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| **Council 2018Geneva, 17-27 April 2018** |  |
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|  | **Document C18/105-E** |
| **17 May 2018** |
| **Original: English** |
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| Summary record of the Second Plenary meeting |
| Wednesday, 18 April 2018, from 0935 to 1235 hours |
| **Chairman**: Mr R. ISMAILOV (Russian Federation) |

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|  | Subjects discussed | Documents |
| 1 | Report of the Expert Group on the International Telecommunication Regulations (EG-ITRs) | [C18/26](https://www.itu.int/md/S18-CL-C-0026/en), [C18/79](https://www.itu.int/md/S18-CL-C-0079/en), [C18/91](https://www.itu.int/md/S18-CL-C-0091/en), [C18/92](https://www.itu.int/md/S18-CL-C-0092/en) |
| 2 | Statements by councillors | - |
| 3 | Report on the outcomes of the activities of the Council Working Group on WSIS (CWG-WSIS) since Council-17 | [C18/8](https://www.itu.int/md/S18-CL-C-0008/en), [C18/70](https://www.itu.int/md/S18-CL-C-0070/en), [C18/78](https://www.itu.int/md/S18-CL-C-0078/en), [C18/82](https://www.itu.int/md/S18-CL-C-0082/en), [C18/87](https://www.itu.int/md/S18-CL-C-0087/en) |
| 4 | ITU Council contribution to the High-Level Political Forum on Sustainable Development (HLPF) | [C18/71](https://www.itu.int/md/S18-CL-C-0071/en) |
| 5 | Comprehensive report detailing the activities, actions and engagements that the Union is undertaking in the context of WSIS implementation and the 2030 Agenda for Sustainable Development | [C18/53](https://www.itu.int/md/S18-CL-C-0053/en), [C18/96](https://www.itu.int/md/S18-CL-C-0096/en), [C18/97](https://www.itu.int/md/S18-CL-C-0097/en) |

# 1 Report of the Expert Group on the International Telecommunication Regulations (EG-ITRs) (Documents [C18/26](https://www.itu.int/md/S18-CL-C-0026/en), [C18/79](https://www.itu.int/md/S18-CL-C-0079/en), [C18/91](https://www.itu.int/md/S18-CL-C-0091/en) and [C18/92](https://www.itu.int/md/S18-CL-C-0092/en))

1.1 The Chairman recalled that, pursuant to Resolution 146 (Rev. Busan, 2014), the Council was not asked to reopen discussion on the final report of EG-ITRs set out in Document C18/26 with a view to amending it, but only to examine and comment on it. The report, along with the summary record of the Council's discussions, would be sent as a package to PP-18.

1.2 The Chairman of EG-ITRs, introducing Document C18/26, reviewed the background to the group's establishment and its terms of reference. The final report, which the Expert Group had adopted at its meeting on 12-13 April 2018, had been drawn up with a view to providing a balanced, clear and detailed description of the divergent positions expressed in the group on the applicability of the ITRs, the legal analysis of the 2012 ITRs, potential conflicts between the obligations of signatories to the 1988 and the 2012 ITRs, respectively, and whether or not to hold a second world conference on international telecommunications (WCIT). The Expert Group's deliberations represented the first effort following WCIT-12 to engage ITU members in an open discussion of their positions on the ITRs and, as such, served as a starting point for possible further discussion on the ITRs and related subjects.

1.3 The councillor from Egypt, introducing Document C18/79, noted that the divergent points of view expressed by Member States and Sector Members had prevented the Expert Group from drawing final conclusions; the group therefore needed clearer terms of reference. It also needed greater involvement on the part of Sector Members and operators. Regarding the existence of two versions of the ITRs, the point was not whether there was a legal conflict between them, since the ultimate goal, in his view, was a consolidated treaty agreed by all Member States, but rather to identify which articles prevented some Member States from signing the ITRs. Moreover, the financial cost of holding a second WCIT would be substantial, and future WCITs should therefore take account of earlier preparatory work. Lastly, it should be remembered that the ITRs complemented the ITU Constitution and Convention; their repeal would simply mean that the Constitution and Convention would have to be amended accordingly.

1.4 The councillor from the United States, introducing Document C18/91, said that the lack of consensus reflected in the final report of the Expert Group should be reflected in the Council's report to PP-18. In her view, the ITRs were no longer applicable to most international communication traffic, as the provisions that had once been essential for many operations between State-owned monopolies had been replaced by commercially negotiated arrangements. Moreover, the fact that there existed two versions of the ITRs had not actually given rise to any legal or practical conflicts. Given the lack of consensus, a second WCIT would almost certainly not result in agreement; it would only divert ITU resources away from more constructive work and might even result in three versions of the ITRs being in force simultaneously.

1.5 The councillor from Brazil, introducing a multi-country contribution - Document C18/92, confirmed that the governments participating in the Expert Group had been unable to reach a consensus on the applicability of the ITRs, but neither had the private sector members present, some of which continued to use the ITRs. The final report in fact reflected not only two but three points of view: that the ITRs were no longer relevant and therefore a new WCIT should not be convened; that the ITRs were relevant and that a new WCIT should be convened at a later moment; and that the ITRs were important for coordinating the provision of increasingly transboundary telecommunication services, but a new WCIT is currently not feasible due to various reasons including financial costs, but could be convened only after there is consensus among ITU members.

1.6 All the speakers who subsequently took the floor commended the Chairman of the Expert Group for having produced a balanced report reflecting all views expressed on the various points raised.

1.7 One councillor observed that the Expert Group's terms of reference had been subject to different interpretations. For example, some participants considered that they extended to consideration of new and emerging technologies, while others deemed their scope more limited. He shared many of the views expressed by the councillor from Brazil, and supported an approach whereby the ITRs would continue to be reviewed but in the framework of an expert group with clearly defined terms of reference. He could not endorse an approach that would put an end to the group's work.

1.8 Some councillors were of the view that the Expert Group should continue to pursue its deliberations with a view to reaching consensus. One of those councillors said that the ITRs should exist in a single version that takes into account existing realities and new trends in telecommunications/ICTs. Another of those councillors said that the ITRs could help ensure the development of international telecommunications, in particular in the new telecommunication environment marked by a digital divide between developed and developing countries and issues relating to cybersecurity. Another councillor said that the fact that there were divergent points of view on the ITRs did not mean that they were not relevant.

1.9 One councillor said that it would not be feasible to convene a WCIT in the absence of a consensus. She agreed that the Expert Group should pursue its work, but noted that a consolidated treaty could only be adopted pursuant to a WCIT decision.

1.10 One councillor said that, as the ITRs were one of the legal instruments mentioned in Article 4 of the ITU Constitution, it was important that they took account of the current ICT environment. He agreed that a framework was needed that enabled participants to express their opinions, with a view, ultimately, to adopting a single text supported by all. That would only happen if the Expert Group was allowed to continue its work with new terms of reference and clearly defined objectives. The group could meet either within the context of a WCIT or in some other format.

1.11 A further councillor endorsed the conclusion set out in Document C18/92, namely that it was premature to consider convening a WCIT in the near future.

1.12 One councillor said that, while his country was in favour of consensus, no positive results would be obtained by maintaining the Expert Group and a second WCIT would be counterproductive. Instead, technical studies should be carried out to ascertain what a second WCIT would deal with.

1.13 A further councillor said that the changing nature of telecommunication services required an international framework; the challenge was to devise an agreement that was amenable to all. Pursuant to Resolution 146 (Rev. Busan, 2014), the Council could do no more than acknowledge the different points of view expressed.

1.14 One observer noted that a framework was needed for continued work on the ITRs, which it would be folly to end at PP-18. That framework could consist in the Expert Group with new terms of reference, or a new group.

1.15 Another observer agreed with the analysis put forward by the councillor of Brazil. In the absence of a consensus, it would be counterproductive to hold a second WCIT.

1.16 The Chairman, noting that councillors continued to hold divergent points of view, said that the final report of the Expert Group, along with the summary record of the discussions on the item that reflects the comments from Council would be sent to PP-18 as a package. Councillors would be given the opportunity to approve the summary record before the end of Council-18.

1.17 It was so **agreed**.

**2 Statements by councillors**

2.1 The councillor from Rwanda announced that his country would be standing for re-election to the Council at PP-18.

**3 Report on the outcomes of the activities of the Council Working Group on WSIS (CWG-WSIS) since Council-17 (Documents** [**C18/8**](https://www.itu.int/md/S18-CL-C-0008/en)**,** [**C18/70**](https://www.itu.int/md/S18-CL-C-0070/en)**,** [**C18/78**](https://www.itu.int/md/S18-CL-C-0078/en)**,** [**C18/82**](https://www.itu.int/md/S18-CL-C-0082/en) **and** [**C18/87**](https://www.itu.int/md/S18-CL-C-0087/en)**)**

3.1 The Chairman of CWG-WSIS introduced Document C18/8, which summarized the main results of the group’s 31st and 32nd meetings and set out a number of recommendations.

3.2 Councillors taking the floor expressed thanks to CWG-WSIS and its chairman, with one pointing out the need for CWG-WSIS to continue its valuable work. Councillors noted in particular the importance of the WSIS framework for the achievement of the SDGs and of ensuring that the WSIS Forum was open to as many stakeholders as possible, including through initiatives such as the hackathon.

3.3 Document C18/8 and the recommendations contained therein were **approved**.

3.4 The Chairman of CWG-WSIS introduced Document C18/70, which summarized the main results of the meetings of CWG-WSIS held since PP-14. He proposed that the report should be treated in the same way as the report of CWG-LANG, i.e. it should be endorsed and transmitted to PP-18. Several councillors supported that proposal.

3.5 The councillor from China introduced Document C18/78, which contained a proposal on strengthening the promotion of the winning projects of WSIS prize contests.

3.6 The councillor from the Russian Federation introduced Document C18/82, which set out a number of proposals concerning ITU’s role in implementing the outcomes of WSIS, the 2030 Agenda for Sustainable Development and in the overall review by the United Nations General Assembly of their implementation.

3.7 The councillor from Saudi Arabia introduced Document C18/87 containing a proposal on improving the WSIS Forum.

3.8 Councillors broadly welcomed the proposals put forward. It was pointed out that WSIS prizes gave the membership an opportunity to demonstrate its commitment to WSIS. However, one councillor observed that promotion of WSIS winning projects during major ITU events should be undertaken on a voluntary basis and should not entail any financial implications for ITU or the prize winners. He also considered that the public online voting for the WSIS prize competition was an important stage that served to raise awareness of WSIS goals, and should be retained.

3.9 The Chairman said that he took it that Document C18/70 could be endorsed and that it should, together with the summary record of this meeting, be transmitted to PP-18.

3.10 It was so **agreed**.

**4 ITU Council contribution to the High-Level Political Forum on Sustainable Development (HLPF) (Document** [**C18/71**](https://www.itu.int/md/S18-CL-C-0071/en)**)**

4.1 The Chief of the Strategic Planning and Membership Department (SPM) introduced Document C18/71, which contained the Council’s contribution to the 2018 HLPF, showcasing the intergovernmental body’s contribution towards the 2030 Agenda for Sustainable Development, in accordance with the theme of the 2018 HLPF on “Transformation to sustainable and resilient societies”, and the focused review of SDGs 6, 7, 11, 12, 15 and 17. The final version of the document would be submitted to ECOSOC before 28 April 2018. She drew attention to an editorial amendment to be made to the section of Annex 1 on Goal 12, following the suggestion in Document C18/89 of the United States of America. In response to a question from a councillor, she said that the document had been prepared on the basis of a pre-defined submission template and CWG-WSIS had agreed to leave blank section (E) entitled “Areas where political guidance by the HLPF is required”.

4.2 Document C18/71 was **approved** for submission to the ECOSOC secretariat with the above-mentioned editorial amendment.

**5 Comprehensive report detailing the activities, actions and engagements that the Union is undertaking in the context of WSIS implementation and the 2030 Agenda for Sustainable Development** (**Documents** [**C18/53**](https://www.itu.int/md/S18-CL-C-0053/en)**,** [**C18/96**](https://www.itu.int/md/S18-CL-C-0096/en) **and** [**C18/97**](https://www.itu.int/md/S18-CL-C-0097/en)**)**

5.1 The Chief of the Strategic Planning and Membership Department (SPM) introduced Document C18/53, which detailed information on ITU’s activities, actions and engagements in the context of WSIS implementation and the 2030 Agenda for Sustainable Development.

5.2 The councillor from the United Arab Emirates introduced Document C18/97, which set out a number of proposals to enhance the role of ITU in relation to the achievement of the SDGs. The proposals relating to the visibility of ICTs and to the feasibility of implementing certain JIU recommendations should be deleted.

5.3 The Chief of SPM thanked the United Arab Emirates for its proposals. ITU would do its part to ensure that future HLPF reports included tangible country examples relating to the SDGs and their relevance to WSIS action lines. ITU also called on Member States to do their part by highlighting the role of ICTs in their voluntary national reviews; however, it did not have any influence over the final report. She noted that the secretariat was looking at how best to refer to linkages between resolutions of all major ITU conferences and the SDGs and the WSIS-SDG matrix. The proposal to organize regional ICT SDG forums had been noted.

5.4 Councillors praised the work of ITU in the context of WSIS implementation and achievement of the SDGs, noting that the role of ICTs in the attainment of the SDGs would increase as their use became more widespread. The proposals put forward by the United Arab Emirates were welcomed and it was suggested that the annual regional development forums could also serve as regional ICT SDG forums.

5.5 Documents C18/53 and Document C18/97 were **noted**.

5.6 The councillor from Brazil, introducing Document C18/96, noted with regret that the key issue of affordability had been omitted from the Measuring the Information Society Report 2017. Accordingly, it was proposed that ITU should publish all data, rankings and studies on the ICT price basket (IPB) for the 2017 edition of the report, as it had done for previous reports; publish a webpage explaining the IPB methodology; and improve the data visualization tool, publish all data gathered in every report and allow comparisons over time.

5.7 Councillors welcomed the proposals put forward by Brazil, emphasizing the importance of reliable ICT statistics and indicators and noting that the inclusion of statistical information on affordability would be a useful addition to the 2017 edition of the report. One councillor noted that ITU was not the only contributor in measuring the information society, while another asked whether it should be incumbent on the secretariat to examine the human and financial resources necessary to enhance ITU’s statistical capabilities. One councillor suggested that the fact that many countries were not deploying new fixed broadband networks should be taken into account in framing the current benchmark for the ICT Development Index.

5.8 The Director of BDT said that statistical information was highly important, including in measuring the role of ICTs in the achievement of the SDGs and highlighting the relevance of ITU. Many improvements had been made to the ICT Development Index, including increasing the number of indicators, and the methodology had been independently reviewed and confirmed as robust. The IPB was not part of the calculation of the ICT Development Index. The Measuring the Information Society Report 2017 consisted of 2 volumes, with volume 2 providing information on ICT country profiles as well as some information on price. However, he agreed that it could be further improved by including more extensive data on price as in previous editions.

5.9 Document C18/96 was **noted** and it was **agreed** that ITU should, at the earliest possible date:

* *Publish all data, rankings, benchmarks and studies on IPB and affordability for MIS 2017 and subsequent editions of the MIS report, as it did in MIS 2016;*
* *Publish a webpage explaining the IPB methodology;*
* *Improve the data visualization tool, publish all data gathered in every MIS, and allow comparisons over time.*

The Secretary-General: The Chairman:

H. ZHAO R. ISMAILOV

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