Article 4 does not establish a hierarchy between the ITRs and the RRs. Article 1 (1.8)¹ of the ITRs addresses the potential overlap in the provisions of the ITRs and the RRS. Any revision of the ITRs shall maintain this provision because otherwise, based on established international law, if there are inconsistencies between these two Administrative Regulations, then the provisions in the latest treaty would likely prevail. In summary, the function of the ITRs should be to complement, but not conflict with, overlap or repeat, the provisions of the CS, the CV and the RRs.

As a general matter, it would be highly beneficial if all regulations specific to radiocommunications within the ITU's Administrative Regulations were contained within the Radio Regulations where they may be addressed by a competent WRC, as needed. This would avoid the need to track and ensure consistency between two treaties that have equal status, noting that this problem does not exist in any overlaps that may occur between the RRs and the CS/CV since it is clear that in all cases the CS/CV supersedes the RRs.

Proposal

IAP/10/2

The CITELE Administrations support avoiding overlaps between the revised ITRs and the Radio Regulations. As a general matter, CITELE Administrations consider that all ITU's administrative regulations specific to radiocommunications should be contained within the Radio Regulations where they may be addressed by a competent World Radiocommunication Conference (WRC), as needed.

* * * * *

¹ Article 1 (1.8) of the International Telecommunication Regulations (1988) states, *"The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise."*

IAP 3: PROPOSAL IN SUPPORT OF MAINTAINING THE VOLUNTARY NATURE OF ITU-T RECOMMENDATIONS

Support:

Brazil (Federative Republic of), Canada, Colombia (Republic of), Costa Rica, Dominican Republic, Ecuador, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

Background

The existing Article 1.4 of the ITRs states *“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.”* As a general matter, the ITU-R Recommendations are also voluntary. Only a very few ITU-R Recommendations are explicitly adopted into the Radio Regulations by reference. This is only done for the purpose of providing any necessary technical details that are required for the implementation of a specific provision of the Radio Regulations. In all cases, this is to ensure technical compatibility among applications of radio services that operate in accordance with the Radio Regulations. None of the ITU-T Recommendations have a comparable purpose since that they do not provide technical details that would be required to enforce any provisions of the ITRs. 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.

Proposal

ARTICLE 1

Purpose and Scope of the Regulations

MOD IAP/10/3

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: CITELE Administrations support maintaining the existing Article 1.4 of the ITRs, with the appropriate editorial revision to change “CCITT” to “ITU-T”, which establishes that the ITU-T Recommendations are voluntary for ITU Member States.

* * * * *

IAP 4: PROPOSAL FOR A NEW RESOLUTION OF THE WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS (WCIT-12)

Support:

Argentine Republic, Brazil (Federative Republic of), Costa Rica, Dominican Republic, Ecuador, El Salvador (Republic of), Mexico, Paraguay (Republic of), Peru, Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

Introduction

The world's countries have been making substantial efforts to achieve the Millennium Development Goals (MDGs) and those of the World Summit on the Information Society (WSIS). Thus, in many countries, the deployment of a network infrastructure and information and communication technology applications that, if possible, use broadband and other innovative technologies more widely, has become a priority on their development agendas.

Government have understood the need for public policymaking and the importance of telecommunication regulation that would make it possible to speed up the economic and social progress of their countries, as well as the well-being of all persons, communities and peoples.

Landlocked developing countries would like to raise awareness about the obstacle that the current difficulty in securing access to the international fiber optic network is to the progress of their communities, as this network is an indispensable tool for trade and, above all, for knowledge.

The present proposal is aimed at promoting a new paradigm, one involving close cooperation between landlocked and transit countries that would enable joint and regional growth and bridge the digital divide between countries, in search of a genuine and fully integrated society of knowledge.

Background

The 2010 Plenipotentiary Conference (PP-10) adopted Resolution 30 (Rev. Guadalajara, 2010), which defines special measures for the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition.

Additionally, the Almaty Programme of Action, adopted by the United Nations, addresses the special needs of landlocked developing countries and establishes a new global framework for transit transport cooperation for landlocked and transit developing countries.

However, these instruments need to be complemented to enable landlocked developing countries to achieve the Millennium Development Goals (MDGs) and those of the World Summit on the Information Society (WSIS), in view of the difficulties encountered and additional costs incurred by these countries in accessing the international fiber optic network.

Proposal

That the Member States of CITELE avail themselves of the opportunity to adopt, at the upcoming World Conference on International Telecommunications (WCIT-12), special measures for landlocked developing countries that afford them greater and easier access to the international fiber optic network.

To that end, the Member States of CITELE propose that the World Conference on International Telecommunications (WCIT-12) adopt a new resolution, presented below.

ADD IAP/10/4

DRAFT NEW RESOLUTION [IAP-1]

Special measures for landlocked developing countries (LLDCs) for access to the international fiber optic network

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

considering

- a) Resolution A/RES/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 (PP) on special measures for the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition;
- c) The Declarations of the Ministers of Communications of the Union of South American Nations (UNASUR) and the roadmap for South American connectivity for integration of the Telecommunications Working Group of the South American Infrastructure and Planning Council (COSIPLAN) of UNASUR;
- d) In Mandate No. 7 arising from the Sixth Summit of the Americas, held in Cartagena, Colombia, on April 14 and 15, 2012, the Heads of State and Government of the Americas resolved *“To foster increased connection of telecommunication networks in general, including fiber optic and broadband, among the region’s countries, as well as international connections, to improve connectivity, increase the dynamism of communications between the nations of the Americas, as well as reduce international data transmission costs, and, thus, promote access, connectivity, and convergent services to all social sectors in the Americas.”*,

considering also

- a) the Millennium Declaration and the 2005 World Summit Outcome;
- b) the outcomes of the Geneva (2003) and Tunis (2005) phases of the World Summit on the Information Society (WSIS);

c) the Almaty Declaration and 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, an initiative to intensify economic cooperation and development at the regional level, since many landlocked developing and transit countries are found in Africa,

reaffirming

the right of access of landlocked countries to and from the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with the applicable rules of international law,

reaffirming also

that transit countries, in the exercise of their full sovereignty over their territory, have the right to adopt all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,

recognizing

the importance to the development of LLDCs of telecommunications and the new information and communication technologies (ICT),

observing

that access by LLDCs to the international fiber optic network and the laying of fiber optic cable through transit countries is not one of the infrastructure development and maintenance priorities set forth in the Almaty Programme of Action,

concerned

since this difficulty affecting LLDCs continues to jeopardize their development agendas,

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,

conscious also

- a) that the planning and laying of the international fiber optic network calls for close cooperation between landlocked and transit countries;
- b) that in making the basic investment in laying fiber optic cable, capital investments by the private sector are required,

instructs the Secretary-General and the Director of the Telecommunication Development Bureau

1 that studies of the situation of telecommunication/ICT services in the LLDCs should emphasize the importance of access to the international fiber optic network;

2 that they propose to the ITU Council specific measures designed to ensure genuine progress and provide LLDCs with effective assistance in connection with *instructs 1*;

3 to provide the administrative and operational structure necessary to develop a strategic plan that contains practical guidelines and criteria to govern and promote regional, subregional, multilateral, and bilateral projects affording LLDCs greater access to the international fiber optic network,

requests the Secretary-General

to transmit the text of this resolution to the Secretary-General of the United Nations with a view to bringing it to the attention of the United Nations High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States,

instructs the Council

to take appropriate measures to ensure that the Union continues to collaborate actively in developing telecommunication/ICT services in LLDCs,

encourages landlocked developing countries

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,

urges the Member States

1 to cooperate with landlocked countries by promoting regional, subregional, multilateral, and bilateral projects for telecommunication infrastructure integration that afford LLDCs greater access to the international fiber optic network;

2 to include and/or maintain in South-South and triangular cooperation programs with donor participation, and in cooperation among subregional and regional organizations, actions complementing the Almaty Programme of Action to assist landlocked developing and transit countries in executing these telecommunication infrastructure integration projects,

invites the Member States and Sector Members and Associates

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

* * * * *

**IAP 5 &6: PROPOSAL TO KEEP THE CURRENT DEFINITION OF
“TELECOMMUNICATION” AND “INTERNATIONAL TELECOMMUNICATION
SERVICE” OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS (ITRs)**

Support:

Argentine Republic, Canada, Colombia (Republic of), Chile, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Trinidad and Tobago, Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

Introduction

Pursuant to Resolution 171 of the Plenipotentiary Conference (Guadalajara, 2010), it was resolved, inter alia, that the ITU Council Working Group to prepare for the 2012 World Conference on International Telecommunications (CWG-WCIT-12), pursuant to Council Resolution 1312, shall constitute the preparatory process for WCIT-12, taking into consideration the results of the regional preparatory meetings, to consider and study all relevant work and outputs that have been developed in ITU regarding ITRs, and to discuss and examine all proposals for revision of the ITRs, including proposals for addition of new and emerging issues, for updating and suppression of provisions and/or for abrogation as appropriate.

In that connection, it is important to mention that, as a result of the debate and discussion of regional proposals and proposals by administrations for the ITRs, the first draft of the new ITRs was prepared. This draft must be sent to the WCIT, together with a report on the work done and the results achieved by this working group.

In that regard, it is evident that some proposals submitted to this Working Group aim to modify the definition of “telecommunication” and “international telecommunication service” contained in Article 2 of the ITRs.

Background

The definition of “telecommunication,” which appears in the Annex to the Constitution of the International Telecommunication Union and is used therein, and in the ITU Convention and Administrative Regulations, was adopted by the Additional Plenipotentiary Conference (Geneva, 1992), entering into force on July 1, 1994 for the Member States that had deposited before that date their instrument of ratification, acceptance, approval or accession, pursuant to Article 58 of said Constitution.

In addition, it is important to mention that, in accordance with Article 25 of the ITU Constitution, a world conference on international telecommunications may partially, or in exceptional cases, completely revise the International Telecommunication Regulations, as long as the decisions adopted are in conformity with the ITU Constitution and Convention.

We consider that the existing definitions of “telecommunication” and “international telecommunication service” are technologically neutral and that their current drafting should be maintained. These definitions also appear in Constitution No. 1012 and 1011, and any attempt to revise them would be inconsistent with the provisions of the basic instrument of the ITU.

Therefore, we can conclude that a World Conference on International Telecommunications does not have the authority to amend or modify those definitions, the Plenipotentiary Conference being the only body with the authority to modify the ITU Constitution and Convention.

Proposal

The Member States of CITELE support the decision to keep the current definition of NOC “telecommunication” and NOC “international telecommunication service” contained in Article 2: “Definitions” of the International Telecommunication Regulations (ITRs), in accordance with Article 25 of the ITU Constitution.

ARTICLE 2

Definitions

NOC IAP/10/5

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 IAP/10/6

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.

* * * * *

IAP 7: PROPOSAL ON INTERNATIONAL MOBILE ROAMING PRICES

Support:

Argentine Republic, Brazil (Federative Republic of), Colombia (Republic of), Costa Rica, Dominican Republic, Ecuador, El Salvador (Republic of), Guatemala (Republic of), Honduras (Republic of), Mexico, Paraguay (Republic of), Peru, Trinidad and Tobago, Uruguay (Eastern Republic of)

Background

The Secretariat of the World Trade Organization (WTO) notes on international mobile roaming that some governments consider it a telecommunication service in which market forces are not functioning properly. Those governments, when examining international mobile roaming rates in the OECD Member countries, indicate that roaming charges are unreasonable and unfairly high in the most cases. Information document 14 (CWG-WCIT12/INF-14), presented to the 6th meeting of the ITU Council Working Group to prepare for the 2012 WCIT (CWG-WCIT12) contains the Recommendations of the OECD countries towards making international mobile roaming services more accessible to the general public, and can be seen as examples of action at different levels of intervention aimed at reducing international mobile roaming rates.

In fact, the costs of international mobile voice and data roaming services are usually prohibitive to end consumers traveling abroad, who, in turn, make use of alternative methods of communication that are more fairly priced (e.g., Wi-Fi, VoIP). This situation results in idleness and underutilization of the potential of global mobile technologies and networks and to the use of imperfect substitutes.

There is no reasonable explanation as to why originating and receiving local calls or accessing mobile data should be much more expensive to users in roaming than for local users, even when clearing house costs and taxes have been included. The following are some of the reasons for the discrepancy between local and roaming prices:

- lack of choice for the end consumers;
- the practice of “cream-skimming” to international mobile roaming users;
- the asymmetry of information between operators and end consumers;
- taxation and multi-taxation;
- billing for the “worst-case scenario” and inclusion of risks of default in the end price;
- lack of unified billing methodologies;
- lack or inefficiency of service regulation.

In order to increase the use of international mobile roaming services, account must be taken of all aspects that contribute to its unfair prices. As well as dealing with the above mentioned problems, mobile operators should be encouraged to set prices for international mobile roaming services based on reasonable and fair criteria that effectively benefit end consumers, so that they can make full use of their mobile devices wherever they go, and mobile operators, to fully utilize the capacity of their networks and obtain economies of scale from the significant increase in the number of international roaming users.

Proposal

To include the following provisions in Article 6, “Charging and Accounting”, of the International Telecommunication Regulations:

ADD IAP/10/7

54A The Member States shall promote that international mobile roaming charges are established taking account of competitive and non-discriminatory price-based principles, and that international roaming services are provided at optimal prices and with optimal quality of service in benefit of users.

* * * * *

IAP 8: PROPOSAL ON TRANSPARENCY IN INTERNATIONAL MOBILE ROAMING

Support:

Argentine Republic, Brazil (Federative Republic of), Canada, Colombia (Republic of), Costa Rica, Ecuador, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Mexico, Paraguay (Republic of), Peru, Uruguay (Eastern Republic of)

Background

In comparing prices between international mobile roaming voice and data services and local voice and data services, unreasonably higher rates for the former are present. This situation is due to inefficient competition in the roaming market, to the asymmetry of information between operators and consumers and the lack of effective regulation by the national regulatory authorities.

In order to mitigate these problems, national telecommunication regulatory authorities should implement measures to increase competition in the market and to give more power to the consumers. Such measures should result in self-regulating market forces and in prices for roaming services that decrease naturally due to increased competition.

The implementation of measures for increased transparency in Mobile Services in International Roaming (IMR) would serve both to increase competition and empower consumers, with minimal regulatory intervention. Consumers of roaming services would be fully aware of the prices they would be paying, and operators would compete to gain roaming consumers, causing downward pressures on market prices.

Proposal

To include the following provisions in Article 4, "International Telecommunication Services", of the International Telecommunication Regulations:

ADD IAP/10/8

38B The Member States shall promote measures to improve the transparency of prices and conditions for end users of international roaming services and the effective and timely communication thereof to said users.

* * * * *

IAP 9: PROPOSAL ON QUALITY OF INTERNATIONAL MOBILE ROAMING SERVICES

Support:

Argentine Republic, Brazil (Federative Republic of), Ecuador, El Salvador (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of)

Introduction

There is broad consensus as to what have been and remain the major obstacles to the development of telecommunication services in international roaming, which are related to the increased risk of fraud and higher prices as well as the lack of awareness among consumers of the costs of the service and, generally, the low level of transparency from the consumer's point of view, the surcharges applied, and other terms and conditions of service.

This has led to various initiatives² on the part of regulators, the industry, operators and service providers, and users or consumers, in response to the challenges in this area.

In international roaming, information is crucial to enabling users to make rational and economically sustainable use of telecommunication services outside their own country of residence. It is particularly vital given the very competitive nature of the market, which is divided into different geographical areas with their own tariff systems, services offered, frequency bands and technologies.

Background

In order to guarantee quality and transparency of telecommunications services in international roaming, various measures have been implemented in certain regions.

The European Commission has adopted a set of regulations on roaming in the EU³ (Eurotariff 2007 and subsequent updates), which stipulate among other things that users should receive an SMS when crossing internal EU borders informing them of the prices they are expected to pay for making and receiving calls, and that they should be able to obtain more detailed information by means of a voice call or SMS.

The Arab Telecommunications and Information Council of Ministers adopted Resolution 187 of 2006, according to which all operators must inform roaming users of applicable tariffs via

² [Estudio Regional del Mercado Suramericano del Servicio de Roaming – José María Díaz Batanero – IDB: http://www.slideshare.net/jbossio/estudio-regional-mercado-de-roaming-sudamericano-presentation-636696](http://www.slideshare.net/jbossio/estudio-regional-mercado-de-roaming-sudamericano-presentation-636696).

³ [EU Roaming Rules: http://ec.europa.eu/information_society/activities/roaming/regulation/archives/current_rules/index_en.htm](http://ec.europa.eu/information_society/activities/roaming/regulation/archives/current_rules/index_en.htm).

SMS once they arrive at their destination, and Resolution 219 of 2008, which endorses the recommendations of the Arab Regulators' Network (AREGNET) on measures to increase transparency of roaming charges including the use of a website.⁴

The industry for its part has also made efforts, for example GSMA Europe,⁵ which adopted a code of conduct concerning information on roaming charges which promotes the provision of information via a customer care site and a corporate website. GSMA (Arab region)⁶ uses the same means as well as text messages.

In February this year, the Council of the Organization for Economic Co-operation and Development (OECD)⁷ recommended measures including measures to promote transparency of information on roaming services.

In the light of the above, recognizing the challenges facing all States with regard to international roaming services and the transnational dimension of those services, the need to raise awareness among users and operators of the costs of these services and the availability, advantages and diversity of providers, and in order to guarantee transparent and effective protection for users, it is essential to agree certain minimum measures as regards quality and transparency of information on these services.

Proposal

To that end the Member States of CITELE propose to the World Conference on International Telecommunications (WCIT-12) the addition of a new provision to the International Telecommunication Regulations, to read:

ADD IAP/10/9

38C Member States shall implement measures to ensure that telecommunications services in international roaming of satisfactory levels of quality, comparable to that provided to their own local users, are provided to visiting users.

* * * * *

⁴ Proposals of the AREGNET Working Group on International Roaming:
http://www.tra.org.bh/en/pdf/Presentation_Background_Roaming-MOU.pdf.

⁵ <http://www.eesc.europa.eu/self-and-coregulation/documents/codes/private/039-private-act.pdf>.

⁶ http://www.gsmaw.org/documents/gsm_e_coc_int_roaming.pdf.

⁷ <http://webnet.oecd.org/OECDACTS/Instruments/ShowInstrumentView.aspx?InstrumentID=271&InstrumentPID=276&Lang=en&Book=False>.

IAP 10: PROPOSAL OF PRINCIPLES TO BE OBSERVED IN THE REVISION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS

Support:

Argentine Republic, Brazil (Federative Republic of), Canada, Colombia (Republic of), Costa Rica, Ecuador, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Mexico, Uruguay (Eastern Republic of)

Proposal

IAP/10/10

The Member States of CITELE present their views and understandings regarding the principles to be observed in revising the International Telecommunication Regulations (ITRs):

1. The ITRs should contain provisions concerning obligations to the signatory Member States. Member States should adopt the necessary measures to implement the ITRs at the national and international levels, whenever the provisions apply, consistent to national legislation;
2. The ITRs should mostly address high-level matters regarding international telecommunications, considering the technical aspects inherent to telecommunications;
3. The ITRs should be viewed as provisions that complement the ITU Constitution (CS) and Convention (CV), so any proposal that is “unconstitutional” or contravenes what is defined in the CS and CV should not be approved;
4. The ITRs should, to the greatest extent possible, avoid duplicating provisions that already exist in the ITU CS and CV;
5. The term “Member” should be systematically replaced by “Member States”;
6. The term “CCITT” should be systematically replaced by “ITU-T”;

* * * * *

IAP 11: PROPOSAL ON REVISIONS TO PREAMBLE OF THE ITRs

Support:

Argentine Republic, Brazil (Federative Republic of), Canada, Colombia (Republic of), Costa Rica, Chile, El Salvador (Republic of), United States of America, Guatemala (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

Background

The purpose of the following revisions is to align the preamble of the International Telecommunication Regulations (ITRs) with the current terminology used in ITU Constitution (CS) No. 3.

Proposal

PREAMBLE

MOD IAP/10/11

1 While the sovereign right of each ~~country-state~~ to regulate its telecommunications is fully recognized, the provisions of the present Regulations ~~supplement~~ complement the Constitution and Convention of the International Telecommunication ~~Convention~~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: The Member States of CITELE support the proposed revisions to the preamble of the International Telecommunication Regulations (ITRs).

IAP-12: PROPOSAL IN SUPPORT OF STABLE ITRs

Support:

Canada, Colombia (Republic of), Dominican Republic, United States of America, Honduras (Republic of), Peru, Uruguay (Eastern Republic of)

Background

The International Telecommunication Regulations (ITRs) were last revised in 1988 (nearly 23 years ago) and prior to that in 1973 (15 years earlier). The current and previous versions of the ITRs have proven to be sufficiently flexible to support the introduction of new and innovative technologies and services for nearly forty years. One reason for the stability of the ITRs is that the scope and purpose of the ITRs is to *“establish general principles which relate to the provision and operation of international telecommunication services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. ...”*⁸. The high level nature of the ITRs, along with the infrequency of ITU international conferences to amend them, has resulted in the ITRs being the most stable of all the ITU treaties.

Recognizing the difficulties described in Resolution 163 (Guadalajara, 2010)⁹ related to need for a stable ITU Constitution, it is also in the interest of all ITU Member States to ensure that the revised ITRs is a stable treaty. Additionally, ITU Sector Members would benefit from maintaining a stable ITR treaty that would support ongoing investment, innovation and growth in the international telecommunications networks and markets globally. Toward this end, the ITRs should be maintained as a treaty applicable to all ITU sectors and the ITU should avoid associating future WCITs with any particular ITU sector, unlike the World Radiocommunications Conferences (WRCs) association with the ITU-R, or establishing it as a periodic conference like the ITU Plenipotentiary Conferences (PPs). Unlike the Radio Regulations (RRs), which are highly technical because of the need to ensure the compatible use of radio spectrum by different services, the provisions of the existing ITRs were written at a high level that allows them to be both stable and sufficiently flexible to allow for the introduction of innovative new technologies over long timeframes. In our view, if the criteria established by the PP-10 in Resolution 171 (Guadalajara, 2010)¹⁰ are adhered to, there would be no need to revise the future ITRs on any periodic basis or to associate the ITRs with any particular ITU sector.

⁸ Excerpt taken from Article 1.1a – Purpose and Scope of the Regulations – of the ITRs (GENEVA, 1989)

⁹ See *recognizing* b) and c) of Resolution 163 (Guadalajara), “Establishment of a Council working group on a stable ITU Constitution”

¹⁰ See *resolves further* 3) in Resolution 171 (Guadalajara, 2010), “Preparations for the 2012 World Conference on International Telecommunications”

Proposal

IAP/10/12

The CITEL Administrations support achieving a set of revised ITRs that is a stable treaty instrument containing a high level set of general principles that support the introduction of innovative new technologies and services over a long timeframe. Toward that end, the CITEL Administrations seek to avoid associating future WCITs with any particular ITU sector or establishing it as a conference that is held periodically.

* * * * *

IAP 13: INTERNATIONAL MOBILE ROAMING RATES

Support:

Canada, Colombia (Republic of), Ecuador, United States of America, Honduras (Republic of), Mexico, Peru, Trinidad and Tobago

Background

Studies on international mobile roaming rates have shown that, even in fairly mature competitive mobile markets, rates may be considered high.¹¹ For example, international roamers generally pay substantially higher charges to make calls to their home country than the charges paid by the locals in the visited country to place similar calls to roamers' home countries. Some contend that lack of competition and clear roaming substitutes at the wholesale level, combined with the lack of international retail roaming substitutes and consumer awareness regarding international roaming at the retail level, lead to market failure in international mobile roaming markets. Others contend that the issue lies solely at the wholesale (carrier-to-carrier) level where the Inter Operator Tariff (IOT), a payment made by a roamer's home country mobile network operator (MNO) to the visited country MNO, is determined not by the actual cost of roaming, but by the ability of the home MNO to deliver a

¹¹ See for example, J Scott Marcus and Imme Philbeck, "Study on the Options for addressing Competition Problems in the EU Roaming Market," WIK-Consult, Bad Honnef, Germany, December 2010, available at http://ec.europa.eu/information_society/activities/roaming/docs/cons11/wik_report_final.pdf; European Commission, "Special Eurobarometer 356, Roaming in 2010" February 2011 available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_356_en.pdf; Tony Shortall, A Structural solution to roaming in Europe," EIU Working Paper, 2010, available at http://cadmus.eui.eu/bitstream/handle/1814/14398/RSCAS_2010_62.pdf. Body of European Regulators for Electronic Communications, "International Mobile Roaming Regulation BERC Report," December 2010, available at http://erg.eu.int/doc/berrec/bor_10_58.pdf; OECD "International Mobile Roaming Charging in the OECD Area," December 2009

number of roaming minutes to the visited MNO at an IOT that is greater than the cost of international roaming.

None of the studies so far have been able to persuasively identify the primary cause for high retail international roaming rates, or why these rates may not always respond to market pressures. As a result, regulators and policy makers have resorted to disparate regulatory tools, ranging from consumer empowerment and education to retail rate regulation, to address high international mobile roaming rates. Recently a number of countries including some in the Americas region have entered into bilateral and regional agreements to address high international mobile roaming rates.¹²

Proposal

IAP/10/13

Like many countries in other regions, the CITEL Member States are keenly interested in issues related to high international roaming rates. Furthermore, we are aware that many factors impact international roaming rates. These factors include: the complex nature of wholesale and retail markets, differing needs and travel patterns of roamers, emerging alternative technologies to international roaming, developments in the wholesale roaming market, and ambiguous results of market interventions by regulatory authorities in other regions on international roaming.

CITEL Member States believe that:

- A global solution to high international mobile roaming rates is likely to be neither efficient nor effective;
- National regulatory authorities would be best served by having the opportunity to consider a wide array of regulatory tools, technological solutions, and policies that promote consumer awareness and empowerment coupled with transparency in international mobile retail roaming rates to address high international mobile roaming rates;
- Any proposed regulatory and market interventions must be evaluated in terms of their effectiveness with respect to the future market and technological innovations in international roaming in our region;
- National regulatory discretion should be preserved to address any market failures;
- Market based solutions can be effective and efficient means of addressing concerns about roaming charges;
- Bilateral and regional cooperation between Member States to address high international roaming rates may be more effective than a global solution.

* * * * *

¹² See for example, European Union, Australia, New Zealand, Korea, CIS, Singapore, and Malaysia. Additionally, recently Peru and Brazil have agreed to a joint project to eliminate roaming tariffs, and to apply a national roaming-rate level in their border zones so that border zone residents will be able to communicate on each side of the border at their local rates.

IAP 14-17: PROPOSED REVISIONS TO ARTICLE 1 OF THE ITRs

Introduction

The Member States of CITELE believe scope and purpose of the regulations contained in Article 1 of the existing International Telecommunication Regulations (ITRs) reflect high-level technologically neutral principles that have stood test of time. Therefore, propose the following revisions to the Article 1 that are editorial in nature, are proposed.

Support:

Brazil (Federative Republic of), Canada, Colombia (Republic of), Ecuador, United States of America, Guatemala (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

MOD IAP/10/14

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

Support:

Brazil (Federative Republic of), Canada, Costa Rica, United States of America, Guatemala (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

NOC IAP/10/15

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

Support:

Brazil (Federative Republic of), Canada, Colombia (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Mexico, Trinidad and Tobago, Uruguay (Eastern Republic of)

NOC IAP/10/16

5 1.3 These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the

harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services.

Support:

Brazil (Federative Republic of), Canada, Colombia (Republic of), Costa Rica, Ecuador , United States of America, Guatemala (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of), Venezuela (Bolivarian Republic of)

MOD IAP/10/17

8 1.6 In implementing the principles of these Regulations, administrations* should comply with, to the greatest extent practicable, the relevant ~~CCITT-ITU-T~~ Recommendations, including any Instructions forming part of or derived from these Recommendations.

* * * * *

IAP-18: INTERNATIONAL MOBILE SERVICES ON BORDER ZONES

Support:

Argentine Republic, Brazil (Federative Republic of), Ecuador, Guatemala (Republic of), Paraguay (Republic of), Peru, Uruguay (Eastern Republic of)

Background

The provision of mobile services on countries' border zones presents specific problems related to the identification of users' home networks and the consequent charging of calls originated at those locations. Users at border zones can often be inadvertently identified as being in roaming by the networks of mobile operators from the neighbouring countries, when in fact they are within the borders of their own country, and are wrongly charged as in roaming by the neighbouring countries' operator.

This situation of inadvertent international roaming is a service inefficiency that, taking into consideration the high prices of international roaming service, results in bill-shock to the end consumers. Solving this inefficiency is a challenge to both regulators and mobile operators.

The establishment of agreements between operators of bordering Member States on the pricing of calls originated at a predetermined "border zone" can mitigate the problem of inadvertent international roaming and the consequent bill-shock on end consumers. The definition of an agreed charging methodology at the border zones would not only alleviate the problems described above, but would also encourage and increase the usage of mobile services on border zones.

Proposal

To include the following provisions in Article 4, “International Telecommunication Services”, of the International Telecommunication Regulations:

ADD IAP/10/18

38D Member States shall, as appropriate, foster the establishment of mutual agreements on mobile services accessed within a predetermined border zone in order to prevent or mitigate inadvertent roaming charges.

* * * * *

IAP-19: PROPOSAL TO MAINTAIN THE SCOPE AND APPLICATION OF THE INTERNATIONAL TELECOMMUNICATION REGULATIONS TO RECOGNIZED OPERATING AGENCIES (ROAS)

Support:

Argentine Republic, Canada, Colombia (Republic of), Ecuador, United States of America, Guatemala (Republic of), Paraguay (Republic of), Panama (Republic of), Trinidad and Tobago, Uruguay (Eastern Republic of)

Background

The International Telecommunication Regulations (ITRs), a treaty of the International Telecommunication Union (ITU), establishes general principles related to the provision of international telecommunication services. The ITRs outline a scope and a purpose as to whom those principles and related rules should apply. The 1988 ITRs were designed to apply to telecommunications carriers operated or licensed by national governments. Further, ITRs were carefully crafted to cover only international services provided to the public, such as public correspondence.

In discussions about possible updates to the ITRs for the forthcoming World Conference on International Telecommunications (December 2012), several countries have recommended expanding the scope of the ITRs so that they would apply to “operating agencies.” Operating Agency as defined in the ITU Constitution (CS 1007) is “any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.” This change could dramatically broaden the reach of the ITRs to cover entities that do not provide international telecommunication services to the public and who are not intended to and should not be covered by this treaty.

Given the breadth of this definition, if the term “Operating Agency” is used then the ITRs would also address a wide range of entities and operations that include, *inter alia*, private network

operators, private leased line networks of commercial providers, government agencies (including military and national space agencies' networks and installations), and amateur radio operators. By so doing the future ITRs would also cover entities that do not provide international telecommunication services and who were not intended to be covered by this treaty. Many of these entities provide a broad range of services such as public safety services, data repositories and data centers, cloud services, as well as wide ranging applications such as financial and mobile transfers.

Such a change could have unintended consequences and negative implications for the robust telecommunications environment that has evolved during the last quarter century. Using the term, *Operating Agency*, could result in: less efficient delivery of service; unwarranted government intrusion into the operation and management of private, commercial and government networks; loss of flexibility in consumer choice and diminished national sovereignty. It could have a chilling effect on technological innovation and investment, along with increasing the entry barriers to the communications, Internet and related financial sectors.

Proposal

IAP/10/19

CITEL Member States support retaining the current scope and application of the International Telecommunication Regulations (ITRs) and updating the term "recognized private operating agency" to Recognized Operating Agencies (ROAs), in accordance with the updated definition in the ITU Constitution CS1008. CITEL Member States oppose all proposals to expand the scope of the ITRs by replacing ROAs with "operating agencies" (OAs), which is defined in ITU Constitution CS1007.

* * * * *

IAP-20 PROPOSAL FOR A NEW PROVISION 38A FOR THE INTERNATIONAL TELECOMMUNICATION REGULATIONS

Support:

Argentine Republic, Brazil (Federative Republic of), Ecuador, El Salvador (Republic of), Honduras (Republic of), Paraguay (Republic of), Uruguay (Eastern Republic of)

Introduction

The 2010 Plenipotentiary Conference held in Guadalajara issued Resolution 175 on “Telecommunication/information and communication technology accessibility for persons with disabilities, including age-related disabilities,” which resolves to take into account persons with disabilities in the work of ITU and to collaborate in adopting a comprehensive action plan in order to extend access to telecommunications/ICTs to persons with disabilities, in collaboration with external entities and bodies concerned with this subject;

The 2008 World Telecommunication Development Conference held in Hyderabad issued Resolution 58 on “Access to information and communication technology for persons with disabilities, including persons with age-related disabilities,” which resolves to ratify the Convention on the Rights of Persons with Disabilities and to take the relevant measures to effectively make ICT services, equipment and software accessible to persons with disabilities.

The 2008 Johannesburg World Telecommunication Standardization Assembly issued Resolution 70 on “Telecommunications/ICT accessibility for persons with disabilities.”

As for the Convention on the Rights of Persons with Disabilities, which entered into force on May 3, 2008, its Article 9 on Accessibility indicates the following: “To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, (...)”.

Proposal

ADD IAP/10/20

38A The Member States shall promote measures to ensure that telecommunication services are provided taking account of the special accessibility needs of persons with disabilities, including persons with age-related disabilities.

Reasons: In view of the above, the Member States of CITELE propose including a new provision 38A in the International Telecommunication Regulations (ITRs) so that Member States can ensure that telecommunication services are provided taking into account "Accessibility of telecommunications for all persons with disabilities, including age-related disabilities," whose subject it encompasses is different from those set forth in the articles and contents of the present Regulations

* * * * *

IAP-21: NO CHANGE (NOC) TO THE INTERNATIONAL TELECOMMUNICATION REGULATIONS ON THE ISSUE OF SECURITY

Support:

Canada, Colombia (Republic of), El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Panama (Republic of), Trinidad and Tobago

Addressing Security in the International Telecommunication Regulations

Background

The security of international telecommunications is an important issue that affects every Member State's national, regional, and global interests. Every nation must therefore carefully consider the implications and the unintended consequences of adding security related proposals to a global treaty such as the International Telecommunication Regulations (ITRs). Proposals for enhancing the security of international telecommunications services offered to the public must be flexible enough to respond to rapid technological change and to the rapidly changing nature of the threats to these services, or they will quickly become outdated and ineffective, and have the unintended consequence of contributing to network insecurity. An overly centralized approach to security does not offer the flexibility and innovation required to effectively address security threats. For these reasons it is imperative that efforts to secure international telecommunications services offered to the public be conducted in venues actively informed not only by the strategic insight of governments, but by the technical and operational expertise of industry and civil society, with all parties working as equal partners to achieve a shared objective. We must work to avoid constraining operators by adopting overly prescriptive binding treaty text that cannot anticipate the rapidly evolving state of security.

Recognizing the importance of securing international telecommunication services offered to the public, the United States proposes that the Americas Region agree to a Vision that offers a broad viewpoint on the issue of how to address the security of international telecommunication services offered to the public and that properly places the role of the International Telecommunication Regulations within that context.

We are opposed to including any language on security in the International Telecommunication Regulations, as it could lead to unnecessary and undesirable restrictions on the freedom of organizations and companies to respond quickly to protect international telecommunications and resolve security incidents. While we recognize the importance of security, we do not believe that language on security should be included in the International Telecommunication Regulations. Therefore we propose no change (NOC) to the International Telecommunication Regulations to incorporate or address security.

Proposal

IAP/10/21

NOC No change to the International Telecommunication Regulations to address security.

Reasons:

The Issue

International telecommunications infrastructures and services have been and continue to be instrumental for the growth and development of the global economy.

If telecommunications infrastructures are to continue to contribute to the growth of economies around the world, the means of communication they provide must be trusted, reliable, and secure.

The Problem

Today's networks are under constant attack. The threats take many forms, from malware that is used to disrupt communications systems or other critical infrastructure, to theft of intellectual property, to scams that defraud users.

Vulnerabilities exist in hardware, firmware, operating systems, applications, communications software, usage scenarios, policies, manual data exchange (e.g. USB drives), and can even be users themselves. While security specialists must protect entire systems from the broadest range of threats and attacks, attackers need only find and exploit a single vulnerability in order to be successful.

Mitigation techniques are similarly broad and range from user education, installation and regular use of security software, penetration testing, biometric identification, firewalls, security audits, and secure communication protocols. Technical solutions and human capacity-building are not the only means of addressing these threats. For example, the criminal justice system is used to arrest and prosecute perpetrators.

The cost to society and the economy from these incidents is significant. Nations lose billions of dollars every year from the theft of information and identities from companies, large and small, and from individual users. The sheer volume of these economic losses and the loss of sensitive information from governments, can threaten the security of a nation. More broadly, the volume of these incidents can undermine the confidence of users, thus limiting the ability of these infrastructures to reach their full potential.

While security of international telecommunications services offered to the public is a necessary aspect of a comprehensive security program, it is by itself insufficient. Rather, the full range of vulnerabilities and mitigation techniques must be considered comprehensively, expansively, and in a manner that exceeds the limitations inherent in a set of static international telecommunication regulations.

The Solution

International telecommunications services offered to the public must be open, interoperable, secure and reliable. These goals are best advanced, not by efforts to develop high-level treaty language, but by agile, flexible cooperation on specific issues among governments which have unique insights into the impact of security issues on their national interests; the private sector that owns so much of the telecommunications infrastructure and has the expertise to find cost-effective technical solutions; and civil society.

An overly centralized approach to security cannot be responsive to rapid technological change or to constantly evolving threat vectors. Agreements or regulations that can change only at the speed of treaty processes could in fact weaken security. For these reasons it is imperative that efforts to make international telecommunications more secure be conducted in flexible and competent venues that are informed by the technical and operational expertise of industry and civil society as well as by the strategic insights of governments.

Balancing the need for a trusted on-line environment with the need for a reliable communications infrastructure poses challenges that transcend national borders. Protecting these infrastructures requires coordinated action from government authorities at the national, state/provincial and local levels; the private sector; and citizens, to address challenges and detect, prevent, mitigate, and recover from incidents. The success of these efforts depends on international cooperation.

Venues in which such collaboration takes place already exist. There are a great many open and transparent multi-stakeholder participation-based forums, which, through a variety of activities, are today examining issues and developing solutions related to security of international telecommunications services offered to the public. These different forums provide a wide variety of specialized and expert services on security issues that foster cooperation on issues of mutual concern, build capacity in the area of incident response, and promote the sharing of information and best practices. There are a large number of these forums, including, for example, the Council of Europe, the Organization for Economic Cooperation and Development, (OECD), the Asia-Pacific Economic cooperation Forum (APEC), the Forum for Incident Response and Security Teams (FIRST); the Messaging Anti-Abuse Working Group (MAAWG); the Asia-Pacific Computer Emergency Response Team (AP-CERT); the Anti-Phishing Working Group, and the Government Group of Experts (GGE) in Committee 1 of the UN General Assembly.

In a rapidly changing technological, economic and social environment within which new security threats emerge, multi-stakeholder processes have been shown to provide the flexibility and global scalability required to address these challenges.

It is imperative to maintain nimbleness and flexibility in order to effectively address the ever-changing nature of security threats. International treaty language that limits this capability, however unintentionally, is undesirable and counterproductive.

We are opposed to including any language on security in the International Telecommunication Regulations, as it could lead to unnecessary and undesirable restrictions on the freedom of organizations and companies to respond quickly to protect international telecommunications services offered to the public and resolve security incidents. While we recognize the importance of security, we do not believe that language on security should be included in the International Telecommunication Regulations. Therefore we propose no change (NOC) to the International Telecommunication Regulations to incorporate or address security.

* * * * *

IAP-22-35: PROPOSAL ON APPENDIX 2 OF INTERNATIONAL TELECOMMUNICATION REGULATIONS

Support:

**Argentine Republic, Canada, Colombia (Republic of), United States of America,
Mexico, Panama (Republic of), Trinidad and Tobago**

Introduction

Removal of the International Telecommunication Regulations (ITR) Appendix 2 on Additional Provisions Relating to Maritime Telecommunications, the regulatory framework that provides for maritime telecommunications service payments, may result in the accelerated loss of commercial HF coast stations providing a Global Maritime Distress and Safety System (GMDSS service), risking the safety of mariners on ships who depend upon a viable network of international HF coast stations. CITELE Member States believe that it is imperative for the ITU to retain the essential elements of these provisions in an ITU treaty text to ensure the continued integrity of the GMDSS and Long Range Identification and Tracking (LRIT).

ITR Appendix 2 establishes the framework through which charges for maritime telecommunications services are collected and paid. Maritime accounting authorities act as intermediaries between ship owners/operators and the service providers/network, collecting charges based on the ship radio station licensee's use of maritime terrestrial and satellite services and facilitating payment to the service providers and network operators who provided these services. These collections enable coast and land earth stations providing telecommunication services to be reimbursed, which is particularly critical in cases where there is otherwise no telecommunications service contract in place. All ships are required to have an accounting authority, which is declared to the ITU and as part of the Maritime Mobile Access and Retrieval System (MARS). The accounting authority identification codes, by country, are

posted at http://www.itu.int/online/mms/mars/aaic_list.sh?lng=en&ctryid=0. The ITR is the only international treaty covering this collection and payment process, establishing the necessary confidence in the system to ensure critical maritime traffic will be carried.

Distress communications must be carried at no charge. The accounting authority provisions of the ITR and the relevant ITU-T Recommendations undergird the non-distress safety and safety-related communications of the GMDSS. For example, costs related to non-distress communications from Inmarsat C terminals, the mainstay of the International Maritime Organization's (IMO's) GMDSS and LRIT, rely on the regulatory provisions of ITR Appendix 2 for reimbursement to the service provider.

The provisions of the ITR also affect international HF commercial coast stations providing a GMDSS service to mariners.

CITEL Member States have undertaken consultations with respect to Appendix 2. Those consultations reveal the importance of maintaining portions of Appendix 2 essential to the accounting authorities and establishing and settling of accounts for maritime telecommunications. Deletion of Appendix 2 could have significant unintended consequences, particularly due to ties to Article 58 of the ITU Radio Regulations, linkages to other maritime treaties related to safety of life at sea/distress signals, and infrastructures that rely on Appendix 2.

A. Background

Article 58 of the Radio Regulations (edition of 2008), Charging and accounting for maritime radiocommunications, contains the following single provision:

58.1 The provisions of the International Telecommunication Regulations, taking into account ITU-T Recommendations, shall apply.

The additional provisions relating to maritime telecommunications that are now in the ITR were once in the Radio Regulations. The World Administrative Radio Conference for the Mobile Service, Geneva, 1987 (mob-87), resolved in Resolution 334 (Mob-87) that, "if provisions concerning charging and accounting for maritime radiocommunications in the maritime mobile service and the maritime mobile-satellite service are contained in the Regulation to be adopted by the WATTC-88, when the latter enter into force, Article 66 of the Radio Regulation should be replaced by the following text:"

"ARTICLE 66

**Charging and Accounting for Maritime Radiocommunications
in the Maritime Mobile Service and the Maritime Mobile-Satellite
Service except for Distress and Safety Communications**

The provisions of the Regulations adopted by the WATTC-88, taking into account the relevant CCITT Recommendations, shall apply."

Resolution 334 (Mob-87) also resolved that, "if special provisions concerning charging and accounting in the maritime mobile and maritime mobile-satellite services are not included in the new Regulations adopted by the WATTC-88, Article 66 of the Radio Regulation, as modified

by this Conference, shall continue to apply.” These conferences took great care and extreme measures to ensure that the charging and accounting for maritime radiocommunications remain in an ITU treaty.

B. Effect of Suppression of Appendix 2

Suppression of Appendix 2 in the ITRs would remove the legal basis for the accounting authorities. There would be no assurance of access to multiple land earth stations (LESs) for important non-distress and safety communications such as messages from a rescue coordination center and meteorological warnings, and customer options for least-cost routing and other benefits would be significantly limited - potentially leading to increased fees for users. The ability of LESs to collect for customers to whom they have no contract becomes limited. Recommendation ITU-T D.90 defines procedures for accounting authorities; however, this does not have the same legal basis as ITR Appendix 2.

Removal of the regulatory framework that provides for telecommunications service payments may result in the accelerated loss of commercial HF coast stations providing a GMDSS service, risking the safety of mariners on ships who depend upon a viable network of international HF coast stations. The barring of GMDSS and LRIT mobile satellite terminals on ships would increase, making communications with such ships in an emergency increasingly difficult, and increasing the burden on maritime rescue coordination centers and port state inspectors seeking to address that problem.

C. Conclusions

CITEL proposes to retain essential elements of Appendix 2, as contained in the attached proposal. References made to this Appendix elsewhere in the ITR (e.g., in Article 6 or 10) are not shown in this proposal, but may need to be modified based on other conference decisions. Since the 1988 WATTC transferred the provisions of RR Article 66 on charging and accounting for maritime radiocommunications in the maritime mobile service and the maritime mobile-satellite service to the ITRs in Article 6 and Appendix 2, time and technology has not obviated the need to retain these provisions in an ITU regulation. It is imperative for the ITU to retain the essential elements of these provisions in an ITU treaty text to ensure the continued integrity of the GMDSS and LRIT.

Proposal

The Member States of CITEL support the proposed revisions to the ITRs contained in this document.

MOD IAP/10/22

APPENDIX ~~2~~1

Additional Provisions Relating to Maritime Telecommunications

2/1 1 General

MOD IAP/10/23

2/2 The provisions contained ~~in Article 6 and Appendix 1, taking into account the relevant CCITT Recommendations~~this appendix, shall ~~also~~ apply to maritime telecommunications. ~~in so far as the following provisions do not provide otherwise~~Administrations should comply with the relevant ITU-T Recommendations when establishing and settling accounts under this Appendix.

2/3 2 Accounting authority

2/4 2.1 Charges for maritime telecommunications in the maritime mobile service and the maritime mobile-satellite service shall in principle, and subject to national law and practice, be collected from the maritime mobile station licensee:

2/5 a) by the administration that has issued the licence; or

MOD IAP/10/24

2/6 b) by a recognized ~~private~~ operating agency; or

2/7 c) by any other entity or entities designated for this purpose by the administration referred to in *a)* above.

MOD IAP/10/25

2/8 2.2 The administration or the recognized ~~private~~ operating agency or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix as the “accounting authority”.

MOD IAP/10/26

2/9 2.3 References to administration* contained in ~~Article 6 and this~~ Appendix ~~1~~ shall be read as “accounting authority” when applying the provisions of ~~Article 6 and this~~ Appendix ~~1~~ to maritime telecommunications.

MOD IAP/10/27

2/10 2.4 Members shall designate their accounting authority or authorities for the purposes of implementing this Appendix and notify their names, identification codes and addresses to the Secretary-General for inclusion in the List of Ship Stations; the number of such names and addresses shall be limited taking into account the relevant ~~CCITT-ITU-T~~ Recommendations.

SUP IAP/10/28

~~2/11~~ ~~3~~ **Establishment of accounts**

SUP IAP/10/29

~~2/12~~ ~~3.1~~ ~~In principle, an account shall be considered as accepted without the need for specific notification of acceptance to the accounting authority that sent it.~~

SUP IAP/10/30

~~2/13~~ ~~3.2~~ ~~However, any accounting authority has the right to question the contents of an account for a period of six calendar months after dispatch of the account.~~

MOD IAP/10/31

2/14 **43** **Settlement of balances of account**

MOD IAP/10/32

2/15 **43.1** All international maritime telecommunication accounts shall be paid by the accounting authority without delay and in any case within six calendar months after dispatch of the account, ~~except where the settlement of accounts is undertaken in accordance with paragraph 4.3 below.~~

SUP IAP/10/33

~~2/16~~ ~~4.2~~ ~~If international maritime telecommunication accounts remain unpaid after six calendar months, the administration that has licensed the mobile station shall, on request, take all possible steps, within the limits of applicable national law, to ensure settlement of the accounts from the licensee.~~

SUP IAP/10/34

~~2/17 — 4.3 — If the period between the date of dispatch and receipt exceeds one month, the receiving accounting authority should at once notify the originating accounting authority that queries and payments may be delayed. The delay shall, however, not exceed three calendar months in respect of payment, or five calendar months in respect of queries, both periods commencing from the date of receipt of the account.~~

SUP IAP/10/35

~~2/18 — 4.4 — The debtor accounting authority may refuse the settlement and adjustment of accounts presented more than eighteen calendar months after the date of the traffic to which the accounts relate.~~

Reasons: It is imperative for the ITU to retain the essential elements of these provisions in an ITU treaty text to ensure the continued integrity of the GMDSS and LRIT.

* * * * *

IAP-36: PROPOSAL TO OBSERVE THE LIMITATIONS ON CYBERSECURITY ESTABLISHED BY PP-10 IN REVISING THE ITRs

Support:

Canada, Dominican Republic, Ecuador, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of)

Background

Cybersecurity - protecting IP based network systems from virtual threats- has become a matter of growing concern to Member States due to the increasing exploitation of vulnerabilities of IP networks and applications to steal data and corrupt systems.

This has led to suggestions that the subject of cybersecurity ought to be included in developing revised International Telecommunication Regulations (ITRs) at the 2012 World Conference on International Telecommunications (WCIT).

However, there are at least three aspects of cybersecurity that should be excluded from consideration when revising the ITRs. They are content, national defense/national security, and cybercrime.

The **content** of communications that flow over networks is sometimes considered to be an element of cybersecurity. Regardless, regulation of the content of communications is a

national matter. Different countries, depending upon their cultural and legal systems, have different views on how to regulate the content of communications. The ITU's expertise is in assuring the interoperability of the underlying systems that enable communications, and it has never had, nor should it have, any say in the content of the communications that flow over these networks. Issues of content should be outside the scope of any revised International Telecommunication Regulations.

National defense and national security - protecting a nation state from cyber attacks that threaten a nation's security, critical infrastructure, or economy - is also a topic that should be off-limits in developing revised International Telecommunication Regulations. The ITRs deal only with the commercial aspects of communications networks. Any global treaty-level document on the subject of national defense or national security aspects of cyberspace would need to be negotiated by an entirely different group of defense and intelligence experts with an entirely different set of objectives than the experts in commercial communications who will be revising the ITRs at the WCIT. In fact, such experts are holding these kinds of discussions in another UN forum, so there is no need to consider them in developing revised ITRs.

Cybercrime is another specialized aspect of cybersecurity. In this case, the experts are law enforcement personnel such as lawyers, judges, prosecutors and police. There are other fora -- including other UN agencies -- where these experts gather to discuss the concept of an international treaty on cybercrime and such issues as drafting cybercrime legislation and the elements of a cybercrime. This is also an aspect of cybersecurity that should be excluded from the scope of revised ITRs.

A year ago, in preparation for the ITU Plenipotentiary Conference in Guadalajara, CITELE adopted an Inter-American Proposal (IAP VII, Doc. PP-10/36 Add 1 at p.29)) that recognized that while the ITU had an important and legitimate role to play in improving global cybersecurity, these three aspects of cybersecurity -- content, national defense/national security, and cybercrime-- were outside the scope of the ITU's mandate. This view was overwhelmingly accepted by the Member States at the Plenipotentiary Conference in Guadalajara and adopted in revised PP Resolution 130. This resolution, along with the CITELE IAP submitted to that conference, resolved for the ITU to avoid undertaking activities that fall within the mandates of other intergovernmental and relevant international bodies. For the same reasons that were expressed at that time, these three aspects of cybersecurity should be excluded from consideration in revising the ITRs.

Any aspect of cybersecurity other than these three must be taken into account for its possible inclusion in the ITR. Same must meet, at least, the criteria established in Resolution 171 (Guadalajara, 2010)

Proposal

IAP/10/36

Consistent with Resolution 130 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference, the CITELE Administrations support excluding content, national defense and security, and cybercrime aspects. Any other aspects of cybersecurity must meet the criteria established in Resolution

171 (Guadalajara, 2010) in order to be considered for inclusion in any revised International Telecommunication Regulations.

* * * * *

IAP-37-38: PROPOSED REVISIONS TO ARTICLES OF THE ITRs

Introduction

The Member States of CITELE propose the following revisions to Articles of the International Telecommunication Regulations (ITRs):

Support:

Brazil (Federative Republic of), Canada, Colombia (Republic of), Ecuador, United States of America, Guatemala (Republic of), Paraguay (Republic of), Uruguay (Eastern Republic of)

ARTICLE 1

Purpose and Scope of the Regulations

MOD IAP/10/37

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

Support:

Brazil (Federative Republic of), Canada, Colombia (Republic of), Ecuador, El Salvador (Republic of), United States of America, Trinidad and Tobago

NOC IAP/10/38

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

* * * * *

IAP-39: PROPOSED CONFERENCE STRUCTURE FOR THE 2012 WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS

Support:

Argentine Republic, Brazil (Federative Republic of), Canada, El Salvador (Republic of), United States of America, Guatemala (Republic of), Honduras (Republic of), Mexico, Paraguay (Republic of), Uruguay (Eastern Republic of)

Proposal

IAP/10/39

1 DESCRIPTION

In accordance with the ITU General Rules of Conferences, Assemblies and Meetings, the Member States of CITELE propose the following structure for the upcoming World Conference on International Telecommunications (WCIT-12).

Plenary

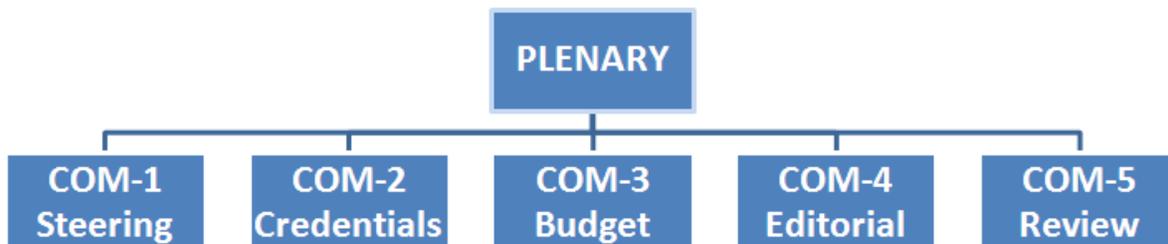
Committee 1 - Steering Committee

Committee 2 - Credentials Committee

Committee 3 - Budget Control Committee

Committee 4 - Editorial Committee

Committee 5 - Review Committee



TERMS OF REFERENCE FOR COMMITTEE 5

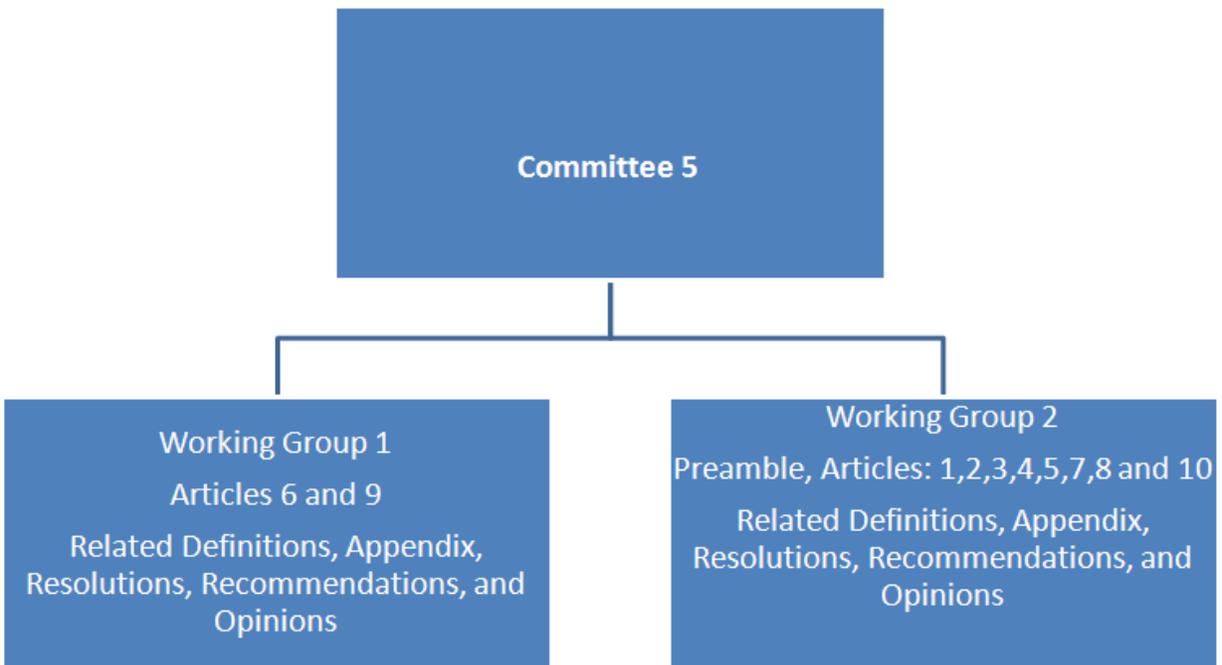
Committee 5 – Review of the International Telecommunication Regulations (ITRs) Framework

Committee 5, on the basis of proposals from administrations and taking into account the existing ITRs, should consider and take appropriate action with regard to the ITRs. Committee 5 should have two Working Groups (WGs) that should not meet in parallel, due to translation and resource constraints. It is proposed that new Articles, if any, must be agreed in principle during the Committee 5 Plenary before being sent to one of the two WGs for consideration. CITELE Member States propose that Committee 5 be organized so that each WG has responsibility for specific provisions of the ITRs. We believe this will help to avoid overlapping of issues.

Additionally, resolutions, recommendations and opinions associated with the articles as described in the attached chart should be considered within the relevant working group, as we believe this will allow for conference efficiency. The specific coverage of each WG is as follows:

- Working Group 1: Articles 6 and 9 and Appendices, and related definitions and Resolutions, Recommendations and Opinions
- Working Group 2: Articles, 1, 2, 3, 4, 5, 7, 8, 10 and related definitions and Resolutions Recommendations and Opinions

There shall not be more than 3 meetings in parallel at any time during the conference, including Plenary Sessions, Committees 1 through 5 meetings and Ad-Hoc Group meetings.



World Conference on International Telecommunications (WCIT) Structure (Text in parentheses identify links relevant to the Article, Appendix, Resolution, Recommendation, or Opinion)	
Working Group 1	Working Group 2
Article	Article
Article 6 Charging and Accounting (Appendix 1 (Lines 47 and 52); Appendix 2 (Line 52); Appendix 3 (Line 54))	Preamble
Article 9 Special Arrangements	Article 1 Purpose and Scope of the Regulations
	Article 2 Definitions (Resolution 8 – <i>considering b</i> ; Recommendation 2 – <i>considering and recommends that the Administrative Council</i>)
	Article 3 International Network
	Article 4 International Telecommunication Services
	Article 5 Safety of Life and Priority of Telecommunications
	Article 7 Suspension of Services
	Article 8 Dissemination of Information (Resolution 7 - in view of b)
	Article 10 Final Provisions
Appendix	Appendix
Appendix 1 General Provisions Concerning Accounting	
Appendix 2 Additional Provisions Relating to Maritime Telecommunications (Article 6 and Appendix 1- Line 2.3)	
Appendix 3 Service and Privilege Telecommunications	
Resolutions	Resolutions
Resolution No. 3 Apportionment of Revenues in Providing International Telecommunication Services	Resolution No. 1 Dissemination of Information Concerning International Telecommunication Services Available to the Public
	Resolution No. 2 Cooperation of the Members of the Union in Implementing the International Telecommunication Regulations (Article 1)

World Conference on International Telecommunications (WCIT) Structure (Text in parentheses identify links relevant to the Article, Appendix, Resolution, Recommendation, or Opinion)	
Working Group 1	Working Group 2
	Resolution No. 4 The Changing Telecommunication Environment
	Resolution No. 5 CCITT and World-Wide Telecommunications Standardization (Article 1)
	Resolution No. 6 Continued Availability of Traditional Services
	Resolution No. 7 Dissemination of Operational and Service Information Through the General Secretariat (Article 8)
	Resolution No. 8 Instructions for International Telecommunication Services (Article 1 and 2)
Recommendations	Recommendations
Recommendation No. 3 Expeditious Exchange of Accounts and Settlement Statements	Recommendation No. 1 Application to the Radio Regulations of the Provisions of the International Telecommunication Regulations
	Recommendation No. 2 Changes to Definitions Which also Appear in Annex 2 to the Nairobi Convention (Article 2)
Opinions	Opinions
Opinion No. 1 Special Telecommunication Arrangements (Article 9 <i>noting</i>)	
