



**ORGANIZACION DE LOS ESTADOS AMERICANOS
ORGANIZATION OF AMERICAN STATES**

**Comisión Interamericana de Telecomunicaciones
Inter-American Telecommunication Commission**

**XIX MEETING OF PERMANENT CONSULTATIVE
COMMITTEE I: TELECOMMUNICATIONS/
INFORMATION AND COMMUNICATION
TECHNOLOGIES
August 30 to September 2, 2011
Mar del Plata, Argentina**

**OEA/Ser.L/XVII.4.1
CCP.I-TIC/doc. 2311/11 rev.5
1 September 2011
Original: Spanish**

**REGIONAL FRONT TO COMBAT THE THEFT
OF MOBILE TERMINAL DEVICES**

(Item on the Agenda: 3.1.5)

(Document submitted by the delegation of Colombia)

BACKGROUND

The expansion of mobile telephony in Colombia has been accompanied by criminal phenomena such as the theft of mobile terminal devices. According to reports of the Cellular Industry Association of Colombia (ASOCEL), in 2009, 2.1 million terminal devices were stolen, a figure that, according to police records, rose by another 900,000 in 2010. The problem is of still greater dimension if account is taken of the fact that some of this stolen equipment is resold on international markets, promoting crime. To this is added the stark negative impact on citizen security of this illicit business.

The above situation called for rapid and urgent state intervention by issuing Decree 1630 of the Ministry of Information and Communication Technologies, for the purpose of establishing mechanisms aimed at controlling the marketing and sale of both new and used terminal devices and creating two types of centralized databases, one that has a registry of the International Mobile Equipment Identity (IMEI) numbers of terminal devices reported stolen or lost, and preventing their use or activation, and another with a registry with a record of the International Mobile Equipment Identity (IMEI) numbers for terminal devices legally imported or manufactured in the country and associated with an identification number of the owner or subscriber.

Additionally, a partnership was forged for the adoption of measures aimed at restricting the operation of stolen terminal equipment and severely punishing those perpetuating this type of theft. This partnership brought together the Congress of the Republic, the Ministry of Information and Communication Technologies, the Ministry of National Defense, the High Presidential Council for Peaceful Coexistence and Citizen Security, the Communications Regulatory Commission, the National Police Force, and the country's various mobile telephony industry agents, which led to the enactment of Law 1453 on "Peaceful Coexistence and Citizen Security" whereby, among other provisions, those tampering with mobile terminal equipment identification systems and those activating mobile terminal equipment in

violation of the provisions and procedures established by Law or set by the corresponding regulatory entity are subject to imprisonment.

To date, the measures taken and adopted by the Colombian government include:

1. Terms and conditions for subscriber activation whereby rules are established at the national level for the exchange of blacklist databases and prohibiting the activation or use of mobile terminal devices reported stolen or lost, implemented by mobile operators since 1998 (Consolidated Circular of the Superintendency of Industry and Trade, Chapter on Subscriber Activation, Section III, Chapter 2, paragraph 2.6).
2. Audits of blacklist databases and the exchange of registries of mobile terminal equipment reported stolen or lost, existing prior to Decree 1630 of 2011 (Consolidated Circular of the Superintendency of Industry and Trade, Chapter on Subscriber Activation, Section III, Chapter 2, paragraph 2.6).
3. Decree 1630 of May 19, 2011, "Whereby measures are adopted to restrict the operation of stolen terminal equipment used in providing mobile telecommunication services," which provides for the authorization of persons to market mobile terminal equipment and its retail sale requirements, the creation of centralized white-listing and black-listing databases, and international exchange among operators of black-listing databases, as well as access to those databases by authorities.
4. Law 1453 of June 24, 2011 on Citizen Security, providing for sentences of 6 to 8 years imprisonment for those who tamper with, reprogram, relabel, or modify the IMEI of a mobile terminal device and for those who activate devices reported stolen, and for the confiscation of altered equipment.
5. Draft Resolution regulating Decree 1630 of 2011. Currently in the process of enactment: "Whereby rules are established to restrict the operation of stolen and/or lost terminal devices on mobile networks, and whereby Articles 4, 10, and 93 of Resolution CRC 3066 of 2011 are amended."
6. Document CCP.II-RADIO/doc.2675/11 rev.1, of 19 May 2011, "REGIONAL FRONT TO COMBAT THE THEFT OF MOBILE TERMINAL DEVICES," whereby the documents submitted by the Administration of Colombia are forwarded to PCC.I so that, by the authority vested in that Committee, the establishment of joint measures aimed at combating the issue raised may be examined and promoted.
7. Regional and international partnerships for the implementation of technological measures and common strategies to combat the theft of mobile terminal devices.

In that connection, the state is implementing the principles contained in the Political Constitution, under which it is incumbent upon it to intervene in the information and communication technologies sector to protect user rights, seeking to ensure the quality, efficiency, and sufficiency of services provided.

Although the regulations now in force include a series of rules to obtain clear, updated, and timely information on the identification of activated terminal devices in the country that are stolen, lost, or illicitly deactivated, such administrative measures have proven insufficient to combat this illicit industry, which is being strengthened through the sale and marketing of stolen mobile terminal devices in Colombia, since international criminal organizations profiting from this business take advantage of the absence of information exchange and of blockage at the international level of stolen terminals, undermining the initiatives and efforts of various member countries.

In addition, this equipment is marketed not only at the local, but also the regional level, so that national measures are insufficient to combat this problem in depth, since it is aggravated by the irregular entry into the country of used mobile terminal devices from abroad and by the existence of lost or stolen mobile terminal devices in Colombia whose IMEI identification number has been tampered with and reprogrammed to avoid being blocked.

PROPOSAL

Taking into account the above-mentioned issue, whose causes and effects now transcend the national level, the Administration of Colombia invites the other administrations taking part in the work of PCC.II to take steps at the regional level that help restrict the operation of mobile terminal devices stolen in any country of the region, creating a regional front to implement actions to combat the theft of these devices.

For this purpose, it is proposed to establish measures, including:

1. Regulating at the national level the use of black-listing (and/or white-listing) databases, as well as establishing the obligations to prevent the use and activation of mobile terminal devices reported stolen or lost.
2. Regulating at the regional level the exchange of black-listing databases and blocking their unique identification codes (IMEI) to prevent the activation and use of cell phones stolen in other markets and helping to control illegal trafficking in devices among the region's countries.
3. Using technological tools and processes that the GSM Operators Association (GSMA) in partnership with terminal manufacturers make available at no cost to mobile operators, among which is a centralized global black list of all devices reported stolen and lost.
4. Activating used mobile terminal devices only when their origins have been thoroughly established.
5. Exploration by operators of options for making available to users affordable rate plans facilitating the replacement of stolen terminal devices.
6. Raising public awareness of the importance of reporting the theft or loss of their mobile terminal devices and of not purchasing phones in unauthorized places.
7. Establishing controls over the informal marketing of mobile terminal devices.
8. Recommending to the states that they enact national laws impose severe sanctions for criminal acts such as theft, relabeling, tampering with, or any other mechanical or electronic mechanism used to avoid control by black-listing databases that would enable equipment reported stolen or lost to be reused, and on those who fraudulently activate equipment reported stolen or lost.
9. Promoting the establishment of fiscal and customs mechanisms authorizing and controlling the legal import of devices complying with certification standards and can guarantee the legitimate origin of mobile terminal devices, as well as customs controls to prevent the exit or re-export of stolen mobile terminal devices or their parts.
10. To invite the Member States to promote, in coordination with the industry, the design of technical-operational solutions facilitating the suspension of social network and/or chat services from mobile terminal devices that have been reported stolen and/or lost in national or international databases so that this can take place at the same time and within the same

geographical areas in which the industry blocks other voice and data services based on these reports.

11. Urging mobile operators and importers to examine, as a critical factor in their procurement processes, the security of mobile terminal devices to prevent reprogramming or tampering with the IMEI and to report incidents and alerts involving tampering with this code in devices marketed to their customers.

This would prevent the reactivation of these terminal devices anywhere in the world, discouraging their theft and dismantling this offense, with evident positive repercussions for citizen security.

ANNEX

DRAFT RESOLUTION PCC.I/RES. XXX (XIX-11)

REGIONAL MEASURES TO COMBAT THE THEFT OF MOBILE TERMINAL DEVICES

The XIX Meeting of the Permanent Consultative Committee I: Telecommunications/ Information and Communication Technologies (ICT) (PCC.I),

CONSIDERING:

- a) That the telecommunications and information and communication technologies (ICTs) environment is undergoing substantial changes owing to rapid technological progress, market globalization, and the growing demand by users for integrated services adapted to their needs;
- b) That CITEI's mission is to facilitate and promote the integral and sustainable development of telecommunications/ICTs in the Americas, based on the principles of universality, solidarity, transparency, equity, reciprocity, nondiscrimination, technological neutrality, and resource optimization, taking account of the environment and sustainable human development to benefit society in every country of the region;
- c) That one of the mandates of Permanent Consultative Committee I of CITEI is to work in coordination with the different CITEI groups in those areas which, by their nature, lend themselves to joint action, and to promote the preparation and implementation of inter-American agreements in different areas;
- d) That one of the mandates of the Working Group on Policy and Regulation is to study aspects related to the prevention, detection, policies and action as regards fraud and regulatory non-compliance practices in the telecommunication/ICT service provisioning, by recommending the best practices that allow minimizing the impact for Member States, users and operators;
- e) That PCC.II, at its XVII meeting, adopted resolution PCC.II/RES.73 (XVII-11), "Establishment of a Regional Partnership to Combat the Theft of Mobile Terminal Equipment," in which it is resolved to forward document CCP.II-RADIO/doc.2675/11 rev.1 to PCC.I for its direct consideration with a view to the promotion of the establishment of joint measures by the Member States of the region to restrict the activation of mobile terminal equipment and for it to adopt specific recommendations for operators so that they use the resources afforded by technology and do not permit the connection to their networks of equipment whose origin has not been fully identified or that has been reported stolen or lost;
- f) That in view of efforts and progress made in combating the theft of mobile terminal devices, the internal black market of Member States for mobile terminal devices has found a way around them by sending them to other countries, so that it is necessary to expand to the regional level actions successfully established locally by member states;
- g) That the exchange among operators of the different countries of information on mobile terminal equipment reported stolen and/or lost is essential to mitigate this problem;

h) That national, regional, and international initiatives exist aimed at implementing this information exchange by means of various models, some at the design and discussion stage and others already in operation and that, in any event, consideration must be given to the different access technologies (CDMA, GSM, others);

i) That the system for international exchange of black-listing service databases (GSMA IMEI DB) has now been implemented, is being operated by the GSM Association (GSMA), and is available free of charge to operators of this technology, while not failing to recognize the need to consider other technological media to implement this exchange among operators utilizing access technologies other than GSM, such as CDMA and others that exist;

j) That, in view of the growing penetration of intelligent mobile terminal devices, their cost, and facilities for worldwide access to web applications ~~codes, and personal identification numbers (PIN)~~, the steep increase in theft of these devices has been observed, leading to severe personal assaults, motivated by the opportunity to take these terminal devices to other markets for resale, bearing in mind that, although they are black-listed, they remain activated for these services in any country of the world;

k) That the trade in falsified, smuggled, and stolen mobile terminal devices constitutes a risk to the user, loss of revenue to the industry, and/or tax evasion,

RECOGNIZING:

a) That the problem of stolen mobile terminal devices has become a regional problem that could have severe social repercussions;

b) Both national and international efforts and progress that the Member States have made with regulatory and technological aspects aimed at preventing the theft of mobile terminal devices in the region;

c) That CITEL enjoys important participation by different associate members, including mobile service operators

BEARING IN MIND:

That in resolution PCC.I/RES. 185 (XVIII-11), "Protecting the Telecommunications Infrastructure," it is resolved to request that the Member States and associate members take measures to protect telecommunications infrastructure and to adopt specific communication policies within their countries,

RESOLVES:

1. To invite the Member States and associate members to adopt, strengthen, or complement the measures needed, each within its sphere of competence, to minimize as much as possible the theft of mobile terminal devices and their activation and marketing at the regional level.

2. To invite the Member States to encourage their national mobile service operators that do not yet have them to consider implementing negative lists (black-lists) database that have a registry of the IMEIs or manufacturer's electronic serial numbers of mobile terminal devices reported stolen or lost nationally .
3. To invite the Member States to use, among other existing alternatives, platforms such as the GSMA IMEI DB, in view of the benefits it can afford countries, their regulatory entities, and operators in terms of cost, operating infrastructure, and experience in the exchange of IMEIs of devices reported stolen or lost.
4. For CITEI/PCC.I to invite the CDMA Development Group (CDG) to present to CITEI, insofar as possible, options for the exchange of blacklists for CDMA terminal devices similar to those presented by GSMA for GSM terminal devices.
5. To invite the Member States to take relevant actions in accordance with their regulatory framework to exchange at the international level blacklists of stolen or lost mobile terminal devices through the signature of bilateral or multilateral agreements.
6. To urge Member States to consider including in their regulatory frameworks the prohibition of the activation and use of the IMEIs or manufacturer's electronic serial number of devices reported stolen, lost, or of unlawful origin in regional or international databases.
7. To invite the Member States to collaborate, in coordination with the industry, in defining and implementing technical-operational solution options facilitating the suspension of all services and applications of mobile terminal devices that have been reported stolen and/or lost in national or international databases.
8. To invite the Member States to consider the implementation of, among others, the complementary measures included in the Annex hereto.
9. To invite the Member States to conduct campaigns to raise public awareness of the importance of reporting the theft and loss of their mobile terminal devices..
10. To invite the Member States to present to PCC.I at its next meeting informational documents containing the results of actions carried out and steps taken with the aim of evaluating and discussing the complementary actions implemented in this area.
11. To invite the Member States to conduct information and awareness campaigns against the acquisition of mobile terminal devices of unlawful origin.
12. To instruct the Executive Secretary to forward this resolution to COM/CITEI for its information.

ANNEX TO RESOLUTION PCC.I/RES. XXXX (XIX-11)

Complementary measures:

- a. For operators and importers of mobile terminal devices of the Member States to promote the purchase of terminal devices complying with the security recommendations against reprogramming or duplication of the IMEI or manufacturer's electronic serial identification number, such as those defined by the GSMA.
- b. For mobile operators of the Member States utilizing GSM technology to report incidents of tampering with mobile terminal devices to the GSMA so that the manufacturer can remedy and enhance the security of terminal devices based on existing agreements between manufacturers and that Association.
- c. To invite mobile operators to explore alternatives to make available to affected users options facilitating the replacement of stolen terminal devices.
- d. To study the feasibility of implementing controls of the local marketing of mobile terminal devices and their connection to networks.
- e. To promote the establishment of regulatory fiscal, and/or customs mechanisms that ensure the import of mobile terminal devices and/or their parts of lawful origin and that are certified as in conformity with each Member State's regulatory framework, as well as customs controls preventing the exit or re-export of stolen mobile terminal devices and/or their parts.
- f. To study the feasibility of imposing penalties for the refurbishing of mobile terminal equipment reported stolen or lost for activation, using, or marketing (tampering with electronic serial numbers, removal from blacklists, etc.).