

The International Telecommunication Regulations (ITRs)

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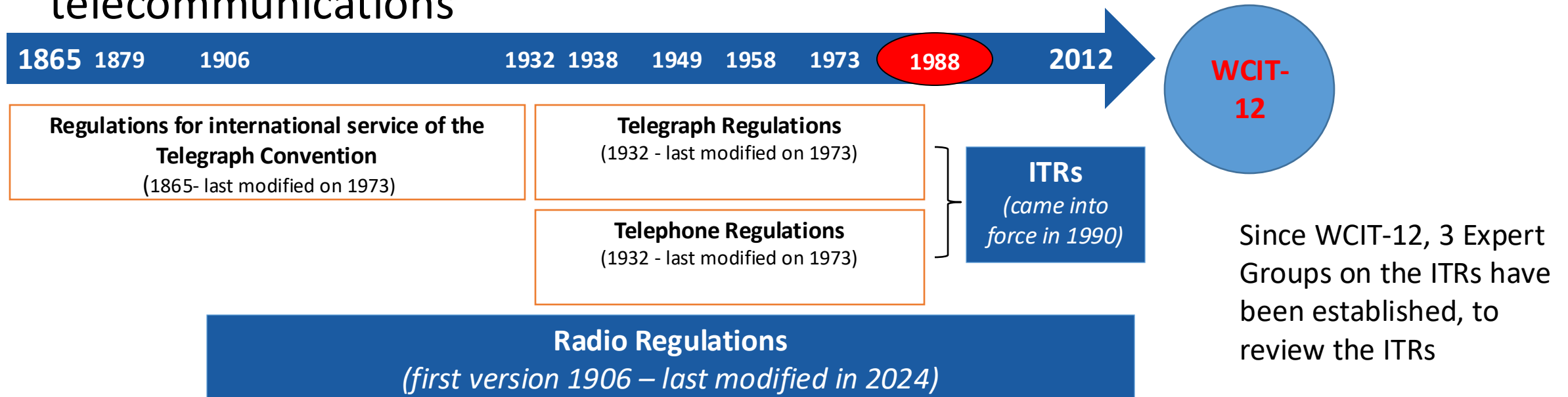
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Background

The International Telecommunication Regulations (ITRs) define the general principles for the provision and operation of international telecommunications



ITRs succeeded the Telegraph Regulations (1973) and Telephone Regulations (1973) in a new treaty adopted at WATTC-88 (Melbourne). [CS/Art. 4].

Why are the ITRs important?

The International Telecommunication Regulations (ITRs):

- Establish general principles on the provision and operation of international telecommunication services offered to the public
- Facilitate global interconnection and interoperability
- Underpin harmonious development and efficient operation of technical facilities
- Promote efficiency, usefulness, and availability of international telecommunication services
- Treaty-level provisions are required for international networks and services

The ITRs underpin how we communicate with each other by phone or computer, with voice, video or data, and across the globe.

The 1988 ITRs were not limited to telephony, on the contrary, they enabled the growth of the Internet.

What is 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.” (ITU Constitution)
- Many interpret this to include at least parts of “the Internet”.
 - But this is not the case in all countries

WCIT-12: Success or Failure?

- Failure:
 - Did not achieve desired goal, which was full consensus
 - Split amongst the membership, resulting in a vote
 - Media coverage was partly inaccurate, influenced by misinformation campaign
- Success:
 - Active participation from all parts of the world
 - Broad agreement: 90% of the treaty is not controversial, 10% was agreed by 62% of Member States present and accredited to sign
 - Key issues were identified and discussed
 - It was agreed to continue discussions with a view to reaching consensus

WCIT-12 key numbers

- 1,275 proposals from Member States
- over 1,400 delegates from 151 Member States
- 150 hours of official conference meetings onsite
- Final acts signed by 89 countries out of the 144 present and having authority to sign

WCIT-12: ITU as a global convener

- 151 countries in Dubai
 - strong participation in negotiations
 - richer, more representative and more powerful treaty
- Discussions about Internet governance revealed the full complexity of this issue
- Strong divergence on some topics
 - During the preparatory process
 - And in Dubai.
- Government and market forces were represented at WCIT-12
 - This resulted in an extremely valuable exchange of views and ideas
- Compromise outcome:
 - Signed by 89 governments out of 144 accredited to sign
 - More are expected to join

WCIT-12 procedure

- WCIT-12 was the most open and transparent treaty making conference ever held
 - Decision-making sessions were publicly webcast
 - There were social media and interactive briefings
 - Stakeholders from government, private sector and civil society were all represented in the negotiations

Key WCIT12 overall outcomes

- New ITRs (as old ITRs) not restricted to telephony
- New ITRs (as old ITRs) cover “authorized operating agencies”, not just ROAs, but only with respect to international services offered to the public
- No treaty text explicitly mentioning Internet
 - But implicitly included in some provisions, as is the case for the old ITRs
- Explicit recognition of existing human rights provisions
- New pro-consumer provisions
- New pro-competitive provisions
- New pro-investment provisions
- Recognition of divergent views on Internet matters and need to discuss further

What is in the 2012 ITRs (1/2)

- **Preamble** (human rights, right to access)
- **Article 1:** Purpose and scope (not content-related, AOA)
- **Article 2:** Definitions
- **Article 3:** Right to communicate at good technical quality; countries to coordinate their infrastructure (misuse, CLI, traffic exchange points)
- **Article 4:** International telecom services to be made available to the public (roaming transparency, quality and competition)
- **Article 5:** Priority to be given to emergency communications (emergency number notification)
- **Article 6:** Network security
- **Article 7:** Combating spam

Note: these are not the actual titles of the articles.
Items in red are new compared to the 1988 version

What is in the 2012 ITRs (2/2)

- **Article 8:** Charging and accounting (commercial agreements, encourage investments, competitive wholesale pricing)
- **Article 9:** Suspension of services
- **Article 10:** Dissemination of information (Member States to communicate information to ITU)
- **Article 11:** Energy efficiency, E-waste
- **Article 12:** Accessibility
- **Article 13:** Special arrangements
- **Article 14:** Entry into force
- **Appendix 1:** Accounting rate system
- **Appendix 2:** Maritime telecommunications
- Some provisions of the old Appendix 3 on service telecommunications were moved to Article 6

Note: these are not the actual titles of the articles.

Items in red are new compared to the 1988 version

WCIT-12 Resolutions

1. Special measures for landlocked developing countries
2. Globally harmonized national emergency number
3. Fostering an enabling environment for the greater growth of the Internet (controversial)
4. Periodic review of the ITRs
5. International telecommunication service traffic termination and exchange

Note: these are not the actual titles of the Resolutions.

All are new. All old Resolutions, Recommendations, and the Opinion were suppressed.

Legal status

- All Resolutions entered into force on 15 December 2012
- New treaty entered into force in January 2015
- After January 2015
 - New treaty binds countries that have agreed to be bound (they are parties to the treaty)
 - Old treaty binds countries that have not agreed to be bound by the 2012 treaty (non-parties)
 - Relations between a party to the 2012 treaty and a non-party are governed by 1988 treaty
 - Unless a 2012 party denounces the 1988 treaty
- As per ITU Legal advisor, there is no legal conflict in having 2 versions of the treaty.
 - But what are the pragmatic difficulties?

Obligations of non-parties

- The provisions of the new treaty do not apply to countries that do agree to be bound by it. These provisions include:
 - transparency of mobile roaming prices
 - accessibility
 - energy efficiency and reduction of e-waste
 - cooperation to combat unsolicited bulk electronic communications
 - Etc.
- Thus, the citizens of non-parties may not benefit from those provisions

Post WCIT-2012

- Expert Group ITRs (2016 – 2018)
- Expert Group ITRs (2019 – 2022)
- Expert Group ITRs (2023 – 2026)

Expert Group on the ITRs (2023 – 2026)

- [Resolution 146 \(Rev. Bucharest, 2022\)](#) of the Plenipotentiary Conference *instructs the ITU Council* to review and revise, at its 2023 session, the Terms of Reference for EG-ITRs. Therefore, at its 2023 session (11-21 July 2023), the ITU Council approved the following Terms of Reference:
 - 1 On the basis of contributions submitted by Member States, Sector Members and inputs from the Directors of the Bureaux if necessary, the EG-ITRs shall continue to review the ITRs.
 - 2 Taking into consideration the work of the previous two Expert Groups, the review may consider, among others:
 - a) new trends in telecommunications/ICT and emerging issues in international telecommunications/ICT environment which may impact the ITRs;
 - b) empirical data on the current use of the ITRs by operating agencies and/or administrations and the proportion of global telecommunication services which now rely on the ITRs, and
 - c) the relevance of the ITRs which “consist of high-level guiding principles” in the current telecommunication/ICT environment.
 - 3 The EG-ITRs will present a progress report reflecting all views on the ITRs review to Council 2024 and Council 2025, and a final report to Council 2026 for examination and submission to the 2026 Plenipotentiary Conference with the Council's comments.

EG-ITRs (cont'd)

- 4 meetings held out of 6
- Finalizing the Final report to Council 2026
- Next steps:
 - Meetings 5 (Sep 2025) and 6 (Feb 26)
 - Progress report to Council 2025
 - Final report to Council 2026 and PP 26

Way Forward

- There are different options for the way forward:
 - Consensus and holding a WCIT to review the ITRs (highly unlikely)
 - Consensus on some issues and hold a partial WCIT (unlikely)
 - Abrogate the ITRs (which will require reviewing the CS)
 - Keep both versions of the treaty (not helpful)

Useful links

- The ITRs <https://www.itu.int/en/wcit-12/Pages/itrs.aspx>
- Expert Group on the ITRs <https://www.itu.int/en/council/Pages/eg-itrs.aspx>

Thank you!

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