



Australian Government

Department of Communications and the Arts

# International Telecommunication Union Plenipotentiary Conference 2018 (PP-18) Stakeholder Information Paper

June 2018

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## Contents

|  |           |
|--|-----------|
| <b>1. Introduction .....</b>   | <b>4</b>  |
| a. Purpose .....   | 4         |
| b. Background .....  | 4         |
| c. Preparatory process .....   | 5         |
| Domestic stakeholder consultation.....                                     | 5         |
| Regional preparatory process .....   | 5         |
| d. Comments.....   | 6         |
| <b>2. Potential key issues for the PP-18 .....</b>                         | <b>6</b>  |
| a. ITU Constitution and Convention .....                                   | 6         |
| b. International Internet-related public policy issues .....               | 6         |
| c. Cyber security.....   | 7         |
| d. Strategic and Financial plans .....                                     | 7         |
| e. Review of the ITRs .....  | 7         |
| f. Sustainable Development Goals.....                                      | 8         |
| g. Radiocommunication Sector.....  | 8         |
| h. UNDROIT Space Protocol.....   | 8         |
| i. Digital economy .....   | 8         |
| j. ITU management reform .....   | 9         |
| k. Other issues .....  | 9         |
| Questions for stakeholders.....  | 9         |
| <b>3. Election to the ITU Council .....</b>                                | <b>9</b>  |
| Questions for stakeholders.....  | 10        |
| <b>Attachment A: Key meetings and activities leading up to PP-18 .....</b> | <b>11</b> |
| <b>Attachment B: Australia’s financial contribution to the ITU .....</b>   | <b>12</b> |
| <b>Attachment C: Candidates for the Senior Management positions.....</b>   | <b>13</b> |
| <b>Attachment D: Candidates for the Radio Regulations Board .....</b>      | <b>14</b> |

## Tables / images

|  |    |
|--|----|
| Table 1: Largest Member State contributions to the ITU in 2018 ..... | 12 |
|--|----|

# 1. Introduction

## a. Purpose

This information paper supports the Australian preparations for the International Telecommunication Union (ITU) Plenipotentiary Conference. The paper outlines the preparatory process, and invites comments on key policy issues.

## b. Background

The ITU is the specialised agency of the United Nations concerned with international cooperation in the use of telecommunications and radio frequency spectrum. One of the principal functions of the ITU is the development of global standards for telecommunications and coordinating the arrangements for radiocommunication services. Discussions within the ITU framework influence and in some cases determine arrangements for:

- the rational use of limited resources, such as radio frequency spectrum and satellite orbit positions (through the Radiocommunication sector)
- network interconnection and interoperability (through the Standardization sector)
- furthering the goal of access to ICTs and services in developing countries, including broadband (through the ICT Development sector)

The legal framework of the ITU consists of the following instruments which have treaty status, the:

- Constitution and the Convention—sets out the structure of the ITU, and establishes a global framework for promoting international telecommunications
- Radio Regulations—harmonises the use of radio-frequency spectrum and satellite orbits
- International Telecommunication Regulations (ITRs)—outlines the principles governing the way international telecommunications are handled.

Held every four years, the Plenipotentiary Conference is the predominant treaty-making conference of the ITU. The next Plenipotentiary Conference (PP-18) is scheduled to be held in Dubai, United Arab Emirates, from 29 October to 16 November 2018. It will have the authority to amend the ITU Constitution and Convention, and to shape the ITU's strategic and financial direction by adopting resolutions on a broad range of issues. The Conference will also elect the senior management team of the ITU, the members of Council and the members of the Radio Regulations Board (RRB).

In the interval between Plenipotentiary Conferences, the Council is delegated with powers to act as the governing body of the ITU. The Council progresses discussions on telecommunication policy issues in accordance with the guidelines given by the Plenipotentiary Conference to ensure that the ITU's policies and strategies respond to changes in the telecommunication environment. Australia has been a member of the ITU Council since 1959.

The RRB is an independent body within the Radiocommunication sector that approves the Rules of Procedure used by the Radiocommunication Bureau in the application of the Radio Regulations to register frequency assignments made by the Member States. It also considers matters that cannot be resolved through application of the Rules of Procedure and performs any additional duties allocated to it by a competent conference or by the Council.



The other ITU treaty-making conferences are:

- the World Radiocommunication Conference (WRC) which revises the Radio Regulations and is usually held every three to four years, and
- the World Conference on International Telecommunications (WCIT) which was last held in 2012 after a period of 24 years, and which revises the ITRs.

The priorities of the three sectors are set by the outcomes of the Radiocommunication Assembly, the World Telecommunication Standardisation Assembly and the World Telecommunication Development Conference (WTDC). These outcomes can also inform and influence Plenipotentiary Conference discussions.

## c. Preparatory process

### Domestic stakeholder consultation

The Department is seeking input from stakeholders on key policy issues in the lead-up to the PP-18 to support development of Australian proposals, formulate positions on proposals put forward by other Member States and regional groups, and generate more in-depth discussions on proposals and issues as they develop. The Department will circulate reports on outcomes of the two remaining regional preparatory meetings and consult with stakeholders on relevant issues as new proposals arise.

The Department is seeking feedback on the policy issues described in this information paper and will organise a group videoconference in the lead up to the final regional preparatory process for interested stakeholders to discuss the Australian position on specific proposals, including regional common proposals and positions. The Department will also arrange targeted meetings to discuss specific issues of relevance to individual organisations.

### Regional preparatory process

There are six preparatory groups that coordinate regional activities in the lead-up to key ITU conferences. Australia participates in the regional preparatory activities coordinated through the Asia-Pacific Telecommunity (APT). The APT is an intergovernmental organisation that focuses on ICT-related issues in conjunction with telecom service providers, manufacturers of communications equipment, and research and development organizations. The APT preparatory group for PP-18 seeks to consolidate regional views on common issues that members consider are priorities for the Asia-Pacific region.

The APT preparatory group has been influential in shaping the outcomes at plenipotentiary conferences. At the 2014 Plenipotentiary Conference (PP-14), almost all APT common proposals were adopted by the Conference, in some cases with minor changes or as consolidated text with similar proposals from other regions. The APT preparatory process is an opportunity to build regional consensus on Australian positions, to shape regional proposals in accordance with our strategic and commercial interests.

The first meeting of the APT Preparatory Group for PP-18 was held in Thailand on 8 June 2017. The meeting established the office bearers for the APT PP-18 preparations, determined the structure, working methods and work plan for the preparatory group. Australia was appointed to chair one of the three working groups established within the preparatory group. This working group will consider issues related to international public policy. The second preparatory meeting was held in Hanoi, Vietnam, and provided an opportunity for members to share preliminary ideas for APT Common Proposals.

The Department will host the third meeting of the APT preparatory group on 18–21 June 2018, at the Crown Promenade, Melbourne. Stakeholders are encouraged consider attending all or part of this meeting.

Dates for key meetings/activities in the lead up to PP-18 are listed in [Attachment A](#).



## d. Comments

The Department welcomes your comments on the matters raised in this paper via email to [AustralialTUPP18@communications.gov.au](mailto:AustralialTUPP18@communications.gov.au).

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## 2. Potential key issues for the PP-18

Australia's participation in the ITU has enabled us to steer international outcomes that can influence Australia's strategic and commercial interests. In the lead-up to PP-18, the Department will be monitoring and participating in discussions relating to the following issues.

### a. ITU Constitution and Convention

The ITU Constitution and Convention is the basic treaty that establishes the legal basis for the ITU and defines its purpose and structure. Australia supports a stable constitution as regular amendments to the Constitution and the Convention cause difficulties for Member States and undermine the integrity of the basic instruments of the ITU.

At PP-14 it was decided that there should be no amendment to any provisions of the Constitution and Convention. All decisions of the PP-14 were confined to decisions and resolutions of the conference, or in the minutes of the Plenary, consequently no ratification process was required. This represented a positive outcome for Australia.

As no proposals to amend the constitution were received by the 28 February 2018 deadline, there is not likely to be a great deal of discussion on this issue at PP-18.

### b. International Internet-related public policy issues

Australia advocates for an open, free and secure Internet, achieved through a multi-stakeholder approach to Internet governance that is inclusive, consensus-based, transparent and accountable. This approach recognises that all stakeholders have a valuable contribution to make to discussions on the management of the internet, and is a proven model for responding to the complex policy and technical challenges that the internet brings. Australia considers that the multi-stakeholder model of internet governance has been central to the success of the internet to date. The ITU should remain within its current mandate of capacity building measures, developing technical standards, and discussion on internet-related public policy issues. This is where it is most effective and can make a valuable contribution towards the goal of an inclusive information society.

The Council Working Group on international internet-related public policy issues has been the centre of robust discussion for a number of years and its terms of reference will be a contentious issue at PP-18. This group is open to Member States only, with the open consultations open to all stakeholders. Its role is to identify, study and develop matters related to Internet international public policy issues. Some Member States push for it to make Recommendations on public policy issues. For Australia, this would represent a step towards the ITU becoming a global Internet regulator.

For further information on Australia's approach to internet governance, please refer to [Australia's International Cyber Engagement Strategy](#).



### c. Cyber security

Cyber security is an increasing and contested topic of discussion at the ITU, given the high demands for cyber security worldwide, and forum-shopping of countries seeking to win support for measures designed to constrain the openness, freedom and security of the Internet. Currently, Resolution 130 (Rev. Busan, 2014)<sup>1</sup> allows the ITU to focus its resources and programs on areas of cyber security if they fall within its mandate and expertise, notably around capacity building and technical assistance. Under the resolution, legal and policy principles on national defence, national security, content and cybercrime are outside the mandate of the ITU. Australia resists efforts to expand the ITU's mandate into areas in which it does not have the expertise or resources, or which duplicate the work of other bodies.

Cyber security is an issue that continues to be revisited at Council meetings and Council Working Groups, and proved very contentious at the 2017 WTDC. The issue sometimes takes the form of other policy measures which are intended to leave the door open to mandate creep. At PP-18, it is anticipated that there will be proposals to revise Resolution 130 to provide the ITU with an expanded role as well as a strong push for the ITU to develop an international agreement on cyber security. These proposals will be divisive, and Australia will resist them in line with our commitment through the International Cyber Engagement Strategy, to oppose agreements that bring governance and technical management of the Internet, including cyber security, under the control of governments or the international system.

### d. Strategic and Financial plans

Council 2017 decided to establish a working group open to both Member States and Sector Members to contribute to drafting the Strategic Plan and the Financial Plan for the period 2020-2023. These draft plans were considered by the 2018 session of Council and submitted to PP-18. It will be important to ensure these plans prioritise ITU activities against available budgetary resources, avoid duplicating work that other organisations are already undertaking and better placed to deliver, allocate adequate funding to major ITU meetings, and identify appropriate key performance indicators.

### e. Review of the ITRs

The ITRs is a treaty level document intended to facilitate international interconnection and interoperability of information and communication services, as well as ensuring their efficiency and widespread public usefulness and availability.

A WCIT was convened in 2012 to review the ITRs. It considered and agreed revisions of the 1988 ITRs but failed to reach consensus. The final treaty text did not align with Australia's objectives for the Conference because it placed issues related to internet governance into a negotiated set of international rules. Australia was one of 55 Member States present at the WCIT that did not sign the Final Acts of the Conference (89 countries signed the final acts and 49 Member States did not attend).

Resolution 146 (Rev. Busan, 2014) provides for the periodic review of the ITRs. In accordance with this resolution, the ITU Council, at its 2016 Session, created an Expert Group on the International Telecommunication Regulations (EG-ITRs), open to all Member States and Sector Members. The terms of reference for the group were to examine the 2012 ITRs to determine their applicability, undertake a legal analysis of the 2012 ITRs, and analyse potential conflicts between the 2012 and 1988 ITRs.

The Department participated in all four meetings of the EG-ITRs. In a contribution to the second meeting, we made our view clear that the ITRs should remain focused on the interconnection of international telecommunication networks and should not encompass matters such as those relating to

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<sup>1</sup> [Resolution 130 - Strengthening the role of ITU in building confidence and security in the use of ICTs](#)



the internet. We also indicated we consider embarking on a revision of the ITRs would draw valuable ITU and member resources from other priority areas.

The final report of EG-ITRs was presented to Council 2018. The report reveals divergent views on the three elements of the terms of reference. Council has transmitted the report to PP-18. We anticipate that the revision of the ITRs will be a contentious issue at the Conference, with a strong push to extend the work of the EG-ITRs and potentially to set up a new conference process to revise the ITRs.

## f. Sustainable Development Goals

The 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development build on the Millennium Development Goals. This new United Nations agenda aspires to end poverty, protect the planet and ensure prosperity for all. The agenda recognises digital technologies as important for ending poverty, expanding access to quality education, achieving gender equality and social inclusion, promoting inclusive economic growth, improving health outcomes and supporting cross-sectoral innovation.

Australia recognises ICT will play an important role in achieving the SDGs, but does not consider that the ITU should be regarded as the default implementing agency for any activity involving ICT. We are concerned that providing an expanded role to the ITU would lead to duplication of effective efforts already under way in other organisations (including within the UN) and limit the ITU's effectiveness in delivering its existing mandate. The ITU should remain focused on its core mandate and competencies.

## g. Radiocommunication Sector

The radiocommunications related issues expected to be considered by the PP-18 include:

- discussion of cost recovery for satellite network filings arising from deliberations of the ITU Council
- reviewing budgetary processes to allocate adequate funds for organising a WRC every three to four years.

## h. UNIDROIT Space Protocol

PP-18 will be asked to decide whether the ITU should accept an invitation to become the Supervisory Authority for a new system of registering space assets under the International Institute for the Unification of Private Law (UNIDROIT) Space Protocol.

This protocol, which is not yet in force, will establish an international registration system for space assets that will be administered by a Registrar. The ITU's role as the possible Supervisory Authority would be to oversee the Registrar, and as such, its involvement in the implementation of the system would be limited. However, there is a need to consider what the practical, financial and legal implications would be if the ITU were to take on this role, as well as whether this activity is covered by the ITU's mandate.

## i. Digital economy

A number of countries have flagged the digital economy as an area of focus. No clear definition of what is meant by the term digital economy nor what role is envisaged for the ITU has been provided. Australia considers that any role in relation to the digital economy should be clearly articulated and align with the organisation's existing mandate.



## j. ITU management reform

Issues regarding improving the ITU's overall effectiveness in implementing its mandate will be a key focus for Australia at PP-18. Australia has a strong track record in working to address these issues as a member of the ITU Council. Our focus on these issues in the ITU is in line with our priorities for reform in the broader UN system as set out in the [2017 Foreign Policy White Paper](#).

Australia will seek to reinforce the importance of an inclusive and consensus-based ITU, and pursue outcomes that strengthen governance arrangements and administrative processes and enhance accountability. Specific matters discussed at PP-18 may include having more women in senior positions, improving corporate governance, reducing duplication of work between the three sectors and with other agencies, encouraging the ITU to mobilise alternative sources of finance, maintaining a strong ethics framework and strengthening regional presence.

## k. Other issues

Other matters likely to be considered by PP-18 include proposals:

- aimed at introducing fees for the assignment of international numbering resources
- relating to Over-the-Top services.

### Questions for stakeholders

1. What are your organisation's views on the issues identified above?
2. Are there any other issues that your organisation considers likely to be significant at PP-18?
3. What are the issues that your organisation considers Australia should take a lead role on?

## 3. Election to the ITU Council

Australia has been a member of the ITU Council since 1959. The Council comprises 48 out of a total of 193 Member States. It determines the ITU's agenda and activities in the period between Plenipotentiary Conferences. Council members are elected on the basis of equitable distribution of Council seats among five world regions (Americas, Western Europe, Eastern Europe, Africa, and Asia and Australasia). Australia is a Council member for the Asia and Australasia region which holds 13 out of the 48 Council seats. The next Council elections will take place at PP-18.

In March 2018, the Minister for Communications and the Minister for Foreign Affairs and Trade jointly announced that Australia would stand for re-election at PP-18. Australia's position on Council enables us to shape the outcomes of issues within the ITU's scope of particular interest and relevance. It is also important to guide incremental processes that underpin decisions to alter or add to the treaties to which Australia is obligated to conform such as the ITRs and the ITU Constitution and the ITU Convention. As a leading financial contributor, Australia's position on Council enables us to ensure the ITU is accountable to the funding Australia contributes. For further information on Australia's financial contribution, see [Attachment B](#).

At PP-14, Australia was jointly elected seventh out of the 13 positions available on the ITU Council for our region. Australia received 116 votes, whereas the final Member State to be elected from our region received 101 votes. We anticipate that the elections at PP-18 will be tightly contested and the Department is working closely with the Department of Foreign Affairs and Trade to conduct a strong campaign to increase the likelihood of re-election.

The Department has developed a brochure to promote our campaign for re-election. Visit <https://www.communications.gov.au/what-we-do/internet/australian-re-election-itu-council> for further information on the campaign and a copy of the brochure.



At PP-18, elections will be held for the five members of the ITU management team (see [Attachment C](#)) and the twelve members of RRB (see [Attachment D](#)).

### Questions for stakeholders

1. How might your organisation be able to support Australia's campaign for re-election to ITU Council?
2. Does your organisation have views on candidates for the ITU management team and the RRB?



## Attachment A: Key meetings and activities leading up to PP-18

| Date                   | Event/activity   |
|------------------------|--|
| 30 January–1 February  | 2 <sup>nd</sup> APT preparatory meeting for PP-18 (Hanoi, Vietnam)                       |
| 28 February            | Final date for submission of proposals for amendments to the Constitution and Convention |
| 17–27 April            | ITU Council Meeting 2018 (Geneva, Switzerland)   |
| 18–21 June             | 3 <sup>rd</sup> APT preparatory meeting for PP-18 (Melbourne, Australia)                 |
| 29 June                | Deadline for submitting proposals to PP-18   |
| Early August           | Proposed Australian stakeholder meeting for PP-18 (video conference)                     |
| 27–30 August           | 4 <sup>th</sup> APT preparatory meeting for PP-18 (Kuala Lumpur, Malaysia)               |
| 28 September           | Final date for notifying Australia’s provisional contribution class                      |
| 1 October              | Deadline for submission of candidatures  |
| 15 October             | Firm deadline for all contributions  |
| 27 October             | Final session of ITU Council 2018 (Dubai, United Arab Emirates)                          |
| 29 October–16 November | Plenipotentiary Conference 2018 (Dubai, United Arab Emirates)                            |

## Attachment B: Australia’s financial contribution to the ITU

The ITU system for financial contributions is based on contributory units, where Member States nominate the number of units to be paid. This differs from most other UN agencies, which are based on a ‘scale of assessments’ in terms of capacity to pay. The value of each contributory unit is CHF 318,000 (Swiss Francs). Member States will finalise the value of the contributory unit and announce their definitive amount of financial contribution to the ITU at PP-18.

Australia’s annual contribution to the ITU is CHF 4.725 million (Swiss Francs) and is paid in two parts. The first part is a fixed commitment of 13 units that amounts to CHF 4.134 million and the second part is an amount of approximately two units, equal to CHF 591,000, which funds ITU development activities. As the contribution is set in Swiss Francs, the final amount of Australia’s contribution in Australian dollars is dependent on exchange rates at the time of the payment. The contribution is recovered from telecommunications carriers as part of an annual charge levied by ACMA and from radiocommunications licence fees.

The level for Australia’s financial contribution to the ITU is discretionary. At the plenipotentiary conference, a Member State may nominate any number of units from a specified scale, provided the level is not reduced by more than 15 per cent of the previous number of contributory units in a four year term. Following consultation with stakeholders in late 2017, the Minister for Communications has agreed to maintain the current level of financial contribution for the period 2020–2023.

Australia’s contribution places it equal eighth largest contributor out of the 193 ITU Member States, and third in the Asia Pacific region behind Japan and China (see Table 1).

**Table 1: Largest Member State contributions to the ITU in 2018**

| Number of contributory units | Member states   |
|------------------------------|---|
| 30 units                     | Japan, United States of America                       |
| 25 units                     | Germany   |
| 21 units                     | France  |
| 15 units                     | Italy, Russia   |
| 14 units                     | China <sup>2</sup>                                    |
| 13 units                     | Australia, Canada, Saudi Arabia                       |
| 10 units                     | India, Republic of Korea, Switzerland, United Kingdom |

Australia contributed 18 units to the ITU from 1965 to 1989. At the 1989 Plenipotentiary Conference, the contribution was reduced to 15 units on the basis that our contribution at the time was high in relation to other similar countries. At the 2002 Plenipotentiary Conference, Australia made a decision to alter the mix of its contribution, while maintaining the same level in Swiss Francs. This decision took effect in 2004 as Australia reduced its Member State contribution to 13 units and established a variable, direct contribution for development projects in the Asia-Pacific region. Australia has agreed to maintain this arrangement at each subsequent plenipotentiary conference.

<sup>2</sup> China intends to increase its number of contributory units for 2020–2023 to 20 units.

## Attachment C: Candidates for the Senior Management positions

| Post  | Candidate            | Country                  | Region                  | Incumbent |
|---|----------------------|--------------------------|-------------------------|-----------|
| Secretary-General                                       | Houlin Zhao          | China                    | E: Asia and Australasia | Yes       |
| Deputy Secretary-General                                | Malcolm Johnson      | United Kingdom           | B: Western Europe       | Yes       |
| Deputy Secretary-General                                | Brahima Sanou        | Burkina Faso             | D: Africa               | No        |
| Telecommunication Development Bureau (BDT) Director     | Doreen Bogdan-Martin | United States of America | A: Americas             | No        |
| Telecommunication Development Bureau (BDT) Director     | William Ijeh         | Nigeria                  | D: Africa               | No        |
| Telecommunication Development Bureau (BDT) Director     | Cosmas Zavazava      | Zimbabwe                 | D: Africa               | No        |
| Radiocommunication Bureau (BR) Director                 | Mario Maniewicz      | Uruguay                  | A: Americas             | No        |
| Radiocommunication Bureau (BR) Director                 | Istavan Bozsoki      | Hungary                  | B: Western Europe       | No        |
| Radiocommunication Bureau (BR) Director                 | Mindaugas Žilinskas  | Lithuania                | B: Western Europe       | No        |
| Telecommunication Standardization Bureau (TSB) Director | Chaesub Lee          | South Korea              | E: Asia and Australasia | Yes       |



## Attachment D: Candidates for the Radio Regulations Board

| Region                              | Number of seats | Country                  | Candidate                | Incumbent |
|-------------------------------------|-----------------|--------------------------|--------------------------|-----------|
| A: Americas                         | 2               | Argentina                | Oscar Martin Gonzalez    | No        |
| A: Americas                         | 2               | Canada                   | Chantal Beaumier         | No        |
| A: Americas                         | 2               | Mexico                   | Fernando Borjon Figueroa | No        |
| A: Americas                         | 2               | United States of America | Joanne Wilson            | Yes       |
| B: Western Europe                   | 2               | Netherlands              | Lilian Jeanty            | Yes       |
| B: Western Europe                   | 2               | France                   | Yvon Henri               | No        |
| C: Eastern Europe and Northern Asia | 2               | Azerbaijan               | Sahiba Hasanova          | No        |
| C: Eastern Europe and Northern Asia | 2               | Ukraine                  | Ievgen Khairov           | Yes       |
| D: Africa                           | 3               | Egypt                    | Elsayed Azzouz           | No        |
| D: Africa                           | 3               | Niger                    | Ahmed Jean Boraud        | No        |
| D: Africa                           | 3               | Morocco                  | Hassan Talib             | No        |
| E: Asia and Australasia             | 3               | Japan                    | Akira Hashimoto          | No        |
| E: Asia and Australasia             | 3               | Saudi Arabia             | Tariq Alamri             | No        |
| E: Asia and Australasia             | 3               | Vietnam                  | Doan Quang Hoan          | Yes       |