

PLENARY MEETING

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Report by the Chairman of Committee 5

1 Introduction

Committee 5 held twelve meetings during the course of this Plenipotentiary Conference, and completed its work on 4 November 2014. Its work was guided by the terms of reference and working methods described in Document DT/8.

During the course of its work, Committee 5 addressed a wide range of topics. In particular, Committee 5 recommended the suppression of 2 existing Resolutions, and the adoption of 11 new and revised Resolutions, as listed in section 2 of this Report.

Furthermore, Committee 5 recommends to the Plenary of this Conference the approval of the 8 recommendations included in section 3 of this Report.

Other issues addressed by Committee 5 are included in section 4 of this Report.

2 Suppressed, Revised and New Resolutions

Committee 5 agreed to suppress the following Resolutions:

- Resolution 163 (Guadalajara, 2010) *Establishment of a Council working group on a stable ITU Constitution* (see recommendation 1 below).
- Resolution 171 (Guadalajara, 2010) *Preparations for the 2012 world conference on international telecommunications*.

Committee 5 agreed to revise the following Resolutions:

- Resolution 21 (Rev. Antalya, 2006) *Special measures concerning alternative calling procedures on international telecommunication networks*.
- Resolution 146 (Antalya, 2006) *Review of the International Telecommunication Regulations*.
- Resolution 166 (Guadalajara, 2010) *Number of vice-chairmen of Sector advisory groups, study groups and other groups*.
- Resolution 169 (Guadalajara, 2010) *Admission of academia, universities and their associated research establishments to participate in the work of the three Sectors of the Union*. This Resolution was agreed on the understanding that resolves 4 of said

Resolution is to be interpreted as meaning that academia participation does not include ITU treaty-making conferences.

- Resolution 177 (Guadalajara, 2010) *Conformance and interoperability*.

Committee 5 agreed to adopt the following new Resolutions:

- Draft New Resolution COM5/1 *Global flight tracking for civil aviation*.
- Draft New Resolution COM5/2 *Strengthening the role of ITU with regard to transparency and confidence-building measures in outer space activities*.
- Draft New Resolution COM5/3 *Review of the current methodologies and development of a future vision for the participation of Sector Members, Associates and Academia in the activities of ITU*.
- Draft New Resolution COM5/4 *Combating counterfeit telecommunication/ICT devices*.
- Draft New Resolution COM5/5 *Assisting Member States to combat and deter mobile device theft*.
- Draft New Resolution COM5/6 *Countering misappropriation and misuse of International Telecommunication Numbering Resources*.

Committee 5 agreed not to modify Resolution 86 (Rev. Marrakesh, 2002) *Advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks*.

3 Recommendations from Committee 5 to the Plenary of the Conference

3.1 Stable Constitution: Committee 5 discussed the outcome of the work of the Council Working Group on a Stable Constitution (CWG-STB-CS) and examined different means for providing stability to the ITU Constitution and Convention up to, and beyond, 2018. Examples were presented such as the creation a two-step procedural process either by directly modifying Article 55 of the Constitution and Article 42 of the Convention or by modifying Article 57 of the Constitution. It was further mentioned that consideration should be given to the suppression of Resolution 114 (Marrakesh, 2002). After discussion, Recommendation 1, below, was agreed by consensus. Committee 5 recognized the results achieved by the CWG-STB-CS, and pointed out that Documents 51 and 52 submitted to this Conference could serve as helpful references and supporting elements for Member States as well as regional telecommunication organizations and future Plenipotentiary Conferences for further consideration of this matter.

Recommendation 1: Committee 5 recommends:

- 1 That no modification to the structure of, and hierarchy between, the Constitution and the Convention (as currently stipulated in the relevant parts of Article 4 of the Constitution) and no amendment to any individual provision of the Constitution and the Convention be adopted at PP-14.
- 2 To suppress Resolution 163 (Guadalajara, 2010).
- 3 To disband the Council Working Group on a Stable Constitution established under Resolution 163 (Guadalajara, 2010).

3.2 Space Protocol: On ITU's role as Supervisory Authority of the International Registration System for Space Assets under the Space Protocol, Committee 5, having taken into account the related report of the Secretary-General submitted to this Conference (Document 62) and its Addendum 1 (Document 62A1), makes the following recommendation:

Recommendation 2: Committee 5 recommends that Council continue to monitor any further developments on this matter, and that the Secretariat continue to express interest in ITU becoming the Supervisory Authority and respond to any questions raised by the Member States between now and the next Plenipotentiary Conference.

3.3 Access to documentation: Committee 5 reached the following conclusion on the issue of access to ITU documents:

Recommendation 3: Committee 5 recommends:

- 1 To provide public access to all input and output documents of all conferences and assemblies of the Union starting from the beginning of year 2015 unless where disclosure would cause potential harm to a legitimate private or public interest that outweighs the benefits of accessibility.
- 2 To instruct the Council Working Group on Financial and Human resources to:
 - i) continue to review document access policy in ITU to determine the extent to which documentation should be made publicly accessible and to prepare a draft document access policy for submission to Council;
 - ii) consider the necessity to establish a dedicated group for that purpose.
- 3 To instruct the Council Working Group on Financial and Human Resources to transmit the proposed access policy to Council for its consideration and provisional approval and its implementation, as appropriate.
- 4 To instruct and authorize Council to consider the report of the Council Working Group and as appropriate approve and implement the policy on an interim basis.
- 5 To instruct the Council to submit the policy to 2018 Plenipotentiary Conference for final decision.

Committee 5 should also like to clarify that paragraph 1 of the above-mentioned recommendation only covers input and output documents of conferences and assemblies of the Union and does not cover documents of Study Groups.

3.4 Article 36 and 38 of the Convention: With respect to the proposals received to amend the French version of Article 36 and Article 38 of the ITU Convention by substituting the words "*taxes*" with the words "*tarifs*", the Committee agreed that the meaning of the French word "*tarif*" is

more appropriate in the context of these Articles. To this end, and in light of its aforementioned Recommendation 1, Committee 5 agreed to recommend the following:

Recommendation 4: Committee 5 recommends to the Plenary that it be clarified in its minutes that in the French version of Article 36 and Article 38 of the ITU Convention, the word “taxes” should be understood as having the meaning of “tarifs”.

3.5 Resolution 119: The Committee decided not to modify Resolution 119 (Rev. Antalya 2006) *Methods to improve the efficiency and effectiveness of the Radio Regulations Board*, and recommends the following:

Recommendation 5:

- 1 Concerning the proposal to document the process for reconsideration of a previous RRB decision, Committee 5 recommends that the Plenary Meeting include the following text in its minutes:

“Following discussions about a possible modification of Resolution 119 (Rev. Antalya, 2006) to include a request to the Radio Regulations Board (RRB) and to the World Radiocommunication Conference (WRC) 2015 to consider the conditions for reconsideration of a previous RRB decision, it was noted that WRC or the RRB are the appropriate bodies to decide on such conditions, on the basis of proposals from administrations.”

- 2 Concerning the proposal regarding the prevention of conflict of interests, Committee 5 recommends that the Plenary take a decision to require each RRB member to sign the following declaration at the time of taking office:

“I, the undersigned, declare that I adhere to the provisions set forth in Nos. 98 and 99 of the ITU Constitution and will exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the Radio Regulations Board:

– 98 3 1) *In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member’s own administration.*

– 99 2) *No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members of the Board shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.”*

3.6 SATCOL Satellite System: The Committee agreed not to adopt a draft new resolution *Extension of the deadline for bringing into operation of the Colombian satellite system "SATCOL" at*

orbital positions 70.9° West, 38° West and 131° West. Committee 5 recommends the inclusion of the following text in the minutes of the Plenary:

Recommendation 6: Regarding the SATCOL 1B (FSS) satellite network, should the Administration of Colombia not be in a position to comply with the regulatory deadlines for bringing into use, it is recommended that the Administration of Colombia (Republic of) bring the matter to the attention of WRC-15 for action, as appropriate, taking into account Article 44 of the ITU Constitution and the difficulties this developing country has and is experiencing bringing the frequency assignments into use. On an exceptional basis, it is also recommended that the Radiocommunication Bureau should take any appropriate action to facilitate consideration of the case by the 2015 World Radiocommunication Conference.

3.7 Resolution 22: Committee 5 decided not to modify Resolution 22 (Rev. Antalya 2006) *Apportionment of revenues in providing international telecommunication services* and to recommend the following:

Recommendation 7: The relevant ITU-T study groups are invited to continue their work on network externalities for international Internet connections and on the development of appropriate costing methodologies for international Internet connections.

3.8 Election procedures: Committee 5 recommends that the following be included in the minutes of the Plenary:

Recommendation 8: It is desirable to improve the electoral process of the elected officials in the Union. In this regard, Council should study the issue and recommend to Member States options for implementing new procedures to improve the electoral process of Secretary-General, Deputy Secretary-General and Directors of the Bureaux. Due consideration should be given to several options such as presentations, interactive sessions, live sessions, interviews, submission of questions, through webcasting and remote participation, as well as further enhancing the election portal in the ITU website. Council is invited to initiate these studies in its 2015 session in order to implement these possible improvements.

4 Other issues

Committee 5 considered proposals to define in a new decision terminology and definitions for texts adopted in the pursuit of ITU's statutory activities. While there was general agreement that it was an important issue, it was also agreed that the proposal was rather complex and may have an influence on ITU activities, and that there was not sufficient time at this Plenipotentiary Conference to undertake the careful review that would be required. In light of the above,

Committee 5 noted the importance of this issue and encourages Member States to continue to consider the issue in their preparations for PP-18.

Committee 5 agreed not to provide a definition of the term “ICT” at this Conference, and that the matter be addressed at the next Plenipotentiary Conference and, if need be, at Council.

Finally, with respect to the proposal to amend No. 166 of the General Rules of Conferences, Assemblies and Meetings of the Union (Franking privileges), the Committee agreed that the wording of the specific provision does not accurately reflect the current practices, as the ITU secretariat receives a number of telephones (fixed and/or mobile) and fax machines from the host country, in accordance with the relevant provisions of the agreement between the host country and the Union. Similarly, telecommunication services are made available to delegates, in accordance with the national legislation of the host country in effect at that time, and to the extent arranged by the host country in collaboration with the telecommunication operators. It was nonetheless agreed not to amend No 166 at this Conference.

5 Conclusion

To conclude, I would like to thank the Vice-Chairmen of Committee 5 for their support and valuable assistance, the Chairs of the Ad Hoc Groups and the Coordinators of the informal discussion groups whose leadership and insights were essential in reaching consensus on the topics assigned to this Committee.

I should also like to extend my appreciation to all the delegations for their active participation and their spirit of conciliation that permitted Committee 5 to agree on ways forward for a number of complex issues in a very limited timeframe. My recognition goes as well to the members of the Secretariat who assisted me very professionally and diligently to carry out this difficult task.

I also wish to express my gratitude to Mr Antoine Dore for his valuable assistance to Committee 5, as well as to Ms. Xiaoya Yang, Ms. Margaret Campion and Messrs. Nelson Malaguti and Nikolaos Volanis, who assisted various Ad hoc Groups and informal discussion groups of Committee 5 and provided valuable advice.

Frédéric RIEHL
Chairman
