COUNCIL WORKING GROUP TO PREPARE FOR THE 2012 WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS



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PROPOSAL ON THIRD DRAFT OF THE FUTURE ITRS

During the 2nd meeting of the Arab States for the preparation of the WCIT-12, <u>Doc. TD 54-Rev2</u> resulting from the CWG-WCIT12 seventh meeting in April 2012 was discussed and examined by the Arab Group with a view towards reconciling the differences in approaches.

As result of this examination and discussion and taking into account the various proposals of other Regional Groups (APT, ATU, CEPT, CITEL, RCC, etc.) and other membership; the following views and Modification of the ITRs provisions were endorsed by the meeting with the aim to reflect the Arab Region interests and at the same time converge with other membership proposals.

Additions as well as alterations of the existing Draft ITRs Text have also been made using revision marks and are highlighted in Turquoise.

It is maybe worth mentioning that Arab States are further planning to submit its common proposal to the work of the WCIT-12 which would include proposals on the provisions provided below as well as other provisions that have not yet received any common proposal from the Arab States.

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NOC CWG/54/0.0

International Telecommunication Regulations

NOC CWG/54/0.1

PREAMBLE

Reason: title and tile of Preamble remain unchanged.

MOD CWG/54/0.2

While the sovereign right of each country State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter "Regulations") supplement complement the Constitution and Convention of the International Telecommunication Union Convention, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

Reason:

The term "State" is the one used in the Constitution.

The term "complement" is the one used in the English Constitution.

NOC CWG/54/1.0

ARTICLE I

Purpose and Scope of the Regulations

Reason: title of Article 1 remains unchanged.

MOD CWG/54/1.3

2 1.1 a) These Regulations 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. Thesey Regulations also set rules applicable to Member States and operating agencies*administrations.

Reason:

Updating the term "administrations or recognized operating agencies" with Member States and operating agencies.

^{*} The term "operating agency" includes "recognized operating agency" and is used in that sense throughout these Regulations.

MOD CWG/54/1.5

3 b) These Regulations recognize in Article 9 the right of Members States to allow special arrangements as provided in Article 9.

Reason:

Important to recognize special arrangement between operators

ADD CWG/54/1.8

c) These Regulations recognize that Member States shall take the necessary measures to prevent interruptions of services and shall ensure that no harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations.

Reason:

Emphasizing on the importance of taking all measures to prevent the interruption of services and causing harm to the operations of other Member States.

ADD CWG/54/1.8B

3B d) These Regulations recognize the absolute priority for safety of life telecommunications, including distress telecommunications, emergency telecommunications services and telecommunications for disaster relief as provided in Article 5.

Reason:

Emphasizing on the priority of safety of life and emergency telecommunications

NOC CWG/54/1.8C

Reason: No new 1.1 e) since it is quite similar to 1.23

NOC CWG/54/1.9

4 1.2 In these Regulations, "the public" is used in the sense of the population, including governmental and legal bodies.

Reason: It is may be necessary to clarify what is meant by "the public"

MOD CWG/54/1.11

1.3 a) These Regulations are established with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public and the security of international telecommunication services; and the availability, operation, and use of advanced telecommunications facilities in all

<u>countries.</u> The scope may be all existing, emerging, and future telecommunication facilities and services

1.3 b) These Regulations promote greater <u>confidence and security, including of information, in the provision of international telecommunications/ICTs.</u>

Reason: This proposal emphasizes on the importance of security and availability of the telecommunications in all countries. This view merges between all the different proposals including the Latin America & Caribbean, ARB, and RCC Views as provided in Doc. TD 62.

MOD CWG/54/1.13

1.4 <u>Unless otherwise specified in these Regulations, rReferences to CCITT</u>
Recommendations of the ITU in these Regulations are not to be taken as giving to those Recommendations the same legal status as the Regulations.

Reason: This proposal emphasizes Recommendations by the ITU are voluntary by nature, except for those specific Recommendations that WCIT-12 agrees to give them different status.

MOD CWG/54/1.14

7 1.5 Within the framework of the present Regulations, the provision and operation of international telecommunication services in each relation is pursuant to mutual agreement between Member States and operating agencies, as the case may be administrations.

Reason: Updating the term "administrations or recognized operating agencies" with Member States and operating agencies. Important to recognize special arrangement between operators

MOD CWG/54/1.16C

8 1.6 In implementing the principles of these Regulations, administrations Member States and operating agencies should comply with the relevant CCITT Recommendations by the ITU having policy or regulatory implications

Reason: This proposal emphasizes the importance of compliance with Recommendations by the ITU that have policy and regulatory implications.

MOD CWG/54/1.19

1.7 a) These Regulations recognize the right of any Member <u>State</u>, subject to national law and should it decide to do so, to require that <u>administrations*</u> <u>operating agencies</u>, which operate in its territory or provide an international telecommunication service to the public in its territory, be authorized by that Member <u>State</u>.

Reason:

In line with CS, Member States have the sovereign right to impose obligations in accordance with national law, on all operating agencies, not just on recognized operating agencies.

SUP CWG/54/1.22

b) The Member concerned shall, as appropriate, encourage the application of relevant CCITT Recommendations by such service providers.

Reason:

This provision seems to be very similar to 1.6 and should be suppressed as there is a need to avoid repetition.

MOD CWG/54/1.23

c) The Members States, and operating agencies where appropriate, shall cooperate in implementing the International Telecommunication Regulations.

Reason: This proposal emphasizes the importance of cooperation among the membership to meet the objective of these Regulations. The term "Members" is replaced by Member States and Operating Agencies.

NOC CWG/54/1.26

1.8 The Regulations shall apply, regardless of the means of transmission used, so far as the Radio Regulations do not provide otherwise.

Reason: To retain this provision, since it defines the scope of the ITRs, and clarifies its relation with respect to the RR.

NOC CWG/54/1.27

Reason: No new 1.9 is required since it is generally understood. It is also adequately covered by 1.1 b) as well as Whole Article 9. See also Information Doc# 9 from the ITU Secretary-General clarifying this matter in great details.

NOC CWG/54/2.0

ARTICLE 2

Definitions

Reason: title of Article 2 remains unchanged.

NOC CWG/54/2.0A

For the purpose of these Regulations, the following definitions shall apply. These terms and definitions do not, however, necessarily apply for other purposes.

MOD CWG/54/2.1A

2.1 *Telecommunication/ICT*: Any transmission, emission or reception, <u>including</u> <u>processing</u>, of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Reason: The Term Telecommunications/ICTs is commonly used within the ITU, it is mentioned many times in all of its Conferences and Assemblies outcomes. Although the term

"Telecommunication" and its definition in both the ITRs and the CS&CV already covers the ICTs, it is quite useful to clearly reflect this by slightly improving the definition. It is important to understand that this proposal does not intend to change the current Telecommunication definition; it rather creates another parallel clarifying definition for Telecommunications/ICTs.

MOD CWG/54/2.3

2.3 Government telecommunications: AtTelecommunications originating with any: Head of a State; Head of a government or members of a government; Commanders-in-Chief of military forces, land, sea or air; diplomatic or consular agents; the Secretary-General of the United Nations; Heads of the principal organs of the United Nations; the International Court of Justice, or repliesy to a government telegram telecommunications mentioned above.

Reason: Align with 1014 CS.

ADD CWG/54/2.10BA

2.10B Operating Agency: Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

Reason: Taken from 1007 CS.

ADD CWG/54/2.13A

2.13 Spam: information transmitted over telecommunication networks as text, sound, image, tangible data used in a man-machine interface bearing advertizing nature or having no meaningful message, simultaneously or during a short period of time, to a large number of particular addressees without prior consent of the addressee (recipient) to receive this information or information of this nature.

Note: Spam should be distinguished from information of any type (advertisements inclusive) transmitted over broadcasting (non-addressed) networks (such as TV and/or radio broadcasting networks, etc.)).

Reason: The proposal is merging the Arab views with ATU and the RCC views. Spam is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies on countering Spam. (See ITU-T Rec. X.1231, X.1240, X.1241, X.1242, X.1243, X.1244, and X.1245).

ADD CWG/54/2.16B

2.16 Fraud: Use of public international telecommunication services or facilities with the intention of avoiding payment, without correct payment, with no payment at all, or by making someone else pay, by misusing numbering (addressing) resources, by intentional misrepresentation of identity, or other deceptive practices, in order to obtain personal or financial gain that can lead to actual or potential disadvantage or financial harm to another individual or group.

Reason: The proposal is merging the Arab views with ATU and the RCC views. Spam is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based

on the ITU studies on countering Spam. (See ITU-T Rec. X.1231, X.1240, X.1241, X.1242, X.1243, X.1244, and X.1245).

ADD CWG/54/2.21A

2.21 *Originating Identification*: The Originating Identification is the service by which the terminating party shall have the possibility of receiving identity information in order to identify the origin of the communication.

Reason: The proposal is merging the Arab views with ATU views. Fraud is one of the very critical issues to be dealt with under the revised ITRs. A definition is provided that is based on the ITU studies. The impact of non-delivery of the true origin of a call has been dealt with repeatedly in the ITU-T SGs - in particular ITU-T SG3 - and related Workshops. It was demonstrated that the MS or OA terminating the call is subject to great financial losses without having the capability to identify the exact cause of this loss due to their ignorance or being handicapped to identify the origin or the overall route of the call. There are several mechanisms in which suppression or transmission of fake call origin causes such losses. When suppression or spoofing is intentional to obtain financial gain based on wrongful deception regarding the origin of the call, then this should be considered a fraudulent activity and should be prohibited and/or prosecuted. Many cases of fraud are association with the non-transmission of calling party identification. Origin identification is required to prevent this and also for security reasons.

NOC CWG/54/3.0

ARTICLE 3

International Network

Reason: title of Article 3 remains unchanged.

MOD CWG/54/3.2

3.1 Members States shall ensure that administrations* operating agencies cooperate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service and above a minimum level taking into consideration the relevant Recommendations of the ITU.

Reason:

The provision imposes a requirement to cooperate, not a requirement to provide a particular level of quality of service. Further, it refers only to the international network, not the national network.

It was noted that reliance only on market forces according to competition mechanism to improve QoS offered to the users has not worked in many instances, but in the contrary, there exist agility in offering low quality services that makes the consumer more often prone to be a

victim for such deteriorated services, in particular those based on VoIP. Assuring a level of QoS above a minimum set by the relevant ITU-T Recommendation shall help to a great extent to preserve users' rights. Moreover, the term "satisfactory" is adequate compromise between minimum and maximum QoS.

MOD CWG/54/3.5

3.2 <u>Administrations* Member States</u> shall <u>ensure that operating agencies</u> endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunications / ICTs.

Reason:

This proposal replaces the term "administration and Recognized Operating Agencies" with Member States and Operating Agencies. It also emphasizes the importance of facilitating adequate access and promptly responding to the market demand.

MOD CWG/54/3.9

3.3 Operating agencies shall determine by mutual agreement which international routes are to be used. - A Member State has the right to know how its traffic is routed.

Reason: This proposals modifies the original provision with the objective to recognize the most of the international routes are determined through mutual agreements between the operators. However Member Sates shall continue to be able know how its traffic is routed, mainly for purposes of security and preventing fraud.

MOD CWG/54/3.14

3.4 Subject to national law, any user, by having access to the international network established by an administration operating agency, has the right to send traffic. A satisfactory quality of service and above a minimum level should be maintained corresponding to relevant CCITT Recommendations of the ITU.

Reason: This proposals supports the retention of the original provision with slight amendments to ensure right of quality access for the user.

ADD CWG/54/3.2x

3.5 a) Member States shall ensure that international naming, numbering, addressing and identification resources specified in the ITU-T Recommendations are used only by the assignees and only for the purposes for which they were assigned; and that unassigned resources are not used.

3.5 b) Member states shall, if they so elect, be able to control all naming, numbering, addressing and identification resources used within their territories for international telecommunications/ICTs.

Reason: Adequate, efficient, and trusted management of the naming, numbering, and addressing resources shall continue to be ensured. Member States shall take appropriate measures to ensure the confidence in using these important resources. This proposal also merges between the different proposals given on this matter.

ADD CWG/54/3.36

3.6 Member States shall, through various channels open to them, ensure that operating agencies to:

- implement CLI features, where technically possible
- use appropriate standards when implementing CLI features,
- ensure that integrity of CLI is maintained end to end
- ensure that the requirements associated with data protection and data privacy are met.

Reason: This proposal is a merge between the CEPT views and the views of ARB, the ATU, the Latin America, Pacific Islands, and APT. The main objective is to implement Calling Line Identification features facilitate the identification of the origin of calls, mainly for security reasons, and to limit spoofing and prevent fraud.

ADD CWG/54/3.41

3.7 Member states shall take appropriate measures nationally to ensure that all parties (including operating agencies) involved in the provision of international telecommunication connections negotiate and agree to bilateral commercial arrangements, or an alternative type of arrangements, enabling direct international telecommunication connections that take into account the possible need for compensation between them for the value of elements such as traffic flow, number of routes, and cost of international transmission.

Reason:

The substance of the issue is important, the language is similar to that found in Recommendation ITU-T D.50, and should be included in the ITRs. However, the previous proposal did not appear to be technology-neutral, and it used the term "administration", this has been amended in this proposal.

NOC CWG/54/3.42

31D

Reason: No need to ADD new 3.8 (right to transmit traffic), since the essence of this is already covered in 3.4

NOC CWG/54/4.0

ARTICLE 4

International Telecommunication Services

Reason: title of Article 4 remains unchanged.

MOD CWG/54/4.3

4.1 Members States shall promote the implementation and development of international telecommunications/ICTs. They shall also endeavour to ensure that operating agencies make international telecommunication services generally available to the public in their national network(s).

Reason: This proposal merges between the views of the CEPT with the ARB, RCC, and USA. It also replaces the term "administrations or ROAs" with Member States and operating Agencies.

MOD CWG/54/4.6

4.2 Members States shall ensure that administrations* operating agencies cooperate within the framework of these Regulations to provide by mutual agreement, a wide range of international telecommunication services which should conform, to the greatest extent practicable, to the relevant CCITT Recommendations of the ITU.

Reason: This proposal replaces the term "administrations or ROAs" with Member States and operating Agencies, and replaces CCITT with ITU.

MOD CWG/54/4.10

4.3 Subject to national law, Members States shall ensure that administrations*operating agencies provide and maintain, to the greatest extent practicable, a satisfactory
minimum quality of service and above a minimum level taking into consideration the relevant
CCITT Recommendations of the ITU with respect to:

Reason: This proposal emphasizing on the role of Member States in endorsing satisfactory QoS.

NOC CWG/54/4.12

a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm to technical facilities and personnel;

Reason: Retaining this provision to ensure conditional/healthy access.

MOD CWG/54/4.16

b) international telecommunication facilities and services available to customers for their dedicated use;

Reason: Retaining this provision to ensure availability, while updating it to ensure efficiency and advanced technology.

MOD CWG/54/4.17

c) at least a form of telecommunication/ICTs which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

Reason: Retaining this provision to ensure Public access to the ICTs.

NOC CWG/54/4.19

d) a capability for interworking between different services, as appropriate, to facilitate international communications.

Reason: Retaining this provision to facilitate the growth of international communications, via the convergence between the different services and technologies.

ADD CWG/54/4.22

4.4 Member States shall ensure that operating agencies providing international telecommunication services-, provide transparent and up-to-date information on retail charges to end users, including roaming charges.

Reason: Retaining this provision and improving it to emphasize on the end users right for transparency in retail charges.

NOC CWG/54/4.27

38B

Reason: No need new 4.5 (Global Telecommunications Services).

NOC CWG/54/4.29

38C

Reason: No need for new 4.6 (provision of roaming), its essence is already covered by 4.4 above.

NOC CWG/54/5.0

ARTICLE 5

Safety of Life and Priority of Telecommunication

Reason: title of Article 1 remains unchanged.

MOD CWG/54/5.1

5.1 Safety of life telecommunications, such as including distress telecommunications, emergency telecommunication services and telecommunications for disaster relief, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the Constitution

and Convention and taking in accordance with relevant CCITT Resolutions and Recommendations of the ITU.

Reason: Retaining this important provision, and slightly improving its text. The proposal also recognizes that there are number of ITU (ITU-T, ITU-D, and ITU-R) Resolutions which are related to Safety of Life and should be taken into account.

MOD CWG/54/5.x

5.2 Government telecommunications, including telecommunications relative to the application of certain provisions of the United Nations Charter, shall, where technically practicable, enjoy priority over other types of telecommunications other than those referred to in 5.1 No. 39, in accordance with the relevant provisions of the Constitution and Convention and taking due account of relevant ITU CCITT Recommendations.

Reason: Retaining this provision, and slightly improving its text. The proposal also merges between the RCC views with the USA, and ARB views.

MOD CWG/54/5.7

5.3 The provisions governing the priority enjoyed by <u>any all</u> other telecommunications are contained in the relevant CCITT Recommendations of the ITU.

Reason: Retaining this provision, and slightly improving its text.

NOC CWG/54/5.9

41A

Reason: No new 5.4 (applying ITU Rec. on Safety of Life) is required, since the essence of it is already covered by the previous 5.1, 5.2, and 5.3.

ADD CWG/54/5.12

5.5 Member States should cooperate to introduce in addition to their existing national emergency numbers a global number for calls to the emergency services globally.

ADD CWG/54/5.14

5.6 Member States shall ensure that operating agencies inform every roaming user, in good time and free of charge, of the number to be used for calls to the emergency services.

Reason: This proposal slightly improves the original text of the proposal of new 5.5 & 5.6, and aims to facilitate the harmonization of worldwide emergency number(s), building up on studies found in ITU-T Rec. E.161.1.

ADD CWG/xx/XX

ARTICLE 5A

Confidence and Security of Telecommunications/ICTs

XX.1 Member States shall undertake appropriate measures, individually or in cooperation with other Members states, to ensure Confidence and Security of Telecommunications/ICTs.

XX.2 Issues related to security include physical and operational security; cybersecurity, cybercrime, and cyber attacks; denial of service attacks; other online crime; controlling and countering unsolicited electronic communication (e.g Spam); and protection of information and personal data (e.g. phishing).

XX.3 Member States, in accordance to national law, shall cooperate to investigate, prosecute, correct and repair security breaches and incidents in timely manner.

XX.4 Member States shall ensure that operating agencies and other concerned entities provide and maintain, to the greatest extent practicable, confidence and security of telecommunications/ICTs.

XX.5 Member States shall ensure that operating agencies and other concerned entities cooperate with their counter parts in other Member states in ensuring confidence and security of telecommunications/ICTs.

Reason: Confidence and Security in the use of ICTs is one of the most -if not the most- critical issues to be dealt with under the revised ITRs. At personnel, business, and government levels building confidence and security in the ICTs is a top priority. However this could only be achieved through global commitment and cooperation. The new article treats this vital issue in three main points:

- Appropriate measures by the Member States (e.g. standards, legalizations, policies, initiatives, etc.)
- Enforcing such security measures to the extent practicable
- Global Cooperation in order to promptly resolving security breaches

NOC CWG/54/7.0

ARTICLE 7

Suspension of Services

Reason: title of Article 1 remains unchanged.

MOD CWG/54/7.1

7.1 If a Member <u>State</u> exercises its right in accordance with the <u>Constitution and</u> Convention to suspend international telecommunication services partially or totally, that Member

<u>States</u> shall immediately notify the Secretary-General of the suspension and of the subsequent return to normal conditions by the most appropriate means of communication.

Reason: Retaining this important provision with slight update of text.

MOD CWG/54/7.2

7.2 The Secretary-General shall immediately bring such information to the attention of all other Members States, using the most appropriate means of communication.

Reason: Retaining this important provision with slight update of text.

NOC CWG/54/8.0

ARTICLE 8

Dissemination of Information

Reason: title of Article 1 remains unchanged.

MOD CWG/54/8.2

disseminate information, provided by administrations* Member States, of an administrative, operational, tariff or statistical nature concerning international telecommunication routes and services. Such information shall be disseminated in accordance with the relevant provisions of the Convention and of this Article, on the basis of decisions taken by the Council or by competent conferences, and taking account of conclusions or decisions of competent Assemblies. If so authorized by the concerned Member State, the information may be transmitted to the Secretary-General directly by an operating agency and shall then be disseminated by the Secretary-General.

Reason: Retaining this important provision with slight update of text. Moreover to recognize the possible authorization of the Member States to its operating agencies to notify to the ITU this information on its behalf directly.

8.2 Member States should transmit such information to the Secretary-General in timely manner and in accordance with the relevant Recommendation of the ITU.

Reason: This proposed provision aims to urge the Member States or its authorized operating agencies to transmit this important information on timely manner.

NOC CWG/54/9.0

ARTICIF 9

Special Arrangements

Reason: title of Article 1 remains unchanged.

MOD CWG/54/9.2

9.1 a) Pursuant to Article 31 of the International Telecommunication Convention (Nairobi, 1982), sSpecial arrangements may be entered into on telecommunication matters which do not concern Members States in general. Subject to national laws, Members States may allow administrations* operating agencies or other organizations or persons to enter into such special mutual arrangements with Members, administrations* operating agencies or other organizations or persons that are so allowed in another country for the establishment, operation, and use of special telecommunication networks, systems and services, in order to meet specialized international telecommunication needs within and/or between the territories of the Members States concerned, and including, as necessary, those financial, technical, or operating conditions to be observed.

Reason: Retaining this important provision with slight update/improvement of the text. Moreover it recognizes that such arrangements could also be entered into by operating agencies.

MOD CWG/54/9.5

b) Any such special arrangements shall should avoid technical harm to the operation of the telecommunication facilities and services of third parties, and shall not diminish the security and confidence of telecommunications/ICTs of third parties.

Reason: Retaining this very important provision, which highlights the conditions for any of these mutual special arrangements, obviously security is among these important conditions.

MOD CWG/54/9.11

9.2 Members should, where appropriate, encourage the parties to any special arrangements that are made pursuant to 9.1 above No. 58(9.1) to take into account relevant provisions of CCITT Recommendations of the ITU.

Reason: Retaining this provision with slight improvement/update of its text. The proposal recognizes that the studies done under the ITU could act as reference or at least as starting point when entering into any special arrangements.

NOC CWG/54/10.0

ARTICLE 10

Final Provisions

Reason: title of Article 1 remains unchanged.

MOD CWG/54/10.0A

ARTICLE 10

Entry into force and provisional application Final Provisions

Reason: reflect new content of Article 10.

ADD CWG/54/10.1

These Regulations, of which [Appendices 1, 2 and 3 form integral parts], and which complement the provisions of the Constitution and Convention of the International

Telecommunication Union, shall enter into force on 1 January 201[5] and shall be applied as of that date pursuant to Article 54 of the Constitution.

Reason: This proposal suggests to SUP 10.1 through 10.4 and to align the ITRs Entry into Force with same provisions of the RR. The provisions related to Entry into force is quite complex and have been drafted adequately and with extra care under Article 54 of CS. Any attempt to redraft similar text is quite complex and may create contradiction of what is in the CS/CV. Hence it is quite advisable to simply refer to the CS Article 54. Also see the detail document on this critical matter provided by the Secretary-General in DOC# 62 to the CWG-WCIT12.