

PLENARY MEETING

**Adendum 3 to  
Document 3-E  
22 November 2012  
Original: English**

## **Asia-Pacific Telecommunity Administrations**

### **ASIA-PACIFIC COMMON PROPOSALS FOR THE WORK OF THE CONFERENCE**

#### **1.0 Introduction**

The 5<sup>th</sup> APT Preparatory Meeting for the WCIT-12 which was held in Bangkok, Thailand from 3 October-1 November 2012 adopted the following proposals as Preliminary APT Common Proposals (PACPs) to the 2012 World Conference on International Telecommunications (WCIT-12).

#### **Principles and criteria used in preparing APT Common Proposals to the 2012 World Conference on International Telecommunications (WCIT-12).**

ACP/3A3/1

#### **Principles**

**Principle 1** CS 31 and 32 of Article 4 of the Constitution, "Instrument of the Union" stipulate that:

**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"*

**Principle 2** CS 37 and 38 of Article 6 of the Constitution, "Execution of the Instruments of the Union" stipulate that:

**37** 1 *The Member States are bound to abide by the provisions of this Constitution, PP-98 the Convention and the Administrative Regulations in all telecommunication offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.*

**38** 2 *The Member States are also bound to take the necessary steps to impose the PP-98 observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries."*

### **Principle 3**

1. *The degree/scope by which a provision in a treaty is binding depends on the language and terms that are used in the text. For instance, text (s) in which the language (s) used is accompanied/proceeded by the word 'shall' or a word similar to that, e.g. 'must' or the terms 'is required' or 'are required' would have a mandatory nature/status.*

2. *In contrast text (s) in which the language (s) used is accompanied /preceded by the word 'should' or a similar word, e.g. 'may' or by the terms 'encouraged' or 'invited' or 'endeavor' or even 'shall cooperate' would have a non-mandatory nature/status.*

### **Criteria**

#### **Criterion 1; Incorporation of the Provisions/Articles contained in the ITU Constitution and the Convention in the Draft revised ITR**

1.1 Duplication or incorporation of Provisions/Articles of the Basic Instruments of the Union in the Administrative Regulations should be avoided unless absolutely necessary. An example of a necessary duplication is the verbatim inclusion of Article 44 of the ITU Constitution in the Radio Regulations.

1.2 Any duplication or incorporation of Provisions or Articles of the Basic Instruments of the Union within the revised ITRs must be verbatim to those contained in the CS/CV, unless,

1.3 The entire Provision or Articles to be referenced includes issues beyond the scope of the ITRs. In such circumstances the relevant section of that text can be included in the revised ITRs together with any necessary explanatory text.

#### **Criterion 2; Proposals relating to terms and definitions**

2.1 Duplication of definitions already contained in the Annexes of the CS/CV within the ITRs should be limited to those definitions present in the current ITRs.

2.2 Any repetition of definitions must be verbatim to those contained in the CS/CV

- 2.3 To avoid inconsistency between the CS/CV and the ITRs, text deemed necessary for duplication within the ITRs should be preceded by the following: “*pursuant to No. x of CS or CV*” followed by the selected text in its entirety without any change other than those required for cross referencing. An example is paragraph 9.1 of Article 9 of the current ITR in which No. 31 of the Nairobi Convention is incorporated.
- 2.4 Proposals which seek to modify existing terms and definitions contained within the CS/CV are not appropriate to be included in the ITRs.
- 2.5 Any incorporation into the revised ITRs of modified terms and definitions currently found in the Annexes to the CS/CV should be avoided, in particular, any modifications submitted to past Plenipotentiary conferences and not agreed.
- 2.6 Expansion or modification of the terms and definitions contained in the current ITRs should be avoided.
- 2.7 Definitions of a technical and/or operational nature may be more appropriately contained in WCIT -12 Resolution(s). Consideration could also be given to an appropriate mechanism for their revision. If a term is not used in an Article or Provision, it is not necessary to define that term in the revised ITRs.

**Criterion 3; Reference to “ITU Recommendations”**

- 3.1 ITU Recommendations shall remain non-binding/voluntary. Proposals which directly or indirectly alter the non-binding/voluntary nature of ITU-T and ITU-R Recommendations are not appropriate to be included in the ITRs.
- 3.2 Any incorporation by reference to specific ITU-T Recommendations appears inappropriate given the dynamic nature of ITU-T Study Groups and the need to avoid frequent revision of the ITRs. Where absolutely necessary, reference should only be made to specific ITU-T Recommendations using the terms “taking into account/based on the latest version of the ITU-T Recommendation.
- 3.3 Where a reference to an ITU-T Recommendations absolutely necessary, the language used must make clear that there is no implication that the Recommendations are binding for example, “Member States are encouraged to implement the ITU-T Recommendations.”
- 3.4 Any references to “ITU Recommendations” should address the specific field of application (ITU-T or ITU-R). General references to “ITU Recommendations” are not appropriate and could cause unnecessary confusion.

**Criterion 4; Modification to the current structure of the ITR (reshuffling of Articles and/or Provision)**

- 4.1 Modification to the current structure of the ITRs including Chapters and Articles should be avoided unless absolutely necessary.

**Criterion 5; Use of the term “Member State”, “Administration”, “Operating Agency”, “Private Operating Agency, Recognized Operating Agency” and Private Recognized Operating Agency”**

- 5.1 As an integral part of the Administrative Regulations annexed to the ITU Constitution, the revised ITRs are a treaty, to be agreed, signed, ratified and implemented by Member States. Due to the different structures responsibilities and frameworks in place among Member States, any proposal to systematically replace the term “Administration” with “Member State” is not appropriate. The term “Administration” should be deleted throughout the revised ITU texts because the treaty obligations of the ITRs are observed by Member States and the operational obligations are observed by “Operating Agencies” as described in paragraph 5.2 below.
- 5.2 In view of the arguments mentioned in paragraph 5.1 above, the term “Administrations” should be replaced by the term “Operating Agencies” or “Recognized Operating Agencies” or “Private Operating Agency” or “Private Recognized Operating Agency.” This is because in the vast majority of ITU Member States the tasks that were undertaken or associated with “Administration” in 1988 are currently being performed by one of the four entities listed above, according to the context in which these terms are used in a given country.
- 5.3 Since the use of any of these four terms in lieu of “Administration” could create very different legal rights and obligations for ITU Member States and entities within Member States, each of these terms will be assessed on a case by case basis according to the prevailing circumstances and situations in each country
- 5.4 To resolve this matter and allow the flexibility to address the situation and circumstances which could exist in each country, a possible way forward would be to introduce an asterisk above the term “Operating Agency” with the following footnote to describe the situation:
- “Whenever, in these Regulations, reference is made to “Operating Agency”, it is understood that the term also covers “Recognized Operating Agency” and/or “Private Operating agency “and /or “Private Recognized Operating Agency, “or other entities” that provide international telecommunication services to the public, according to the context in which these terms are used in a given country.

## Proposed Revisions to the International Telecommunication Regulations

**NOC** ACP/3A3/2

### INTERNATIONAL TELECOMMUNICATION REGULATIONS

**Reasons:** Title to remain unchanged.

**NOC** ACP/3A3/3

### ARTICLE 1

#### Purpose and Scope of the Regulations

**Reasons:** Title of Article 1 to remain unchanged.

**MOD** ACP/3A3/4

**2** 1.1 a) These Regulations 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. They also set rules applicable to ~~administrations\*~~ operating agencies<sup>1</sup>, as the case may be. Article 6, No. 38 of the Constitution also applies.

**Reasons:** Further clarifies ACP/3A1/2, 2.3 with its reference to “operating agency” as an umbrella term – by adopting the terminology in the (draft) APT Principles and Criteria 5.4. The intention is to give each Member State the flexibility to address the situation and circumstances that could exist in each country.

**NOC** ACP/3A3/5

**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.

---

\*~~or recognized private operating agency(ies)~~

<sup>1</sup> Whenever, in these Regulations, reference is made to “Operating Agency”. It is understood that the term also covers “Recognised Operating Agency”, and/or “Private Operating Agency” and/or “Private Recognised Operating Agency”, “or other entities”, according to the context in which these terms are used in a given country.

**MOD** ACP/3A3/6

**7** 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be.

**Reasons:** Deleted text "in each relation" is could be confusing. To be consistent with the approach proposed in paragraph.1.1 a) above.

**MOD** ACP/3A3/7

**8** 1.6 In implementing the principles of these Regulations, ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be, 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.

**Reasons:** Consistency with language proposed in 1.1a) above.

**MOD** ACP/3A3/8

**11** c) The Members ~~s States, where appropriate, pursuant to Article 6 of the Constitution,~~ shall cooperate in implementing the International Telecommunication Regulations. ~~(for interpretation, also see Resolution No. 2).~~

**Reasons:** Reference to Article 6, obligations of the Member States. Resolution No.2 was proposed by APT for deletion.

## ARTICLE 2

### Definitions

**MOD** ACP/3A3/9

**16** 2.3 *Government telecommunication*s: ~~A t~~ Telecommunications originating with any: Head of a State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or ~~reply-replies~~ to a government ~~telegram~~ telecommunications mentioned above.

**Reasons:** To align this text with the corresponding definition in the Constitution.

**SUP** ACP/3A3/10

~~17~~ ~~2.4~~ **Service telecommunication**

~~A telecommunication that relates to public international telecommunications and that is exchanged among the following:~~

~~— administrations;~~

~~— recognized private operating agencies;~~

~~— and the Chairman of the Administrative Council, the Secretary-General, the Deputy Secretary General, the Directors of the International Consultative Committees, the members of the International Frequency Registration Board, other representatives or~~

~~authorized officials of the Union, including those working on official matters outside the seat of the Union.~~

**Reasons:** Service telecommunication is mentioned/contained in 3 different places as follows: Provision 2.2 in the current ITRs; and section/paragraph 1 of Appendix 3 of the existing ITR; and No. 1006 of the ITU Constitution. ACP/3A2/34 proposed suppression of Appendix 3 and this ACP proposes suppression of Provision 2.4

However, in order to provide a means of possible application of service telecommunications and observe the consistency with No. 1006 of the Convention, APT decided to add a new provision in Article 6 to read as follows "Member State and/or operating agency \*, as the case may be, may provide service telecommunications free of charge."

**MOD** ACP/3A3/11

**22** 2.7 *Relation:* Exchange of traffic between two terminal countries, always referring to a specific service if there is one between their ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be:

**Reasons:** Consistency with language in 1.1a) above.

## ARTICLE 3

### International Network

**MOD** ACP/3A3/12

**28** 3.1 Members ~~States~~ shall endeavour to ensure that ~~administrations\*~~ operating agencies\* cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

**Reasons:** Consistency with language in 1.1a) above.

**MOD** ACP/3A3/13

**29** 3.2 ~~Administrations\*~~ Member States and/or operating agencies\*, as the case may be, shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services.

**Reasons:** Consistency with language in 1.1a) above.

**MOD** ACP/3A3/14

**31** 3.4 Subject to national law, any user, by having access to the international network established by ~~an administration\*~~ Member States and/or operating agencies\*, as the case may be, has the right to send traffic. A satisfactory quality of service should be maintained to the greatest extent practicable, corresponding to relevant ~~CCITT~~ ITU-T Recommendations.

**Reasons:** Consistency with language used in the Basic Text of the Union.

**ADD** ACP/3A3/15

**31A** 3.4A Member States recognize that numbering resources are to be used only by the assignees and only for the purposes for which they were assigned, in accordance with the relevant ITU-T Recommendations. Member States shall endeavour to ensure that unassigned resources are not used. See also number 38 of Article 6 of the Constitution.

**Reasons:** This text replaced proposal ACP/3A1/8

**ADD** ACP/3A3/16

**31B** 3.4B Member States shall endeavour to ensure that operating agencies\* provide international calling party number delivery taking in to account the relevant ITU-T Recommendations.

**Reasons:** This text replaced proposal ACP/3A1/9

## ARTICLE 4

### International Telecommunication Services

**ADD** ACP/3A3/17

**38A** 4.4 Member States, shall ensure that operators providing international roaming normally provide to the user(s), no later than when that user enters into a visited country, free of charge, transparent and up-to-date information on retail rates except when that user has notified his/her home operator that the user does not require this service.

**Reasons:** The addition is required to provide transparency on roaming rates.

## ARTICLE 6

### Charging and Accounting

**42** 6.1 Collection charges

**MOD** ACP/3A3/18

**43** 6.1.1 Each ~~administration\*~~ Member State and/or operating agency\*, as the case may be, shall, subject to applicable national law, establish the charges to be collected from its customers. The level of the charges is a national matter; however, in establishing these charges, ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be, should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.

**Reasons:** Consistency with language proposed in 1.1a) above.

**MOD** ACP/3A3/19

**44** 6.1.2 The charge levied by ~~an administration\*~~ Member State and/or operating agency\*, as the case may be, on customers for a particular communication should in principle be

the same in a given relation, regardless of the route chosen by that ~~administration\*~~ Member State and/or operating agency\*, as the case may be.

**Reasons:** Consistency with language proposed in 1.1a) above.

**NOC** ACP/3A3/20

**45** 6.1.3 Where, in accordance with the national law of a country, a fiscal tax is levied on collection charges for international telecommunication services, this tax shall normally be collected only in respect of international services billed to customers in that country, unless other arrangements are made to meet special circumstances.

**48** **6.3 Monetary unit**

**MOD** ACP/3A3/21

**49** 6.3.1 In the absence of special arrangements concluded between ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be, the monetary unit to be used in the composition of accounting rates for international telecommunication services and in the establishment of international accounts shall be:

- either the monetary unit of the International Monetary Fund (IMF), currently the Special Drawing Right (SDR), as defined by that organization;
- or ~~the gold franc, equivalent to 1/3.061 SDR~~ other currencies agreed by debtors and creditors.

**Reasons:** Consistency with language proposed in 1.1a) above. and taking into account that in this ACP reference to the gold franc is deleted.

**MOD** ACP/3A3/22

**50** 6.3.2 In accordance with relevant provisions of the International Telecommunication Convention, this provision shall not affect the possibility open to ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be, of establishing bilateral arrangements for mutually acceptable coefficients between the monetary unit of the ~~IMF-IMF~~ and the ~~gold franc~~ other currencies agreed by debtors and creditors.

**Reasons:** Consistency with language proposed in 1.1a).and to reflect current practice taking into account that in this ACP reference to the gold franc is deleted

**51** **6.4 Establishment of accounts and settlement of balances of account**

**MOD** ACP/3A3/23

**52** 6.4.1 Unless otherwise agreed, ~~administrations\*~~ Member States and/or operating agencies\*, as the case may be, shall follow the relevant provisions as set out in Appendix(ces) ~~1 and 2.~~

**Reasons:** Consistency with language proposed in 1.1a) above.

**SUP** ACP/3A3/24

**53 6.5 Service and privilege telecommunications**

**Reasons:** Such facilities are currently not provided.

**ADD** ACP/3A3/25

**53A 6.5A Service telecommunications**

**54A 6.5.1** Member State and/or operating agency \*, as the case may be, may provide service telecommunications free of charge .

**Reasons:** Consistency with language proposed in 1.1a) above and to provide a means of possible application of service telecommunications and observe the consistency with No 1006 of the Convention. See also reason under 2.4.

## ARTICLE 9

### Special Arrangements

**MOD** ACP/3A3/26

**58 9.1 a)** ~~Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982), Pursuant to Article 42 of the Constitution,~~ Special arrangements may be entered into on telecommunication matters which do not concern Members States in general. Subject to national laws, Members States may allow ~~administrations\*~~ operating agencies\* or other organizations or persons to enter into such special mutual arrangements with Members States and/or operating agencies\*, as the case may be, ~~administrations\*~~ or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

**Reasons:** To align with the Basic Instrument of the Union and to keep consistency with language proposed in 1.1a) above.

**NOC** ACP/3A3/27

**59 b)** Any such special arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries.

**MOD** ACP/3A3/28

**60 9.2** ~~Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to No. 58 to~~ It is recognized that special arrangements that are made pursuant to 9.1 above take into account relevant provisions of ~~CCITT~~ ITU-T Recommendations.

**Reasons:** To reflect the current practice and the replacement of “CCITT” by “ITU-T” recommendations/

**NOC** ACP/3A3/29

## APPENDIX 2

### Additional Provisions Relating to Maritime Telecommunications

**Reasons:** Title of Appendix 2 to remains unchanged.

**MOD** ACP/3A3/30

#### 2/1 1 General

2/2 The provisions contained in ~~Article 6 and this~~ Appendix ~~1, taking into account the relevant CCITT Recommendations,~~ shall ~~also~~ apply to maritime-telecommunications ~~in so far as the following provisions do not provide otherwise.~~ Member States and/or operating agencies\*, as the case may be, are encouraged to take into account relevant ITU-T Recommendations when establishing and settling accounts under this Appendix.

**Reasons:** To reflect to the current practice and the replacement of “CCITT” by “ITU-T” recommendations.

**NOC** ACP/3A3/31

#### 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:

**MOD** ACP/3A3/32

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

**Reasons:** Administration to be replaced by Member State.

**MOD** ACP/3A3/33

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

**Reasons:** To use “operating agency” as an umbrella term.

**MOD** ACP/3A3/34

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

**Reasons:** Administration to be replaced by Member State.

**MOD** ACP/3A3/35

**2/8** 2.2 The ~~administration~~ Member States and/or the ~~recognized private~~ operating ~~agency~~agencies\* or the designated entity or entities listed in paragraph 2.1 are referred to in this Appendix, as the case may be, as the “accounting authority”.

**Reasons:** To keep consistency with language proposed in 1.5.

**MOD** ACP/3A3/36

**2/9** 2.3 References to ~~administration\*~~ Member States and/or operating agencies\*, as the case may be, 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.

**Reasons:** To keep consistency with language proposed in 1.1a). To directly refer to Appendix 2 rather than Article 6 and Appendix 1.

**MOD** ACP/3A3/37

**2/10** 2.4 ~~Members~~ States 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.

**Reasons:** To align with the language used in the Basic Instrument of the Union.

**NOC** ACP/3A3/38

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

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

**NOC** ACP/3A3/39

**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.

**NOC** ACP/3A3/40

**2/14** **4** **Settlement of balances of account**

**2/15** 4.1 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.

**NOC**      ACP/3A3/41

**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.

**NOC**      ACP/3A3/42

**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.

**NOC**      ACP/3A3/43

**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.

**ADD**      ACP/3A3/44

## DRAFT NEW RESOLUTION [ACP-2]

### **Countering and combating spam**

The World Conference on International Telecommunication, Dubai 2012

*recognizing*

- a) objectives enshrined in the Basic Instruments of ITU;
- b) that the "Declaration of Principles" of the World Summit on the Information Society (WSIS) states in § 37 that:

"Spam is a significant and growing problem for users, networks and the Internet as a whole. Spam and cybersecurity should be dealt with at appropriate national and international levels";

- c) that the WSIS "Plan of Action" states in § 12 that:

"Confidence and security are among the main pillars of the information society" and calls for "appropriate action on spam at national and international levels",

*recognizing further*

- a) that the instruction given in Resolution 52 (WTSA-08 Johannesburg) to ITU-T study groups with respect to countering and combating spam;

b) the instruction given to the Director of Telecommunication Standardization Bureau in Resolution 52(WTSA-08 Johannesburg) to ITU-T study groups with respect to countering and combating spam;

c) that one of the strategic goals of the ITU Telecommunication Standardization Sector (ITU-T) of the strategic plan for the Union for 2012-2015 ( section 5.4 ) set out in Resolution 71 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference;

d) the report of the chairman of the two ITU WSIS the meetings on countering and combating spam, which advocated a comprehensive approach to combating spam, namely:

- i) strong legislation
- ii) the development of technical measures
- iii) the establishment of industry partnerships to accelerate the studies
- iv) education
- v) international cooperation,

*aware*

that the resolution 130 of the Plenipotentiary Conference (Rev. Guadalajara, 2010) resolves that "ITU shall focus resources and programmes on those areas of cybersecurity within its core mandate and expertise, notably the technical and development spheres, and not including areas related to Member States' application of legal or policy principles related to national defence, national security, content, and cybercrime, which are within their sovereign rights, although, this does not however exclude ITU from carrying out its mandate to develop technical recommendations designed to reduce vulnerabilities in the ICT infrastructure",

*considering*

a) that spam has become a widespread problem causing potential loss of revenue to Internet service providers, telecommunication operators, mobile telecommunication operators and business users;

b) that spam creates problems of information and telecommunication network security, and is increasingly being used as a vehicle for phishing and spreading viruses, worms, spyware and other forms of malware, etc.;

c) that spamming is used for criminal, fraudulent or deceptive activities;

d) that spam is a global problem that requires international cooperation in order to find solutions;

e) that addressing the issue of spam is a matter of urgency;

f) that many countries, in particular developing countries, including the least developed countries, small island developing states and countries with economies in transition, need help when it comes to countering spam;

g) that relevant Recommendations of the Telecommunication Standardization Sector (ITU-T) and relevant information from other international bodies are available which could provide guidance for future development in this area, particularly with regard to lessons learned;

h) that technical measures to counter spam represent one of those approaches mentioned in recognizing further b) above,

*noting*

the important technical work carried out to date in ITU-T Study Group 17 and in particular Recommendations ITU-T X.1231 (Technical strategies for countering spam), X.1240 (Technologies involved in countering e-mail spam) and X.1241 (Technological framework for countering e-mail spam),

*resolves to urge Member States*

- 1 to take appropriate steps within their national legal frameworks to ensure that appropriate and effective measures are taken to counter and combat spam;
- 2 to continue developing technical and self-regulatory measures including best practices to counter spam,

*Instructs the Secretary General*

to report to the annual session of the Council and the future Plenipotentiary Conferences of the actions being taken and progress made on the matter,

*invites Member States, Sector Members, Associates and Academia*

to contribute to this work.

**ADD** ACP/3A3/45

## DRAFT NEW RESOLUTION [ACP-3]

### **Non-discriminatory access to Internet**

The World Conference on International Telecommunication, Dubai, 2012

*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*

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

*noting*

that § 48 of the WSIS Declaration of Principles recognized 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 multilingualism",

*recognizing*

- a) that the second phase of WSIS (Tunis, November 2005) identified ITU as the possible moderator/facilitator for the following WSIS Action Lines from the Plan of Action: C2 (Information and communication infrastructure) and C5 (Building confidence and security in use of the ICTs);
- b) that the Plenipotentiary Conference (Guadalajara,2010) entrusted the ITU Telecommunication Standardization Sector (ITU-T) with a range of activities aimed at implementing the WSIS (Tunis, 2005) outcomes, a number of those activities having to do with Internet-related issues;
- c) that management of the registration and allocation of Internet domain names and addresses must fully reflect the geographical nature of the Internet, taking into account an equitable balance of interests of all stakeholders,

*taking into account*

Resolutions 101, 102, 130 and 133 of Plenipotentiary Conference (Guadalajara, 2010),

*conscious of*

WSIS outcome on internet governance as mentioned in paragraph 78 of Tunis Agenda,

*recognizing further*

- a) that developing Recommendations to combat spam falls within the strategic plan for the Union for 2012-2015 (Part 5§) set out in Resolution 71 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference;
- b) Mission and goals of the Union including Strategic goal of the Telecommunication Standardization Sector (ITU-T) as contained in Resolution 71 (Rev. Guadalajara,2010).
- c) that the World Telecommunication Standardization Assembly ,Johannesburg in its Resolution 69 (WTSA-08, Johanesburg,2008) addressed the issue of non-discriminatory access and use of Internet resources,

*taking into account*

- a) that ITU-T is dealing with technical and policy issues related to IP-based networks, including the Internet and next-generation networks;
- b) that a number of the resolutions of adopted by the World Telecommunication Standardization Assembly 2008, Johannesburg, deal with Internet-related issues,

*resolves*

- 1 that Member States and/or Operating Agencies, as the case may be, relevant organization operating and functioning in their countries and under their jurisdiction, refrain from taking any unilateral and/or discriminatory actions that could impede another Member State from accessing Internet , within the spirit of Article 1 of the Constitution and the WSIS principles;
- 2 to invite Member States to inform the ITU on any incident referred to in resolves 1) above,

*instructs the Director of the Telecommunication Standardization Bureau*

- 1 to integrate and analyze the information on incidents reported from Member States;

2 to report this information to Member States, through an appropriate mechanism,  
*invites Member States and Sector Members*

to submit contributions to the ITU-T study groups that contribute to the prevention and avoidance of such practices.

**ADD** ACP/3A3/46

## DRAFT NEW RESOLUTION [ACP-4]

### **Misappropriation of international telecommunication services and resources**

The World Conference on International Telecommunication, Dubai 2010

*recognizing*

the purposes of the Union to foster collaboration among the membership for the harmonious development of telecommunications and to enable the offering of services at lowest cost,

*recognizing further*

- a) that the fraudulent misappropriation of national telephone numbers and country codes is inappropriate and harmful;
- b) that the blocking of calls by barring the country code to a country in order to avoid fraud is also inappropriate and harmful;
- c) relevant provisions of the ITU Constitution and Convention and Resolutions adopted by ITU Plenipotentiary Conferences,

*recalling*

- a) Resolution 29 of World Telecommunication Standardization Assembly, Johannesburg ,2008 concerning alternative calling procedures on international telecommunication networks, which (citing ITU Council Resolution 1099) urged the ITU Telecommunication Standardization Sector (ITU-T) to develop, as soon as possible, the appropriate Recommendations concerning alternative calling procedures;
- b) Recommendation ITU-T E.156, which sets out guidelines for ITU-T action on reported misuse of E.164 numbering resources, and Recommendation ITU-T E.156 Supplement 1, which provides a best practice guide on countering misuse of E.164 numbering resources,

*resolves*

- 1 that Member States shall endeavor to provide mechanism (s) to allow their respective Operating Agencies, National Regulator(s) ,and any other recognized entities dealing with the telecommunication services/networks under their jurisdiction to release routing information in cases of fraud, within the constraints of national laws and applicable regulatory frameworks;
- 2 that Member States collaborate and endeavor to share information on fraudulent activities related to misuse of international numbering resources and to consider sharing information about these activities;

3 that Member States ,taking into account the relevant ITU-T Recommendations, promote a more effective basis for dealing with fraudulent activities due to number misappropriation and other sort of fraudulent activities , which would help limit the negative effects of these fraudulent activities and the blocking of international calls to developing countries<sup>2</sup>;

4 that Member States take all necessary measures in order to mitigate the adverse effects of fraudulent number misappropriation and blocking of calls to certain developing countries and any other fraudulent activities,

*resolves further*

that Member States endeavor to ensure that Operating Agencies authorized by them or functioning in the territories under their jurisdiction to take all necessary measures, within the constraints of their national laws and regulatory frameworks, to obtain information necessary to address issues related to number misappropriation and other fraudulent activities ,

*Instruct the Director, Telecommunication Standardization Bureau*

to request Study Groups 2 and 3 to accelerate studies on all aspects and forms of misappropriation of international country codes, with a view to amending Recommendation ITU-T E.156 and its Supplement 1 so as the matter be resolved in a satisfactory manner and to study the economic effects of call blocking on developing countries, respectively.

---

---

<sup>2</sup> These include the least developed countries, small island developing states and countries with economies in transition.