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**PLENARY MEETING**

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## **United States of America**

### **PROPOSALS FOR THE WORK OF THE CONFERENCE**

The United States of America is pleased to submit its first tranche of proposals for consideration by the 2014 Plenipotentiary Conference (PP-14).

#### **Overview**

Today, some 148 years after its creation the International Telecommunication Union (ITU) continues to play, a unique and important role in international telecommunications. The United States believes that the 2014 Plenipotentiary Conference (PP-14) must take the opportunity to review ITU's governance, priorities, working methods, membership, and collaboration with other institutions, taking steps to ensure it remains relevant and responsive to the evolution of technology and advocates for affordable access to modern, evolving international telecommunications services.

The United States celebrates the ITU's role as a leader in promoting the development of international telecommunications. The ITU's goal of expanding access to telecommunications mirrors the commitment in the U.S. telecommunications law to "make available, so far as possible, to all the people of the United States . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service." We look forward to collaborating with others at this Plenipotentiary Conference to help shape the future of the Union so that people around the world may enjoy access to modern telecommunications facilities and services.

The ITU, in its position as the global intergovernmental organization for international telecommunications, has a number of broad areas of responsibility where it plays an essential role and where it can make the greatest contribution: a) allocating radio frequency spectrum and providing for the registration and international recognition of frequency assignments; b) facilitating the interconnection of international telecommunications networks and services; c) enabling access to international telecommunications, particularly broadband, by providing assistance in building human, institutional and organizational capacity in the field of

telecommunications; and d) serving as a platform for discussing critical international telecommunications policy issues. Through these means, the collection and dissemination of information from satellite-provided services in numerous fields of application (including climate and environmental monitoring, navigation, weather forecasting, etc.), the advancement of scientific knowledge and our understanding of the Universe and our place in it, and myriad other technological advances are thus enabled.

Though the fundamental objectives of the Union are timeless, the telecommunications environment has undergone dramatic changes since the establishment of the Union, evolving from being dominated by state-controlled monopolies providing basic fixed telephone service to liberalized markets with multiple companies competing across a wide range of services and technologies. Technological innovations have advanced telecommunication networks beyond circuit-switched to packet-switched networks, beyond wired to wireless communications, and beyond narrowband systems to broadband.

The telecommunications environment will continue to be characterized by rapid innovation. In addition to technological advances, governance of the sector, both at the national and international level, has evolved. Many national governments have moved from highly regulated structures to ones that encourage private sector investment through liberalization and competition. In addition, new international organizations emphasizing multistakeholder decision-making have been established which have been remarkably successful in the area of Internet governance. The United States welcomes these achievements and will continue to support efforts that promote greater participation, collaboration and innovation among stakeholders.

The Plenipotentiary Conference presents an opportunity for ITU Member States to ensure the Union is prepared for the continuing advancements in the telecommunications environment, re-affirm the fundamental objectives of the Union, and to commit to a collaborative, cooperative, and inclusive relationship with all stakeholders and with other international organizations. To that end, the United States will focus its contributions to the Plenipotentiary Conference on: (1) ensuring the continued stability of the basic instruments of the Union; (2) ensuring transparency and accountability in decision-making; and (3) promoting a more inclusive environment to expand participation in the work of the Union and encourage cooperation with all stakeholders and other international organizations.

The United States will also seek to shape the debate that will build a constructive agenda for the future, enabling the ITU to help nations put policies and programs in place to support the build-out of broadband networks, respond to natural disasters that destroy communications infrastructure, and guide them through the transition from analog to digital broadcasting and make way for participation in the world's mobile communications revolution. We believe the ITU should re-commit to the important goals of increasing broadband deployment and adoption and its efforts to assist Members in achieving these goals. In this way, the ITU will ensure its continued relevance, promote further development in the sector, and continue to serve the needs of its membership, and along with its peer organizations, enable a more collaborative future.

### **Purpose and Scope of the Union**

The United States believes the mission, scope, general goals and purposes of the Union are set forth with clarity and completeness in the Preamble and Constitution (CS) Article 1. At the same time, CS Article 1 is flexible enough to allow for rapid technological change and the evolution of new business models and consumer-oriented services. In addition, the Preamble recognizes the

sovereign right of each country to regulate its own telecommunications sector, a principle that the United States strongly supports.

The United States therefore proposes No Change to the Preamble and CS Article 1.

### **Structure and Composition of the Union**

The United States believes that the structure of the Union, as outlined in CS Article 7 and CS Article 8 and Convention (CV) Article 1 is sound and provides sufficient flexibility to respond to the needs of its Members and to changes in the ITU's Sectors.

The United States continues to support the ITU's federal structure, including the Plenipotentiary Conference, which determines the general policies for fulfilling the purposes of the Union as provided by CS Article 8 and CV Article 1; the Council, which manages the Union between Plenipotentiary Conferences; the ITU Radiocommunication Sector; ITU Standardization Sector; ITU Development Sector and the General Secretariat as provided by CS Article 7.

The United States therefore proposes No Change to CS Article 7, CS Article 8 and CV Article 1 and modifications to CV Article 5 to clarify the relationship between the Secretary General, General Secretariat, and Council.

As outlined in the Constitution, the ITU is an intergovernmental organization in which Member States and Sector Members have "well-defined rights and obligations" and "cooperate for the fulfilment of the purposes of the Union." The United States continues to support the preservation of the intergovernmental nature of the ITU, which is fundamental to the treaty obligations of Member States. However, the United States also recognizes that in today's telecommunications environment there are many stakeholders and sound decision-making requires close collaboration and cooperation with those stakeholders on issues that affect them. In this regard, the United States appreciates steps taken to broaden participation at the ITU, for example the inclusion of members from academia. The United States believes additional steps are necessary to broaden participation in the work of certain sectors of the ITU and increase cooperation with other stakeholders. Future U.S. contributions will address the need for multistakeholder participation with respect to certain issues while maintaining the intergovernmental nature of the Union.

### **Stabilization of the Basic Instruments**

The United States views the Constitution and Convention of the Union, adopted by the Additional Plenipotentiary Conference (Geneva, 1992), as enduring instruments that provide a firm legal basis for the organization which should not be rewritten with each passing cycle. The Constitution has proven to be stable, in the more than twenty years since it was adopted, with only slight modifications when necessary.

Pursuant to Resolution 163 (Guadalajara, 2010), the Council Working Group produced a "Report By The Chairman Of The Council Working Group On A Stable ITU Constitution" (Report) for consideration by PP-14. Despite enormous effort and excellent leadership, the results of the Council Working Group, as reflected in its Report, did not result in a Constitution with fewer articles. In fact, this two-hundred page Report provides text of a draft new "Stable Constitution" that would be longer and more complex than the current Constitution and an "other document" that is intended to be legally binding, but not subject to ratification, approval or accession by Member States. The Report highlights several issues that the CWG-STB-CS was unable to resolve, including the hierarchy and interrelationships of the new "Stable Constitution", the "other

document,” the Administrative Regulations, and the General Rules of Conferences, Assemblies and Meetings.

The United States appreciates the efforts of the CWG-STB-CS, established pursuant to Resolution 163 (Guadalajara, 2010), to propose mechanisms for ensuring the stability of the Constitution. However, we believe the outcome of this Council Working Group shows that the efforts directed at stabilization could in fact create less stable legal instruments. The United States further believes that the experience of the CWG-STB-CS demonstrates that the approach defined by Resolution 163 (Guadalajara, 2010) – moving fundamental and stable texts into a new “Stable Constitution” and moving all other texts to a new non-treaty document – will not achieve the goal of a stable Constitution and, in fact, will undermine the stability of a set of treaties that have endured with few changes since their adoption in 1992.

Article 4 establishes that the Constitution is the basic instrument of the Union and that it is complemented by the Convention and the Administrative Regulations. It also establishes the hierarchy among the various instruments so that it is certain which instruments would prevail in the case of inconsistencies. Article 4, as it is currently written, provides a stable legal framework for the Union. For this reason, the U.S. proposes No Change to this important article. The United States also proposes that Resolution 163 (Guadalajara, 2010) be suppressed.

### **Conclusion**

We remain committed to further improvements to the efficacy, accountability and transparency of ITU. The United States proposals contained herein are a first step in that direction. Consistent with the terms of the Constitution and Convention, the United States reserves the right, and looks forward to the opportunity, to offer further proposals at a future time.

# CONSTITUTION OF THE INTERNATIONAL TELECOMMUNICATION UNION

## Preamble

NOC USA/27/1

- 1 While fully recognizing the sovereign right of each State to regulate its telecommunication and having regard to the growing importance of telecommunication for the preservation of peace and the economic and social development of all States, the States Parties to this Constitution, as the basic instrument of the International Telecommunication Union, and to the Convention of the International Telecommunication Union (hereinafter referred to as “the Convention”) which complements it, with the object of facilitating peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services, have agreed as follows:

## CHAPTER I

### Basic Provisions

NOC USA/27/2

## ARTICLE 1

### Purposes of the Union

**Reasons:** The current text provides clarity and completeness and provides flexibility for the Union to respond to the extremely dynamic telecommunications environment.

**NOC**      **USA/27/3**

## ARTICLE 4

### **Instruments of the Union**

**Reasons:** The United States supports IAP/34A1/19. Article 4, as it is currently written, is bedrock for maintaining a stable legal framework for the Union. As such, the United States proposes no change to this important article."

**NOC**      **USA/27/4**

## ARTICLE 7

### **Structure of the Union**

**Reasons:** The current structure of the Union is rational and logical and is consistent with the functions and responsibilities of a federal system.

**NOC**      **USA/27/5**

## ARTICLE 8

### **Plenipotentiary Conference**

**Reasons:** The text of this provision provides clear guidance as to the purpose and responsibility of the Plenipotentiary Conference.

**CONVENTION OF  
THE INTERNATIONAL  
TELECOMMUNICATION UNION**

CHAPTER I

**Functioning of the Union**

SECTION 1

**NOC**      **USA/27/6**

ARTICLE 1

**Plenipotentiary Conference**

**Reasons:** The text of this provision provides clear guidance as to the purpose and responsibility of the Plenipotentiary Conference.

SECTION 3

ARTICLE 5

**General Secretariat**

**83**                      1      The Secretary-General shall:

**MOD**                **USA/27/7**

**84**                      a)      be responsible to the Council for the overall management of the Union's resources, activities and work of the General Secretariat and for the performance of his duties; he may delegate the management of part of these resources to the Deputy Secretary-General and the Directors of the Bureaux, in consultation as necessary with the Coordination Committee;

**Reasons:** To emphasize the responsibilities of the Secretary-General vis-à-vis Council.

**SUP**      **USA/27/8**

**RESOLUTION 163 (GUADALAJARA, 2010)**

**Establishment of a Council working group on a  
stable ITU Constitution**

The Plenipotentiary Conference of the International Telecommunication Union  
(Guadalajara, 2010),

**Reasons:** The United States supports IAP/34A1/29. The Council Working group on stable ITU  
Constitution fulfilled its mandate.

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