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DUBAI, UNITED ARAB EMIRATES

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>> CHAIR: Hello everybody. If you can take your seat, we will start. Thank you.

Good morning, ladies and gentlemen.

And we have the agenda of today's plenary. If you can, gentlemen, can you take their seats. Thank you.

We have the agenda in front of us, submitted for approval.

New Zealand.

>> NEW ZEALAND: Thank you, and good morning, Mr. Chairman.

We have taken up very little time from the Plenary session, Chairman, but we have tried to engage very constructively in the work of the conference through working groups and other ad hoc committees and so on.

We are somewhat confused about what happened yesterday evening, late at night. And we're wondering, Mr. Chairman, if you could please explain what precisely did happen last night.

Did we have a vote? Is the text of that resolution now finalized? And we had very strict instructions from our Government, Mr. Chairman. We also have an industry who are watching very carefully what is happening in this conference. We need to have a very clear story to tell them.

Now, Mr. Chairman, we did, when you closed off the speaking order last night, had a request to speak, but of course we were not able to speak about the resolution.

Is the text of the resolution now finalized? It seems to appear that way. A show of hands vote in accordance with rule 21.5A, we consider a vote to be different from your taking the temperature. And we really would have preferred a win/win outcome on the basis of consensus, which of course we are unable to join.

Accordingly, Mr. Chairman, New Zealand would like to request that it be recorded in the record that New Zealand voted against the resolution.

>> CHAIR: Thank you.

What happened yesterday was not a vote. The Chairman decided to sound the temperature of the room on the adoption of the new resolution and it's entitled "To foster an enabling environment for the greater growth of the Internet." The Chairman noted that a large majority of the room was in favor of the adoption of this resolution, as amended.

And by decision of the Secretary-General, and like what I said, the resolution was adopted. But I just wanted to say it was not a vote.

South Africa.

>> SOUTH AFRICA: Okay. We are asking you to proceed with the meeting, Chairperson, because you are asking for the adoption of the agenda, and not the other stories that are told here.

>> CHAIR: Thank you.

With that, can we proceed with the agenda? I see no one is asking for the floor. Thank you.

I want to give the floor to the Chairman of Committee 3. Budget control, Mr. Bruce.

>> BRUCE GRACIE: Yes, thank you very much, Chairman. Good morning everyone.

So, ladies and gentlemen, I refer you to document 61, which is the final report from the Budget Control Committee. And in that report you will find the pertinent information related to the terms of reference, of course, to Committee 3.

The first substantive area to report concerns the agreement between the Government of the United Arab Emirates and the ITU. And all I'd like to say in that regard, Chairman, is that the Members of the Committee warmly applauded the Government of the United Arab Emirates for their generous offer to host this conference. The facilities have been excellent, and we would like to thank everyone involved in the organisation of this conference.

The next item on page 2, in the English text, concerns the financial responsibilities of conferences. And as you can see from the report, in reference to number 147 of Article 25 of the Constitution, and numbers 488 and 489 of Article 34 of the Convention, the Conferences and Assemblies of the Union have a responsibility to try to identify the financial implications of any decisions that are taken at these events. Accordingly, a note was prepared from the Committee to Committee 5, to try to identify any issues that, in the estimation of the Committee, were of a financial nature.

I have to report, Chairman, that there is only one resolution that was a potential for determining the financial implications, and as such we determined that the existing financial credits available in relation to the implementation of the Hyderabad action plan could accommodate the actions associated with that resolution.

So in conclusion, Mr. Chairman, there are no financial implications from this conference with respect to the decisions that were taken.

The next section deals with the budget of the conference. And as you can see in the report, at the 2011 session of the Council a resolution was approved outlining the budget for this conference for a total of 1,894,000 Swiss francs, of which 1,031,000 Swiss francs were foreseen for documentation.

Now, the estimated expenditure for this conference as of the 11th of December indicates 110,000 Swiss francs of unused appropriations, excluding documentation costs, would be the figure that would be presented to the plenary. Now, the cost of documentation is currently estimated at 706,000 Swiss francs. So, in conclusion, we have estimated that the overall costs are expected to be 435,000 Swiss francs below budget. So that information is provided in annex A to this report.

So, Chairman, the next section deals with the contributions to defray the expenses of the conference from nonexempted entities and organisations that participate in the work of the conference.

The amount of the contributory unit for such organisations was calculated at 5,500 Swiss francs, and that information is identified in number 6. Now as of the end of December, 41 organisations were registered and 22 were exempted and 19 will share in defraying the amount that I just indicated.

A list of all participating entities and organisations is given in annex B.

Now, Chairman, the plenary meeting has therefore requested to consider and approve this report which will then be forwarded to the Secretary-General, together with the comments of the plenary meeting, for submission to the 2013 session of the Council, which will meet next year in June.

I'd like to take this opportunity, Chairman, to express my great appreciation to the Secretariat, in particular, Mr. Ba, who is the chief of finance to the Union, who gave invaluable support to the work of the Committee throughout the meeting; and to Vice Chairs in particular Nurzat Boljobekova from Kyrgyzstan and Mohamed Ben Amor from Tunisia, who assisted in the work of the conference. We did have the opportunity to have the Deputy Secretary-General, Mr. Zhao, available with us during the meetings, and we certainly appreciate his interest in the work that we have undertaken.

With that, I present document 61 for your further consideration and approval. Thank you.

>> CHAIR: Thank you, Mr. Bruce. And I wanted to thank you personally for all of your work, and to Mr. Ba and to the Vice Chairs of Committee 3, as well as Mr. Zhao. Really an excellent job.

With that, the plenary is invited to approve the report contained in document 61.

Algeria.

>> ALGERIA: Thank you, Chairman. Through you we would like very warmly to thank Mr. Gracie, Mr. Bruce Gracie, and all the Members working with him and contributing to the work.

We are happy to see that out of the 1,900,000 Swiss francs allocated to cover the expenditure of the World Conference, we can foresee, of course, we haven't got there yet, but 435,000 Swiss francs. That is some 20 to 23 percent of the budget allocated to the expenditure of the conference. This is very encouraging. It is a remarkable result, of course.

We have to stress the contribution of the host country, the United Arab Emirates, who made a crucial contribution to enable the conference to achieve this balance of 435,000 Swiss francs. So we would like to thank Mr. Bruce and the team which contributed to the valuation of this expenditure.

But, in addition, we would also most warmly like to thank the Government of the Emirates, which made a financial contribution which is substantial.

Thank you, Chairman.

>> CHAIR: Thank you.

With that, can we go ahead and approve document 61?

I see no one is asking for the floor. Thank you very much.

I wanted to now go to DT/51 rev 1. And I wanted to propose something. Yesterday we had a discussion on the issue of my proposal on 1.1A bis. It was objected to by a number of Administrations or regional groups on my proposal. I wanted to bring or modify the proposal and bring something back that might solve it and it might be the way forward to approve Article 5A to 5B. And I'll read it out to you.

The proposal from the Chairman is to have the following words towards the end of 1.1A, after the word "Services," we put comma and we add the following words: "To the exclusion of their content." I will repeat. We put the following words after 1.1 A, towards the end, after the word "Services," we put comma, and we add "To the exclusion of their content."

And then we can have Article 5A, and of course the title will be changed to "security and robustness of networks" and no change to the provision itself.

And 5B, we can also have and consider that, of course there is a change. There is a mistake in the second line, replacing "Messages" to "Communications."

So I just wanted to put that forward. I don't want you to reply to my proposal. I want you to think about it. I will come back to it probably in one hour time. I will deal with a few other issues. And I hope I was clear about the proposal. It might be a way forward to these two articles.

And with that, I wanted to move to Mr. Horton and ask him to update us on the ad hoc group that was dealing with the remaining square brackets of Article 6.

Togo first.

TOGO: Thank you, Chairman.

Could you please come back to 1.1, Chairman. Togo had difficulty in following.

>> CHAIR: Okay. Togo.

The proposal was to -- we had, and I want to summarize, we had a number of issues that were discussed yesterday, a number of Administrations that they wanted to see clear seclusion of content-related provisions. So there was a proposal coming from my side and then I took it back because there were a number of Administrations opposing that proposal.

I'm now coming with a new proposal to basically add, after 1.1A, towards the end of the sentence, and after "Services" and sorry, 1.1 is Article 1, "purpose and scope of the Regulations." So if you can follow me there.

So 1.1A, towards the end of the sentence, after the word "Services" we put comma and we add "To the exclusion of their content."

And then we can consider 5A, too and of course the change of the title to "Security and robustness of networks," and leave the text in 41B as it is.

And Article 5B, "unsolicited communication," and 41C, the second line of that, there is a mistake in the word "messages," and it's replaced with "Communications."

This is for your thought. I don't want to open discussion right now. I see Iran asking for the floor. Iran, I'm not opening the discussion on this matter. If you can think about it, I will come back to it in one hour time.

Iran.

>> IRAN: Thank you, Mr. Chairman. Good morning to you and to everybody.

Yes, we are once again grateful to you for all of your efforts. We will come back to that.

But we have difficulty with the title of 5B. If you put content, then you have to change 5B.

>> CHAIR: Okay. We will come back to a discussion at a later stage. Thank you. And I want everybody to think about it.

Now, going back to Mr. Horton on 6. I hope we have good news from your side. I hope we can close Article 6.

Portugal, first? Before we take it.

>> PORTUGAL: Thank you. Good morning to all of you.

I'm sorry to go back to your previous point. Mr. Chairman, on behalf of Europe, let me reiterate the appreciation that we have for your efforts for delivering a successful conference.

I would like to emphasize to you and the distinguished colleagues in this room that Europe stands together and wants to be part of the solution.

We have been through a long and vivid process, where we were able to make significant progress. Europe notes your proposals for revision of provision 1.1.A, and the title of 5A and acknowledges that it is a welcomed step in order to bring us together so that a consensus can be reached in line with ITU tradition.

But at this stage, Europe considers that the outstanding issues should be discussed in an integrated way as a package. Europe will consider your new proposal carefully, and in that regard we ask for a suspension of the meeting as to give us time to reflect and consult our capitals.

Thank you.

>> CHAIR: Thank you. Can we deal with other issues right now, before we suspend the meeting? Okay.

Algeria?

>> ALGERIA: Thank you, Mr. Chairman.

Was that a point of order from Portugal?

>> CHAIR: I don't see a point of order from Portugal.

>> IRAN: Thank you. In that case, it's a simple request and we leave it to you to decide. It's not a motion of order otherwise you have to apply the procedure for that, and we have to specify how long. I hope it's not up to the 15th of December. Thank you.

>> CHAIR: Thank you.

Thank you. We will go to Mr. Horton. Mr. Horton?

Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

Well, we support the proposal from Portugal. We note that we are in a very difficult situation. We have many proposals on the table and we would appreciate to have a complete overview of all the proposals before we start adopting separate parts of the draft Treaty. So we support the proposal from Portugal.

Thank you.

>> CHAIR: Thank you, Sweden.

I think we have -- I understand what you are talking -- I understand the situation. But we have Article 6 to deal with, the Preamble, and if we can finish that we will have a break in one hour time and you can consult with the capital.

Now, can we deal with Article 6? Can we move forward? Can we make this conference succeed? Can we not stop the proceedings of this conference and make it even more difficult?

Nigeria.

>> NIGERIA: Thank you, Mr. Chairman.

At this point in time, we are in the injury period and we do not have enough time for all to conclude on the issues before this conference to deliberate upon and come up with solutions.

I want to urge you as the Chairman to continue with the deliberation of issues before you, especially the urgent issue which is Article 6, whereby the Chairman of the ad hoc Committee is ready with his report, before any action of suspending the proceeding of this meeting is taken.

Thank you, Mr. Chairman.

>> CHAIR: Netherlands?

>> NETHERLANDS: Thank you, Chairman.

To be frank, we were very surprised by the proceedings of this plenary yesterday evening. We heard several times that we would not vote and you indicated it was not a vote yesterday, but it was also said a couple of times that we work by consensus, and that is not what happened yesterday. We approved a resolution --

>> CHAIRPERSON: Sorry, Netherlands. I need to correct you. I was clear at the beginning of this plenary -- please, I need you to be very cooperative with everybody and please do not change the Chairman's words.

>> NETHERLANDS: I heard you say this morning, Mr. Chairman, that the resolution was adopted.

>> CHAIR: Exactly.

>> NETHERLANDS: And I think there were quite a number of delegations opposing that resolution. And that is not the basis of consensus, you know, Chairman.

And we would like to have a positive outcome of this meeting, but I think we have come away from an acceptable outcome yesterday evening, and that is our big concern, Chairman.

And if you continue by dealing with the individual issues, we are not certain that we come closer to what is acceptable to us. So that's why we are asking for some kind of package in the end, and we would like some time to see whether that package is acceptable or not.

Thank you.

>> CHAIR: I'm so surprised with what you just said. I'm really surprised of what you said.

We have spent Monday and Tuesday in a smaller group, and we had discussed a compromise solution. And I brought it to this meeting. But I have to say there is a group that is -- was basically walking out of this compromise one after one. And I'm trying to make progress. I'm trying to help everybody.

And let me reiterate. What happened yesterday was not a vote. And I came today in the morning, trying to solve more issues. And if you can, allow me to continue and conduct the work of this conference in order to reach the conclusion. We have Article 6. We have the Preamble to finish. I'll come back to other few issues. And you can have the break and you can consult with your capitals or you can consult with your group. I can give you time. But let us proceed with what we have.

We have in front of us some pending issues that I can -- I think we can deal with very easily and swiftly. And there are other issues that was part and parcel of a compromise solution, and it is there in this document.

Portugal.

>> PORTUGAL: Thank you, Mr. Chairman.

I appreciate your efforts and I -- let's trust your wisdom and the way you are proposing to deliver this. So we will accept to discuss now Article 6 and the Preamble. Then when you deliver as a full package, we will ask for the suspension of the meeting so you give us time to reflect.

Thank you.

>> CHAIR: Thank you. Let's applaud what happened from Portugal just now.

(Applause)

Can I now deal with Article 6? Can you move the request?

Algeria. We have very limited time. Algeria.

>> ALGERIA: Chairman, you are inviting us to respond to Article 6, so we are responding to Article 6. We are concerned -- we were concerned yesterday. Are we indeed addressing Article 6 now?

>> CHAIR: Yes, we are. And I want just to give the floor to Mr. Horton to give his presentation of what is the conclusion of his meeting.

Thank you, Mr. Horton, back again to you. Thank you.

>> ROBERT HORTON: Thank you, Chair. And really some points of a drafting nature. But I thought I might try to help you, if I could, Chair, with a little bit of historic remembrance of the last conference --

>> CHAIRPERSON: Mr. Horton? I'm sorry, I'll interrupt you. I want you to focus on Article 6, for the sake of time.

>> ROBERT HORTON: Okay. But I'm happy to help you with the most difficult issue you have. But not to worry.

Okay. We go to Article 6. Other new provisions. We discussed these from the point of view of whether they were already covered in the Article 6 text that we have already agreed on.

Secondly, whether they were in scope, in terms of the ITRs.

And, thirdly, whether we are really talking about regulatory functions which are of a national basis.

And also trying to teach regulators how to suck eggs. I don't think they need some of the advice, which is of a national sovereign nature, and there are different points of the history in terms of what they need, and they certainly have a good idea of how to achieve that, and there is plenty of reference material in other areas of ITU to assist the regulatory function.

So having said that, Chair, we went through all of the recommendations, the provisions which were suggested, and decided that most of these could be deleted because of those three reasons.

So we suggest to suppress 42Q, 42R, 42S, 42T, 42U, 42V, 42W, 42Y.

Now, Brazil insisted that 42X should remain on the table in terms of a provision. There were opinions that this is, again --

(Phone ringing)

Could you answer that phone, please?

-- were essentially still on the table, but other people thought that they were essentially regulatory text of a national basis.

So I just leave you with that one, Chairman. You could test Brazil to see if they are still insisting on that being part of the Articles.

Now, there was also a suggestion that there could be a resolution of some of the elements which we've taken out here, even though they are addressed in the text. But they could form the basis of a small resolution which might be helpful and points some of this work towards the work of ITU-T.

So, Chair, that's where we stand with this. And I'll hand over to you now, Chair, if you want to just see if 42X is still active and alive and we need to do something with it.

>> CHAIR: Thank you.

I'll give the floor to Brazil, UAE, then Chile. But I'd like to ask if we can strike out 42X for the sake of the meeting. I think we can close Article 6 completely. So if we can, Brazil, in the spirit of compromise strike out provision 42X.

Brazil.

>> BRAZIL: Thank you very much, Mr. Chairman. Good morning everybody.

Yes, we just feel that it was unfortunate that we didn't have enough time to discuss more thoroughly this issue, because we feel this is an important issue for creating wholesale conditions that allow more fair billing and charging at the retail level. So we feel that there should be room for productive discussion on this issue, but due to the sake of time Brazil is willing to withdraw this proposal to save time for the other important issue that we have to discuss today.

Thank you.

(Applause)

>> CHAIR: Thank you, Brazil. I really appreciate it. Thank you. UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman, and good morning everybody.

Chairman, I would like to pay your kind attention that the provision 42R, 42S, and 42T were proposed by the Arab, African Group and others, but, unfortunately, it seems that due to some constraint they could not be thoroughly discussed at the Working Group and Committee levels.

This is a compromise and this is between different groups and Administrations which have alread considered the requirement for high level flexible principles.

As a matter of fact, we have all admitted that the telecommunications sector has changed a lot since 1988. The chain of providing communication services no longer consists of only a two-party model through which the telecom operators provide the voice and SMS services to the public and end-users. And today the telecommunication market, this chain includes an additional and important player, which is the provider of communication service and application. And, accordingly, the telecom operator comes in the middle of the chain, carrying the growing traffic between these two sides of the chain.

Our earlier discussion has emphasized the importance and worldwide requirement to continue investment in building high bandwidth broadband telecommunications facilities and infrastructure across all countries in order to assist in the development of all aspects of our life.

Having said that, I would appreciate that all distinguished colleagues in this room understand and support the growth of this vital segment and, accordingly, the development of our countries.

In conclusion, this provision addresses an important issue and the requirement for a reasonable compensation by promoting the commercial agreement between all relevant stakeholders: That is the telecom operator and providers of international telecommunications applications and services, based on benefits and various other services, with the principles of promoting the quality of service, fair competition and innovation.

Since there was no consensus in the ad hoc group to remove this provision, and as a package compromise, the Arab and African Group agreed to suppress provisions 42Q. That has agreed. And, however, we would like to also combine both 42S and 42T. And we can have a compromise with this one, and the rest can be deleted, also.

However, 42S and 42T are still our -- 42S and 42T are important for us, Mr. Chairman. And we can give a compromise on this one. Thank you.

>> CHAIR: And like what I asked Brazil, can we live without them, 42S and 42T, in the spirit of compromise, so that we can proceed? We want to clear Article 6 completely, if possible.

I'll give you the floor. I will take Togo,

>> TOGO: Thank you, Chairman.

In order to tackle this in the spirit of compromise, Togo would frankly like to suggest suppressing 42Q to 42X. We need to be logical about this. It's in this logic that we suggested yesterday that we should suppress the resolution which we suppressed.

That's why we accepted that resolution. It's in the same logic that we suggest suppressing 42Q to 42X. And Togo would be in favor of a new resolution which addresses this.

>> CHAIR: Thank you. But we are really running out of time to draft a new resolution.

And I go back, I can see that these are instructions to Member States to put things in their own regulatory framework, which I think is the sovereign right to do whatever they can do within their framework.

So I go back to the UAE and I ask them, please, in the spirit of compromise, agree with the meeting to suppress 42S and 42T as well.

UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman.

As I mentioned in my statement previously, it's really important for those countries here. And I understand that 42S said "Member States should ensure their integrated framework," but we will change it to say "Member States will take measures to promote the establishment of commercial."

But still, that -- we believe that, Arab and African groups, still it's important that these two at least -- we have -- take out the rest of it, but this is important for both groups, Mr. Chairman.

Thank you.

>> CHAIR: Go back to Mr. Horton. What was discussed in the meeting?

>> ROBERT HORTON: Chairman, these issues were not raised at the meeting. It was not brought to the meeting's attention. And I would still suggest that they don't pass the test of either being catered for already in the ITRs that we have written so far, or they may be out of scope of the ITRs, or they are national regulatory matters, and I think -- I still feel that they would be difficult to pass the test. But that's a personal opinion, but it was not discussed.

I was approached after the meeting, but maybe the Members of the Arab States were not in the meeting. I don't know who was there and who wasn't.

>> CHAIR: Burkina Faso and then I'll give the floor to the Secretary-General.

>> BURKINA FASO: Thank you, Chairman.

The first statement which was made earlier was a bit quick for us. We didn't follow everything that Togo said about suppressing the resolution. But there was also a suggestion to suppress 42Y. We wouldn't be in favor of that, because in the discussions which we have held, we understood that that was important for us and we believe that we need to come back to that point. 42Y.

If I'm mistaken and that wasn't being suppressed, then please accept my apologies.

>> CHAIR: Secretary-General?

>> SECRETARY-GENERAL: Thank you for giving me the opportunity to speak on this matter.

Really, I want to make sure that we are not tying our own hands and tying the hands of the operators and over regulating.

We have been talking about light touch regulations in this whole thing. At the national level, all of these things will be dealt with in any case. So my plea is that, as Burkina Faso and Togo mentioned, the only relevant part here is 42Y, which would probably just assure that there is a kind of mechanism at the national level, just making reference to it. So you will be really the kind of light touch regulation that we have been advocating. Some regulation, yes. But light touch regulation. Because too much regulation will be difficult to implement at the end and it will make it very difficult for the same operators that we are trying to protect here.

So I plea that we join the proposal made by Togo and Burkina Faso to delete all of the -- these provisions, and just keep provision 42Y. It would make it very simple and it will move forward. And I hope that our friends from Emirates and -- United Arab Emirates and the Arab region will understand that this will really move us forward and it will be a very nice gesture towards this conference this morning. I see a very positive spirit starting, and please let's continue that.

Thank you.

>> CHAIR: Thank you. Mr. Secretary-General, I'm suggesting to delete the entire thing, 42Q to 42Y. I think that's something that can be dealt with.

Burundi.

>> BURUNDI: Thank you, Chairman.

I share the views that were just eloquently added by the Secretary-General of our union.

I should, however, like once again to raise my concerns about 42V. At least where Burundi is concerned, the coming together of efforts and cooperation among Member States to avoid and mitigate fraud in International telecommunication networks is of pivotal importance. And that leads me on behalf of Burundi to suggest that provision 42V be maintained.

Thank you.

>> CHAIR: Jordan, UAE, Uganda, Egypt, Canada, Senegal, please, I know that the Arab and African Group proposed this, but I think we can have very briefly a statement from you, Jordan.

>> JORDAN: Thank you, Chairman. Thank you for giving me the floor to express my views on the proposal submitted to us.

Chairman, when we presented these proposals, the idea was to shed light and to bring to the attention of the International community two certain issues. And these points are the outcome of our discussion. However, now we see that now we're told there is no room for discussing these issues.

These proposals make reference to a regulatory framework. Of course, this has a lot to do with national policies, and of course will have an impact on operators, on those who are responsible for content. And all these issues have been resolved when we defined what an operating agency is, what content is. Therefore, I would like to support your proposition to delete this whole section.

Thank you.

>> CHAIR: Thank you.

Uganda.

>> UGANDA: Thank you, Chair.

Chair, I want to join Togo and SG and the other speakers that we could suppress, right from the 42Q up to 42X. But there are still some Member States who wish to retain 42Y.

Chair, the other ones to be suppressed are fairly well catered for by the provision adopted yet, 6.1.1. So we would go with the proposal to delete from 42X -- but then discuss 42Y for the Member States who still feel 42Y is necessary.

I thank you.

>> CHAIR: The issue that, when I gave the groups the chance to discuss this, is not to have these discussions here in this plenary. It was to go and clear it. And we are still having these discussions right now back again to the same exact points.

Egypt.

>> EGYPT: Thank you, Chairman.

I'm talking on behalf of the African countries. Unfortunately, we have spent or stayed here until very late yesterday and it was difficult for many of us to attend the meeting of Mr. Horton.

However, with the good explanation and the words of the Secretary-General, I think what is proposed is very relevant. Because now after changing the definition of OA, and -- and this relieves the stress on the content providers and this issue. However, in the liberalized market or in a competitive market, there must be some sort of light regulation. Must take care of the instances of fraud, instances of problems that arise. We have to find some authority to talk to, to relieve such actions, such situations. Even at the WTO, it states that there must be some sort of dispute mechanism that can take the actions against such instances of fraud and problems to the operating agencies of some small countries.

So I propose to keep Article 42Y, so that small Member States or developing countries can have some sort of mechanism to respond to such challenges for their small operators.

Thanks, Mr. Chairman.

>> CHAIR: Thank you. I hear that you are in agreement to suppress 42Q all the way to 42X. Thank you. Iran?

>> IRAN: Thank you, Chairman.

I think some of this yesterday was proposed to be suppressed and it was applauded and you put it in the record that it was supposed to be deleted. Now we come back again, no problem. We also agree with deletion of everything until 42Y. However, 42Y you wanted the wording to be changed, not be "shall endeavor" but "should encourage." This is something that we could not agree for the dispute resolutions as a "shall." But "should encourage," we have no difficulty.

Thank you.

>> CHAIR: Thank you.

I see six countries asking for the floor. I want you to be brief. I think there is somehow an agreement to delete everything until 42Y. I want to come back to Y. So if you really don't need the floor, please take the request.

Canada?

>> CANADA: Yes, thank you very much, Chairman.

Chairman, following the remarks from Dr. Horton that all of these provisions in one way or another appear to be related to national regulatory matters, we would support those who would suggest that all of these provisions be suppressed.

But at the same time, we would encourage those Administrations or Member States who have an interest in these subjects to submit contributions to ITU-T Study Group 3, as appropriate. Perhaps that would be the best approach, given the fact that we're reaching the end of our time at this conference, and that would enable them to express their views more thoroughly.

Thank you, Chairman.

>> CHAIR: Thank you. UAE, can we proceed and delete 42Q all the way to 42X? I'll come back to 42Y. UAE?

>> UNITED ARAB EMIRATES: Thank you, Mr. Chairman.

We would really appreciate your kind efforts to reach a proper compromise solution and also for the Secretary-General for his wisdom and kind efforts to address the importance to move forward and to reach the proper compromise.

Mr. Chairman, we would like just first to address the following facts, that right now, nowaday, the issue between the International providers or the providers for International telecommunication applications and services are no longer a national issue, Mr. Chairman, since already they are now available anywhere of the world and they can provide the services and applications anywhere else in the world.

So, Mr. Chairman, I think it's really important and an essential issue to be addressed in our meeting, and to be highlighted. Maybe I fully agree with you, Mr. Chairman, and with the Secretary-General that maybe we need to massage it a bit, the wording. However, Mr. Chairman, we can go ahead for the sake of compromise and for the sake of saving you time and the conference for the proposal by Mr. Horton, by Dr. Horton for resolution, addressing the different concerns by Egypt and by the African and Arab States. And we will work closely, Mr. Chairman, if you allow us, with Mr. Horton on the break to draft a very simple and very high level flexible provisions and thus resolution addressing our concerns on such an important issue.

Thank you, Mr. Chairman.

>> CHAIR: So we have an agreement to delete it.

Thank you.

>> We just wanted to support you and your proposal to suppress 42Q and following. Thank you.

>> CHAIR: Algeria.

>> ALGERIA: Briefly, again. Thank you. I'll be very brief, Chairman.

I was under the impression that in this shipwreck of all these provisions, we could have salvaged something in 6.1.1. We can perhaps put International -- high bandwidth, International broadband, International telecommunication networks. I thought a group was working on that this morning and I thought we found a compromise. Perhaps if no one is opposed to it, we could add that.

I'm not opposed to suppressing 42Q to 42X. But I'm under the impression that the Distinguished Delegate of Burundi had expressed concerns about 42V. So what is the status of 42V?

Perhaps 42V, 42Y could be maintained, given that Burundi has had those concerns.

>> CHAIR: Thank you. There is a resolution that we will come to on document DT/52 which deals with International telecommunication service exchange. And we will come to that and I'll bring it back with Mr. Horton to the meeting.

I have four requests from the floor. I want it to be very brief. Uruguay, US and Cote d'Ivoire, please.

>> URUGUAY: Good morning, Chairman.

We find ourselves at the historic moment and before an historic agreement which requires all of us to make compromises. We have been here for many of the discussions of issues under 42. But in the spirit of compromise, we will resign ourselves to this.

Perhaps a conference should be convened to discuss these aspects. These are not national regulatory aspects. These relate to international business and trade, and so perhaps we should convene a conference.

There is nothing national, for instance, about trade between Mediterranean countries or competition between regulatory aspects of different countries, or where third countries are involved. So we do, of course, respect the stance of Mr. Horton in regard to these items, and we're willing to support the suppression of all of these provisions. But we would encourage the ITU to convene a conference with adequate opportunity to discuss these issues in the future.

>> CHAIR: Thank you. U.S.

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

Mr. Chairman, we would associate with those who have suggested that we delete from 42Q to 42Y in order to move the conference along.

We would also note particularly the intervention of Uruguay, who I think has made a very interesting proposal. We take his proposal to mean that these issues are of significance, they deserve attention, they deserve more than the 15 minutes that we have been able to devote to them and to the valuable time of Mr. Horton.

And we would also add the United States delegation was with Mr. Horton and others earlier this morning to discuss these issues.

We would slightly vary the proposal, interesting proposal of Uruguay, to suggest that colleagues -- and we believe Canada also made a similar proposal -- that colleagues bring to the next session of Study Group 3 their contributions as they may find appropriate from 42Q to 42Y, and allow the Study Group to discuss them in a deliberative manner, in the time that is sufficient to these important issues.

But, Mr. Chairman, we are very concerned that we were rushed here and that we may not have the kind of judgment that is required to deal with these Issues.

The last point is 42Y. This is a very interesting proposal. It has on the first appearance something that we could support. However, the difficulty, as always, is that when one says the Member States "shall ensure," we need to be perfectly comfortable and confident that we can ensure and that we all have respective jurisdictions and legal systems. And that in each case before all legal systems, there has to be determination of standing before the court.

So, Mr. Chairman, rather than we rush to a judgment on 42Y, that also needs to be given the consideration, the serious consideration that it deserves.

In short, Mr. Chairman, we support the deletion of 42Q to 42Y for the reasons that we have stated.

Thank you, Mr. Chairman.

>> CHAIR: I'll give the floor now to Mr. Horton. I have still a lot of countries asking for the floor. Mr. Horton, if we can take 42Y, the resolution, I just want you to quickly explain it. Maybe it might help in reaching to an agreement to delete everything.

We have now a majority agreeing to delete almost all of these provisions.

>> ROBERT HORTON: I would see it more as a consensus in what I can observe. I did like the analogy that Algeria said, that we have encouraged the shipwreck. Really, the ship was too big so it needed sinking. And you can rest assured that I have a life boat and I'll invite the Secretary-General and Algeria into the life boat, and that is Temporary Document 52, which is a new draft resolution which you asked me to write. It's ready to roll. I think it's up. But you may call for it later.

>> CHAIR: Yes, please. You can introduce it.

>> ROBERT HORTON: Alternative dispute resolution could easily be slotted into that resolution.

So we could see some provision for it. And that would then respond to the Secretary-General's plea and others who feel that alternative dispute resolution is a very useful tool to have, and of course it would depend on national legislation which would enable that. But that's why I think the USA is a little bit cautious of saying "Shall."

So, Chair, we have a life boat and it will come in view when you're ready for it.

>> CHAIR: I always count on your life boat.

DT/52 is uploaded and I think it can be looked at. If you can, please, I have a number of Administrations asking for the floor. If you can take the requests, we really need to move forward. And I will appeal to everyone if we have no more objections, there is a consensus to delete all of these provisions. And we are going to introduce a new draft resolution DT/52, which is going to have all the elements of termination, exchange, and has got some elements in the resolves for the TSB director to also look into dispute resolution.

Cote d'Ivoire, you are insisting to have the floor. Please go ahead.

>> COTE D'IVOIRE: Thank you, Chairman.

We would like to congratulate and thank you for your efforts to find a compromise. We do, however, have one concern about this draft resolution. We could potentially echo what was said by Togo. When we look at this resolution, it calls upon states to instigate provisions in their regulatory framework. And when we talked yesterday about the resolution on the telecommunications environment, we used arguments there to suppress that.

So I think we might be going back to square one here, namely that this resolution isn't going to be deemed acceptable. I think the Secretary-General made a proposal which seems very acceptable to suppress 42Q to 42X, and retain 42Y.

I should like to support that. Let's maintain 42Y and, where appropriate, suppress 42Q to 42X.

I don't think this resolution is the best solution, because we're going to be back at square one.

>> CHAIR: Thank you. I think we were positive. I think we can discuss the resolution. And the text which is in 42Y carries a very, very strong language to Member States and also calls for parties to have dispute -- alternative dispute resolutions in their system, which is a very, very complex matter that needs to be very carefully looked at before even put to any conference.

And this can result into a serious litigation by many, many, many Member States. So I would be very cautious even with that. I think we can look into drafting a resolution and proceed.

Brazil, briefly. I have Burkina Faso, Iran, Morocco, Senegal, Mexico. I think we have a consensus on the deletion of these provisions. If you don't mind, we can -- you can please remove the request for that. I think we have valuable time.

We need to get into the Preamble, and we have also in front of us, we need to give a chance to the regional groups to consult and come back to us. We have a lot to do.

Brazil?

>> BRAZIL: Thank you very much, Mr. Chairman. We tried to help you by dropping our proposal, but it didn't work, because we have been here for 30 minutes discussing this.

Regarding 42Y, we have a big difficulty with this provision, because honestly our delegation cannot commit our competition authorities at this level. We were ready to discuss this, maybe change the text from the original proposal, but we don't have time for that. We are seriously concerned about the big picture here. We should be discussing the future of the ITRs. And if we are discussing every single provision that is not very important that can be discussed in other fora, like Canada and the US said, we may not have time to sign the ITRs.

So let's think about the big picture. Thank you.

>> CHAIR: Thank you for that. Burkina Faso.

>> BURKINA FASO: Thank you, Chairman.

I think, as stated by Cote d'Ivoire, the proposal made to us was a good one. We were moving towards a good consensus to suppress all of these except for 42Y. Perhaps I understand the caution of certain Administrations, but in my view that doesn't mean that this provision will not produce the effects which those requesting it support. Therefore, I really do believe that we should, perhaps if some wish, re-examine the wording. But I think it's well placed here and we shouldn't merely put it into a resolution. We think it's very important to examine it. I know we do not have much time, but it will not be useful to make haste and do away with what is very important, in our eyes.

So please let us look at this. And those who have concerns may, if they wish, propose alternative wordings and we can see if those are acceptable to us.

Thank you.

>> CHAIR: Thank you Burkina Faso. And I really appreciate what you said. But there is not much of a support to this provision. And the other parts who are opposing it, they have proposed that such language can be put in a resolution. And we can move forward with it. But at this stage, to draft a provision and change it with such a complex matter, I think we heard many, many Administrations opposing it.

Iraq, briefly, Morocco.

>> IRAQ: Thank you.

The Administration of Iraq believes we should retain these paragraphs, especially that on fraud. However, if certain parties feel that this text should be placed in a draft resolution, we could accept that proposal.

Thank you.

>> CHAIR: Thank you. I think we have dealt with that already.

Morocco.

>> MOROCCO: Thank you, Chairman.

We have followed with interest the entire discussion on these provisions under 42. We are with the decision of compromise and suppression. Nevertheless, many points and provisions are of interest to us, especially 42V, as stated by the Distinguished Delegate of Iraq who spoke before us. This provision deals with the aspect of fraud, which is practiced more at International levels than domestically. Therefore, this should be in the International Telecommunication Regulations themselves.

Chairman, the word "Fraud" only exists in 42V, and therefore if we agree to suppress all of these provisions, including 42V, we would like fraud to be covered within the ITRs, at least in the resolution as an area of agreement overall. This should also deal with fraud.

Thank you.

>> CHAIR: Senegal, briefly, please.

>> SENEGAL: Thank you, Chairman. Very briefly.

For Senegal we want to make sure that the compromise -- that we have a resolution on all of these Articles that is a genuine one, especially 42D, which seems crucial to us. We want to make sure the resolution will take this on board, and we are prepared to help to draft this.

Thank you.

>> CHAIR: Thank you.

Can I suggest something? That we have an agreement to delete all these provisions and we consider and we will not introduce resolution 52. I'll go back to Mr. Horton and see if he can come up with a better text for the resolution that covers the concerns coming from those Administrations who spoke about these provisions, and bring it back to us.

Mr. Horton.

>> ROBERT HORTON: Chairman, I think when we do look at the text of the draft resolution, you'll see that there is an open invitation to all Administrations to increase the list on this agenda of issues that could be studied and researched, and which need to be as a result of our discussions.

And then it's up to Member States to provide contributions on those issues to Study Group 3 to further that work.

The list that you see when we do get to temp doc 52, there are four examples which were provided to us by the African nations, but that is not an exhaustive list and it says "Inter alia."

So there are others which could be added to the agenda for this work, and we certainly invite Member States to contribute to that agenda to have a fullsome discussion and research in Study Group 3 on these matters.

So, Chair, it's not a question of dealing with more examples and issues on the list here. It's up to Member States now to take those issues into the Study Group and to get them resolved on a basis of getting useful guidelines under "recommendation," perhaps. And that's the basis of what it's all about. Learning how to deal with these new matters in the negotiation field.

So, Chair, I don't think we need to amend any further that resolution, that's my opinion, and we are really running out of time. Thank you, Chair.

>> CHAIR: I agree with you. It's 11:00 and we are really taking a lot of time from the conference, and it's really... we need to focus on concluding these matters.

Mexico briefly, Iran, Paraguay, Egypt. I'm closing the list so we can move forward.

>> MEXICO: Thank you, Chairman. I would like to urge the various Administrations to understand that some of the inclusions from 42Q to 42Y can lead to problems, such as market distortions. So like many countries, Mexico would like us to pass this onto the relevant body and change topic.

Thank you.

>> CHAIR: Iran briefly.

>> IRAN: Thank you. I don't need the floor anymore.

>> CHAIR: Thank you. Paraguay?

>> PARAGUAY: Thank you, Chair.

Our delegation is not in a position to evaluate the implications of these provisions and we therefore do not support the proposal.

Thank you.

>> CHAIR: Egypt?

>> EGYPT: Mr. Chairman, since the proposal came from the African Arab region, I simply suggest that during the break or the suspension, whatever it is, if it has -- allow us enough time to make a combined meeting, come with a proposed resolution, and urge Mr. Horton to discuss it in the small ad hoc group, and get that to you for approval.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Chile?

>> CHILE: Thank you, Chairman. We are not in a position to accept 42V, so we would request its suppression.

>> CHAIR: Thank you. I think there is a consensus to delete or at least a majority agreement to delete all these provisions. I will ask Egypt, Mr. Horton, and the group to basically convene to work on resolution 52 and come back to us.

Thank you.

I now go to the Preamble and I want to invite you to look into document -- I'm trying to find it. 51 rev 1. Corrigenda 2.

And there is -- on the second line of the Preamble, the text between square bracket, and I'm asking the floor if there is no objection to remove the square bracket and approve the Preamble.

Algeria and then Malaysia. Algeria?

>> ALGERIA: Chairman, we have document rev 1 to document DT/51. But we don't have the corrigendum. So could you please give us two or three minutes of time to find it on the website?

Thank you.

>> CHAIR: Can I take Malaysia in the meanwhile?

>> MALAYSIA: Mr. Chair, not that we would like to reiterate what we have stated, but the commitment that is being spelled out here is still felt to be more reasonably well placed in the Constitution of ITU itself. We have said this many times, therefore the reservation that is left with us will have to be implemented.

And realizing that the words "Human rights obligations" here is nowhere spelled out, and as you know, the International court system can always find the movement to alter the variances of these meanings. And especially when you put the H in capital, the R in capital, and the O in capital. When there are obligations that should be right as well, how about the rights? They are not spelled out here, only obligations.

Therefore, Member States should be given the respective commitment to suggest that the preambular provision in this bracket should be moved onto the Constitution of ITU, and we do feel strongly that this should not be here during and for the regulatory commitment of this conference.

Thank you.

>> CHAIR: Thank you.

China, Bangladesh and Iran. I'm just saying if you have a problem with it, I'm not -- please don't take the floor if you support it. Just for the sake of time.

China.

>> CHINA: Thank you, Mr. Chairman.

We would like to associate with the distinguished guest from Malaysia regarding the comment on this provision, on this text. We also have a very serious question about the necessity of the existence of this text.

For some countries, on one hand, they tend to refuse discussions on whether we should include the Internet issues and nondiscriminatory access to Internet in our discussion.

On the other hand, they tend to uphold on the discussions of the Regulations in a manner that respects and upholds their human rights obligations. And they have their saying about implementing those Regulations in such a manner. We think that this is very -- that these are very contradictory practices.

Yesterday we heard some of the delegations saying that telecommunications involves human rights. Meanwhile, they do not agree that we need to discuss Internet and nondiscriminatory access to Internet in the ITRs, and for those countries who have less developed Internet services, and for those who tend to be prejudiced in terms of the nondiscriminatory access to Internet, what kind of obligations do they have to implement the human rights or fulfill their human rights?

So, in our opinion, while we are talking about human rights obligations, then the Administrations or delegates should enjoy the rights of Internet discussions.

For example, the sovereignty, the security of the state, the right of subsistence, the right of development, and the right of achieving the Millennium Development Goal and the rights of bridging the digital divide.

If we just talk about the obligations of the Member States instead of the rights of the Member States, I think that this is a double standard.

In conclusion, we support the Minister of Malaysia. If we must discuss human rights obligations in this ITRs, we should put it in the Constitutions of the ITR through the adoption of certain resolutions. And we also need to strike a balance between the obligations and the rights.

Thank you.

>> CHAIR: Thank you.

Bangladesh, are you opposing the text? If you are not, please -- can you not take the floor? And I'll ask everybody the same question. And I want you to look at the counter and please limit your speech to one minute, so that we can proceed.

Bangladesh.

>> BANGLADESH: Sorry, sir. Sorry, too.

Sir, in the corrigendum 2 we see that the ITRs are hereinafter referred to as Regulations. But when we go to the rev 1 of DT/51, almost in several places it has been referred as ITR. So, we just need a bit more modification in the editorial segment of the documentation.

Thank you.

>> CHAIR: Thank you for that.

Iran?

>> IRAN: Thank you, Mr. Chairman. As you mentioned, the Administration or the Government of Iran has full respect for observance of the human rights and declaration on human rights. Chairman, however, the wording here, Chairman, is not the wording suitable even for the Constitution. "Commitment" is taken from the declarations of the Geneva conference or WSIS, and this is not the word. Never in the Constitution does it refer to "commitment." And "uphold" is a word never -- never can we have such a word in any text of the Preamble.

And in conclusion, Chairman, we fully support the statement of the honorable Minister of Malaysia and Distinguished Delegate of China. This is a high level issue and must go to the Preamble, the Preamble of the Constitution if the plenipotentiary conference so decides.

Thank you.

>> CHAIR: Thank you. Jordan, please watch the counter. Thank you.

>> JORDAN: Thank you, Chairman.

I fully agree with the idea according to which this text isn't necessary in the Preamble. Of course, there are human rights obligations which relate to telecommunications. Consequently, if we are indeed obliged to refer to these obligations, this should be in the Constitution.

And also we need a better definition of the term and concept of human rights and its link with telecommunications. And this is why, Chairman, I propose we suppress this text from the preamble.

>> CHAIR: Thank you.

U.S.

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

Mr. Chairman, we have participated actively in the debate on this issue. And we have made our views known on a number of occasions as we have tried to reach a compromise on this matter. And in so doing we have -- as I have indicated, we have spent a great deal of time.

We proposed a language which has been adopted or supported by many delegates and which we find now in brackets in this Preamble.

Mr. Chairman, we also, when we did that, we included a phrase "Which are not altered in any way" which is to be followed by "Obligations, which are not altered in any way."

Mr. Chairman, in order to facilitate the understanding of that phrase, we will be prepared to say "Which are not changed in any way."

Mr. Chairman, this is an important construction for us. In order for us to finally join consensus on this sentence, we need to be assured that -- and we trust that other delegations are in the same position. That whereas we support human rights obligations, we also understand that this technical body will not be a place in which those human rights obligations are debated or otherwise changed, as this may cause considerable difficulties for delegations, both collectively and individually.

So rather than give any impression that we have now created a new forum for the debate of human rights obligations, we would require the phrase "Which are not changed in any way" as an addition to this language, which is now given to us in the Preamble.

Mr. Chairman, as the discussion continues and if there appears to be a consensus in one direction or the other, we would reserve to come back to make a final statement.

Thank you, Mr. Chairman.

>> ALGERIA: I do not wish to dwell at length on this. Iran, Malaysia and China and other speakers have expressed the same opinion. We do not think that this text is -- has its rightful place in the Preamble of the International Telecommunications Regulations.

Chairman, as you will have noticed, we listened very attentively to arguments adduced. Chairman, we listened very attentively to arguments put forward by Member States. And so as we can understand their concerns and why not share them, but I must admit that sometimes we are disconcerted by the justifications for proposals, especially that to include the clause in square brackets. Sometimes we are told that this is not the correct forum to discuss human rights. Sometimes we are told that human rights are related to content. And of course in other statements content, you yourself proposed this this morning, content has no place in these Regulations. This is one of the proposals we were invited to examine subsequently.

So, Chairman, whilst we await a more detailed discussion, if such a discussion is to take place, we are not in a position to accept the insertion as it's currently -- as it currently stands of this sentence in the Preamble of the International Telecommunication Regulations.

Thank you.

>> CHAIR: U.S.

You have proposed to add after the -- towards the end of that sentence, "which are not changed in any way." And I want you to explain it to the meeting what this will have a change to this proposed text.

I know that this proposed text has significantly went through a lot of debate, and we are debating it right now. But I really want to hear from you and I want the meeting as well to understand the rationale behind this addition.

U.S.

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

Mr. Chairman, whereas this sentence and this formulation does not cite to individual rights nor individual declaration of rights that may be held by the collective of this plenary or by individual delegations, it is inappropriate to cite to specifics. We must, however, understand that if we were to reach agreement on this sentence, that this forum would not change in any way the rights that are held by individuals or delegations or Member States collectively or individually.

We would also suggest, Mr. Chairman, that we do not create the impression that there is a hierarchy of values that need to be debated in this forum. What we are reassuring all colleagues, including this delegation, is that in entering into this commitment we are not suggesting that our human rights obligations therefore become the subject of debate and possible change within the ITU at any conference or meeting.

So, Mr. Chairman, that is the necessary stipulation that we require to be added to this formulation in order to give us that assurance and, we believe, to give others also assurance.

Thank you, Mr. Chairman.

>> CHAIR: Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

We think this provision is a very important matter. And we support the amendments proposed by the United States. We are not here to develop new human rights language, but to reaffirm previous commitments, while implementing these technical Regulations. for these reasons, recognized and established language should be used in the Preamble.

We therefore support the amendment proposed by the United States. Thank you.

>> CHAIR: Thank you.

I have a long list. And you have read the amendment that was proposed by the United States to add, "Which are not changed in any way."

I think we should also add the words "By these regulations," if that's okay.

And I'll take the Secretary-General and then I'll decide on this matter.

>> SECRETARY-GENERAL: Thank you, Chairman.

I would simply like to say here that ITU is a specialized agency of the United Nations system. Consequently, we are guided by the general principles of the United Nations charter and the Universal Declaration of Human Rights. These principles support and guide our work and all our actions continuously.

We also have the Human Rights Council which deals with human rights issues and deals with this work very well.

I shall move to English.

In July, the UN Human Rights Council passed a resolution upholding the principles of freedom of expression and information on the Internet. The broad support demonstrated that maintaining the free flow of information on the Net is a global call, and included both developed and developing countries.

Throughout the preparation of this conference, I've been telling you that human rights issues are very important, and they are developed by other UN agencies, and they are doing it very well. We need not to start doing their job for them. And there are principles that we need to put in here to make sure that we are adhering to that.

So, Mr. Chairman, I'm glad that delegations from the United States and Sweden have spoken just before me, because we didn't want to give the impression here that there are only people against this resolution in this document. In fact, the five countries that have spoken against maintaining it in this document, in the Treaty, are not against it. They are simply saying it should be somewhere else.

But I'm just appealing to all of you that we need it in this Treaty to just refer to it. And since our works are guided by the -- our commitments to the United Nations, a specialized agency, and at the next plenipotentiary conference we are also reviewing the ITU Constitution, and there is a Working Group that is working on that, we can make sure that we, again, are restating that in the Constitution.

But for the sake of more transparency and to be sure that we really are reflecting to the world that we are, indeed, adhering to these as well, I think it's necessary to go along with the large majority of the people who are supporting this resolution -- this, is it an Article or what? This provision.

That is very important to put in here. So that we will not be correcting. And I think there are two things here. Everybody is agreeing that human rights is a right and obligation for all nations. So, Mr. Chairman, if you could really see -- because there was a large majority supporting this provision. Please let's proceed in putting this. If any country has any small precision to make, they can still do that when signing the final document and putting their reservation on to that.

And that way, Mr. Chairman, we can move forward.

Thank you.

>> CHAIR: Thank you. I'll ask for the feel of the room, this is not a vote, I'll ask for a feel on removing the brackets between the text and as modified by the U.S. by saying "Which are not changed anyway." For those -- point of order, please.

>> ALGERIA: Chairman. I would like you to indicate whether this is a vote. If this is not a vote, do you intend to have this text adopted? If you intend to have this text adopted by this testing of the room, we will take the floor again to request another type of procedure.

Thank you.

>> CHAIR: Algeria, this is not a vote. I am feeling the room for the support of retaining this text in the Preamble, removing the square bracket, and with the modification "Which are not changed in any way" towards the end.

Algeria.

>> ALGERIA: Mr. President -- Chairman, I've listened to the Secretary-General's remarks about what he refers to as a minority, five countries against the majority in favor. I think he's overlooked the Member States who haven't taken the floor, the silent Member States. Prior to a vote we're unable to really know what everybody thinks.

So, Chairman, I'll be very clear. You are about to test the room. If this test indicates in one way or another that we should remove the square brackets or maintain them or suppress the text, what would your decision be?

Thank you.

>> CHAIR: The decision will be to approve the text as stated in the square bracket with "Which are not changed in any way."

>> ALGERIA: Thank you, Chairman.

Unfortunately, I should now like to apply something which I think has already been proposed. I'm now going to have a point of order to request that the session be adjourned for a period of one hour.

Thank you.

>> CHAIR: Secretary-General, and then we will take it.

>> SECRETARY-GENERAL: I should simply like to ask my brother from Algeria, please, sir -- sorry.

>> CHAIR: Iran?

>> IRAN: Point of order is moved. You only could discuss that. Algeria proposed point of order for 101 of the rules of the meeting and conference, and you have no option but take that only, Chairman. No intervention by anybody, Chairman. You have asked one people in favor and two against, if you want to put the vote, or if you as the Chairman of the conference could decide yourself, okay. It is better not to waste the time on the voting for the motion. You adjourn the meeting for one hour or whatever time that motion has asked you, Chairman. Please kindly observe the rules.

Thank you.

>> CHAIR: Thank you, Iran. We will adjourn the meeting. We will reconvene at 2:30.

I need the regional groups again with Algeria and whoever wants to join me here to this podium.

Thank you.

(Meeting adjourned until 2:30)

(11:36)

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