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>> CHAIR: Good morning. Interpreters, English?

>> INTERPRETER: Good morning, Chairman.

>> CHAIR: Good morning.

French? Bon Jour.

Spanish? Good morning.

Russian? Thank you.

Chinese? Good morning.

Arabic? Thank you.

Good morning, ladies and gentlemen. And sorry for the delay. We have been trying to sort out a few of the paperwork for today's plenary and document 51. As you know, it's a very important document, and I'll come to the presentation. Before we get inside the document, there are a few things that we need to talk about it.

ADM/29 is the agenda of today's plenary. It's put forward for you for approval. Iran?

>> IRAN: Thank you, Mr. Chairman. Good morning to all of you.

Chairman, not to delay your work, just for your information, there was a common proposal from APT with respect to the nondiscriminatory access to the Internet and Internet resources. It was not considered by this conference. Perhaps you may take it up under paragraph 2.7 of the document 51, and take appropriate actions.

And thank you very much.

>> CHAIR: Can you guide us to the document number so that we can include it for consideration by the plenary?

>> IRAN: 3, addendum 3.

Resolutions related to nondiscriminatory access to Internet and remaining parts. It's a summary of that.

It was brought up at Committee 5. It was given to the group, but the group dealt with only one document. There were two documents, but not this one. This one was not considered.

>> CHAIR: Thank you. And we will deal with it when it comes to Article 3.7, or the draft Article 3.7. Provision of 3.7. Okay?

Is there any comment on the agenda? Thank you. The agenda is approved. And we will add the document 3, addendum 3.

Now, we are to the second item of the agenda. We will listen to the Chairman of Committee 2, the credential Committee.

India, you have the floor.

>> INDIA: Thank you very much, Mr. Chairman. Distinguished Delegates, good morning everybody.

I am pleased to introduce document number 56 containing the report of the Committee 2 for approval. Committee 2 held two meetings. It met for the first time on December 5, and agreed to set up a Working Group to verify credentials. The Working Group met twice and the report is the conclusion of the committee. The report contained in document number 56 was reviewed and approved by the Committee 2 at the second and last meeting on 11 December 2012.

In accordance with Article 31 and with past practice, the report is structured as follows. Part one provides a list of delegation countries with the right to vote and for which credentials are found in order. Delegations of these countries are entitled to vote and sign the final acts.

Part 2 contains the list of delegations of countries without the right to vote for which the credentials are found in order. Delegations of countries listed under paragraph 2 are entitled to sign the final acts.

Part 3 reflects the transfer of powers which was found in order. And, finally, part 4 and part 5 provide the list of delegations of countries with or without the right to vote, who have not shown credentials or whose credentials are not in order. No proxies have been submitted to this office to date.

Mr. Chairman, I would like to inform the plenary that since the publications of the Committee 2's report, Nepal, Armenia, and Republic of South Korea have presented the credentials which are found in order. I would therefore like to propose to modify the documents accordingly by moving Nepal, Armenia and the Republic of South Korea from part 4 to part 1 of this report.

A total of 152 Member States presented at WCIT-12, including one transfer of powers. 123 Member States have been found in order. And there were credentials of Member States who were found not to be in order or who have not submitted credentials.

I would like to recall the provision number 333 of the Convention; namely, that the delegations with credentials that are found not to be in order shall not be entitled to exercise their rights to vote or sign the final acts until the situation is rectified.

From this citizen, and in accordance with the past practice, Committee 2 recommends that the plenary authorizes the Chairman of Committee 2, as sustained by the secretary of Committee 2, to verify the credentials, transfers of powers and proxies, and to inform the plenary accordingly. The published report of the credential Committee will be revised accordingly and republished.

Through you, Mr. Chairman, I would like to encourage the countries that have not submitted their credentials to do so at the earliest convenience.

Finally, sir, I would like to take this opportunity to thank the two Vice Chairmen of this Committee, Ms. Sameera Mohammad and Mr. Bruno Ramos, for their support. And I would thank the others for their excellent support.

Thank you very much, Mr. Chairman, and I wish you the best on this date of 12/12/12. Thank you very much, Mr. Chairman.

(Applause)

>> CHAIR: Thank you and thanks for reminding us that today is a special day.

Before I take the document for consideration, I just wanted to verify, because that is very, very important, what you are suggesting or what you are recommending is that we move the following countries, Nepal, Armenia and Republic of South Korea to part 1 of the report. I just wanted to make sure I have the three names correct. India?

>> INDIA: We will revise these documents, and we will republish it soon. Thank you very much.

>> CHAIR: I mean for the approval by plenary. I wanted to verify that these three -- these exact names that you have mentioned.

>> INDIA: Nepal, Armenia, Republic of South Korea, they have submitted their credentials and now we are going to move them from part 4 to part 1 in the revised version of this report. Thank you very much, Mr. Chairman.

>> CHAIR: Thank you. So, can we approve it as amended by the Chairman of Committee 2?

Mexico?

>> MEXICO: Thank you very much, Chairman. We wouldn't wish to delay the approval of the report of the Chairman of Committee 2, but we want to state what we stated at the first plenary session. Namely, that our delegation requested permission to present its credentials tomorrow.

Thank you.

>> CHAIR: Yes, Mexico, it was agreed in the first plenary. So no worries.

So with that can we approve the document and authorize the Chairman of Committee 2 to continue receiving the credentials?

Thank you. I don't see anybody asking for the floor. Thank you. And thanks for your work and the Vice Chairmen and the Secretariat for producing and verifying the credentials. Thank you.

Now report of the Chairman of the conference on agenda item 3 of the plenary. Before I start the detailed discussion on document 51, I just wanted to say the following, and I will read it very, very carefully.

As a result of your proposals, discussions in the plenary, the text that has been approved so far at the plenary and intense consultations with Member States, regional representatives and the Secretary-General, I would like now to present my proposal as the Chairman, and you have it at DT/51 rev 1. It's clear that we have issues of varying difficulties reaching agreement. However, we have really made great progress. This document is a draft. Also, this document, you can see it, it has got big square brackets between it.

So as I said last night, we should consider that the whole document is in square brackets. It is not produced with revision marks, and that's on purpose. I know that I've got requests yesterday from Iran, but we went through that. And it was going to be a nightmare. We finished more than midnight yesterday. And we could not do it. So that is the Chairman report. Not to confuse people. We are going to consider it text by text and I hope that you can go along with that.

We will proceed Article by Article, as I said. And I really encourage all of you to help me move this process forward. The document, as I said, was revised last night. There will be -- we found a few edits that is required, a few mistakes that I will highlight in a minute.

Paragraph 6 of section 1.4, there is a mistake. There is no change to that, to this provision. It was just a simple "CCITT" to "ITU-T" change.

The text as contained in DT/51 rev 1 was to be included in the summary record. This is actually Mr. Bruce's text, and I also found out that this text has some mistakes. So not only it was inserted by mistake, but the text also will be revised by Mr. Bruce from Canada.

So please 1.4, refer to the original text with only one change, "CCITT" to "ITU-T."

We will have of course Steering Committee tonight at 5:30, to assess progress. And we will continue this evening with a night session.

There was consensus that the ITR, an agreement between Member States: They should contain high level principles.

They should be technology neutral.

They should not change the voluntary nature of ITU-T recommendations.

They should not directly reference recommendations other than those of the ITU-T.

From an editorial point of view, there was consensus to replace "Member" with "Member States. "

Replace "Administration" with "Member State."

Replace "CCITT" with "ITU-T."

Update references to administrative council, IRRB, et cetera.

Replace "convention" with "constitution" and "convention."

Some parts of this document have already been approved, and I do not intend to reopen the discussion on those items. But I wanted to see all the text together, which is why I put this in one document.

The resolution on regular review of ITRs was discussed this morning. So when we get to the point, I will ask Donna to introduce the changes. I heard good news. I heard that they made great progress and they have agreed. So it's just a matter of time that we will get to the subject, to the text at a later stage.

Now, let me go to the more difficult issues. We have 8 issues. I'm going to read them, and I'll go to some Articles and I'll start the discussions on document 51. And I want to remind everybody that this document is between square brackets and we will take it part by part, of course, with the exception of the text that was already approved before.

Some parts of this document are easy to deal with. Some parts were parts of compromise -- it's a compromise text, so we have to be careful. And because it was a very delicate discussion. It took us a very, very, very long-time; a lot of compromises. And, again, I want to reiterate my appreciation and thanks to all the regional groups. Everybody was participating in good spirit and good faith, negotiating in good faith. And we need to have a reflection on what we have done as a work. And I wanted to steal one of the things that was said: "Let us not disagree on what we have agreed." And continue the spirit.

So let me go on with the difficult issues that we had in hand. One of the, of course, one of the most difficult issues was on the OA/ROA, famous discussion. The compromise is to go with option 2. And the reason why I'm saying option 2, this is a famous option 2. So having an "operating agency" with an asterisk, which clarifies the reference to the operating agency, and you will see it in the text.

Also, the famous Internet issue, we have now a draft resolution entitled "To foster an enabling environment for greater growth of the Internet." So that has been also resolved.

Telecommunications/ICT definition, the compromise was to drop the term "ICT" and we stick only with the definition of "Telecommunication."

Four, the issues related to network security. We have now a compromise language for a new Article 5A on security of networks. Inside the body of the Article we have used both terms "Security" which was the preferred term for many regions and countries, and "Robustness," which was suggested by CEPT. And now both of them refers to "international telecommunication networks." And we will get to the text in a minute. So please do not read it in isolation, as I just mentioned. The body of the Article is the same as what came out of Committee 5.

Five, on spam. We have decided to drop the word "Spam." We have a compromise text for a new Article 5 B, which is now referred to as a more general term "Unsolicited bulk electronic communications." So we are not going to use the word "Spam." Except for this change in the title and the body, the remaining body of the Article is the same as what came out of Committee 5.

Routes. Article 3.3, on routes. The compromise was to go back to the existing text, and of course the existing text needs to have editorial changes on the Administrations which has changed to "operating agencies" and the famous asterisk.

International telecommunication interconnection, there is a compromise on a new provision on International telecommunication interconnections under Article 3. Naming and numbering. There was a compromise to include a new provision under Article 3, and we will come to it once we go into the details of the text.

Now, there are things which were also put on the table. Certain things that we have not reached to an agreement. And we have -- we are going to discuss it. I'm going to highlight that this text was -- we have not reached an agreement. I want you to -- I don't want you to refer to any square brackets within the text inside this document, except the big square brackets around the document, the entire document between square bracket. So I don't want to get into the details of: We have here a square bracket and we don't have there a square bracket. Please do not do that.

I'll come to the provisions and Articles one by one for considerations. Now, I'll go through five quickly, highlight the five articles, and then we will move to the document itself, again, to reflect on some of the details of the Articles.

Now just to again reiterate on Article 1, 1.4 is an editing error, so we have to go back to the original text of 1.4, replacing "CCITT" with "ITU-T" and the text we will wait for text from Mr. Bruce. Again, as I said, that will be put in the summary report and not in the Treaty.

Article 3, 3.3, 3.2, 3.4, have been agreed at Committee 5 level. Iran? You're asking for the floor?

>> IRAN: Thank you, Chairman.

I don't know, you're giving a summary of that or you want to discuss the document? But with respect to your first intervention, we need that you kindly clarify what you said. What the delegation of the Islamic of the Republic of Iran requested was in line with the procedure of all conferences. Any modification to the existing text of a Treaty must appear before the plenary with revision marks. If it is not possible to do it, thank you very much. But please kindly correct your sentence. You said the request of Iran turned to be a nightmare. This Administration would not wish to be interpreted as such. Perhaps you can say that this was not technically possible.

We agree with you, but not the request of Iran. This is a request of an Administration for applications of the provisions and methods of the working of the conference.

We don't need to be misinterpreted by the media. Please kindly correct your sentence. Thank you.

>> CHAIR: Thank you. You are correct, Iran. And I wanted to say that technically it was, for us, it was a nightmare.

(Laughter)

But what you said, Iran, was correct. What you said is correct. As per the procedure, we have to produce a text with actual corrections, actual corrections on the previous text for the consideration of a new provisions in the ITRs.

We did not do that, because it was for us too much of pulling the text from the various groups and changing it. And believe me, I'm telling you this morning we are finding a few mistakes. And I wish and I hope that when we start the consideration of the document, we will not get into -- we will not find any mistakes. I hope that.

And just also to mention -- to also remind everybody, what I'm going through right now is just the high level presentation, and I will get into the document and we will start. I know this is a very, very delicate issue, and I really thank Iran for bringing it up again.

Malaysia?

>> MALAYSIA: Thank you.

Mr. Chair, I somewhat share the philosophy of mentioning some of the specifics, but we would like you to be more clear in terms of the square bracket in the preamble, which you just touched, I would say it was touch and go. What I would like to see is the reasoning behind this square bracket, so that Member States could have sufficient viewpoints to be expressed.

We could see that this is a regulatory instrument, and yet the nuances of social political arguments is being put into the human rights language of the preamble. We would like to initial, right from the beginning, say the second plenary had already issued a statement and we agreed that the question of human rights should not be in the square brackets.

And having said that, we would like to say again that 28 members have been resistant, it seems, to be in consonance and supporting the inclusion. But we are here, 193. Therefore, Mr.  Chair, you have to put this into perspective.

And we consider this to be not the time nor the place, because the Convention is seen to be abusing and misusing the process of this Convention to include this language while implementing these Regulations. Member States shall take into account their International obligations in relation to universal human rights.

The word is very imperative and we are not given the chance nor the opportunity to state case-by-case why, in the preamble, this should not be included. And we would like to resist this very ably and clearly.

>> CHAIR: Thank you. You have jumped to the text itself. And I want you to be patient with me. I think probably I have now to start going through the text one by one, because I think it's wise to do that, and I'll come to what you just said just now.

So I will move now to document -- I don't want to open the -- if you can be patient with me, I'll come to this text one by one. I see countries asking for the floor. So please I will come to it, if you don't mind.

And for the issue of square brackets, please, we have the entire document in square brackets. And I'll come to it one by one.

So let's start with the preamble. As you know, the preamble, the first preamble was agreed in plenary. Then there was the famous -- I see Malaysia is asking for the floor again. Can you be patient now of what I'm going to say, and then -- yes, thank you.

We have discussed the first part in this document in plenary and it was agreed.

Then there was a proposal on the issue of human rights, but I want to -- I want to ask you to basically not see what is contained in the text if between square brackets. This is one of the editing errors. I was waiting for the European or the CEPT group to coordinate with other groups to bring to us. This issue has been brought three times. This is the third time. I'm not planning to open it up right now, because we are still waiting for a final text.

I think all Administrations here recognize the Universal Declaration of Human Rights. But, unfortunately, the plenary could not agree to a unified text. And I'm waiting for this text.

So I don't want to prejudge. I don't want to basically ask to remove the square brackets between this text, because this exact text was not agreed in the previous plenary.

So with that, can we move on and I will still wait for the text from my colleagues, once it's finalized.

United States.

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman, and good morning to all colleagues.

Mr. Chairman, we believe that we have language that we could provide the plenary with respect to the human rights sentence that would be contained in the preamble.

Mr. Chairman, we have had opportunities for consultations on this language. However, colleagues may wish to make their own statements.

If I may, Mr. Chairman, may I read that sentence, please? Thank you, Mr. Chairman.

I read now in dictation speed: "Member States affirm their intention to implement these Regulations in a manner that respects their human rights obligations, which are not altered in any way." If I may I'll read it then in its entirety.

>> CHAIR: Slower, please.

>> UNITED STATES OF AMERICA: "Member States must affirm their intention to implement these Regulations in a manner that respects their human rights obligations, which are not altered in any way."

Thank you, Mr. Chairman.

>> CHAIR: I'll read it back again to you, as suggested by the United States, and I understand now that this is a coordinated text. United States?

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. Yes, we have had the pleasure of coordination on this language, but in fairness to the plenary there still may be some colleagues which wish to comment. But to the extent practicable, we have coordinated.

Thank you, Mr. Chairman.

>> CHAIR: So we have the following text "Member States affirm their intention to implement these Regulations in a manner that respects their human rights obligations, which are not altered in any way."

So I have the floor from Malaysia and Netherlands and others.

>> MALAYSIA: A very big thank you, Mr. Chairman, and I believe the primary question here is, is it appropriate -- not withstanding what the United States have just offered in terms of a temporary or lasting solution -- to include the topic of human rights in whatever form in the preamble?

Now, I wish to draw your attention to our Constitution. If our Constitution does not have the human rights and obligations, how can we as a subsidiary regulation import it at this moment?

Now I'm referring to the alignment of thinking and the superior placement of our Constitution. Not that we are opposing human rights, but we want to see a term of reference that is properly produced and having the hierarchy of operation.

And I've already stated a while ago that while the intent is to include human rights at this juncture at the preamble, the question is the impracticality of it in terms of interpretations, obligations and rights. Therefore, the 28 States or Member States that have had their chances of being included in the supportive column, they are there aligned by themselves, not with the majority voice here. Therefore, they must be -- there must be a mechanism whether we actually want to put the human rights preamble within the preambular provision of these Regulations.

Malaysia feels that it should be in our Constitution, not in this Regulation itself.

Thank you.

>> CHAIR: Thank you, Malaysia.

I don't know why when we bring this to the table it's always an issue. Malaysia, I think, and I don't know, last week on the exact -- I can't remember right now, the first or second plenary, we had -- first plenary, the Secretary-General is correcting me. We had opened this discussion. And for a reason we have reached nowhere. Initially, we had no agreement. And then we had no agreement to include anything. But everybody recognized the Universal Declaration of Human Rights, and then we had an agreement to put the text. And then we went through editing this text and now we are at this stage.

I understand fully what you just said, but this issue was debated over and over and over again.

I have a long list. I have now ten -- probably 15 Administrations asking for the floor. And that's really worrying me now. I have -- I'll start with a few, but I really cannot take all of them, because I don't want to turn the plenary into standings on the Universal Declaration of Human Rights. And if that is the case, my worry is I'll put it back and I'll remove it. Unless we have an agreement, we will not put it in this document.

Netherlands?

>> NETHERLANDS: Thank you, Chair. The Netherlands would like to voice support for the proposal made by the United States which we believe, as you also said, that there is broad consensus here that we support human rights and that the ITRs implication is for human rights and that we all acknowledge this.

Thank you.

>> CHAIR: Botswana?

>> BOTSWANA: I wondered what is the import of the inclusion of this in the preamble. While I may be sympathetic to those views, I think I'm at pains in trying to appreciate what it is that we want to achieve by inclusion of this particular provision.

But my compromise would be to go as far as "human rights obligation," and stop there. And then delete the rest of the sentence. I think we should include -- exclude "In the manner that is not altered in any way."

Thank you, Chair.

>> CHAIR: China?

>> CHINA: Thank you, Mr. Chairman. Good morning everybody.

Mr. Chairman, China has noticed that we have debates on whether or not to include the human rights in the preamble, and we have divergent opinions. Actually, at the early stage of the conference we had a consensus among the delegations that we shouldn't include the political issue in the technical Treaty of the International Telecommunications Regulations.

As mentioned by the delegate from Malaysia, the value of human rights is recognized by all countries of ITU and we respect that and we follow the obligations. However, we need to ask of ourselves if it is relevant to include such provisions in our preamble.

And, secondly, if we want to discuss the issue of the human rights in the ITR, we should be very cautious on the wording so that it would be correct, accurate, and balanced, and fair, equitable.

When we discussed the issue of the human rights, we know that we have to have a balance between responsibilities and obligations, and there is no absolute responsibility and there is no absolute duties and obligations.

So the text in the square bracket or the text proposed by the U.S. Delegates, neither of them are in line with our basic principle, because it only emphasizes the obligations of the Member States. It doesn't touch upon the responsibilities of the Member States. Member States have the right to subsistence and they have the right to development and they also have the right to access. So neither of the two texts are the balanced texts.

We wish that we could have more time to study on this issue, and we also could forward our opinions, but regretfully and unfortunately, our opinion hasn't been included, hasn't been absorbed.

Thank you.

>> CHAIR: The Secretary-General asked for the floor, and I will come back to this issue. Secretary-General?

>> SECRETARY-GENERAL: Thank you, Mr. Chairman. I just wanted to take the floor to remind us of the background about all of this. I know the debate is being reopened because many of the delegates who are intervening now were not here when we had the first plenary, and this is a two-week long conference, so people come at different stages of the conference, and therefore it is not a surprise that some of them will bring the same issues that were discussed at the first plenary.

I just wanted to tell you why it is important for us to have this mention in the preamble. Because in the very first place we all know that many people out there thought that this conference will go against human rights, and it is not. We have said it over and over and over again. It's not. It's not. And it cannot go against human rights, because human rights is embedded in the ITU Constitution. It's embedded in the Universal Declaration of Human Rights that is the basis of the United Nations, to which ITU is a member of and which all the Member States have adhered to.

Now, the fact that it was really said over and over again that this conference will go against that, we all thought that it would be very important to send the right signal at the very beginning so that people would be comfortable with this -- with the document that we will be putting in here.

So, ladies and gentlemen, this is a background behind this. That's why I think it's very important that I appeal to you all that we put a preamble in there. It's the same thing that you all already signed when you were joining the United Nations and you all sign as Member States of the International Telecommunication Union because it's in our Constitution. And therefore making a reference to that, we simply make it easy so that the people out there will understand that this conference is about -- not only recognize that, but will reaffirm and strengthen those universal statements that are important to all of us.

So please, this is a plea, Mr. Chairman, if the debate is going to take a lot of debate again, I thought that it would be a very simple thing because we all agree that human rights is a very important thing for all countries and all nations and all people.

Therefore, it's a plea for you to please accept that we put this statement in the very beginning of the document, so that it will really get the right attention on the other issues that we are trying to deal with.

We already said that human rights is being dealt with by other UN agencies and they are doing it very well. And the world of ITU cannot correct that and cannot replicate or duplicate those works. And therefore we need not to bring in this issue, which all countries have agreed. This is why Tunisia has proposed this contribution in the very beginning.

And I would really simply appeal that maybe you will teach discretion and come back to it after the first coffee break and give us time to -- give all the delegations the time to digest this statement; and then so that you can save some valuable time of the plenary and move on.

This is my proposal, Mr. Chairman. Again, I appeal to you as Secretary-General of ITU that it's important to us that we send the right signal. That this conference, anything that this conference does will go along with respecting the human rights.

That's very important. Thank you very much.

>> CHAIR: Thank you, Mr. Secretary-General.

I have more than 15 administrations asking for the floor. And I really think that this issue needs also to be discussed on the coffee break and postpone it.

I wanted to finish the preamble, to have a good start, but it seems that the preamble is going to be the last thing to be agreed on.

(Chuckles)

We have finished a lot of very difficult issues. But it seems that this issue is one of those difficult issues. So I think, if we can, take it during coffee break. We have discussed it in length in plenaries, not only one, and I suggest that we do not put anything here right now, and we wait until coffee and then we take it.

And I will ask those administrations to remove their requests from the floor, from the screen, so that I can continue and start on Article 1. Thank you.

I still see six or seven Administrations asking for the floor. So I will give everyone one minute. Please, it's not about support or oppose opposition. I think we went through that. So...

Ghana?

>> GHANA: Mr. Chairman, thank you for the opportunity. Ghana shares the principle that some necessary reference to fundamental human rights in the preamble document is ideal. Except to add that we would want to seek an amendment, if there is no objection.

So let me recommend proposals of this particular inclusion of the human rights clause in the preamble. But the reading should read "Member States affirm their commitment" so "commitment," substitute that for "intentions," substitute that for "commitment," "to implement these regulations in a manner that upholds and respects human rights." Then it should end there. The rest of the words in my honest view are addendum, "which are not altered in any way." We can delete the rest of the words.

Even if you take privacy of communication rights, it's universally respected by all national Constitutions. You hardly would see any country's Constitution that does not make reference to privacy of communication. So to that extent we are upholding the rights to free communication and the protection of privacy of communication.

We are aware also that even in some jurisdictions, like I hope I can use the example of Finland, access to broadband has been discussed within the context of making it accessible and making it a human right. But we think that the wording should be terse, brief and concise. Thank you.

>> IRAN: Thank you. Our Government fully is committed to observe -- fully observe the principles of the Declaration of Human Rights. There is no question. The question is that such a very high important issue, as the distinguished Minister from Malaysia mentioned, shouldn't be included in the highest part of the ITU Treaty and basic instrument. That is Constitution. We have a preamble. That preamble is missing that important information. It's highly appreciated and is more important to be referred there.

Perhaps we draft a resolution to invite the plenipotentiary to consider this very important matter that we subscribe to that and include them as appropriate in the preamble of the Constitution, which governs all treaties of the ITU.

Thank you.

>> CHAIR: Thank you. Lebanon.

>> LEBANON: Thanks, Mr. Chairman.

First of all, Lebanon hasn't said much, so let me thank you for your efforts and thank the Secretary-General and the Secretariat in addition to thanking everybody who has helped get us where we are today.

As far as human rights are concerned, Lebanon reaffirms its commitment to human rights. And I would suggest that we, if we are to add anything, I will support what was proposed by the U.S, except that I don't see any reason to add to it "In a manner which is not" -- or "to alter it in any way." (?) I think we should stop right before that.

And thank you.

>> CHAIR: Tunisia?

>> TUNIAIA: Tunisia believes that the U.S. proposal falls in line with the initial proposal made by Tunisia. Tunisia would have liked the provision relating to human rights to be more explicit by mentioning the need to protect Freedom of Expression and personal data.

However, in a spirit of seeking a consensus, we would accept the U.S. Proposal as worded by that delegate. Thank you.

>> CHAIR: The list is again growing. Please, this is not an issue of declaration statements. Please, we really need to make best use of the time of the plenary. We said that this would be discussed during coffee break. The list is growing. And I thought that I will, I will finish this discussion and move on. But it is growing. And please I will limit it to one minute or even less. But please just let us -- help me trying to finish the issue of preamble or delay it until we get into the Article 1.

There are a lot of substantial issues here in this document. Algeria.

>> ALGERIA: Thank you, Chairman.

You're griving us a minute speaking time, Chairman, when our Administrations have had the opportunity to go into the heart of this topic and even put forward proposals. So, if you allow me I'd like to say what we feel concerning this preamble.

As you know, the Secretary-General since the beginning of this conference has flagged up the fact that the press is here. We're pleased that the press is here. And we also know that the press performs according to an ethical code. They know that for what's relevant and what is not. The presence of the press shouldn't lead us to include in the International Telecommunication Regulations a provision which doesn't fall within the ITU's remit. The press doesn't ask us to do that. The press doesn't expect this conference to deal with a matter which falls under the remit of another International body.

We, therefore, wonder whether we're only insisting on the inclusion of this provision to prove to the press that we respect human rights. The press isn't stupid, because the conference hasn't yet taken a decision about fundamental human rights, such as access to information and communication networks.

(Applause)

I'll not speak at length. The Secretary-General has reminded us that our countries have subscribed to the Universal Declaration of Human Rights. I don't think it is relevant to remind ourselves of that in this text.

I'd like to remind you that the United States rightly reminded us at the first plenary that this matter, because it's closely linked to content, doesn't forward in the remit of this conference.

In addition to that, Chairman, we don't -- do not think that it's appropriate to include this provision in the International Telecommunication Regulations.

>> CHAIR: Thank you, Algeria. And the floor is given to Saudi Arabia. Saudi Arabia you have the floor.

>> SAUDIA ARABIA: Thank you, Mr. Chairman.

After having listened to the intervention made by our colleague from Algeria, there is not much I can add. We insist and confirm the importance of respecting human rights, just as other countries do so. And the justification that formulating a text in the preamble concerning human rights to convince the press outside the conference that we do respect human rights, I think this is a weak justification.

On the contrary, the existence of this text and this document means that the document implies paragraphs that can be misused and that can be in contradiction with the respect of human rights.

I think the role of the ITU is to clarify to the press the contents of this document. And as my colleague has said from Algeria, that the press is not dumb, they are not stupid, they know exactly what is taking place and they know the contents of this document and what will be achieved.

There are many topics and many are requesting many rights, like the access to information, ensuring the security of information, so that all participants can feel secure with regards to this information which helps them and encourages them to use the networks.

There are many topics that deal with human rights. So the presence of this paragraph might have a negative impact, I fear, and will be contrary to what is expected from those who want to put such a paragraph in the text.

Thank you, Mr. Chairperson.

>> CHAIR: Thank you, Saudi Arabia.

Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

first I would like to thank the Secretary-General and you for your patience to discuss this issue. I would also like to thank the Secretary-General for his intervention. I think he made it very clear the intention from his and ITU's side regarding human rights issues. I would like to thank him very much for that intervention.

We fully support the proposal put forward by the United States, supported by many Administrations here, and we also appreciate the intervention from Ghana on the text.

In order to be brief, I would also like to make just one note, and we note that technical treaties may have human rights implications.

Thank you.

>> CHAIR: I will close the list, because we are very close to coffee break now. I have Australia, Nigeria, Poland, Switzerland, Costa Rica, and Cuba. We will stop at Cuba.

>> AUSTRALIA: Thank you, Chairman.

This is just to say that Australia supports the text that has been put forward by our colleagues in the U.S. delegation in consultation. We support that text in its entirety, as we think that it is important in maintaining the existing obligation of Member States.

Thank you.

>> CHAIR: Thank you.

Nigeria.

>> NIGERIA: Thank you, Mr. Chairman, and good morning to all colleagues.

Nigeria has listened to the intervention of the Secretary-General, and wishes to recall that this same plenary mandated the Secretary-General to go on the media to tell the whole world that this conference is not against human rights.

It is therefore our opinion that delegations agreed to allow the provision on human rights to be included just as was initially agreed upon.

We, therefore, will agree with what was proposed by Ghana, having considered the reasons in advance. We feel Ghana's suggestions are more appropriate.

Thank you, Mr. Chairman.

>> CHAIR: Thank you. Poland?

>> POLAND: Mr. Chairman, we presented a view on the human rights included to the preamble at the beginning of the conference. So now we support the U.S. proposal. I agree that the Treaty has technical value, but at the same time because of the meaning of information and communication in the modern world, it has political implications.

I think that we need general approval of this statement as a positive signal from the ITU conference, as the Secretary-General expressed earlier.

Thank you.

>> CHAIR: Switzerland.

>> SWITZERLAND: Thank you, Chairman.

We fully appreciated the statement by the Secretary-General, who is sparing no effort to find consensus on this point and to remind us of our duties. We fully support the statement of the United States of America and their proposal. As we see it, we are not trying to please the media. This is a fundamental issue. And to have a fair balance in this Treaty, we feel that a reference to respect for human rights is indispensable.

Thank you.

>> CHAIR: Costa Rica and then Cuba, finally.

>> COSTA RICA: Thank you, Chairman.

Costa Rica would like to recognize the contribution made by the Secretary-General, and we subscribe fully to the U.S. position. Costa Rica has been governed by Democracy for more than 100 years, and hasn't had an Army for 74 years, and supports the inclusion of a reference to the human rights in this technical document.

we need to send a clear message to the world that we are working within a framework which respects human rights.

Thank you.

>> CHAIR: Cuba?

>> CUBA: Thank you, Chairman.

Chairman, we have been at this conference since its beginning and we have heard all the discussions. We talked about making a declaration and we have talked about making a resolution to express clearly the sentiments behind this conference.

Cuba is happy to accept an inclusion of human rights, but we're not in agreement with the actual text that is being put forward. We think we should make this more general. We think that we can be clearer. We can issue a resolution on human rights, which is easier to interpret for all. We can't have a technical document discussing human rights. Human rights is a very important issue, but we believe that we have a great deal to discuss here, and we should dedicate our discussion time to the content which falls to us to discuss.

>> CHAIR: Thank you. I see UAE and Egypt asking for the floor. I closed the list. My apologies. We need to move on and we will have a coffee break in a few minutes and then you can take this issue off line.

Now, I wanted to go to Article 1. I see Iran asking for the floor.

>> IRAN: Chairman, this is not about the human rights, it's about the preamble.

There is a word "convention" there, and in the remaining part there is the "Convention." There is a very likelihood, I said "likelihood," that the plenipotentiary conference 2014 will change the appellation for this document. It's necessary that we introduce an asterisk above "Convention" everywhere in this text and have the text below the page, explanatory text, authorizing the General-Secretariat to replace "convention" by any appellation which could be presented by the plenipot conference.

APT had a text, and that will be an issue. Because it's very important if after 2014 the Convention is replaced by another name, I don't want to prejudge anything, then this Treaty would continue to refer to the Convention, which would not exist. Therefore, this is something very editorial and I draw your kind attention that consider the matter.

You don't need to decide now. We don't need to discuss it at the plenary, but a matter of consideration. We could come back to that as appropriate.

Thank you.

>> CHAIR: Thank you. I think I prefer that. We will come back to it in context and entirety with any proposal that will close the preamble once and for all.

But you have heard the proposal from Iran and I hope you took note of it. And we will come back to it when we will discuss the final approved text of the preamble.

Now, let's go to Article 1. And I'll take it provision by provision and go through the approval process.

So we have 1.1. We have approved before the title.

So 1.1A, and the only thing that was changed is the last sentence has been deleted, was proposed by many, many Administrations to delete it. And also we have agreed to replace the word "Administrations," but the majority of the Administrations asked to delete the last sentence, which says they also said "rules applicable to Administrations."

Mexico and then Iran.

>> MEXICO: Thank you, Chairman. Good morning to everybody.

In the Spanish text, we have two terms that refer to the same thing. "International telecommunication services," there are two different terms in the Spanish version.

Mexico doesn't mind which of these two terms is used, but would simply like one of them to be used consistently. Because this is a term which appears in a number of different instances.

Thank you.

>> CHAIR: Thank you.

Iran?

>> IRAN: Thank you, Chairman.

We have no difficulty to agree on the text that was in the original or initial text of ITR. IE, "they also set rules applicable to Administrations," with an asterisk, or the "recognized agency," with the understanding that this OA/ROA are under the application of number 38 of Constitution. This should be recorded in the minutes of the plenary that the suppression of this text is under the understanding that number 38 of the Constitution shall apply.

Thank you.

>> CHAIR: Thank you.

Kenya.

>> KENYA: Thank you very much, Chair.

Pardon me for slightly going ahead of you, but under 1.1B, 1.1B, there is reference to "Members. " There is reference to the word "Members."

>> CHAIR: We are on A.

>> KENYA: And that should be an editorial issue to make the Member States, if that's okay.

Thank you, Chair.

>> CHAIR: Thank you. We will come back to it when we reach it. We are on number A.

United States?

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman.

Mr. Chairman, we believe at this point, as we are now referencing the original 1.1, and we're considering revisions to 1.1, we would note that there is a second sentence associated with that provision, which reads "They also set rules applicable to Administrations." Then there is an asterisk and the asterisk then refers to "Or recognized private operating agents/agencies." At this stage we propose to replace that sentence which reads "They also set rules applicable to Administrations" and replace the asterisk with a clarifying sentence. As we have had this discussion extensively with colleagues regarding the ROA/OA issue, and we have taken under full consideration the discussion led by you, Mr. Chairman, and for which we are greatly appreciative, concerning option 2, we would at this stage wish to make a proposal consistent with option 2 but the addition of a phrase "Public correspondence." And if I may I would like to read this proposal that would replace the second sentence. May I do that, Mr. Chairman?

Okay. Thank you, Mr. Chairman.

So in 1.1, current version, the second sentence and its asterisk is replaced with the following: "They also set rules applicable to those operating agencies authorized or recognized by a Member State to establish and operate a public correspondence International telecommunications service ('Authorized operating agencies')."

So I read "They also set rules applicable to those operating agencies authorized or recognized by a Member State to establish and operate a public correspondence International telecommunications service ('authorized operating agencies').

We propose this this be inserted as a replacement of the second sentence of current 1.1 and for the replacement for the asterisk found also on that page.

Thank you, Mr. Chairman.

>> CHAIR: Can you repeat it again in dictation speed? You were too fast. And we have captured the majority of it, but we have not finished the last sentence. But anyway, if you can read it very, very slowly.

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. With pleasure.

I now read: "They also set applicable to those operating agencies authorized or recognized by a Member State to establish and operate a public correspondence international telecommunications service ('authorized operating agencies')."

Thank you, Mr. Chairman.

>> CHAIR: Thank you. So the proposal is to -- towards the end, after "Services" we add the text proposed by the United States, which reads "They also set rules applicable to those operating agencies authorized or recognized by Member States to establish and operate a public correspondence International telecommunication service ('authorized operating agencies')" and that is somehow a replacement to the original text. I just want to read it out, "they also set rules applicable to Administrations."

So that is the proposal.

>> SWITZERLAND: I apologize, Chairman, for taking the floor. I'm working on DT/51 rev 1 in French, and we have been told about a modification to 1.1. But I don't see an asterisk in my version in 1.1. Could you please tell us exactly where would this text be inserted? Thank you, Chairman.

>> CHAIR: Thank you. It's at the end of 1.1, a), towards the end, after the sentence, then the U.S. Proposed text is proposed to be there.

Algeria?

>> ALGERIA: Thank you, Mr. Chairman.

Like the Distinguished Delegate of Switzerland, we have 51, we have 51 rev 1. I do not understand that we are working -- why can we be working on an initial text which is not before us? We should be working on 51 rev 1. 51 rev 1 has no asterisk. And the text proposed by the delegate of the United States is too long. We haven't been able to take it down and it is not in plenary that such long texts should be proposed.

So I beg you, Chairman, when a written text is produced, after all we use electronic means on the website, please could you place this clause, which we then could have the opportunity of examining during the coffee break. But it's not possible for us at the same time to listen, to note down, and to think in order to be able to respond.

So I beg you, Chairman, please place this 1.1 within square brackets and move to another point or else let us go straight to the coffee break.

Thank you.

>> CHAIR: I'll take your second suggestion and go to coffee break. And I will --

(Applause)

And we will try to project the United States proposed text to the screen so that everybody sees it. And I think it's not often an issue. I think we can -- this is the first time we will open Article 1 for discussions. And I hope we can -- there are a few things here, and then we can close Article 1.

So we will come back at 11:30. Thank you.

(Coffee break)

(Gavel)

>> CHAIR: Thank you, ladies and gentlemen. If you can take your seats.

I'll start where we ended before coffee break. There was a proposal to add text after 1.1 a).

During coffee break many Administrations came to me requesting that they need time to look at it. And I don't want to open the discussion and debate on this. I will put it between square brackets, but I will ask your approval on the text as you see it right now, and we will put the proposed text from the United States between square brackets. But I need approval for the other text, and the other text will be put between square brackets.

There are three Administrations asking for the floor. If you can remove your requests, please. Japan? Asking for the floor? Japan?

>> JAPAN: Thank you very much, Mr. Chairman.

We just want to touch upon the proposal made by the United States briefly.

>> CHAIR: I don't want to open the discussion on this. I just wanted to put it between square brackets. Move on. Because this requires a lot of discussion between the regional groups. They came to me, they said they need to think about it. And this is a new proposal. And I don't want to, if we start the debate, this is going to -- it will look like another informal discussion of the ROA/OA issue now. So please bear with me.

>> JAPAN: Thank you very much, Mr. Chairman. So I'll come back again on this matter when the Chairman decides he wants to do so. Thank you very much.

>> CHAIR: Thank you, Japan, for your cooperation. Thank you.

Is there any objection to approve a) and we will keep the proposed new text by the U.S. between square brackets and come back to it at a later stage? Thank you. Agreed.

Now, we go to b). Is there any objection to approve 1.1 b)?

Iran?

>> IRAN: Thank you, Chairman. I understood "Members" means "Member States," is that right?

>> CHAIR: You are absolutely right. So it's "Member States."

With that change, can we approve b)?

Thank you, Iran, for catching this up.

Now we go to 1.2. Is there any objection to keep 1.2? Thank you.

1.3? I see no objection to keep 1.3.

Now coming to 1.4, Iran, do you want it for 1.3 or 1.4? I'll come to 1.4.

>> IRAN: 1.4. I just wanted to facilitate your work. The distinguished director showed me a text replacement for 1.4, which is edited, the text of Mr. Bruce Gracie, and I think the English is much better than the Canadian English, per Mr. Bruce Gracie. Thank you.

>> CHAIR: So 1.4, I just want to say something here. Because as I mentioned, there is an editing error here in 1.4. I wanted to refer to the original 1.4 and replace the word "CCITT" with ITU-T."

There is a core agenda 1 to DT/51 now.

>> IRAN: I see "Instruction" still remains here. I don't want to open the discussions, but I want to put something in the minutes of this plenary. "Instructions" referred to in provision 1.4 has been suppressed since many years ago. And I need confirmation by the director that -- confirm that there is no instructions currently. All has been deleted or suppressed by Study Groups.

I don't want to change the text, but just the minutes of the plenary. Our proposal was to delete references to "instruction," because there is no instruction. But if some colleagues, I don't want to name, wants to have again reference to "instruction," no problem. But we should make it clear in the minutes of plenary and our director needs to confirm that. Thank you.

>> CHAIR: I think I will prefer to keep it. And I will give the floor to the director to confirm that as well.

>> MALCOLM JOHNSON: Yes, it's true that we don't currently have any instructions and the last one was deleted in 1993, I believe it was.

>> CHAIR: Thank you. So we will take that in the minutes of meeting of the plenary.

So we will change "CCITT" to "ITU-T." Do we have now the statement ready to be read? Mr. Johnson?

>> MALCOLM JOHNSON: The statement regarding 1.4, to be recorded in the record of the plenary, would be "ITRs only refer to ITU-T recommendations. If there are any ITU-R or ITU-D recommendations that are relevant to an ITU-T recommendation, they should be referenced in the ITU-T recommendation. The directors of the three bureaus should endeavor to ensure that such cross-referencing on a non-mandatory basis is made as appropriate."

Thank you, Chair. I'll repeat. "ITRs only refer to ITU-T recommendations. If there are any ITU-R or ITU-D recommendations that are relevant to an ITU-T recommendation, they should be referenced in the ITU-T recommendation. The directors of the three bureaus should endeavor to ensure that such cross-referencing on a non-mandatory basis is made as appropriate."

Thank you, Chairman.

>> CHAIR: Thank you.

Mexico.

>> MEXICO: Thank you, Chairman.

I'd simply like to ask that the Spanish version be brought in line with the English version, because in Spanish we have "All," and in English, in the English version, that doesn't appear. And this significantly changes the meaning of the Spanish version. So please remove that. Thank you.

>> CHAIR: Thank you for bringing it up. We will do that. Thank you.

With that, can we proceed with approving 1.4? I see no objection. Thank you.

We now move to 1.5. Towards the end we have a replacement of the word "Administration asterisk" to "Operating agency" and you have the footnote. And I just want to say that the footnote will appear in every page for clarity of the ITRs.

Okay? Iran? Then Canada.

>> IRAN: Chairman, please correct me if I'm wrong. I think when we discussed your Chairman option 2, some delegation mentioned that they it want to be as provisions, but not as a footnote. Whether something happened between that time and now, I don't know. But there is reference that I remember this, that it is better instead of going footnote and discussing the definitions of "Operating agencies" and the family of "Operating agencies," it is better if it appears in a footnote -- in a provision, rather than the footnote. Perhaps you may need kindly to refresh our minds. Thank you.

>> CHAIR: Thank you. It was discussed, yes, as one of the options. But I saw that the majority prefers to have a footnote. But it was, yes, it was discussed and was one of the options. And we thought that let's put it in footnote and it would appear on every -- on every page, so that for clarity reasons, and we had the legal adviser as well said that footnote would be -- of course it would be part of the provision.

Canada, Czech Republic, United States.

>> CANADA: Yes, thank you very much, Chairman, and good morning everyone.

Chairman, we had exactly the same question with respect to the footnote. And certainly it was our preference that this text in the footnote be incorporated into a provision.

Now, Chairman, that would add clarity of course to the texts which are applicable in the Constitution. So we believe that for that reason it would be preferable to integrate the footnote into the actual provision.

And we also note, Chairman, that with the proposal that was made by the United States with respect to 1.1, we need to take that into account with respect to the consideration of this formulation about operating agencies and the footnote.

But again, our preference would be for a provision rather than a footnote. Thank you.

>> CHAIR: Thank you, Canada, but we have discussed that at length. This is our preferences, and I start to worry now about opening up and taking the operating agencies in consideration with the new text by the United States. That is going to open up the entire discussions in this operating agency and recognizable operating agency. And as you know, this was a very, very delicate compromise that we have dealt with in very, very long meetings. So we need to be very, very careful here, because that's going to open everything again into a very lengthy discussion.

So whether to keep it as a footnote or a provision is something that we have talked about. Both can be dealt with. Both is the same. Both has got the same effect. Both is clear. It's just a matter of cosmetics or matter of order. But we saw that there is a majority of -- taking option 2 with a footnote, and we move on.

In relation to the new proposed text by U.S, as I said, and I will repeat myself again, there is a lot of regional groups came and they said: Well, we have not seen this text before. And if we are going to open "operating agency" in conjunction with that, I think that's going to be very, very dangerous for the course of the conference to succeed.

Czech Republic?

>> CZECH REPUBLIC: Thank you, Mr. Chairman, and thank you especially for the clarification of the questions of previous speakers. Because we intended to ask the same question and to support this solution.

However, we have also to say or to declare that we have concerns about the asterisk, and I would like to have your advice, if we are just to discuss the asterisk or not, thank you very much.

>> CHAIR: What issue with the asterisk?

>> CZECH REPUBLIC: Mr. Chairman, that is a definition of "operating agency," and this is the issue. We are not certain about how it's worded. And we have some reservations in that respect.

Thank you.

>> CHAIR: Czech Republic, we had God knows how many meetings now discussing this exact issue. So my worry is if we started opening up -- this text has been very, very, very carefully looked at. It was discussed at length. We had lots of meetings. And also this was put as part of the bigger compromise text. And I'm telling you this is going to -- this is -- will endanger the success of this conference. And I'm saying it very transparently and very clearly.

United States.

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. Mr. Chairman, as we have intervened earlier, we would wish to clarify our position as you have now very rightly indicated how many meetings we have had. It is our understanding that the proposal by the United States in fact is not -- is important from our point of view, and we believe that that importance is shared by others, but it is not a significant change in the terms of actual text to what we have here on page 2 of DT/51 rev 1.

We have made two proposals with respect -- I guess there are three proposals with respect to our text, Mr. Chairman. We believe, first, that for the sake of clarity we should say right at the beginning of 1.1 who is covered by the ITRs, which entities are covered by the ITRs.

In our original presentation, we were working off of the original ITR, but as we now look at DT/51, and to answer the question raised by a number of colleagues, in fact it would be a new 1.1 a) with the text that we have read, using DT/51. Second, the new phrase that we added is "Public correspondence." We believe that's a term that is well understood in telecommunications and that it has a significant -- there is a significant difference between that and simply "public." "Public" in the case of this asterisk is far too ambiguous. "Public correspondence" does clarify what is in fact intended.

And a third point is that we agree with others that was expressed in your meetings, that is preferable from the view of the ITRs coherence to have the language within the text and not use an asterisk.

So, Mr. Chairman, we agree with you. We do not want to reopen the debate, but we think that the changes that we proposed are consistent with your intentions, that they add some value that are important to colleagues, and that they add value in the sense of clarity.

So, Mr. Chairman, we would ask your indulgence. We do believe that these are important proposals by the United States and supported by others, and we would wish to have them added to the text.

Thank you, Mr. Chairman.

>> CHAIR: Sorry, United States, which text are you referring to here? Is the text under 1.1? If that is so, if you can bear with me, if that is so, we have moved on. We put the square brackets between you. The text that was proposed. A lot of regional groups asked that this is a new text, a new proposal, coming, and they are seeing it for the first time. And they have raised a concern that this will open the discussion on operating agency/recognized operating agency. As a matter of fact, this is confirmed now by Canada.

And the worry that I have for the course of our work is we are opening up this subject again. So now whether to deal with the operating agency asterisk and a footnote or whether to put it in a provision is something that we can deal with and we can adjust it as we go. But at least we shall not start getting and drifting out of the notion of the concept of what we have.

Opening up the discussion on the square -- the proposed text at this stage, when a lot of regional groups expressed that they wanted to think about it and look at it, will not help the plenary.

And putting an asterisk and a footnote versus a provision, I don't think that this is going to be a huge of a problem to deal with editorially.

United States.

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. And we of course are anxious to move along as you are.

And if we did not think that these suggestions by the United States could be incorporated in the text without significant interruption, we would not have made the proposal.

But these are important to, I believe, a number of colleagues. And we will recall of course the Secretary-General as he indicated yesterday that this proposal of option 2 needs some massaging, he said. Some massaging, and this is what we think we're doing. We are massaging the text. And we believe this will bring greater comfort to all colleagues.

Mr. Chairman, we need to have "public correspondence" in the text. "Public" is simply not sufficient to distinguish the nature of this entity that we're talking about in terms of operating agencies.

Secondly, Mr. Chairman, we do need the text, the asterisk in the provisions of the ITRs. I think others have indicated that. So that is not a significant time consuming debate or editorial change.

And thirdly, Mr. Chairman, we are simply indicating that we think for clarity there is advantages to bringing it back to 1.1 a) bis so that a reader right from the beginning can understand who is covered.

Mr. Chairman, we wish to as always work very cooperatively with you in this regard and we of course are ultimately in your hands. But this is an issue of some significance to the United States, and we believe that that sentiment is shared by others.

Thank you, Mr. Chairman.

>> CHAIR: Thank you. Costa Rica.

>> COSTA RICA: Thank you, Mr. Chairman.

In the case of Costa Rica, as was said by the Czech Republic and Canada, we are concerned about the use of this asterisk. We have heard the positions of a number of countries. And it seems to us that the U.S. proposal to include this in 1.1 would be appropriate. That way, when the reader starts reading this text, everything is clear. This is not a substantive change, we're simply trying to improve the text and remove this issue of asterisks.

Thank you.

>> CHAIR: Thank you.

>> RUSSIAN FEDERATION: Thank you, Chairman.

We have a question on Article 1.1, an editorial in the Russian version. It says in English, in each relation, and in the Russian I think we have to align this. Otherwise it is not correct.

>> CHAIR: Okay. We will take note of it.

Canada?

>> CANADA: Thank you very much, Chairman.

Chairman, not to delay your work, we were just seeking some assurance that the text in the footnote is considered to be an integral part of the Treaty. So that is our main issue with respect to the asterisk in the footnote. So if that could be clarified from a legal perspective that could be appreciated.

Thank you.

>> CHAIR: Thank you. The legal adviser, if you could clarify that the footnote and the asterisk is an integral part of the Treaty or not, please. That is a question raised by Canada.

>> LEGAL COUNSEL: Thank you, Chairman.

Very briefly, I think I already answered this question during the work of the ad hoc group. Indeed, unless the conference and Treaty decide otherwise, the asterisk is an integral part of the Treaty. I would refer you in this connection to the current International Telecommunication Regulations, which precisely do use this legal tool to refer or at that time to refer to recognized private operating agencies.

So this is a tool frequently used in International law already used in the ITRs, and as a consequence the footnote is an integral part of the Treaty.

>> IRAN: Thank you, sometimes you mix the two issues together, first discussing the status of footnote or asterisk with respect to the provisions. Exactly as the legal adviser to the Secretary-General says, if comes from the Treaty -- sorry, unless it comes from the Treaty, decide otherwise. The status of the text but not asterisk, the status of the text appearing under asterisk or footnote has exactly the same text as in the provisions. That could be included in the minutes of plenary to resolve the second issue.

With respect to the first issue, adding something as proposed by the United States that totally changes the agreement that was reached with respect to operating agency, I don't have difficulty to come back to that. But you should not take that in plenary, it totally takes the time of the plenary and you would not get out of the -- perhaps you should discuss it outside the plenary in another informal or formal manner, thank you.

>> CHAIR: Thank you. That's my worry. It's opening up this issue completely.

I have ten Administrations asking for the floor. This is the first time where "operating agency" appears. And I'm seriously worried about all the work that has been done. And I'll listen to those ten, Japan, Paraguay, Botswana, Netherlands, and Sudan. I'll close the list, and then move on.

Japan.

>> JAPAN: Thank you very much, Mr. Chairman.

Having participated in a very intensive discussions for more than ten days, I need massaging myself.

(Laughter)

(Applause)

So we all know that this issue remains as a very important, very difficult issue. And we all know that -- which sides -- which sides have what kind of concerns on this.

Of course, we need to work in a very constructive manner and a very efficient manner, but our understanding is that this issue has not been closed yet, Mr. Chairman. And it looks like that the U.S. proposal seems to be trying to show the third way, rather than the incorporating the footnote, suggested by the document on the table here. And itself, the proposal seems to show an alternative way, so it helps us to go out of this stalemate. So I hope that each regional group have a very careful look on this, and we hope that this issue will be discussed at the appropriate time. And we -- our understanding is that this issue better be discussed in the seminar, as we discussed carefully on the options in the previous meetings.

Thank you very much, Mr. Chairman.

>> CHAIR: So that means we are having a new option on the table. And that's going to open up everything back again and we are back to square one.

Paraguay?

>> INTERPRETER: Microphone, please.

Peru is, in fact, has been given the floor.

>> PERU: Thank you, Chair.

We, too, would like to make a statement in favor of the proposal to include the asterisk text in the Article of the Treaty itself.

Thank you.

>> CHAIR: Cyprus?

>> CYPRUS: Thank you very much, Chairman.

You started the conference by saying that this was the special day, 12/12/12, and I wanted to recall to the audience that this is a special week. The European Commission accepted the European Peace Prize in Oslo. So I wonder if in the interest of International peace we could propose that it's -- that this particular aspect, which is absolutely fundamental to the way in which the Treaty is applied and the way it works, couldn't be discussed again in some minor detail. These are really aspects that massage the definition and are really very essential to the way in which the whole Treaty will be applied.

>> CHAIR: I have a point of order from the floor. Russia? Russia?

>> RUSSIAN FEDERATION: Thank you, Chairman. And good afternoon distinguished members of delegations.

I've requested the floor on the conduct of the meeting. Pursuant to resolution 145 appendix 2, on observers participating, paragraph B States "Observers receive from the Chairman the right to speak after Member States, after the last Member State in the list of speakers.

Frequently, Chairman, this resolution is being violated. Moreover, observers pursuant to paragraph 9 of that resolution are listed in French alphabetical order after Member States, and observers of resolution 99 of the plenipotentiary conference. We frequently violate this provision.

Therefore, Chairman, I would ask you to to abide by this strictly.

Secondly, when we discuss very sensitive issues, it is my request to concentrate on statements by States representing regions, because we have frequently requested the floor, but you have closed the list.

Thank you.

>> CHAIR: Thank you.

And I'll go back to Cyprus. And the speaker from Cyprus is speaking on behalf of Cyprus or the European Commission? If that is the case, if it's Cyprus, or the Administration of the European Commission, clarify that.

>> CYPRUS: This is speaking from Cyprus.

>> CHAIR: Go ahead. Then.

>> CYPRUS: As I said, in a spirit of peaceful compromise, your proposal to already put in square brackets one part of the aspects relating to operating agencies at the beginning of the discussion could also usefully be addressed here.

A number of delegates have identified that this aspect needs a bit of massaging. I don't think it would be a major to try to finesse this aspect. And I'm sure the Member States of the European Union would agree with that.

>> CHAIR: Well, that, that text is -- that you've mentioned, and the way I see the reaction, has opened up the entire discussion on "operating agency." And has added a substantial element to that. And we are talking about option 3 as proposed by some Administrations.

So it is -- it is, in my opinion, it is a major issue that is just open again now again, over again, with completely new text.

And that's worrying me as the Chairman of the conference because we have dealt with these issues in a very, very delicate way. We spent a long, long-time.

I'll continue with the people -- with the administrations asking for the floor. And we will conclude on this issue. Botswana?

>> BOTSWANA: Thank you, Chairman.

Really as the African region we are also worried, similar to your worry. Because I represented the Africa region in the debate of this discussion of the OA and ROA. And we did explain our concern. I can see that now it's being brought again to the plenary, and I thought we had reached an agreement. Because the issue of public correspondence is unacceptable to us because it's very vague. According to the Constitution, look at the explanation of public correspondence. I'm worried that people are trying to say that we have to narrow the scope so we know who is applicable. If you have public correspondence definition, it's basically going to open up. That's why we are saying here we are focusing on operators who are providing International telecommunication service to the public. I think that is very clear.

And we thought we have reached an agreement on that.

So, really, let's not bring the issue of public correspondence through other means, because this is the text which is recognized, "operating agency," which we have clearly, clearly said is unacceptable to our region.

Thank you, Chair.

>> CHAIR: Thank you. UK.

>> UNITED KINGDOM: Thank you, Chairman. I've also had the honor to participate in the small group discussions with you. And we really did struggle very hard with this issue, as you say. And we very strongly preferred a particular construction. But, on the understanding that we would accept the massaging of the text that the Secretary-General mentioned to us, we could consider to accept option 2.

Now, the United States is kind enough to provide the massage of the text that could ease our concerns, and allow us to accept your very carefully constructed balance. So I'm hoping that the -- that you might be able to accept this proposal from the United States and that colleagues would see that it's only a very minor amendment in the spirit of option 2, and that we might be able to go forward on that basis.

Thank you, Chairman.

>> CHAIR: Thank, UK. But I'm sure that we will come back to the text later on. And Administrations will open up, as you might say, minor issues, and they will be major issues on other subjects of delicate matters in nature, and then the conference is going to be uncomplete hope.

Panama?

>> PANAMA: Sorry, and I'm trying to hopefully progress the conference somewhat.

The Panama is studying the text proposed by the U.S. And also agrees, whatever text should come out or should be part of the Treaty should be an integral part of the text, and not a footnote.

In light of the following, we want to make the following suggestion, which I think we heard a lot of people in the room stating that they would like to see the text as an integral part.

While people study the U.S. Administration, perhaps we can leave two options open, because we do not think there are three.

In 1.1 A, there is the U.S. Option. And we propose the following option, which is basically an attempt to bring the footnote into the text. "They also set rules applicable to those operating agencies authorized or recognized by a Member State to establish, operate and engage in International telecommunications services to the public ('authorized operating agency')."

>> CHAIR: Panama, can you -- the way you put it as well has changed -- you have slightly changed the proposal text. If you can read it again in dictation speed. We have ten minutes to lunch break. I'm going to take the floors from the 7 Administrations asking, ending with Iran. And decide what we will do with it. But definitely one issue that we have to have on the table is we have to move on the text. But, I can tell you that we are risking opening up all issues right now.

So Panama, if you can repeat your proposal, at a dictation speed so we can take it. Panama.

>> PANAMA: Okay. "Also set rules applicable to those operating agencies authorized or recognized by a Member State to establish, operate and engage in International telecommunications services to the public ('authorized operating agencies')."

>> CHAIR: Thank you, Panama. Bahrain?

>> BAHRAIN: Mr. Chairman, I would like to raise a note of caution here. Today's Wednesday, and on Friday we are scheduled to sign the final acts, which means that really we only have today and tomorrow to finish them.

At this late point, there are few to no minor changes. Every word that we add or take out at this point can potentially change not only our understanding of each individual provision, but also how it applies to each country's laws, provisions, Regulations, their frameworks.

Now, we do understand that the text may need some gentle massaging, or some gentle amendment, and that was our agreement. But I cannot stress enough that we have reached a full compromise package. And that this is a very delicate house of cards, where if we pull too strongly on any  one element we risk the entire structure.

To clarify, as of two or three days ago, due to a misunderstanding on our part in the schedule of discussion for a particular provision, one aspect that we were -- that was of some importance to us was not clearly addressed in that provision. But we felt it was a minor point. And that with the addition of one word we could address that. So in informal discussions we approached some delegations, including delegations that have spoken previously on this topic today, asking them if they would have any issues with including this one word.

The response was that no, adding that word would be of serious concern and might change their understanding of the paragraph.

Now, why do I recount this? Because I'm trying to stress the point that adding words can have an impact. And everyone's very, very concerned here. So massaging the text is one thing. Introducing new elements into it, I cannot stress enough, Mr. Chairman, there is a note of caution that we're opening things up to further debate and that this house of cards which we have reached through compromise, agreement and collaboration together, and was frankly an excellent way forward, as Chaired by you and the Secretary-General. I worry that we risk it, Mr. Chairman. Thank you.

>> CHAIR: Thank you, Bahrain. I have seven minutes.

Netherlands, I'll give the floor, if you can in less than a minute. Talk about this issue. Because we really need to allow delegates to go and have lunch, a nice lunch, and come back to us with fresh mind and hearts to move this issue forward. Netherlands.

>> NETHERLANDS: Thank, Chairman. Let me first express our appreciation to you personally for bringing the conference so far as we are now.

But, at the same time, when we started this plenary, you identified a couple of issues that still needs further discussion and further clarification. And this is one of those issues.

We appreciate very much the U.S. Proposal on this. We think that it doesn't completely change the text. We have agreed so far.

We have also considered improvements. We need a little bit of time to look at them carefully. And so our proposal is to leave them between square brackets not only the text but also the issue of the asterisk, the footnote or in the text itself.

Thank you, Chairman.

>> CHAIR: Thank you. Sudan briefly.

>> SUDAN: Thank you, Mr. Chairman.

As a regards the issue of asterisk or the footnote, which has been clearly explained by the gentleman, ITU secretary -- ITU legal adviser, we don't have any worries. But I'm -- we are concerned about what has been actually captured and explained by our Honorable delegate from Botswana.

Thank you.

>> CHAIR: UAE, briefly, please.

>> UNITED ARAB EMIRATES: Thank you very much, Mr. Chairman, and I'll just be very brief.

First of all, already my colleague from Bahrain has expressed whatever I want to say. We totally agree word by word with what he has said. This issue has been discussed a lot, a lot, taken a lot of time. We also agreed on this text also that we do have some issue with it.

Now, we have heard that it is only just a minor modification. Even -- then if it's a minor modification, no needed. Just stick to what we have agreed, because it's a minor, as I have heard from both colleagues, have added this proposal.

As we get explained by the legal adviser and other, the current text is sufficient. And I would like to request you, Mr. Chairman, to go forward to approve this one as it is. Adding any word, it may really cause a lot of problems.

Thank you, Mr. Chairman.

>> CHAIR: Russian Federation briefly as well.

>> RUSSIAN FEDERATION: Thank you, distinguished Chairman.

We will also try to be brief. The representative of Botswana very attentatively and profoundly analyzed the proposal of the United States of America, and he demonstrated that it profoundly changes the spirit of compromise we achieved on the definition of "Recognized operating agency" and "Operating agency."

This is one of the portions of our very sensitive compromise which we achieved through all the regional organisations.

Therefore, any change of this compromise, as stated by the representative of Bahrain, could lead to very unforeseeable consequences.

We would like to call upon you and help you, Chairman, so that we can move forward. All issues related to any extent with specific compromise agreements, we should go through them as quickly as possible.

Thank you, Chairman.

>> CHAIR: Portugal.

>> PORTUGAL: Thank you, Mr. Chairman.

And good morning, and thank you once again for all of your efforts to address this issue in particular and to the success of the conference.

In general, Mr. Chairman, as was rightly said by some of our distinguished colleagues, there were extensive negotiations regarding this issue of ROA/OA. And there were, in these discussions, there were a number of Administrations finding concerns with the options. We had to address these difficulties. And one of the difficulties relied on the fact that the footnote could not be as clear to address this fundamental issue, as we would wish.

Therefore, I would be in a position to invite our distinguished colleagues to consider the addition that was proposed to make an addition in Article 1.1, as it could be the proposal that better captures the spirit of the conference, which is a win/win conference.

Thank you.

>> CHAIR: Thank you, Portugal.

I think we had an interesting proposal coming from Panama. I will take Iran and then conclude and I'll ask the representatives from the regional groups, whoever is interested in this matter, but I need a very small number if possible to come to me after the closure of the meeting.

Iran?

>> IRAN: Thank you, Chairman. Yes, we are close to the lunch. To facilitate your work, there are two issues. Whether we have footnote or whether we have provisions.

Your legal advisor to the Secretary-General mentioned that unless otherwise a conference of Treaty decides. That leaves the door open that this conference decides whether they have to have a footnote or whether they want to have provisions. This is irrespective of the text of the footnote.

So, after the lunch, you come back, you could place the issue -- again irrespective of the text, of the content of the text -- we decide to have the provision, there will be no problem. You label that 1.4.B after this paragraph. This is the first point.

The second point, Chairman, I think you need to be engaged in some sort of informal suggestions. You can't resolve this issue in the plenary. It's absolutely impossible.

However, taking into account that, as you have stated, we had the global, I think global, or somebody called it a package, whatever, agreement. And any changes to that would have an impact on the whole agreement.

Moreover, putting something as the United States proposed have direct impact on the text of the footnote. Total change. When you put "public correspondence" you go directly to the definition 1.0.0.8 and that was proposed at beginning and it was not agreed in the three or four meetings that you have held.

Therefore, please Chairman, if possible, kindly engage in some sort of informal discussion to resolve this outside of the plenary.

Otherwise, your time will be taken. Chairman. We have one and a half days. We have the full bulk of the issue before us. I don't want that at 2 o'clock in the morning we have important text and agree to that text by exhaustion. Consensus by exhaustion. Let us use our time properly and let us go to the business and go to the remaining bulk of the document that you have before you.

Thank you.

>> CHAIR: I ask the interpreters if they can stay with us for the next five minutes, if possible.

>> INTERPRETER: Yes, sir.

>> CHAIR: Thank you. I have a long list. I closed the list. I would suggest that immediately after we take our lunch break, I need Panama plus the regional representatives to come to the stage and we will talk briefly and see if we see a way out of it.

But we will have a compromise, whether we have a footnote provision it doesn't matter, legally speaking, in terms of the ITR. It's just the way that we look at it. The most important and substantial issue is what goes into this text. And making sure that the compromise, the global compromise is still maintained.

With that, I'm coming to the conclusion. And before we conclude -- please, Secretary-General.

>> SECRETARY-GENERAL: Thank you, Mr. Chairman.

I just wanted to tell you that yesterday I -- Chairman, the Chairman asked me to lead a group of 24 persons and 24 countries, actually. Four per region. We agreed upon and got together, and we did a lot of massaging of these documents. And we came to compromises. And compromise is not of course a glass full for anybody. I think it's a win/win compromises that are throughout the text that we see here. We gained some and won some and lost some. That was the spirit of the compromise.

So I would urge you to make sure that you don't reopen those agreed texts, so that we can go along in a balanced way that is not hurting anyone.

But of course I may say that the option 2, even though it's part of the compromise, we have said we're not going to touch the text at that time because we didn't have enough time. So we didn't fully agree on the text. So we can come back to it, being the fine tuning on it. I'm sure the Chairman will be able to do this during the break.

Because people -- we're not too far from one another in those discussions, in the spirit, we have the same meanings. And as I said yesterday, we should reach our conclusions because we found that there were some little differences, sometimes due to just linguistic differences or cultural understanding of some other things. And we -- and that's why we were able to find some compromise text.

So please I would just urge you in order for us to help the Chairman to make this conference come to a very good conclusion that is acceptable to all of you, and I know that all of us have constituencies behind us that will be expecting a lot from this conference, and so we hope that you will make it a win/win.

So I'm just urging here that we don't reopen too much discussion on at least the things that we agreed on yesterday.

And of course this can be an exception because we frankly didn't agree on it fully. We said that we will go for option 1. And other parties agreed with that. And by gaining something else, that they didn't -- that they lost in here.

So we believe that the text can be fine-tuned, and that there are two proposals here. And I'm sure the Chairman will be able to do something about it.

So just reminding you that we don't have a night to sleep on it. We will have something to digest maybe after lunch and I hope that we will have a very good Bon Appétit.

>> CHAIR: Also to finish with a positive note, I'm pleased to inform you today that the national independence day of Kenya. It's been 49 years of their independence. Let's give them a round of applause.

(Applause)

I want also to inform you that Committee 3, headed by Mr. Bruce, will work today at 1:30 in this room. And we will -- and we will start the afternoon plenary at 2:30 in this room. Please have a nice delicious lunch. Bon Appétit and please I usually the regional people to come to the podium. Thank you very much.

The meeting is adjourned.

(End of plenary 8)

(12:37)

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