



INTERNATIONAL TELECOMMUNICATION UNION

**TELECOMMUNICATION
STANDARDIZATION SECTOR**

STUDY PERIOD 2005-2008

ITR-EG– C 10 – E

March 2008

English only

Original: English

ITR EXPERT GROUP – CONTRIBUTION 10

Source: United States of America
Title: Continued Critical Role of the ITRs

Summary

The United States considers that the International Telecommunication Regulations (ITRs) continue to foster the exchange of telecommunications traffic by establishing general principles and rules that facilitate global interconnection and interoperability of telecommunication facilities, and by setting rules for accounting and settlement of telecommunications traffic between members. It is the view of the United States that the role of the ITRs, as a treaty level agreement, remains critical to help ensure the stable and reliable flow of traffic and funds in international telecommunications.

Background

The Plenipotentiary Conference 2006 (PP06) adopted Resolution 146, “Review of the International Telecommunication Regulations” in which the Membership resolved *inter alia*:

1. that a review of the ITRs should be carried out;
2. that ITU-T should undertake a review of the existing ITRs, engaging with other sectors as may be required, with ITU-T as the focal point.

Consequently the Telecommunication Standardization Advisory Group (TSAG) established an Expert Group to undertake the review of the existing ITRs. Pursuant to the Resolution 146, the scope of the activities of the Expert Group is limited to a review of existing provisions of the ITRs, but does not include review of new and emerging telecommunications issues that are not currently covered in the current ITRs.

The terms of reference for this group *inter alia* include the following term:

the review may include the identification, to the extent practicable, of how the ITRs are currently used by Member States or Sector Members (for example, which provisions countries and operators rely on for the purpose of facilitating the exchange of international telecommunication traffic, timely payments, service provision).

Contact:	Marian Gordon Department of State United States of America	Tel: +1 202 647-0197 Email gordonmr@state.gov
-----------------	--	--

Attention: This is not a publication made available to the public, but an **internal ITU-T Document** intended only for use by the Member States of ITU, by ITU-T Sector Members and Associates, and their respective staff and collaborators in their ITU related work. It shall not be made available to, and used by, any other persons or entities without the prior written consent of ITU-T.

Discussion

As stated in the Preamble, the overall purpose of the ITRs is to promote the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world wide telecommunications. Communications can be hindered by a lack of clarity in the contractual agreements that are undertaken between carriers. As stated in Article I, 1.1a, the purpose and scope of the ITRs "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." As they are the subject of a treaty, they provide a stable platform upon which traffic arrangements are negotiated and may be mutually agreed between the parties.

Since the ITRs were adopted there has been a significant growth in international telecommunications traffic. As the United States noted in its contribution to the initial meeting of the ITR Expert Group, Geneva, October 10-11, 2007, very large traffic volumes worth billions of dollars are settled each year relying upon the ITRs. Carriers who today are carrying traffic across the world's regions have in place large numbers of correspondent agreements that rely on contractual agreements based on the ITR provisions; reliance upon this treaty level document provides certainty and predictability in the negotiation of these agreements.

Although some have suggested that the ITRs are outdated or are not widely used, the United States disagrees. U.S telecommunications carriers regularly reference the ITRs (often referenced as the "Melbourne Agreement," or "Melbourne Convention") in their bilateral operating agreements with other international carriers and in resolving or preventing disputes that may arise under such agreements. Such timely resolution of disputes between carriers is critical for providing uninterrupted telecommunications service for consumers. The removal of the ITRs would risk causing unnecessary uncertainty and confusion in these traffic arrangements which could adversely impact the delivery of services.

We have selected examples of ITR Articles and their application to international telecommunications agreements to illustrate their continued use and value. The inclusion of any individual article, or sub-article, or lack of comment on a particular item, is without prejudice to the final view of the United States on the treatment of the ITRs as a whole. Omission of any article should not be interpreted that a particular article is not important.

Some selected examples:

Article 1.1b: Special Arrangements: As referenced in Article 9, international carriers rely on this article to ensure that special arrangements are allowed by Members.

Article 1.5: This Article states that the provision and operation of international telecommunications services is by mutual agreement and is used by all international carriers in developing carrier agreements.

Sub Article 1.7a recognizes the right of any Member to require the authorization of operators providing international telecommunications services to the public in its territory.

Article 3, which addresses the International Network, notes that administrations shall cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service. This article is used by international carriers in their contractual negotiations.

Sub Article 3.4 is also relied upon by the carriers in their contractual negotiations. International carriers rely upon this article to ensure that private networks, such as virtual private networks, are able to send traffic.

Articles 3 & 4 require compliance "to the greatest extent practicable" with ITU-T recommendations providing important standards on service quality and other technical matters.

Article 5: Safety of Life and Priority of Telecommunications: This article affirms the importance of emergency telecommunications facilities needed in times of natural disasters.

Article 6: The sub articles in Article 6 are reflected in hundreds of contractual agreements between carriers, including but not limited to sub article 6.2.1 related to mutual agreement. Sub article 6.3 provides a backstop for determining monetary unit, when special arrangements have not been concluded between administrations.

Article 9: This article provides for special mutual arrangements concerning networks, systems or services and is used in the development and implementation of numerous arrangements.

Appendix I, General Provisions Concerning Accounting are integrated by indirect reference into large numbers of agreements, and are used by the carriers during their discussions and negotiations.

Conclusion

The United States believes that

- The ITRs provide a well-understood and well established framework of principles and rules which facilitate the global exchange of international traffic and the expansion of networks and services to meet user needs in all countries.

Therefore, the United States believes that

- The role of the ITRs, as a treaty level agreement, remains critical to help ensure the stable and reliable flow of international telecommunications. Any termination or modification of the ITRs must be assessed in light of these tangible benefits the ITRs provide.
