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A Commentary and Legislative History

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The New International Telecommunication Regulations and the Internet: A Commentary and Legislative History

Richard Hill

Did the United Nations (UN) attempt to take over the Internet in December 2012 so as to control it and establish censorship? Yes, according to various specialized blogs, newsletters, and some US politicians. No, according to the author of this book, who has unique knowledge about the International Telecommunication Union (ITU) in general and the 2012 World Conference on International Telecommunications (WCIT-12) in particular.

This book provides a clear and thorough account of the process leading up to the revision of the International Telecommunication Regulations (ITRs), one of the four treaties administered by the ITU. The author's inside view of the events, and his legal analysis of the new ITRs, are different from that what has been aired in most other accounts to date. His systematic approach shows how much of the criticism of the WCIT-12 process, and of the ITRs themselves, is unjustified. This book provides the most accurate view to date of what they ITRs really mean and of what really happened at WCIT-12, which was undoubtedly a key event in the history of telecommunication policy and which is likely to have significant long-term effects.

The book covers in some detail the events leading to the non-signature of the treaty by a significant number of states, outlines possible consequences of that split between states, and offers possible ways forward. The book includes a detailed article-by-article analysis of the new ITRs, explaining their implications, with recommendations for national authorities. It concludes with an analysis of events from the point of view of dispute resolution theory, offering suggestions for how to avoid divisive outcomes in the future.

This book should be of interest to anybody involved in telecommunication policy matters and international negotiations. It provides an account of facts that are not easily accessible elsewhere and thus will be of value for future research. It will be an important resource for academic libraries.

"This is an excellent book, and quite rich and comprehensive. The topic is important and the book will surely be of interest to regulators, diplomats, policy experts, and all those who participated in WCIT. The author is uniquely qualified to write an analysis of the new ITRs and an account of the Conference. This book will be a good reference for the next Plenipotentiary Conference to be held in 2014 which is going to discuss follow-up to WCIT-12." Naser al-Rashedi, United Arab Emirates.

"This is an authoritative expert account of a moment of high significance for vital issues with respect to international networks." Professor Dan Schiller, University of Illinois

"This is an excellent and timely work." Professor Ian Walden, Queen Mary, University of London

" ... interested persons, businesses and governments can draw their policies from the assessments of a telecommunications insider as presented in this book. The manifold arguments enlightening the interpretation of the provisions of the ITRs might become an invaluable guidance for those who apply the ITRs in the future." Professor Dr. Rolf H. Weber, University of Zurich

Richard Hill

Dr Richard Hill was the Secretary, since 2004, for the various ITU groups that discussed the revision of the International Telecommunications Regulations (ITRs). He was the head of the secretariat team dealing with the substantive issues at the World Conference on International Telecommunications (ITRs). He was also Counsellor for Study Groups 2 and 3 at the International Telecommunications Union, that is technical secretary for the ITU groups dealing with operational aspects of service provision, networks and performance, including numbering issues (for example, assignment of international country codes); and charging and accounting matters.

Prior to joining ITU, Richard was Department Head, IT Infrastructure Delivery and Support, at Orange Communications (a GSM operator), responsible for delivering and maintaining the real-time, fail-safe computing infrastructure for the company to support over 300 online agents and related applications such as billing. Richard was responsible for IT Operations, IT Help Desk (support for 1500 PCs), IT Security, Network, Unix, NT, Oracle DB, Tuxedo, Telephony, and Internet and Intranet services.

He previously was the IT Manager at the University of Geneva, responsible for the network, central systems, over 6000 work-stations and PCs, user support, administrative applications, library infrastructure, and audio-visual services.

Prior to that, he worked at Hewlett-Packard's European Headquarters in Geneva, Switzerland. At HP, he had been responsible for world-wide mobile communication strategies and plans; for delivering GSM services throughout Europe; for specifying, procuring, and deploying voice and electronic mail services in Europe; for developing and implementing HP's EDI program in Europe; for operating the IT center supporting operations in the Middle East and Africa; and for providing economic and sales forecasts to HP top management.

From September 1991 to June 1993, Richard was the Western European Rapporteur for EDIFACT, responsible for the organization of the EDI standardization efforts in Europe and for liaisons with other regions working on EDIFACT. He is past chair of EDIFICE, the European Electronics Industry Forum for EDI, and was editor of X.435, the Pedi protocol for EDI and X.400.

Prior to joining HP, he worked as a Research Statistician for the A.C. Nielsen company in Europe, a large marketing research company, and as a systems designer and consultant for a small software company specializing Boston, Mass. that specialized in applications for managing financial portfolios. Prior to that, Richard was Systems Programmer and later Applications Development Manager for econometrics systems developed at M.I.T. and N.B.E.R. (TROLL project). Richard has taught numerous courses and seminars as part of his work and at universities in the US and Europe.

Richard holds a Ph.D. in Statistics from Harvard University and a B.S. in Mathematics from M.I.T. Prior to his studies in the U.S.A., he obtained the Maturita' from the Liceo Scientifico A. Righi in Rome, Italy.

He has published papers on mediation, arbitration, and computer-related intellectual property issues and the standard reference book to X.435.

First of all, I dedicate this book to my friend and inspiring colleague, the late Mr Nabil Kisrawi. But also to all who contributed to the preparation of the revision of the 1988 ITRs, in particular Mr Kavouss Arasteh, Mr Cleveland Thomas, and Mr Alexander Kushtuev. Many ITU colleagues contributed to the Secretariat and there is not enough space to list all of them individually, but I wish to mention Ms Elaine Baron, Ms Doreen Bogdan, Mr Arnaud Guillot, Mr Nelson Malaguti, Mr Preetam Maloor, Mr Mario Maniewicz, Mr Alexander Ntoko, Mr Saburo Tanaka, and Ms Xiaoya Yang. It would be remiss not to mention the Chairman of WCIT-12, Mr Mohamed Al-Ghanim, who worked tirelessly to find agreements whenever possible.

And I wish to thank especially Mr Malcolm Johnson, who as Director of the ITU Telecommunication Standardization Bureau, supported my work on the ITRs, and also Mr Hamadoun Touré, who as Secretary-General of the ITU, graciously allowed me to stay on to complete the work.

And of course my assistant Ms Maite Comas Barnes, without whom nothing would have been possible.

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I wish to acknowledge the many helpful comments provided by readers of early drafts of this book: Mr. Naser al-Rashidi, Prof. Dan Schiller, Mr Bill Smith, Prof. Ian Walden, Prof. Dr. Rolf H. Weber, and the anonymous reviewers.

Citations

The source of each reference is given in full in a footnote the first time it is cited, but usually without its URL. Subsequent citations use the form "Author (year)". Sources are listed in the References section, with URLs if they are available; however well known treaties and individual ITU conference documents, Resolutions and Recommendations are not listed in the References section.

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Foreword

Aiming at renewing the existing International Telecommunication Regulations (ITRs), developed in 1988, member states of the International Telecommunication Union (ITU), the independent United Nations specialized agency for information and telecommunication technologies, assembled in December 2012 at the World Conference on International Telecommunications (WCIT) in Dubai. Obviously, the telecommunications "environment" radically changed during the last 25 years, the "old" ITRs are lagging behind the technological reality. However, new phenomena such as the Internet encompass not only technical elements, but clearly also social and political issues. Therefore, it was to be foreseen that a consensus about the renewal of the ITRs and the possible intervention of the ITU into Internet governance matters could not easily be reached in Dubai.

Already prior to the WCIT, many non-governmental organizations (NGO) launched different motions, addressing for example the promotion of cyber-security, the increasing role of human rights on the Internet and the principle of multistakeholderism. Indeed, at the WCIT it became particularly clear that a substantial number of countries wanted to get more deeply involved in the current substantively private order of the Internet, mainly by referring to national security interests. These advocates of a "cyber-sovereignty" approach not only raised their voices louder, but also pushed the WCIT delegates to a vote in order to get some "evidence" that the Internet should remain in the competence of national governments including the right to regulate the corresponding activities. Other members of the ITU preferred to have only minor changes to the status quo since market forces and the multistakeholder approach would be the best guarantors for a free and not fragmented Internet.

The outcome of the WCIT is unsatisfactory in many respects: member states of the ITU have been split into two relatively "extreme" positions, not leaving much room for a moderate approach. Many terms of the ITRs are quite vague (for example the term "security") and thereby open to discretionary interpretation. The Internet Resolution, approved by a majority of delegates (contrary to the principle that decisions are to be taken unanimously in the international context) is ambivalent and non-binding. In 2015 some countries will probably apply the new ITRs bringing certain advantages to the consumers, some other countries might deny the application causing an undesirable fragmentation. In such a world of unclear legal rules, it is of utmost importance to have guidance on how to understand and interpret the given regulatory framework.

Richard Hill as expert of telecommunications law in different professional functions for many years has undertaken the not easy task to analyze the history of the development of the preparation of the draft ITRs prior to the WCIT, as well as analyzing

the conference proceedings in detail. Whether the answer to the questions raised in the introduction of the book is a "yes" or "no" seems to be of less importance than the fact that interested persons, businesses and governments can draw their policies from the assessments of a telecommunications insider as presented in this book. The manifold arguments enlightening the interpretation of the provisions of the ITRs might become an invaluable guidance for those who apply the ITRs in the future.

Zurich, October 2013 Prof. Dr. Rolf H. Weber, University of Zurich

Introduction

International telecommunications have, since their inception, been subject to intergovernmental agreements in order to facilitate interconnectivity, but also to achieve certain economic effects[1]. However, starting in the mid 1990s, technical developments and a general trend towards liberalization resulted in a major change in the traditional international telecommunications regulatory regime[2]. The main instruments underpinning that regime are the various instruments of the International Telecommunication Union (ITU) and of the World Trade Organization (WTO), see Chapter 1. A key ITU instrument is the International Telecommunication Regulations (ITRs), which was agreed in 1988 in light of the trends towards liberalization and privatization.

However, given the rapid changes in the industry, and the increasing importance of the Internet, starting in 1998 there were calls for a revision of this instrument, in particular so as to reflect appropriately the well-known economic specificities of the telecommunications industry, namely that "competition in the telecom sector results in externalities and gaming which are critical to the development of competition for existing and advanced telecommunication services"[3]. Indeed, questions were raised regarding network externalities at the international level and how to deal with them, as well as how to deal with possible inefficiencies arising from possible significant market power at national and international levels.

As we will see in Chapter 3, given the complexity of the issues, it proved difficult to agree on the scope of the revisions, or even on the need for them, however agreement on the process was finally reached and revisions to the treaty were discussed and approved at the World Conference on International Telecommunications

[1] See for example Ergas, Henry, 1998. "International Trade in Telecommunications Services: An Economic Perspective", in Hufbauer, Gary Clyde and Wada, Erika (eds), *Unfinished Business: Telecommunications after the Uruguay Round,* Institute for International Economics.

[2] See for example Hufbauer, Gary Clyde and Wada, Erika (eds), 1998. *Unfinished Business: Telecommunications after the Uruguay Round,* Institute for International Economics.

[3] Kim, Jino W., 2005. "Economic Theory and Practices: Telecommunication Policy and Regulation for Competition", ITU. This paper was prepared as background for: ITU, 2005b. *Training Workshop on Telecommunications Policy and Regulation for Competition*, 11-15 July 2005.

(WCIT) in December 2012. But consensus was not achieved, so not all countries signed the new ITRs: this was an unusual situation for the ITU.

Thus some questions come to mind. Was WCIT a failure or a success? Is the treaty signed in Dubai on 14 December 2012 by 89 countries an impasse or a way forward? Is it a revolution or an evolution? Why did 55 countries present in Dubai decide not to sign the treaty? What is the significance of the split between the signatories and the non-signatories? What effects will the new treaty have? What are the implications for the Internet and its governance?

In order to answer this, and other questions, we will adopt a systematic approach, explaining first the history of various treaties that preceded the 2012 ITRs, then the background to the calls for revision of the 1988 treaty, the preparatory process leading up to the WCIT, and finally the events that took place at the conference. These are followed by an analysis of the treaty itself, of the Resolutions adopted at WCIT, and of some of the reservations and declarations made at the conference. The book concludes with implications for national legislators and regulators, a list of possible actions to consider, and a postscript on what could have been done better by all involved.

This book is primarily intended for practitioners: it does not pretend to be an academic research work. The purpose of this book is not to argue in favor of one or the other side, nor to criticize or to defend the ITU, but rather to present facts that are not easily accessible elsewhere, and to present an analysis of the facts that attempts not to be tainted by any particular political or economic bias. However, as the author was a senior staff member at the ITU before and during WCIT, it may be difficult to avoid a certain bias. Indeed, the account of WCIT presented in this book differs markedly from certain other accounts.[4] As discussed throughout the book, certain proposals regarding revisions to the 1988 treaty were directly related to the Internet: how could it be otherwise, given that the Internet is a major telecommunications technology, second only to GSM in terms of number of users? Most of those proposals were related to financial matters, some were related to other matters. But, as explained in some detail in the text, the general issue of Internet governance was brought into the conference, and in particular issues of free speech were raised. Indeed, starting at the end of 2011, various specialized blogs and newsletters published alarmist articles to the effect that the United Nations (UN) was proposing to take over the Internet so as to control it and establish censorship. Those articles referred to WCIT. Needless to say, such articles were wildly exaggerated and the mainstream press published accounts which were closer to the reality, namely that neither the UN nor the ITU had any power to regulate or control the Internet, much less to establish new censorship norms.

[4] See for example Klimburg, Alexander, 2013. "The Internet Yalta", Center for a New American Security, 5 February 2013; and Dourado, Eli, 2012. "Behind closed doors at the UN's attempted 'takeover of the Internet'", *Arstechnica,* 20 December 2012. This book attempts to show that the views cited above are not correct. A more balanced view, which still differs from that presented here, is given by Crispin, Olivier, 2013. "What Happened at WCIT in December 2012", 14 March 2013. A view similar to that presented here is found in Pfanner, Eric, 2012. "U.S. Rejects Telecommunications Treaty", *New York Times,* 13 December 2012.

In the author's view, bringing the issue of free speech into WCIT was not legitimate, because that issue is exhaustively covered by the ITU Constitution, so nothing in the ITRs can expand or restrict freedom of speech (see p. 40). Be that as it may, the resulting discussions were difficult and, in the author's view, distracted from the economic issues that the conference was primarily intended to address (see p. 65). It is worth noting in this context that a previous attempt to discuss development issues in telecommunications (including economic issues) – at the World Summit on the Information Society (WSIS) – was also distracted by discussions on Internet governance.[5]

Regarding Internet governance in general, some took (and continue to take) the view that it should not be subject to governmental control (see p. 35). But in fact telecommunications networks, including the Internet, have always been subject to political attention and regulation at the national and international levels. As noted above, the purpose of WCIT was to update, and align with the current environment, the 1988 treaty. That treaty had been instrumental in opening the way to liberalization and privatization, and it had facilitated the growth of the Internet, but most of its provisions had become increasingly irrelevant as of 1995.

However powerful economic interests feared that some proposed revisions of the ITRs could be detrimental to them, and powerful nations feared that some proposed revisions could limit some of their actions. Thus arguments that the author considers spurious were put forward in an attempt to derail the negotiations.

Thus the author is very critical of those that brought these issues and arguments into the conference, not because the issues should not be discussed, but because WCIT was not the proper forum for the discussion, and, more importantly, because those that raised those issues at WCIT should have known that WCIT was not the proper forum. While discussions of those issues did not fully derail the negotiations on other issues, the negotiations were only partly successful, in that not all countries agreed to the treaty that was formally approved at WCIT.

Regarding the first question, was the conference a success or a failure, it must be admitted that the conference was a failure in terms of its expected objective, which was to agree, by consensus, a new treaty that would be signed and ratified by all 193 ITU Member States. It also failed to avoid making decisions by voting, despite pleas by the ITU Secretary-General against voting (voting is unusual in ITU).[6]

However, the conference was a success in terms of the ITU's mission to facilitate open and frank discussions amongst its membership, which includes private sector entities as well as governments. As usual in ITU, the production of documents was generally well organized and the conference adopted a structure that facilitated discussions of all issues, whether major or minor. However, the treatment of some documents containing controversial proposals was confusing; there was not sufficient time adequately to discuss the more sensitive issues; there was a fundamental

[5] See Mueller, Milton, 2010. *Networks and States: The Global Politics of Internet Governance*, MIT Press, p. 57 ff.

[6] Part of what follows was originally published in Hill, Richard, 2013. "WCIT: Failure or success, impasse or way forward?" *International Journal of Law and Information Technology*, vol. 21 no. 3, p. 313; the material is included here with the kind permission of Oxford University Press.

difference in the perception of whether or not the conference would or should deal with Internet-related issues; and the ITU's formal rules of procedure are complex and were not fully understood by all participants (for example, it is only through careful reading of the rules that one can understand that there are no hard deadlines for input documents[7]). Some of these issues are explored in more detail in the Postscript.

The conference was a success in terms of bringing into the open the dissensions amongst the members on certain issues, while at the same time reaching consensus on many issues. Indeed, some 90% of the final document was not controversial and was approved by all. It is only the remaining 10% that caused some Member States to defer signing the treaty or to declare that they could not adhere to it.

The non-controversial provisions include the article on charging and accounting which was significantly streamlined and brought into alignment with modern practices; and new provisions to prevent misuse of telephone numbers, to ensure transmission of calling line identification, to ensure transparency of international roaming prices, to improve energy-efficiency and reduce e-waste, and to facilitate use of telecommunications by people with disabilities.

The controversial provisions are the third paragraph of the preamble which recognizes the right to access international telecommunications networks, the replacement of the term "recognized private operating agency" with "authorized operating agency", and the new provisions on encouraging regional traffic exchange points, improving network security and combating spam. Those provisions are contained in 6 paragraphs out of a total of 77 paragraphs that comprise the main text of the treaty. One Resolution adopted by WCIT was also controversial. If that is included, then the controversial text comprises less than 2 pages out of the total 24 pages approved at the conference.

As we will see later, the criticism of the 2012 ITRs appears to be based on a superficial and out-of-context reading of the provisions in question. Be that as it may, objection to selected provisions of a treaty is not usually considered a sufficient reason to refuse to sign the treaty because objections to specific articles can be expressed in reservations.

Indeed it appears that decisions regarding signature of the ITRs may not have been based solely on the legal analysis of the treaty's provision, but also on political and economic considerations. As we will see later, there were important economic and political issues underlying the discussions at WCIT, and the refusal to sign may be more related to a desire to make a statement regarding those issues than to the actual consequences of signing the treaty. In particular, there are ongoing debates about the extent to which national restrictions on freedom of speech should or should not be allowed to restrict communications on the Internet, and there are debates regarding the current funding and pricing model for the Internet. These debates are related to the differences of views between developing countries and developed countries that characterize discussions in many international forums.

A refusal by some countries to implement the new ITRs could deprive their citizens of certain benefits and non-uniform implementation could create difficulties for companies operating worldwide, if different regulatory regimes emerge. In the

[7] The relevant provision is no. 46 of the General Rules.

limit, refusal to implement the new ITRs might result in the development on non-harmonized national practices which might well lead to an undesired fragmentation of telecommunications networks, including the Internet.

One way forward could be to agree on a uniform and non-controversial implementation of the provisions that have been criticized.

One of the main objectives of WCIT was to find an agreement regarding how best to facilitate the rollout of Internet to developing countries. To some extent this was done by modernizing the old article 6, but it was agreed that further discussions should take place.

Such discussions are more likely to be productive in the future if there is a clear separation between the technical and economical issues that have been well handled by the ITU over the years, and the human rights and free speech issues that should be handled elsewhere and that should not be conflated with technical and economical issues.

However, issues related to human rights, free speech, data privacy, and surveillance of telecommunications will not disappear, on the contrary, they are likely to be further discussed in the future[8].

[8]See for example Gallagher, Ryan, 2013. "FBI Pursuing Real-Time Gmail Spying Powers as 'Top Priority' for 2013", *Slate,* 25 March 2013; Hamid, Triska, 2013. "The WCIT and the future of internet privacy", *The National,* 29 March 2013; Greenwald, Glenn, 2013. "XKeyscore: NSA tool collects 'nearly everything a user does on the internet'". *The Guardian*, 31 July 2013; Ackerman, Spencer and Lewis, Paul, 2013. "US senators rail against intelligence disclosures over NSA practices", *The Guardian,* 31 July 2013; *Necessary and Proportionate*, 2013; Jungholt, Thorsten, 2013. "Deutscher Datenschutz soll Massstab fuer EU sein", *Die Welt,* 5 August 2013; Gurstein, Michael, 2013. "'Internet Freedom' and post-Snowden Global Internet Governance", *Gurstein's Community Informatics,* 24 September 2013; Schiller, Dan, 2013a. "Whose Internet?", *Le Monde Diplomatique,* October 2013; Kampfner, Jon, 2013. "Prism surveillance: spies thrive in the Internet's legal free-for-all", *The Guardian,* 12 June 2013; Internet Society, 2013. *Statement on the Importance of Open Global Dialogue Regarding Online Privacy,* ISOC, 12 June 2013.

CHAPTER 1

History

From their inception in the middle of the 19th century, modern (that is, electronic) telecommunications networks have been subject to political attention and regulation at the national and international levels.[1]

The purpose of this chapter is not to summarize the history of international regulation of telecommunications[2], but to show how certain international agreements reached in the 19th century have evolved over time and can be considered to be the ancestors of provisions found in subsequent ITU instruments such as the International Telecommunication Regulations (the term "ITU instrument" refers to the treaties agreed by the countries that comprise the ITU).[3]

The Convention of 1865

The purpose of the first international agreements regarding telecommunications was to allow cross-border transmission of telegrams. Such agreements were negotiated amongst European countries starting in 1849.[4]

By 1865, it had become clear that it would be more efficient to replace the numerous bilateral treaties that had been negotiated with a single multilateral treaty. A conference held in Paris in 1865 adopted a treaty (called Convention) which created

[1] See for example Headrick, Daniel R., 1991. *The Invisible Weapon: Telecommunications and international Politics 1851-1945*, Oxford University Press; for an excellent explanation of the issues, the stakes, and the economic and legal frameworks, see Walden, Ian (ed.), 2009. *Telecommunications Law and Regulation*, Oxford University Press.

[2] There are several overall accounts of the development of international telecommunications law and the role of international organizations, see for example Nachszunow, Gregory, 1989. *Development of Telecommunications and International Organizations*, Willy Nachszunow; and Codding, George A. Jr., and Rutkowski, Anthony M., 1982. *The International Telecommunication Union in a Changing World*, Artech House.

[3] A clear and concise overview of the ITU and its instruments can be found in Walden (2009), pp. 728-746.

[4] Headrick (1991), p. 13.

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the International Telegraph Union. As stated in the preamble, the purpose of that treaty was to ensure that the telegraphy connections across the signatory states would benefit from simple and affordable tariffs, and that international telegraphy would be improved, while maintaining national freedom of action for all issues not related to the overall (international) service. The signatories were Austria, Belgium, Denmark, France, Greece, Italy, Norway, Netherlands, Portugal, Russia, Spain, Sweden, Switzerland, Turkey, and 6 German states (at the time, the unified German state had not yet been created).[5]

As we will see, many of the provisions of that treaty are found, in one way or another, in ITU's present instruments, or in ITU Recommendations[6]. The key provisions of the 1865 Convention can be summarized as follows (the numbers below do not correspond to the articles of the treaty):

1. Installation of dedicated lines to ensure rapid transmissions.
2. Service between major cities should be available at all times, day and night.
3. Morse equipment would be used.
4. All persons have the right to correspond by international telegraphy.
5. All necessary means would be used to ensure the confidentiality of transmissions and their safe delivery.
6. The contracting states did not accept any responsibilities arising out of international telegraphy services.
7. Use of secret codes was always permitted for official communications between states; secret codes could be used by private parties if it was permitted by their respective states.
8. The message had to be preceded by the address of the recipient and had to be followed by the signature of the sender.
9. Official communications had priority over private communications.
10. Each state was free to determine the routes to be used to transmit messages.
11. If a connection was interrupted, the sending station had to use alternative measures to transmit the message.
12. A state could block the transmission of a private communication that it considered to be dangerous for its security, or contrary to its laws, public order, or good morals, provided that it so informed the sender.
13. A state could suspend the international telegraphy service, either overall, or with respect to certain destinations, if it considered it necessary to do so, provided that it immediately so informed the other signatory states.
14. All messages would be archived for at least one year.
15. The tariffs for communications between any two states would be the same regardless of the origin and destination cities.
16. The actual value of the tariff was set in the treaty (e.g. 3 francs per word between France and certain countries, and 2 francs between France and other countries). There were two types of tariff: a termination tariff for messages

[5] *ITU Convention*, 1865.

[6] ITU Recommendations are non-binding documents that typically contain technical specifications (for example the asymmetric Digital Subscriber Line aDSL) specifications that are used in products that enable Internet connections for many users.