

PLENARY MEETING

Document 15-E
2 October 2012
Original: French

Cameroon (Republic of)

PROPOSALS FOR THE WORK OF THE CONFERENCE

NOC CME/15/1

**INTERNATIONAL TELECOMMUNICATION
REGULATIONS**

PREAMBLE

MOD CME/15/2

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

Reasons: "State" is the term used in the Constitution and Convention.

NOC CME/15/3

ARTICLE 1

Purpose and Scope of the Regulations

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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 require Member States to ensure that administrations and operating agencies engaged in international telecommunications comply with the provisions of the ITRs,

Reasons: This proposal not only defines the area of application of the ITRs, but also obliges Member States to impose the Regulations on national operators in the provision of international telecommunication services.

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MOD CME/15/5

3 b) These Regulations recognize in Article 9 the right of Member States to allow special arrangements.

Reasons: The modification proposed is purely editorial.

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ADD CME/15/6

3A c) These Regulations recognize that Member States shall take the necessary measures to prevent interruptions of services and shall ensure that no harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations.

Reasons: When an operator in country A routes traffic in a normal manner to country B but the traffic is not terminated owing to problems regarding the interconnection or termination of international traffic between country B operators, this adversely affects the revenues and quality of service of the origin country operator.

ADD CME/15/7

3B d) These Regulations recognize the absolute priority for safety of life telecommunications, including distress telecommunications, emergency telecommunications services and telecommunications for disaster relief as provided in Article.

Reasons: This proposal is in conformity with the Tampere Convention on emergency and distress telecommunications.

ADD CME/15/8

3C e) Member States shall cooperate for the purpose of implementing the International Telecommunication Regulations.

Reasons: This provision on international cooperation will be required for implementing the ITRs.

NOC CME/15/9

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

MOD CME/15/10

5 1.3 These Regulations facilitate global interconnection and interoperability of telecommunication networks and promote the harmonious development and efficient operation of technical facilities, the efficiency, usefulness and availability to the public of international telecommunication services and greater confidence and security, including of information, in the provision of international telecommunication services to the public.

Reasons: The need to include provisions on security and confidence.

MOD CME/15/11

6 1.4 Unless otherwise specified in these Regulations, references to Recommendations of the ITU in these Regulations are not to be taken as giving to those Recommendations the same legal status as the Regulations.

Reasons: This provision would allow the application of certain ITU Recommendations to be made mandatory, taking account of the fact that the ITRs are not sectoral regulations.

MOD CME/15/12

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 Member States and/or operating agencies, as the case may be.

Reasons: Agreements between Member States or Member States and recognized operating agencies have a direct bearing on the provision of an international telecommunication service. It is thus proposed that the term "Member State" be retained and the term "administration" deleted.

MOD CME/15/13

8 1.6 For the purposes of these Regulations and the principles enshrined in them, Member States shall provide, to the greatest extent practicable, for the implementation of the relevant ITU Recommendations and Resolutions by administrations and operating agencies,

Reasons: WCIT is not a sectoral conference.

MOD CME/15/14

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

Reasons: Member States have the sovereign right to impose obligations, in accordance with their national law, on all operating agencies, not only recognized operating agencies.

SUP CME/15/15

Reasons: This provision is very similar to provision 1.6. It should be deleted in order to avoid any repetition. Moreover, the proposal in § 1.6 is more binding.

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SUP CME/15/16

Reasons: Deleted because similar to § 1.1e).

NOC CME/15/17

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

NOC CME/15/18

ARTICLE 2

Definitions

NOC CME/15/19

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

NOC CME/15/20

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.

ADD CME/15/21

14A 2.1A *Telecommunication/ICT*: 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 CME/15/22

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.

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Deleted: 11 . . c) . The Members, where appropriate, shall cooperate in implementing the International Telecommunication Regulations (for interpretation, also see Resolution No. 2).

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ADD CME/15/23

15A 2.2A *International telecommunication service/ICTs*: The offering of a telecommunication capability including, but not limited to: offering of a telecommunication capability in roaming, international public telegram service, telex, traffic termination services (including Internet traffic termination), any kind of circuit provision services, other services integral to provision of international telecommunication services between telecommunication offices or stations of any nature that are in or belong to different countries.

MOD CME/15/24

16 2.3 *Government telecommunications*: 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 to a government telegram.

MOD CME/15/25

17 2.4 **Service telecommunication**

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

- Member States;
- recognized operating agencies;
- and the Chairman of the Council, the Secretary-General, the Deputy Secretary-General, the Directors of the Bureaux, the members of the Radio Regulations Board, and other representatives or authorized officials of the Union, including those working on official matters outside the seat of the Union.

MOD CME/15/26

19 2.5.1 A telecommunication that may be exchanged during sessions of the ITU Council,

conferences and meetings of the ITU

between, on the one hand, representatives of Members of the Council, members of delegations, senior officials of the General Secretariat and of the three Bureaux and members of the Radio Regulations Board, and their authorized colleagues attending conferences and meetings of the ITU and, on the other, their administrations or recognized operating agency or the ITU, and relating either to matters under discussion by the Council, conferences and meetings of the ITU or to public international telecommunications.

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MOD CME/15/27

20 2.5.2 A private telecommunication that may be exchanged during sessions of the ITU Council and conferences and meetings of the ITU by representatives of Members of the Council, members of delegations, senior officials of the General Secretariat and of the three Bureaux and members of the Radio Regulations Board attending ITU conferences and meetings, and the staff of the Secretariat of the Union seconded to ITU conferences and meetings, to enable them to communicate with their country of residence.

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MOD CME/15/28

21 2.6 *International route:* A route for the transmission of traffic between technical facilities and installations located in different countries,

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MOD CME/15/29

22 2.7 *Relation:* Exchange of traffic between two terminal countries, always referring to a specific service if there is between their operating agencies:

- 23 a) a means for the exchange of traffic in that specific service:
- over direct circuits (direct relation), or
 - via a point of transit in a third country (indirect relation), and
- 24 b) normally, the settlement of accounts by billing systems.

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25 2.8 *Accounting rate:* The rate agreed between operating agencies in a given relation that is used for the establishment of international accounts for international telecommunication services.

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MOD CME/15/31

26 2.9 *Collection charge:* The charge established and collected by an operating agency from its customers for the use of an international telecommunication service.

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

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ADD CME/15/33

27A 2.11 *Transit rate*: a rate set by the point of transit in a third country (indirect relation).

ADD CME/15/34

27B 2.12 *Termination rate*: A rate set by the destination operating agency for terminating incoming traffic regardless of origin.

ADD CME/15/35

27C 2.13 *Spam*: information transmitted over telecommunication networks as text, sound, image, tangible data used in a man-machine interface bearing advertising nature or having no meaningful message, simultaneously or during a short period of time, to a large number of particular addressees without prior consent of the addressee (recipient) to receive this information or information of this nature.

ADD CME/15/36

27D 2.14 *Hub*: a transit center (or network operator) that offers to other operators a telecommunication traffic termination service to nominated destinations contained in the offer.

ADD CME/15/37

27E 2.15 *Hubbing*: the routing of telecommunication traffic in hubbing mode consists in the use of hub facilities to terminate telecommunication traffic to other destinations, with full payment due to the hub.

ADD CME/15/38

27F 2.16 *Fraud*: use of any telecommunications facilities or services with the intention of avoiding payment, without correct payment, with no payment at all, by making someone else pay, by using a wrongful or criminal deception in order to obtain a financial or personal gain from the use of those facilities or services or by intentional misrepresentation of identity which can lead to actual or potential disadvantage or financial harm to another individual or group.

Reasons: This definition better incorporates all aspects of fraud.

ADD CME/15/39

27G 2.17 *Global telecommunication service (GTS)*: A service which enables communication to be established through a global number between subscribers whose physical location and national jurisdiction have no bearing on the tariff to be set for the service's use; which satisfies and complies with recognized and accepted international standards; and which is

provided over the public telecommunication network by operating agencies having obtained the relevant numbering resources from ITU-T.

ADD CME/15/40

27GA 2.18 *International calling party number delivery (ICPND)*: Transborder delivery of calling party's number.

ADD CME/15/41

27H 2.19 *Originating identification*: The originating identification is the service by which the terminating party shall have the possibility of receiving identity information in order to identify the origin of the communication.

ADD CME/15/42

27I 2.20 *Emergency/distress telecommunications*: A special category of telecommunications with absolute priority for the transmission and reception of information relating to safety of life at sea, on land, in the air or in space, and of information of exceptional urgency concerning an epidemiological or epizootic situation issued by the World Health Organization.

ADD CME/15/43

27J 2.21 *Personal data*: Any information relating to a physical person (the subject of the personal data) identified or identifiable on the basis of such information.

ADD CME/15/44

27K 2.22 *Integrity of the international telecommunication network*: The capability of the international telecommunication network to carry international traffic.

ADD CME/15/45

27L 2.23 *Stability of the international telecommunication network*: The capability of the international telecommunication network to carry international traffic in the event of failure of telecommunication nodes or links and also in the face of internal and external destructive actions and to return to its original state.

ADD CME/15/46

27M 2.24 *Security of the international telecommunication network*: The capability of the international telecommunication network to withstand internal and external destabilizing actions liable to compromise its functioning.

ADD CME/15/47

27N 2.25 *International roaming*: Provision to the subscriber of the opportunity to use telecommunication services offered by other operating agencies, with which the subscriber has not concluded an agreement.

ADD CME/15/48

27O 2.26 *IP interconnection*: IP interconnection refers to technical and business solutions and rules to ensure the delivery of IP traffic through different networks.

ADD CME/15/49

27P 2.27 *End-to-end quality of service delivery and best effort delivery*: End-to-end quality of service delivery refers to the delivery of PDU (Packet Data Unit) with predefined end-to-end performance objectives; Best-effort delivery refers to delivery of a PDU without predefined performance targets.

NO CME/15/50

ARTICLE 3

International Network

MOD CME/15/51

28 3.1 *a)* Member States shall ensure that operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service and above a minimum level taking into consideration the relevant Recommendations of the ITU.

b) Member States shall facilitate the development of international IP interconnections providing both best-effort delivery and end-to-end quality of service delivery.

Reasons: Member States should be able to intervene when quality of service is impaired and should take the necessary measures for the purpose. Reference could also simply be made to the relevant ITU-T Recommendations.

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29 3.2 Member States shall establish policies to meet the requirements of and demand for international telecommunication services.

Reasons: The State can intervene to establish policies to meet the requirements of and demand for international telecommunications services (case of termination of incoming international traffic).

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MOD CME/15/53

30 3.3 Operating agencies shall determine by mutual agreement which international routes are to be used. A Member State has the right to know how its traffic is routed and should have the right to impose any routing regulations in this regard, for purposes of security and countering fraud.

Reasons: The aim of this article is to strengthen the State's monitoring of the control of international traffic. The State cannot determine the international routes, but can regulate international traffic termination conditions at national level.

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MOD CME/15/54

31 3.4 Subject to national law, any user, by having access to the international network established by an operating agency, has the right to send traffic.

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ADD CME/15/55

31A 3.5 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used. The provisions of the relevant ITU-T Recommendations shall be applied.

Reasons: This provision prevents the use of a country's numbering resources by other countries and obliges operators to use only their national code.

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ADD CME/15/56

31B 3.6 Member States or operating agencies involved in a communication route – and in particular in transit nodes – shall ensure, to the greatest extent practicable, the provision, transport and forward of international calling party number delivery, calling line identification or origination identification, and its integrity end-to-end, in accordance with the relevant ITU-T Recommendations. Member States may provide for data privacy and data protection by authorizing the masking of information other than the country and operating agency identification codes or equivalent originating identifiers, but that masked information shall be made available to duly authorized law enforcement agencies.

Reasons: This article is required within the framework of countering fraud. The proposal clearly invites operators to identify the origin of the calling party.

ADD CME/15/57

31C 3.7 Administrations shall take appropriate measures nationally to ensure that all parties (including operating agencies authorized by Member States) involved in the provision of

international Internet connections negotiate and agree to bilateral commercial arrangements, or an alternative type of arrangement between administrations, enabling direct international Internet-connections that take into account the possible need for compensation between them for the value of elements such as traffic flow, number of routes, geographical coverage and cost of international transmission, and the possible application of network externalities, amongst others.

Reasons: This article reflects the spirit of ITU-T Recommendation D.50, on international Internet connection, which proposes an economic model based, not on transit, but on the sharing of international Internet connection revenues.

NOC CME/15/58

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ARTICLE 4

International Telecommunication Services

MOD CME/15/59

32 4.1 Member States shall promote the implementation and development of international telecommunications/ICTs. They shall also endeavour to ensure that operating agencies make international telecommunication services generally available to the public in their national network(s).

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Reasons: The role of the State and that of the operating agencies are properly clarified.

MOD CME/15/60

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

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Reasons: Within the framework of network operation, all ITU Recommendations, and not only those of ITU-T, can be used.

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MOD CME/15/61

34 4.3 Subject to national law, Member States shall ensure that operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service and above a minimum level taking into consideration the relevant Recommendations of the ITU with respect to:

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MOD CME/15/62

35 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel; harm to technical facilities and personnel shall be construed to include spam, malware, etc. as defined in relevant ITU-T Recommendations (as the

case may be), as well as malicious code transmitted by any telecommunication facility or technology, including Internet and Internet Protocol. Furthermore, the said provision shall be construed to prohibit connection of terminals that cause harm to technical facilities or personnel;

Reasons: This proposal indicates more clearly the nature of the harm that may be caused by a network.

MOD CME/15/63

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

Reasons: All telecommunication facilities are concerned, whether dedicated or not.

MOD CME/15/64

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

Reasons: Inclusion of the term “service” matters makes it clear that this particularly concerns services.

MOD CME/15/65

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

Reasons: As in § c) above, here the term “international telecommunication services” is to be preferred.

ADD CME/15/66

38A 4.4 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers information on tariffs, including duties and fiscal taxes. Each subscriber should be able to have access to such information and receive it in a timely manner and free of charge when roaming (entering into roaming), except where the subscriber has previously declined to receive such information.

Reasons: The transparency of international telecommunication service prices and consumer information on the price of the service provided, whether in roaming or otherwise, constitute a right, and it is here in the ITRs that Member States should be reminded of compliance with these consumer rights.

ADD CME/15/67

38B 4.5 Given the particular characteristics of GTSs, which display both the features of international telecommunication services as well as their own specific features in the form of ubiquitous access in accordance with local legislations and of their own specially assigned country codes allowing subscribers to have a single worldwide number, national legislation may insert and implement GTSs into national law to the effect that GTS are considered local services in the applicable jurisdiction.

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Reasons: Global telecommunication services must be identified in the jurisdictions in which they are used.

ADD CME/15/68

38C 4.6 Member States shall implement measures to ensure that telecommunication services in international roaming of satisfactory levels of quality, comparable to that provided to their own local users, are provided to visiting users.

Reasons: Compliance with the principle of equity towards local and visiting users in the provision of services.

ADD CME/15/69

38D 4.7 Operating agencies shall cooperate in the development of international IP interconnections providing both, best effort delivery and end to end quality of service delivery. Best effort delivery should continue to form the basis of international IP traffic exchange.

Reasons: The aim is to create conditions promoting the development of international IP interconnections.

ADD CME/15/70

38E 4.8 Member States shall foster the establishment of mutual agreements on mobile services accessed within a predetermined border zone in order to prevent or mitigate inadvertent roaming charges.

Reasons: This provision protects subscribers near borders, who are often penalized by unwanted roaming.

NOC CME/15/71

ARTICLE 5

Safety of Life and Priority of Telecommunications

MOD CME/15/72

39 5.1 Safety of life telecommunications, including distress telecommunications, emergency telecommunication services and telecommunications for disaster relief, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant articles of the Constitution and Convention and taking due account of relevant Resolutions and Recommendations of the ITU.

Reasons: The purpose of this provision is to incorporate the relevant articles of the Constitution and Convention and relevant ITU Resolutions and Recommendations dealing with the protection of life.

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ADD CME/15/73

39A 5.1A Member States shall ensure that telecommunications relating to safety of life (distress), including for prevention, relief, and mitigation in emergency situations, are given absolute priority.

Reasons: The aim is to promote the implementation of the resolutions of ITU and other international bodies in respect of the priority given to emergency telecommunications.

MOD CME/15/74

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

Reasons: Editorial update.

MOD CME/15/75

41 5.3 The provisions governing the priority enjoyed by **any** other telecommunication **services** are contained in the relevant [Recommendations of the ITU](#).

Reasons: Editorial update.

ADD CME/15/76

41A 5.4 Notwithstanding the provisions of Art. 1, § 1.4 and § 1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, § 1.3; in Art. 3, § 3.3; and taking into account Art. 3, § 3.1, Member States shall encourage operating agencies which operate in their territory and provide international telecommunications services offered to the public, to apply the ITU Recommendations relating to safety of life, priority telecommunications, disaster recovery and emergency telecommunications.

Reasons: The aim is to promote the implementation of relevant ITU Recommendations dealing with emergency telecommunications.

ADD CME/15/77

41B 5.5 Member States shall seek to harmonize, at global, subregional and regional level, a single number for emergency services taking account of ITU Recommendations.

Reasons: The aim is to introduce a progressive approach in establishing a single number to facilitate access to emergency services at global level.

ADD CME/15/78

41C 5.6 Member States shall ensure that operating agencies inform all users including roaming users, in good time and free of charge, of the number to be used for calls to the emergency services.

Reasons: Compliance with the principle of equity towards local and roaming subscribers.

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ARTICLE 5A

Confidence and security of telecommunications/ICTs

Reasons: The aim is to introduce an article ensuring confidence and security in telecommunications/ICTs and the protection of privacy.

ADD CME/15/80

41D 5A.1 Member States shall cooperate to enhance user confidence, build trust, and protect both data and network integrity; consider existing and potential threats to ICTs; and address other information security and network security issues.

ADD CME/15/81

41DA 5A.2 Member States in cooperation with the private sector, shall prevent, detect and respond to cyber-crime and misuse of ICTs by: developing guidelines that take into account ongoing efforts in these areas; considering legislation that allows for effective investigation and prosecution of misuse; promoting effective mutual assistance efforts; strengthening institutional support at the international level for preventing, detecting and recovering from such incidents; and encouraging education and raising awareness.

ADD CME/15/82

41DB 5A.3 Member States shall cooperate to harmonize national laws, jurisdictions, and practices in the areas of: the investigation and prosecution of cybercrime; data preservation, retention, protection (including personal data protection), and privacy; and approaches for network defense and response to cyberattacks.

ADD CME/15/83

41DC 5A.4 Member States shall take measures to ensure the security of telecommunication/ICT networks and information systems, including Internet security, and to fight cybercrime, while protecting and respecting the provisions for privacy and freedom of expression as contained in the relevant parts of the Universal Declaration of Human Rights.

ADD CME/15/84

41E 5A.5 Member States are encouraged:

- a) to adopt national legislation to act against spam;
- b) to cooperate to take actions to counter spam;
- c) to exchange information on national findings/actions to counter spam.

MOD CME/15/85

ARTICLE 6

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MOD CME/15/86

42 6.1 Collection charges

43 6.1.1 Each operating agency shall, subject to applicable national law, establish the charges to be collected from its customers.

Reasons: In the French text, replacement of the term “taxe”, which is something of an anglicism, with “tarif”.

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Deleted: The level of the charges is a national matter; however, in establishing these charges, administrations* should try to avoid too great a dissymmetry between the charges applicable in each direction of the same relation.

ADD CME/15/87

43A 6.1.1A Cost of International Roaming Services

a) Member States shall encourage competition in the international roaming market;

b) Member States are encouraged to cooperate to develop policies for reducing charges on international roaming services.

Reasons: Encourage lower charges for international roaming.

MOD CME/15/88

44 6.1.2 The charge levied by an operating agency on customers for a particular communication should in principle be the same in a given relation, regardless of the route chosen by that operating agency.

Reasons: Editorial update.

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MOD CME/15/89

45 6.1.3 National authorities are free to impose taxes on all telecommunications traffic, whether incoming or outgoing. However, such taxes should be reasonable and the proceeds should be directed where possible at the development of the industry. Regarding double taxation, Member States are encouraged to cooperate within the framework of bilateral, juridical double taxation treaties under which taxation arrangements are predetermined by the terms of the treaty so as to protect against the risk of double taxation and avoidance or evasion of tax liability.

Reasons: Taxation should be more a national matter.

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Deleted: 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.

MOD CME/15/90

47 6.2.1 For each applicable service in a given relation, operating agencies shall by mutual agreement establish and revise accounting rates to be applied between them, in

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accordance with the provisions of Appendix 1 and taking into account relevant ITU-T Recommendations and relevant cost trends.

Reasons: Editorial update.

MOD CME/15/91

48 6.3 Monetary unit

49 In the absence of special arrangements concluded between operating agencies, 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 freely convertible currencies or other currencies agreed by debtors and creditors.

Reasons: This is a broader provision since, unlike the initial proposal which limits monetary unit possibilities to only the SDR or gold franc, it allows the choice of any other currency freely convertible into another currency and mutually agreed to *ex post facto* by the debtor and creditor.

MOD CME/15/92

52 Unless otherwise agreed, operating agencies shall apply the relevant provisions as set out in Appendices 1 and 2.

Reasons: This provision is governed by Appendices 1 and 2 of the ITRs.

Appendix 1: General Provisions Concerning Accounting

Appendix 2: Additional Provisions Relating to Maritime Telecommunications.

MOD CME/15/93

53 6.5 Service and privilege telecommunications

54 6.5.1 Operating agencies shall apply the relevant provisions as set out in Appendix 3.

ADD CME/15/94

54A 6.6 Notwithstanding the provisions of Art. 1, § 1.4 and § 1.6, and to enshrine the purpose set out in the Preamble; in Art. 1, § 1.3; in Art. 3, § 3.3; and taking into account Art. 3, § 3.1, Member States shall, as appropriate, encourage administrations, recognized operating agencies, and private operating agencies which operate in their territory and provide international telecommunication services offered to the public, to apply the ITU-T Recommendations relating to charging and accounting and alternate calling procedures, including any Instructions forming part of, or derived from, said Recommendations.

Reasons: To encourage States to make it possible for operators to use the tools placed at their disposal in ITU-T Recommendations in respect of charging and accounting for the provision of the international telecommunication service.

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ADD CME/15/95

54C 6.8 When evaluating significant market power and its abuse, national competition authorities should also take into account international market share and international market power.

ADD CME/15/96

54H 6.12A Member States shall foster the establishment of international roaming mobile services prices based on principles of reasonability, competitiveness and non-discrimination relative to prices applied to local users of the visited country.

ADD CME/15/97

54L 6.15 Member States shall promote cost-oriented pricing.

ADD CME/15/98

54M 6.16 Member States shall take measures to ensure that fair compensation is received for carried traffic (e.g. interconnection or termination).

ADD CME/15/99

54O 6.18 Member States should consider measures to favour special interconnection rates for landlocked countries.

MOD CME/15/100

ARTICLE 7

Suspension of Services

MOD CME/15/101

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

Reasons: Editorial update.

MOD CME/15/102

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

Reasons: Editorial update.

NOC CME/15/103

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ARTICLE 8

Dissemination of Information

MOD CME/15/104

57 8.1 Using the most suitable and economical means, the Secretary-General shall disseminate information, provided by Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Council or by competent conferences, and taking account of conclusions or decisions of competent Assemblies. Member States should transmit such information to the Secretary-General in a timely manner and in accordance with the relevant Recommendations of the ITU. If so authorized by the concerned Member State, the information may be transmitted to the Secretary-General directly by an operating agency and shall then be disseminated by the Secretary-General.

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NOC CME/15/105

ARTICLE 8A

Energy Efficiency

Reasons: This provision is salutary, given its positive impact on the environment.

ADD CME/15/106

57A Member States shall cooperate to encourage operating agencies and industry to adopt energy efficiency international standards and best practices so as to reduce energy consumption and e-waste.

NOC CME/15/107

ARTICLE 9

Special Arrangements

MOD CME/15/108

58 9.1 a) Pursuant to Article [42](#) of the [Constitution](#), special arrangements may be entered into on telecommunication matters which do not concern Member [States](#) in general. Subject to national laws, Member [States](#) may allow administrations/[operating agencies](#) or other organizations or persons to enter into such special mutual arrangements with Member [States](#), [operating agencies](#) 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 Member [States](#) concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

MOD CME/15/109

59 b) Any such special arrangements [shall](#) avoid technical harm to the operation of the telecommunication facilities [and services](#) of third [parties](#), and [shall not diminish the security and confidence of telecommunications/ICTs of third parties](#).

MOD CME/15/110

60 9.2 Member [States](#) should, where appropriate, encourage the parties to any special arrangements that are made pursuant to [§ 9.1 above](#) to take into account relevant provisions of [Recommendations of the ITU](#).

NOC CME/15/111

ARTICLE 10

Final Provisions

MOD CME/15/112

61 10.1 These Regulations, of which Appendices 1, 2 and 3 form integral parts, shall enter into force on [1 January 2015](#).

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MOD CME/15/113

62 10.2 On the date specified in No. 61, [the International Telecommunication Regulations \(Melbourne, 1988\)](#) shall be replaced by these International Telecommunication Regulations ([Dubai, 2012](#)),

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ADD CME/15/114

62A 10.2A The partial or total revision of the ITRs can only be undertaken by a competent World Conference on International Telecommunications in accordance with Article 25 of the ITU Constitution.

MOD CME/15/115

63 10.3 If a Member [State](#) makes reservations with regard to the application of one or more of the provisions of these Regulations, other Member [States](#) and their [operating agencies](#) are not obliged to abide by the said provision or provisions in their relations with the Member [State](#) which has made such reservations and its [operating agencies](#),

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MOD CME/15/116

64 10.4 Member [States](#) of the Union shall inform the Secretary-General of their approval of the International Telecommunication Regulations adopted by the Conference. The Secretary-General shall inform Member [States](#) promptly of the receipt of such notifications of approval.

MOD CME/15/117

64B IN WITNESS WHEREOF, the delegates of the Member [States](#) of the International Telecommunication Union named below have, on behalf of their respective competent authorities, signed one copy of the present Final Acts in the Arabic, Chinese, English, French, Russian and Spanish languages. This copy shall remain in the archives of the Union. The Secretary-General shall forward one certified copy to each Member [State](#) of the International Telecommunication Union.

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Done at [Dubai](#), [14 December 2012](#).

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NOC CME/15/118

APPENDIX 1

General Provisions Concerning Accounting

NOC CME/15/119

1/10 2 Establishment of accounts

Reasons: This provision covers the period in which operators are to establish accounts regarding international traffic.

MOD CME/15/120

1/12 2.2 The accounts shall be sent [taking into account relevant ITU-T Recommendations](#).

Reasons: Operators today sign contracts for international traffic termination. Each party nevertheless still establishes accounts and sends them to the other party. This should be done within a reasonable period in accordance with relevant ITU-T Recommendations.

MOD CME/15/121

1/13 2.3 In principle an account shall be considered as accepted without the need for specific notification of acceptance to the [operating agency](#) which sent it.

MOD CME/15/122

1/14 2.4 However, any [operating agency](#) has the right to question the contents of an account [in accordance with relevant ITU-T Recommendations](#).

MOD CME/15/123

1/15 2.5 In relations where there are no special agreements, a quarterly settlement statement showing the balances of the monthly accounts for the period to which it relates shall be prepared [and issued](#) as soon as possible by the creditor [operating agency](#) and shall be sent [in accordance with the provision in § 2.2 above](#) in duplicate to the debtor [operating agency](#), which, after verification, shall return one of the copies endorsed with its acceptance.

MOD CME/15/124

1/16 2.6 In indirect relations where a transit [operating agency](#) acts as an accounting intermediary between two terminal points, it shall include accounting data for transit traffic in the

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relevant outgoing traffic account to operating agencies beyond it in the routing sequence no later than 30 calendar days after receiving that data from the originating operating agency.

NOC CME/15/125

1/17 3 Settlement of balances of accounts

NOC CME/15/126

1/18 3.1 Choice of the currency of payment

NOC CME/15/127

1/19 3.1.1 The payment of balances of international telecommunication accounts shall be made in the currency selected by the creditor after consultation with the debtor. In the event of disagreement, the choice of the creditor shall prevail in all cases subject to the provisions in 3.1.2 below. If the creditor does not specify a currency, the choice shall rest with the debtor.

NOC CME/15/128

1/20 3.1.2 If a creditor selects a currency with a value fixed unilaterally or a currency the equivalent value of which is to be determined by its relationship to a currency with a value also fixed unilaterally, the use of the selected currency must be acceptable to the debtor.

NOC CME/15/129

1/21 3.2 Determination of the amount of payment

NOC CME/15/130

1/22 3.2.1 The amount of the payment in the selected currency, as determined below, shall be equivalent in value to the balance of the account.

NOC CME/15/131

1/23 3.2.2 If the balance of the account is expressed in the monetary unit of the IMF, the amount of the selected currency shall be determined by the relationship in effect on the day before payment, or by the latest relationship published by the IMF, between the monetary unit of the IMF and the selected currency.

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NOC CME/15/132

1/24 3.2.3 However, if the relationship of the monetary unit of the IMF to the selected currency has not been published, the amount of the balance of account shall, at a first stage, be converted into a currency for which a relationship has been published by the IMF, using the relationship in effect on the day before payment or the latest published relationship. The amount thus obtained shall, at a second stage, be converted into the equivalent value of the selected currency, using the closing rate in effect on the day prior to payment or the most recent rate quoted on the official or generally accepted foreign exchange market of the main financial centre of the debtor country.

MOD CME/15/133

1/26 3.2.5 If, in accordance with a special arrangement, the balance of the account is not expressed in the monetary unit of the IMF, the payment shall also be the subject of this special arrangement and:

NOC CME/15/134

1/27 a) if the selected currency is the same as the currency of the balance of account, the amount of the selected currency shall be the amount of the balance of account;

NOC CME/15/135

1/28 b) if the selected currency for payment is different from the currency in which the balance is expressed, the amount shall be determined by converting the balance of account to its equivalent value in the selected currency in accordance with the provisions of 3.2.3 above.

NOC CME/15/136

1/29 **3.3 Payment of balances**

MOD CME/15/137

1/30 3.3.1 Payment of balances of account shall be effected taking into account relevant ITU-T Recommendations.

Reasons: Payment of the balance of accounts must be effected in accordance with relevant ITU-T Recommendations, some of which establish the period for settling accounts which can be changed whenever the Recommendation is amended.

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Deleted: as promptly as possible, but in no case later than two calendar months after the day on which the settlement statement is despatched by the creditor administration*. Beyond this period, the creditor administration* may, subject to prior notification in the form of a final demand for payment, and unless otherwise agreed, charge interest at a rate of up to 6% per annum, reckoned from the day following the date of expiry of the said period.

NOC CME/15/138

1/31 3.3.2 The payment due on a settlement statement shall not be delayed pending settlement of a query on that account. Adjustments which are later agreed shall be included in a subsequent account.

NOC CME/15/139

1/32 3.3.3 On the date of payment, the debtor shall transmit the amount of the selected currency as computed above by a bank cheque, transfer or any other means acceptable to the debtor and the creditor. If the creditor expresses no preference, the choice shall fall to the debtor.

NOC CME/15/140

1/33 3.3.4 The payment charges imposed in the debtor country (taxes, clearing charges, commissions, etc.) shall be borne by the debtor. Any such charges imposed in the creditor country, including payment charges imposed by intermediate banks in third countries, shall be borne by the creditor.

ADD CME/15/141

1/33A 3.3.5 Provided the periods of payment are observed, operating agencies have a right by mutual agreement to settle their balances of various kinds by offsetting:

- credits and debits in their relations with other operating agencies;
- any other mutually agreed settlements, if appropriate.

This rule also applies in case payments are made through specialized payment agencies in accordance with arrangements with operating agencies.

NOC CME/15/142

1/34 **3.4 Additional provisions**

MOD CME/15/143

1/35 3.4.1 Provided the periods of payment are observed, operating agencies may by mutual agreement settle their balances of various kinds by offsetting:

- credits and debits in their relations with other operating agencies; and/or
- debts arising from postal services or any other mutually agreed settlements, if appropriate.

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NOC CME/15/144

1/36 3.4.2 If, between the time the remittance (bank transfer, cheques, etc.) is effected and the time the creditor is in receipt of that remittance (account credited, cheque encashed, etc.), a variation occurs in the equivalent value of the selected currency calculated as indicated in paragraph 3.2, and if the difference resulting from such variations exceeds 5% of the amount due as calculated following such variations, the total difference shall be shared equally between debtor and creditor.

MOD CME/15/145

1/37 3.4.3 If there should be a radical change in the international monetary system which invalidates or makes inappropriate one or more of the foregoing paragraphs, [operating agencies](#) are free to adopt, by mutual agreement, a different monetary basis and/or different procedures for the settlement of balances of accounts, pending a revision of the above provisions.

Reasons: The parties involved both bear the effects of the exchange rate variation.

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APPENDIX 2

Provisions Relating to Maritime Telecommunications

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NOC CME/15/147

2/1 **1** **General**

MOD CME/15/148

2/2 The provisions contained in [this](#) Appendix shall also apply to maritime telecommunications. [Administrations should comply with the relevant ITU-T Recommendations and any Instructions forming part of or derived from these Recommendations, when establishing and settling accounts under this Appendix.](#)

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NOC CME/15/149

2/3 **2** **Accounting authority**

NOC CME/15/150

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:

NOC CME/15/151

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

NOC CME/15/152

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

MOD CME/15/153

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

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NOC CME/15/154

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

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MOD CME/15/155

2/9 2.3 References to operating agency contained in this Appendix shall be read as "accounting authority" when applying the provisions of this Appendix to maritime telecommunications.

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MOD CME/15/156

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 JTU-T Recommendations.

NOC CME/15/157

2/11 3 **Establishment of accounts**

MOD CME/15/158

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.

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MOD CME/15/159

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 even after the account has been paid.

NOC CME/15/160

2/14 4 Settlement of balances of account

MOD CME/15/161

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.

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NOC CME/15/162

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.

MOD CME/15/163

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 administration that sent the account 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.

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MOD CME/15/164

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

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NOC CME/15/165

APPENDIX 3

Service and Privilege Telecommunications

NOC CME/15/166

3/1 1 Service telecommunications

MOD CME/15/167

3/2 1.1 Member States may require that service telecommunications be provided free of charge.

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MOD CME/15/168

3/3 1.2 Operating agencies may in principle forego inclusion of service telecommunications in international accounting, under the relevant provisions of the Constitution and Convention of the International Telecommunication Union and the present Regulations, having due regard for the need for reciprocal arrangements.

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MOD CME/15/169

3/4 2 Privilege telecommunications

Member States may require that privilege telecommunications be provided free of charge, and operating agencies accordingly may forego the inclusion of such classes of telecommunication in international accounting, under the relevant provisions of the Constitution and Convention of the International Telecommunication Union and the present Regulations.

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3/5 3 Applicable provisions

The general operational, charging and accounting principles applicable to service and privilege telecommunications should take account of the relevant ITU-T Recommendations.

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RESOLUTION NO. 1

**Dissemination of Information Concerning
International Telecommunication Services
Available to the Public**

The World [Conference on International Telecommunications \(Dubai, 2012\)](#),

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considering

a) that [WATTC-88 \(Melbourne, 1988\)](#) has adopted provisions regarding international telecommunication services offered to the public and a Resolution on Dissemination of Operational and Service Information;

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b) that these provisions apply to current and new telecommunication environments in which technology, facilities, operators, services, service providers, customer needs and operational practices are rapidly changing;

c) that the [JTU-T](#) is responsible for developing Recommendations on these matters, especially with respect to efficient global interconnection and interoperability;

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d) that the International Telecommunication Regulations provide a general framework with respect to international telecommunication facilities and services available to the public,

noting

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that the [JTU-T](#), in establishing Recommendations, has characterized a number of services which may be made available to the public,

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that, with a view to promoting the global interconnection and interoperability of telecommunication facilities as well as the availability to the public of international telecommunication services, all Member [States](#) should arrange for the Secretary-General to be notified, as part of the provisions concerning the dissemination of information, of those international telecommunication services which administrations [operating agencies](#) make available to the public in their respective countries,

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instructs the Secretary-General

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to disseminate that information by the most suitable and economical means.

MOD CME/15/172

RESOLUTION NO. 2

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

The World [Conference on International Telecommunications \(Dubai, 2012\)](#),

recalling

the principle of the sovereign right of each country to regulate its telecommunication as embodied in the Preamble to the [Constitution of the International Telecommunication Union](#), and in the Preamble to the International Telecommunication Regulations as well as the purposes of the Union contained in Article [1](#) of [the Constitution](#),

realizing

that, in the case of difficulties in the applicable national law in the implementation of the International Telecommunication Regulations, appropriate cooperation amongst the Members concerned is desirable,

resolves

that, upon request by a Member concerned about the limited effectiveness of its national law in relation to international telecommunication services offered to the public in its territory, the Members concerned shall, where appropriate, consult on a reciprocal basis, with a view to maintaining and extending international cooperation between Members of the Union, in the spirit of Article [1](#) of the above-mentioned [Constitution](#) for the improvement and rational use of telecommunications, including the orderly use of the international telecommunication network.

MOD CME/15/173

RESOLUTION NO. 6

Continued Availability of Traditional Services

The World [Conference on International Telecommunications \(Dubai, 2012\)](#),

considering

- a) that provisions regarding telecommunication services available to the public have been made in the International Telecommunication Regulations;
- b) that those Regulations do not, however, provide a detailed list of the international telecommunication services required to be made available to the public;
- c) that under those Regulations, Members shall endeavour to ensure that users are provided with a capability for interworking between different services, as appropriate, to facilitate international communications;

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d) that keeping in mind the universality of communications, it would be desirable to ensure to the greatest extent possible, in the absence of establishment of new services in many Member countries, that the public in those countries should have continuing effective use of traditional services to communicate on a world-wide basis;

e) that certain rural areas and developing countries, in particular, may need to rely on existing widely available services for international communications for a relatively long period of time,

resolves

that all Members should cooperate to ensure that, pending the establishment of new telecommunication services, in particular in the areas and countries referred to in e) above, provisions should be made to allow, through available communication infrastructures, continued availability of traditional services so as to enable effective communications on a world-wide basis.

Reasons: Could still be relevant and revised after establishing the final text of the ITRs, particularly Articles 4 and 7. For example, an obsolete term "traditional services" could be replaced with "basic services" to keep up with the progress of telecommunications. As an option the Resolution could be adopted by WTSAs, and then updated as required by future WTSAs.

MOD CME/15/174

RESOLUTION NO. 7

Dissemination of Operational and Service Information Through the General Secretariat

The World [Conference on International Telecommunications \(Dubai, 2012\)](#),

in view of

a) No. [98](#) of the [Convention of the International Telecommunication Union](#) concerning the information dissemination functions of the Secretary-General;

b) Article 8 of the International Telecommunication Regulations ([Dubai, 2012](#)),

considering

a) the importance of exchanging administrative, operational, tariff and statistical information in a cost-effective manner in order to facilitate the efficient and smooth operation of international telecommunication routes and services;

b) the need for timely dissemination of such information to administrations/[operating agencies](#);

c) that such information is available at present in the following examples of operational and service publications:

- List of telegraph offices
- Gentex table
- TA Table (transferred account)
- Codes and abbreviations for the use of the international telecommunication services

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- Table of international telex relations and traffic
- List of destination indicators for the telegram retransmission system and of telex network identification codes
- Bureaufax table
- Yearbook of common carrier telecommunication statistics
- List of international telephone routes
- Table of rates for telegrams
- Directory of information on programme booking centres, international sound programme centres, international television programme centres and centres for maintaining sound and television programme circuits
- Message handling/physical delivery service profile tables
- Information for the operation of the international telegraph, data transmission and Telematic services
- TA Booklet (transferred account)
- List of telecommunication channels used for the transmission of telegrams
- List of cables forming the world submarine network
- Notification
- Operation Bulletin,

resolves

that operational and service information helpful to the smooth and efficient functioning of international telecommunications shall be disseminated by the General Secretariat in an appropriate form,

invites [Member States](#)

to encourage the provision of appropriate information, to the extent practicable, in a timely fashion and in accordance with national arrangements,

instructs the Secretary-General

1 to disseminate the above-mentioned information by the most suitable and economical means;

2 to revise, update, cancel, or create such publications as necessary, taking account of:

- i) the directives of a competent conference or of the [ITU Council](#);
- ii) the [Recommendations of the World Telecommunication Standardization Assembly](#); and, exceptionally;
- iii) the results of consultation by correspondence with [Member States](#).

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RESOLUTION NO. 8

Instructions for International Telecommunication Services

The World [Conference on International Telecommunications \(Dubai, 2012\)](#),

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recalling

- a) the reasons for which the WATTC (Geneva, 1973) introduced the concept of Instructions for a collection of provisions drawn from one or more CCITT Recommendations dealing with practical procedure for operation and tariff arrangements which have to be brought into force on a specific date in order to ensure their observance at the world level;
- b) the special importance attached by WATTC (Geneva, 1973) to Instructions as a means of ensuring the orderly and efficient operation of certain telecommunication services available world-wide,

considering

a) that Articles 1 and 2 of the International Telecommunication Regulations ([Dubai, 2012](#)) also make reference to "Instructions";

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b) that the IXth CCITT Plenary Assembly (Melbourne, 1988) approved a new Recommendation C.3 concerning "Instructions for International Telecommunication Services"

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instructs the [ITU-T](#)

to devote particular attention to any new Recommendations which by their content should be the subject of Instructions, and to revise and supplement Table I of Recommendation C.3 as required,

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invites the administrations/[operating agencies](#)

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to take all necessary steps to ensure that their operational units are informed, as soon as possible, of any amendments to existing Instructions and any new Instructions approved by [ITU-T](#),

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instructs the Secretary-General

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1 to publish all operational provisions which the [ITU-T](#) considers as "Instructions";

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2 to gather and publish the decisions taken by [Member States](#) regarding certain optional provisions contained in Instructions which require mutual exchange of information regarding their application.

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Reasons: Could still be relevant and revised after establishing the final text of the ITRs. The Resolution could be applied to any new Instructions in future.

As an option this Resolution could be adopted by WTSAs, and then updated as required by future WTSAs.

ADD CME/15/176

DRAFT NEW RESOLUTION [CME-1]

Special measures for landlocked developing countries (LLDCs) for access the international optical fibre network

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

considering

a) resolution 65/172 of 20 December 2010 of the United Nations General Assembly on specific actions related to the particular needs and problems of landlocked developing countries;

b) Resolution 30 (Rev. Guadalajara, 2010) of the Plenipotentiary Conference on special measures for the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition,

considering further

a) the Millennium Declaration and the 2005 World Summit Outcome;

b) the outcome of the Geneva (2003) and Tunis (2005) phases of the World Summit on the Information Society (WSIS);

c) the Almaty Declaration and Almaty Programme of Action Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries,

recalling

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

reaffirming

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

reaffirming further

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

recognizing

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

noting

that access to the international optical fibre network for LLDCs and the laying of optical fibre across transit countries are not indicated in the infrastructure development and maintenance priorities 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 international optical fibre 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 to ensure 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 to 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 (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDSs),

instructs the Council

to take appropriate measures to ensure that the Union continues to collaborate actively in the development of 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 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 Member States, 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.

MOD CME/15/177

OPINION NO. 1

Special Telecommunication Arrangements

The World [Conference on International Telecommunications \(Dubai, 2012\)](#),

considering

a) that the whole of the telecommunications sector is currently evolving towards more efficient services requiring new technical facilities;

b) that the development of business and other communications, including communications among and within organizations with offices in different countries, will continue at an increasingly rapid pace and is necessary to economic development;

c) that not all Member countries may be capable of adequately meeting all the requirements in this respect;

d) that each Member may exercise full sovereign control, through its national laws, over any decision concerning special arrangements made pursuant to Article [42 of the Constitution of the International Telecommunication Union](#),

considering further

a) that, for many Members, revenues from international telecommunications are vital for their administrations [operating agencies](#);

b) that the majority of such revenues are derived from the provision of international telecommunication services to businesses and other organizations,

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noting

that the provisions of Article 9 of the International Telecommunication Regulations ([Dubai, 2012](#)) apply to special telecommunication arrangements, and in particular that such arrangements should avoid technical harm to the operation of the telecommunication facilities of third countries,

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is of the opinion

1 that in allowing such special arrangements, Members should consider their effects on third countries, and in particular, to the extent possible within national law, should endeavour to ensure that any adverse effects on the orderly development, operation or usage of the international telecommunication network by other Members are minimized;

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Deleted: 1 - that special telecommunication arrangements pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982) should be made only where existing arrangements are unable to satisfactorily meet the relevant telecommunication need; -
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2 that any such special arrangements should be consistent with the maintenance and extension of international cooperation for the improvement and rational use of telecommunications, as well as with the promotion of the development of technical facilities and their most efficient operation, with a view to improving the efficiency of telecommunication services, especially those available to the public.

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Reasons: Could still be relevant and revised after completion of studies on the new text of the ITRs. As an option it could be adopted by WTSA, and then updated as required by future WTSA.