

Cuba

PROPOSALS FOR THE WORK OF THE CONFERENCE

**INTERNATIONAL CONNECTION AND NON-DISCRIMINATORY
ACCESS TO THE INTERNET**

Summary

This contribution puts forward, for consideration by WCIT-12, two drafts of provisions, on the subjects indicated below, for possible inclusion in the articles of the ITRs, and presents the corresponding reasons.

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I Background

considering

that one of the purposes of ITU laid down in Article 1 of the ITU Constitution is “to maintain and extend international cooperation among all its Member States for the improvement and rational use of telecommunications of all kinds”,

considering further

the output documents of the World Summit on the Information Society (WSIS), Geneva 2003 and Tunis 2005, including its Declaration of Principles, particularly §§ 11, 19, 20, 21 and 49 thereof,

noting

that § 48 of the WSIS Declaration of Principles recognizes that “the Internet has evolved into a global facility available to the public and its governance should constitute a core issue of the Information Society agenda. The international management of the Internet should be multilateral,

transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet”,

taking into account

a) The *recalling* part of Resolution 101 (Rev. Guadalajara, 2010), drawing attention to, for example:

- i) The outcomes of the Geneva (2003) and Tunis (2005) phases of WSIS, especially §§ 27 c) and 50 d) of the Tunis Agenda for the Information Society, relating to international Internet connectivity;
- ii) Resolution 23 (Rev. Hyderabad, 2010) of the World Telecommunication Development Conference, on Internet access and availability for developing countries and charging principles for international Internet connection;
- iii) Resolution 69 (Johannesburg, 2008) of the World Telecommunication Standardization Assembly, on non-discriminatory access and use of Internet resources;
- iv) Recommendation ITU-T D.50, on general tariff principles – principles applicable to international Internet connection,

taking into account further

that the Internet now constitutes a vital infrastructure for our economic and social life; that new, Internet-enabled services are changing the economic landscape and, indeed, the very nature of the telecommunication sector; that all telecommunication traffic is migrating to Internet Protocol (IP) based communication; and that this transition from dedicated telephone and data networks to converged IP-based networks raises significant regulatory, technical and economic issues,

considering moreover

that an important aspect of Internet traffic is that, to ensure an adequate return on investment in high-bandwidth infrastructures, operating agencies should negotiate commercial agreements to achieve a sustainable system of fair compensation for telecommunication services;

recognizing

that the Internet is a fundamental, high-level issue which is neutral with respect to the technology that did not exist when the International Telecommunication Regulations were adopted in 1988,

It is proposed to add the following new proposals to Article 3 of the ITRs:

II Proposed provision on international Internet connection conditions Proposed provision on non-discriminatory Internet access and use

ARTICLE 3

International Network

ADD CUB/26/1

31A 3.5 *International Internet connection conditions*

ADD CUB/26/2

31B 3.6 Operating agencies involved in the provision of international Internet connections shall negotiate mutual agreements with the parties concerned, taking into account the possible need for fair compensation for the value of the corresponding constituent elements.

ADD CUB/26/3

31C 3.7 *Non-discriminatory Internet access and use*

ADD CUB/26/4

31D 3.8 Member States shall refrain from taking unilateral and/or discriminatory actions that could impede another Member State's access to public Internet sites.
