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| **Agenda item: PL 3** | **Document C23/78-E** |
| **27 June 2023** |
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| Contribution from the People's Republic of China |
| PROPOSALS FOR THE IMPROVEMENTS OF THE COUNCIL |
| **Purpose**The ITU General Secretariat has proposed measures to further improve the Council, which will have a significant impact on ITU and hence should be carefully assessed and evaluated. China proposes having a comprehensive discussion on these improvements at the forthcoming Council session.**Action required by the Council**The Council is invited **to consider** the proposals outlined in this contribution and **take necessary actions**, as appropriate.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**References***Article 10 of the* [*Constitution*](https://www.itu.int/en/council/Documents/basic-texts-2023/Constitution-E.pdf)*, Article 4 of the* [*Convention*](https://www.itu.int/en/council/Documents/basic-texts-2023/Convention-E.pdf)*,* [*Rules of Procedure of the Council*](https://www.itu.int/council/pd/rop-e.pdf)*;*[*Resolution 71*](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-071-e.pdf)*,* [*Resolution 66*](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-066-e.pdf)*,* [*Resolution 77*](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-077-e.pdf)*,* [*Resolution 91*](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-091-e.pdf) *and* [*Resolution 191*](https://www.itu.int/en/council/Documents/basic-texts-2023/RES-191-e.pdf) *of the Plenipotentiary Conference;**Council* [*Decision 626*](https://www.itu.int/md/S22-CL-C-0098/en) *(C22);**Council documents* [C23/2](https://www.itu.int/md/S23-CL-C-0002/en) *and* [C23/32](https://www.itu.int/md/S23-CL-C-0032/en)*.* |

# 1 Background

The ITU is governed by the Plenipotentiary Conference and the Council, which acts as the Union's governing body in the interval between plenipotentiary conferences, on behalf of the Plenipotentiary Conference within the limits of the powers delegated to it by the latter. In accordance with Article 10 of the ITU Constitution and Article 4 of the Convention, the Council should take all steps to facilitate the implementation by the Member States of the provisions of the Constitution, of the Convention, of the Administrative Regulations and of the decisions of the Plenipotentiary Conference and, where appropriate, of the decisions of other conferences and meetings of the Union, and perform any duties assigned to it by the Plenipotentiary Conference.

Previously, by means of an informal virtual meeting, virtual thematic briefings and a retreat with councillors, the ITU General Secretariat presented further improvements to Council preparations and deliberations to strengthen its strategic role and effectiveness. Documents 2 and 32 have been submitted for consideration by the 2023 session of the Council. The improvements include shortening the duration of the Council session from nine to six working days, categorizing and adopting documents in groups, reducing items on the agenda of the annual Council session, focusing on essential items, organization of the High-Level Segment, and organization of a retreat with councillors under "Chatham House Rules".

# 2 Proposals

China believes that the core objective of improving the Council lies in facilitating the Council to better fulfil its mandates as stipulated in the ITU Constitution and Convention. Thorough discussions around this important topic are needed. For this reason, China would like to make the following proposals with a view to improving the Council:

1 The Council should hear a wide range of perspectives from Member States with regard to the gaps in implementing its mandates and areas for improvement. For instance, the Council should consider broad telecommunication policy issues to ensure that the Union's policies and strategy fully respond to changes in the telecommunication environment; it should contribute to the development of telecommunications in the developing countries, including through the participation of the Union in the appropriate programmes of the United Nations. These issues should be discussed among all Member States across the three Sectors of ITU, rather than leaving them to be studied by external consultants. Furthermore, the improvement of the Council should follow the applicable rules and procedures of the Union. The rules and regulations that do need modifications should be submitted to a competent conference/assembly in accordance with established procedures for consideration and decision.

2 Views on the specific improvements proposed by the General Secretariat:

• On the issue of "The preparation of the agenda for the annual session should define and prioritize essential items for which the Council's action and/or guidance is needed": China believes that prioritizing the strategic role of the Council is not in line with the Council's well-defined mandates in the Constitution and the Convention. No part of the Basic Texts of the Union defines what constitutes an "essential item". Only a Plenipotentiary Conference, not the Council itself, can decide whether future Council sessions should focus only on the so-called "essential items".

• On the issue of "Certain documents not requiring discussion could be noted and/or adopted without being presented" (i.e., adopting documents in groups): China believes that it will be difficult for councillors to decide whether to note or adopt a document before it is properly presented. We suggest that the General Secretariat provide assistance to the councillors to fully discuss all documents before noting or adopting them, rather than categorizing and adopting the documents in groups.

• On the issue of "Reducing the duration of the Council from nine working days to six working days": The 2022 Council Session approved Decision 626 on the dates and duration of the 2023, 2024, 2025, and 2026 sessions of the Council, along with the clusters of Council Working Groups and Expert Groups for 2023, 2024, and 2025. We propose that the General Secretariat should strictly follow Decision 626 in terms of the holding of sessions/meetings of the Council and its Working Groups (CWGs) and Expert Groups (EGs) in the next four years. Furthermore, the Council normally meets physically once per year, while the issues that need to be discussed are very important and quite extensive. We do not think that six working days are sufficient for the Council to fulfil its mandates in the Constitution.

• On the issue of "Enhancing the preparatory process and facilitating decision-making" (i.e., virtual thematic briefings for Council preparations): In view of the fact that the CWG and EG meetings were not convened in early 2023, we believe that the thematic briefings would help to inform the membership of the work progress in various areas in the Union. At the same time, we also want to point out that thematic briefings are designed to be informative, not a place to make decisions on important matters of the Union. They should maintain their nature of information briefing. If decisions have to be made by the councillors for any urgent matter, a decision-making process that conforms to the Convention should be followed, such as by correspondence. We believe that consultation with Member States through electronic means of communication (e-mail for instance) will not bring additional financial burden to ITU.

• On the issue of "Strengthening high-level engagement and dialogue with Member States of the Council": Considering that the General Secretariat has not previously formally consulted Member States on the schedule and themes of various activities in the High-Level Segment to be held during the 2023 Council session in accordance with the Council's Rules of Procedure, and that such a format does not allow councillors to fully engage themselves in the discussion, this event is not to be considered as a formal agenda item of the 2023 Council session. Nor are the outputs of the High-Level Segment to be considered as part of the Council 2023 outcome. In addition, we do not recommend holding high-level engagements and dialogues during future Council sessions due to the following facts. Firstly, ITU convenes a physical Council session only once a year during which there are many financial, administrative and human resource issues to discuss. The organization of a high-level meeting will consume the already insufficient time of the Council, which may hinder it from fully discussing the issues that should be considered. Secondly, the Council is not the right place to discuss macropolicy issues such as ITU strategies. The Council is supposed to implement the responsibilities assigned by the Plenipotentiary Conference in accordance with No. 69, Article 10 of the Constitution. Organizing high-level meetings is not a responsibility assigned to the Council by the Plenipotentiary Conference (PP). The Union could take advantage of PP, WRC and other conferences and assemblies to organize high-level meetings for discussion of issues such as the strategic direction of ITU. Thirdly, we note that ITU has held or is about to hold a number of global high-level meetings in 2023, including GSR, WSIS Forum and the AI for Good Global Summit. Frequent high-level events will not only bring a significant financial burden for the Union, but also create difficulties for developing countries to fully participate in all the meetings. In view of the above, we propose that the General Secretariat coordinate various high-level activities of the Union based on the One ITU concept, and regularly consult with Member States by correspondence on the theme and agenda of the proposed high-level events planned for the next year, and report to the Council for its approval. Meanwhile, recalling that ITU organizes multiple high-level side events every year, in order to promote the participation from Member States in these events, we propose that the Council develop guidelines on the theme, organization and effectiveness of holding side events so that Member States can better prepare for and participate in these events.

• On the issue of "Organization of a retreat with councillors to explore opportunities, including for upscaling ITU governance, processes and systems": Considering the absence of the Council Working Group and Expert Group meetings in early 2023, the retreat with Councillors could contribute to the preparatory work of the Council, as it allows informal discussion among councillors in advance of the Council sessions. However, under normal circumstances, ITU Member States could extensively debate various Council issues through working group meetings. The retreat could only serve as an informal activity that would consume the financial and human resources of the Council, and its outcome would hardly contribute substantially to the formal discussions of the Council. Therefore, we do not recommend continuing the practice of organizing retreats with councillors in the subsequent preparation process for the Council. Furthermore, the "Chatham House Rules" mentioned in the Secretariat's report cannot be treated as a rule of procedure (like other rules contained in the Rules of Procedure of the Council) as they are not defined in the Constitution, Convention or the decisions of the Plenipotentiary Conference. It is not applicable to the retreat with councillors which addresses important management and reform matters to be covered by the Council.

3 China proposes that the Council Working Group on Financial and Human Resources (CWG-FHR) should be tasked to consider issues related to the improvements of the Council and report back to the 2024 Council session.

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