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>> CHAIR: Well, good morning, ladies and gentlemen.

First, I hope you had an enjoyable evening.

And I was very pleased with yesterday's progress, and I hope we capitalize on the momentum that we started yesterday, so that we can conduct our work today.

As you will note from the time management plan approved during the Steering Committee last night, we will begin this afternoon with the Committee work, hopefully. And as promised in our plenary yesterday, I have grouped issue for discussion in our plenary meeting today.

So we will start with the draft agenda of the second plenary meeting. I hope you have it in front of you. And before approving it, let me do some explanation.

Just to remind everybody of the memorandum of our work that has started yesterday, and the discussion that went around DT/3 and DT/4, what we did is we have grouped, as I discussed. And before I started that, we know for a fact there has been a group of key issues that we have fundamental disagreement, and it requires the work of the plenary to deal with it. And also, there are a group of key issues that is fairly easy. Member States almost agreed with or there is a general agreement on these key issues, and they have been grouped.

So we have addressed yesterday general principles and today morning we had good progress on the OA/ROA in the informal meeting, and hopefully we will continue the good spirit of cooperation on the work of the meeting, in general.

And these are the key issues that are grouped. You might ask, you know, why certain articles or certain resolutions or, sorry, the Resolutions and Recommendations, there are some Resolutions and Recommendations, sometimes articles have been agreed, so that is somehow the explanation before we go and approve the agenda.

So the draft agenda of the second plenary meeting in front of you is for approval.

Is there any comment?

United Arab Emirates and Algeria.

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

And also thank you, Chairman, for briefing us about yesterday and today morning, and also with the intention that you have mentioned right now that there are some provisions or articles in accordance with the proposal coming here to the conference, that there are some almost similar positions or agreement.

We believe, Mr. Chairman, that we can add even in this agenda three -- two articles, also, as our understanding is almost similar proposals are coming here, which is Article 5 and Article 7.

So if we can include that one, it would also be good progress for the conference.

Thank you, Mr. Chair.

>> CHAIR: Algeria and then I'll come to the proposal from UAE.

Algeria?

>> ALGERIA: Thank you, Chairman. I'm very grateful to the delegate who took the floor before me, because I think he has expressed more or less the same concern that we feel. We support the point he made.

Of course, we need to make it clear that by Article 5 we understand 5, 5A and 5B.

Thank you, sir.

>> CHAIR: India?

>> INDIA: Thank you, Mr. Chairman.

I think on Article 5, we have given our observations. Essentially, we have suggested that it is necessary to have provisions for Member States to have the right to take appropriate measures to protect and secure the ICT network infrastructure, and the data contained in or going through the network, and to prevent the misuse of the network and services within their state.

The intent here is to ensure that the communication services and the communication infrastructure is not disrupted. Not that we get into the area of content per se. I would like to clarify that.

>> CHAIR: I just want to interrupt you -- sorry. We are not --

>> INDIA: Secondly --

>> CHAIR: India, we are focusing on the agenda. We have not yet approved the agenda and we have not yet started discussing the items.

>> INDIA: Okay.

>> CHAIR: So if you don't mind -- if you have any comments on the agenda itself, per se.

>> INDIA: Well, we are in agreement with the agenda.

>> CHAIR: Thank you very much. Thank you.

There is a proposal to put Article 5 and 7. And we will put it towards the end. We have a technical issue, that Article 5 is not in DT/4. We will see how we can get there and look at it.

So if there is agreement with the agenda, with the addition of Article -- I'll add Article 7 to start with, and then Article 5 towards the end.

Okay?

Thank you. I see no one is asking for the floor. So the draft agenda of the second plenary meeting is approved.

Now, I would like to invite the Chair of the Editorial Committee to explain to us the roll out of her planned work. The Chair of the Editorial Committee,

France?

>> FRANCE: Thank you, Chairman. The Editorial Committee has submitted its working methods in document DT/11. This document is submitted to your plenary session for the purposes of information. In the document you will see, first of all, the terms of reference of the Editorial Committee, then an outline of the structure of it. The Chairman is myself, then you will see a Vice Chairman for each language, plus Secretariat support.

This is followed by the relevant articles of the general rules of the ITU concerning the composition of the Editorial Committee.

On the organisation and methods of work, we are asking those people who would like to participate in our work to be kind enough to register. There is a document for that purpose, which you will find attached to DT/11. Please notify your desire to participate in our work by e-mail to the Secretariat.

The meetings of the Editorial Committee will be announced to persons who have registered, and we encourage those people to work in a paperless environment as far as possible and, indeed, as all the Committees of this conference are encouraged to do.

I think that concludes my submission, Chairman.

The first meeting of the Editorial Committee will, of course, be taking place when other Committees have adopted text. So we will be awaiting the outcome of the work of the other Committees and obviously we will be waiting impatiently for those outcomes.

Thank you, sir.

>> CHAIR: Thank you. We will take note of this document, DT/11.

I just got word from the IT Department for the delegates. There is a WiFi that you can use, using the ITU WiFi. And if there is, for any reason you could not get into the WiFi, there is a cable which is attached to your table. But please just the cable is limited to a number of delegates. So please use as much as you can the WiFi. And the cable is only for those people who are not able or for a reason that their PC -- their laptops are not able to connect to the WiFi. I just got the note from the IT to announce that.

Now, let's get into agenda item 3, the examination and discussion of proposals from Member States. And I would invite you to go to DT/4. And as I promised yesterday -- sorry, Rev 1, DT/4 rev 1. As I said, we had grouped these issues. I will start with page 10, the overlap of CS/CV, and the proposal from Asia Pacific.

Japan? You have the floor to present the document.

>> JAPAN: Thank you, Mr. Chairman.

As you see on page 10 of DT/4, Asia Pacific Committee is now suggesting that when this -- there is some definitions in the constitution and Convention. The repetition of such a definition shall be kept as minimal as possible. This is what is proposed here.

Thank you very much.

>> CHAIR: Japan, which proposal is that, is it proposal 4 or 6? And if you can present both of them.

>> JAPAN: I mentioned proposal number 4. ACP 3A1/4. And if I may, ACP number 6 is about the definition concerning telecommunications, International services, governmental concern, communications and sub communications.

These words are -- now have definition in the CS/CV and we prefer to contain these definitions in the current ITR, because this is kind of a basic idea.

Thank you very much.

>> CHAIR: Is there comment from the floor? Algeria?

>> ALGERIA: Thank you, Chairman, thank you for giving me the floor.

We feel that in respect to the general principles, we can agree with the position of the ACP as outlined by the Japanese delegation. We should avoid any conflict between the Administration, the purpose of which is to complement the instruments, and there obviously I'm talking about the Constitution and the Convention, at least for the time being.

To avoid conflicts and bearing in mind the Constitution and the Regulations which are supposed, as I said, to complement it, I think we should stick to what is fundamental. If it is absolutely essential, we can modify a definition. If not, it should be retained as is.

Since I have the floor and I still have part of my three minutes remaining, I'd like to say that we also support the retention of at least one of the definitions, telecommunications, in the Constitution. If you were to add a term, and this is something we will look at later, and I don't therefore want to jump the gun, we will come back with new definitions in the Treaty and the Regulations themselves. However, as far as we're concerned, "telecommunications" should be retained in the Constitution. It is not necessary having the same content of the definition to repeat the term in the ITRs.

Exactly the same goes for the preamble. The preamble of the Treaty should be in the preamble of the Constitution. We should not be running the risk of conflict. I agree that we should avoid repeating the same preamble, but the most important thing is to avoid conflict between the preamble of the Treaty and the preamble of the Constitution.

Thank you.

>> CHAIR: Thank you, Algeria.

Iran?

>> IRAN: Thank you, Chairman. Good morning.

The proposal of APT as contained in page 75 of the DT/, criteria number 2, proposal relating to terms and definitions, would replace those that were submitted by Japan. So there is a set of proposals. And I just draw your attention to that, page 75. Criteria number 2.

Thank you.

>> CHAIR: Uruguay?

>> URUGUAY: Thank you. The proposal from CITEL corresponding to the definitions supports the decision to keep the current definition, no change, for telecommunications and International Telecommunication Services, that is Article 2.

Thank you.

>> CHAIR: Portugal?

>> PORTUGAL: Thank you, Mr. Chairman.

In relation to the overlap with the Constitution and Convention, we -- Europe is endorsing the APT position.

As for the question on the definition on "telecommunication," Europe is endorsing a now change and also is not supporting a new definition on "telecommunications/ICT" as these would enlarge the scope of the ITRs.

Thank you.

>> CHAIR: Thank you. I just wanted to again put some focus on the group. We are discussing overlap of CS/CV. We're not discussing right now definitions. So just to put things...

I have the floor from Egypt, UAE, Saudi Arabia. Please briefly. I'll start with Egypt.

>> EGYPT: Thank you, Chairman. Talking on behalf of Africa, Africa supports the overlap with the CS/CV. Though the ITRs should be self-contained in the necessary provisions or necessary articles of the CV, however, no conflict should be there. And we will come back to the definition of the telecom at the proper time.

Thank you, Chairman.

>> CHAIR: UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman.

I think as you heard, Mr. Chairman, somehow the issues to some Administrations seems related, although they are not. So the issue of 3.1, that is related to overlap, of course, there are two reasons that there will be an overlap in all cases. One is that at the end of the day all that we do in the Administrative Regulations, as mentioned by the Distinguished Delegate of Algeria, is complementing the CS/CV. And I think we agreed on the word "complementing," rather than "completing."

So the issue is that we are going at the end of the day to complement what is in the CS/CV. So there will be, of course, things that are under the umbrella of CS/CV. This is something that we cannot avoid. This is at the end of the day our main reference or our main legal instrument, and from there the Administrative Regulations come.

The issue is that of course we should not have inconsistency with the CS/CV. So this is something that we all agree on. There should not be an inconsistency with the CS/CV, and we agree with all other regions of course in this regard.

Having already started the discussions in telecommunications definition, because somehow this is almost related to overlap with the CS/CV, I think also the Arab group is in line with the other Administrations that telecommunications definitions shall not be changed. However, we can always add other definitions in a new Treaty. So this is not to overlap with the CS/CV, and the telecommunications definitions is no change under the Arab proposal.

Thank you.

>> CHAIR: Saudi Arabia and Russian Federation. I want to close the discussion on this item.

>> SAUDIA ARABIA: Thank you.

In principle, we agree that there is no repetition of definitions. If there is a definition in the Convention, then we do not have to use the same text exactly again elsewhere.

We also agree with the principle that there should be no contradiction between what is stated in the Convention and what is stated in the Constitution.

But we know that these definitions go back 24 years ago, and since then the situation has changed dramatically and there are issues that have arisen as a result of the development of the sector and there are issues that are -- where we do not see any reference to in the Treaty.

Therefore, I fully agree that we do not need to repeat definitions in the Convention. However, there is a need for new definitions as a result of the time that has elapsed since the Treaty was concluded 24 years ago.

Thank you, Chairman.

>> CHAIR: Thank you.

Russian Federation, and then I'll conclude.

>> RUSSIAN FEDERATION: Thank you very much, Chairman. And good morning.

The countries of the RCC are of the opinion that we should not have any contradictions between the constitution and the new ITRs. At the same time, however, taking into account the importance of the term "Operating organisation or agency" the RCC countries would suggest that this term be included in the new version of the ITRs.

Thank you.

>> CHAIR: Interpreters, the Russian interpreter is on the English channel.

>> INTERPRETER: The problem has been settled. Our apologies. You have English where it should be and Russian where it should be.

Thank you.

>> CHAIR: Having listened to all the comments from the Member States, I think there is a general agreement on how to handle the overlap of the CS/CV. And there is a general or there is an agreement that they have to be consistent. And we should not repeat the definitions. We should not have the definitions. On the new definitions, this is something that we will take it at a later stage, with new definitions. But that is the general agreement that I've seen from the floor.

Thank you. We can move now to the preamble.

And I'll start with the proposal from the Asia Pacific.

Japan?

>> JAPAN: Mr. Chairman, the Asia Pacific proposal concerning the preamble, it's just the modification that doesn't change the meaning of the preamble itself. So I -- that is it. Thank you very much.

>> CHAIR: Thank you. Then we go to the Arab proposal.

>> UNITED ARAB EMIRATES: Thank you, Chairman.

The Arab proposals for the preamble, they're just editorial changes reflecting the necessary changes like "State" instead of "countries." It says state. Adding "International telecommunications" here after "Regulation," and, instead of "supplement, complement." And of course the change of the name of "ITU" instead of "International Communication Conventions."

Thank you, Chairman.

>> CHAIR: US proposal, please?

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

Mr. Chairman, we propose to change "Country" to "State." And we, in joining with other delegations that have spoken, we would also change "Supplement" to "complement" in that we wish to maintain consistency with the Constitution and the Convention.

Mr. Chairman, we have also noted interventions regarding consistency with the Constitution and Convention, and of course we believe that that is a very important concept to maintain.

We would also note consistent with all Administrative Regulations that there may be instances in which the Administrative Regulations are more narrow and technically specific than may be found in the Constitution and Convention. But we certainly do maintain the principle of consistency.

Thank you, Mr. Chairman.

>> CHAIR: Thank you, U.S.

RCC. RCC, if you can present your proposal. Russia?

>> RUSSIAN FEDERATION: Thank you, Chairman.

Our proposal mainly concerns precision in the text. In the preamble, which we are currently looking at, we think that we must take into account what was indicated to reflect the current situation. We believe that these changes should be applied to "States" and "operating agencies."

Thank you.

>> CHAIR: Thank you. CEPT, the European proposal? I guess Portugal?

>> PORTUGAL: Yes, thank you, Mr. Chairman.

Europe is proposing some editorial amendment, which is in line with what most regions have made, replacing "country" by "state" and "supplement" by "Complement."

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Australia?

>> AUSTRALIA: Thank you, Chair. Australia has proposals which I think are broadly consistent with some of the others which we have heard this morning, including to substitute "State" for " country" and "complement" for supplement."

In essence, Australia wishes to align the text with the preamble with the preamble in Article 4.3 of the Constitution.

If I could just read out our proposed changes, we would suggest that the first four lines read: "While the sovereign right of each state to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunications Union Regulations, hereafter referred to as Regulations, complement the Constitution and Convention of the International Telecommunications Union."

Thank you, Chair.

>> CHAIR: I'll take Cameroon and then I'll go to Brazil after that.

>> CAMEROON: Thank you, Chairman.

For the preamble, we would simply like to replace "Country" with "Member State."

As you know, in '88, only the Constitution existed, and we want the Constitution and Convention to appear here.

I'd like to take this opportunity to encourage you in your efforts to assist us in this difficult work this morning, Cameroon arrived at 8:15 and wasn't able to gain access to room E because it was full. And this shows the importance of what you're doing, Chairman. And we support you in that.

Thank you.

>> CHAIR: Thank you.

I think all the proposals are somehow editorial, but we're looking to Brazil, because Brazil has some addition to the text. So I'll give the floor now to Brazil to present their proposal.

>> BRAZIL: Thank you very much. Good morning, everyone.

Well, like others, Mr. Chairman, Brazil has some editorial changes to the text, like changing "country" to "state," and including International Telecommunications Union hereinafter Regulations. Instead of "supplement" we would like to change to "complement." And other editorial changes like many other colleagues have already mentioned.

But we -- and these updates to the text are based on the current preamble of the ITU Constitution. Meanwhile, maintaining the specific scope of the ITRs.

But we would also like to include the International recognized concept important for International relations in global objectives, such as peaceful relations, international cooperation among peoples, and economic and social progress, making them so far as possible generally available to the public.

These concepts are related to international telecommunications and we firmly think that international telecommunications can provide global relations, peaceful relations, international cooperation and economic and social progress. That's why I think these concepts are important and can be established, can be here recognized in the preamble.

Thank you, Mr. Chairman.

>> CHAIR: Thank you, Brazil.

Philippines and then South Africa.

>> PHILIPPINES: We support the proposals of the United States of America to the effect that two changes in the preamble, that is the word "State" to replace the word "Country." It's important that the word "State" be used instead of "Operating agency," even though we are here talking about the sovereign right of an entity.

Also, the word "Complement" to substitute for the word "Supplement" in the original preamble. The proposals of the United States of America, to my mind, is consistent with the preamble of the Constitution and Article 4 of the same Constitution.

Now, the proposal to further expand the preamble by speaking about peaceful relations, international cooperations, and efficient telecommunications service is already part of the preamble of the Constitution. And given that the ITR precisely complements the basic text of the Union, which is the Constitution, there may be no need to further report those long phrases.

Thank you, Mr. Chairman.

>> CHAIR: South Africa?

>> SOUTH AFRICA: Thank you, Chairperson.

The Africa group has similar updates that have already been mentioned, replacing "Country" with "States" and "Supplements" with "complements." So that is our general position.

It's not a problem to look at possible improvements, but I think those particular amendments are important.

Thank you, Chairperson.

>> CHAIR: Thank you. I think there is a majority agreement on minor editorial changes to the preamble.

Brazil, they have additional text, and I'm asking the floor is there any support for the brazilian text?

I see Egypt and UAE.

Egypt?

>> EGYPT: Thank you, Chairman. And once more talking on behalf of Africa, because the changes are done to align with the existing text of the CS. However, with regard to the intervention of Brazil, we supported this principle in principle. However, this is reflected in the Constitution and does not need to be explicitly referred here. Although we recognize that Africa is mostly in need for such peaceful relations and cooperations with the Member States, because it is the most part of the world that is affected by misappropriation and harm and similar activities.

So peaceful relations is reflected in many parts of the African proposal.

Thank you, Chairman.

>> CHAIR: Thank you.

UAE.

>> UNITED ARAB EMIRATES: Thank you, Chairman.

I'm just trying to take your words, Mr. Chairman, as you said that most of the proposal here is almost in line to each other, and it's good that it's starting with this one.

However, after looking to the proposals submitted by Brazil and after hearing their explanation, I believe it is good also that if we can add this wording here, supporting this one, this addition.

And if the room is agreeing here in the meeting that we can take this, the Brazilian proposal, and start with it and to approve it together all here, that would be our suggestion to you, Mr. Chairman, from UAE, with supporting to the proposal of Brazil.

Thank you, Mr. Chair.

>> CHAIR: Thank you.

I'll take the U.S, Philippines, Iran, Venezuela and then I'll close this, and then Canada, so we can conclude on this issue.

It's a very simple issue. Egypt again, Algeria. The list is growing.

So please, it's a very simple matter and I think we can move and progress on it, and Saudi Arabia as well. I see a lot of countries asking for the floor.

United States briefly, please.

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

On behalf of CITEL, we support the editorial changes to the preamble and they can be found in IAP/11.

Thank you.

>> CHAIR: Philippines?

>> PHILIPPINES: Yes, the comment of Egypt, and we wish to add reasons behind the comment of Egypt. We feel precisely that while the proposal of Brazil is a very good proposal, nonetheless that same proposal is already clearly spelled out in the preamble of our Constitution. In the preamble of our ITR, precisely in terms that the ITR must or shall complement the Constitution. And therefore there is, to our mind, no further practical need of further expanding the preamble of the ITR.

And the last, the more we are simply broad, brief and definite with our preamble in the ITR, the better for us, rather than have a very long winding preamble.

Thank you.

>> chair: Thank you. Iran?

>> IRAN: Thank you, Chairman. This is not opposing the proposal of Brazil, coming back to what you have agreed earlier, that we try to avoid overlap between the Constitution and the ITR.

The preamble of the Constitution covers all the points raised in the Brazilian document. The Brazilian document has modified some of that, replacing some words from the Constitution, social development, social progress, and adding as far as possible. So, in fact, slightly modifying that.

If you retain the agreement that you have already obtained from the plenary, that we should not have overlap, perhaps we don't need to add this to the definition, to the preamble.

Having said that, there are two small points that need to be also covered. All proposals are the same except the proposal of RCC, that still retain the word "Supplement" instead of "Complement," whereas all other proposals say that "ITR complement the Constitution," so that needs to be resolved.

And another additional expression that some people added saying instead of "These Regulations" they said "In the International telecommunications regulations," and after put in bracket "hereinafter referred to as ITR."

This needs to also be resolve. In our view, we don't need these additional words. "These Regulations" is quite clear and we don't need to say "The International Telecommunications Regulations" and we don't need to say that "Hereinafter referred as ITR." It's not harmful, but we don't need that. These are the two additional matters that need to be clarified and need to be resolved before you end this paragraph.

Thank you.

>> CHAIR: Venezuela? Thank you.

>> VENEZUELA: Yes. Good morning Chair.

I'd like to support the Brazilian proposal. We believe that this addition would make the point of these ITRs clearer. And we also support the proposal of the UAE to find a way to include these terms which would be satisfactory to everybody.

Thank you.

>> CHAIR: Canada?

>> CANADA: Thank you, Chairman, and good morning everyone.

Chairman, in principle, like others, we agree with the sentiments expressed in the Brazilian proposal. However, like others, particularly with respect to the consistency with the Constitution, the preamble of the Constitution, we believe, like others who have intervened, such as the Philippines and Egypt, that we should maintain the text as generally agreed in the preamble, without the addition proposed by Brazil.

Thank you.

>> CHAIR: Before I give the floor to the rest, I really need to go back to the Brazilian proposal and ask Brazil, since there is a lot of requests to keep the preamble in line with the Constitution as well as make editorial changes, few editorial changes, are you still insisting in your proposal? Because I think -- I would say the majority is somehow in agreement to make it very simple and simple changes.

Brazil, I'll give you the floor again if you can go along with the rest of the Member States in the preamble, because they are almost looking at the same, including yours, without the additional text that you added at the end of the preamble regarding peaceful Regulations.

>> BRAZIL: Thank you, Mr. Chairman.

Regarding our proposal, and thinking about the concepts of not overlapping, and facilitating the reading and text in this conference, we can withdraw our position. But we would like that all Member States have these things in mind, such as peaceful relations, International cooperation, and economic and social progress, not losing these concepts for the overall and the rest of the conference. We think that these concepts are very important and we should in every proposal, in every discussion that we are going to have here in this conference, we have these concepts in mind, especially peaceful relations. And that telecommunications are very important for us to have a better world.

Thank you very much, Mr. Chairman.

>> CHAIR: Thank you so much, Brazil, for your understanding and cooperation.

I'll ask RCC if they can go ahead with the -- go along with the remaining proposals from the other Member States to use the word "Complement" instead of "Supplement."

RCC, Russian Federation, if you are ready to go along with that so we can go ahead and approve the text.

RCC?

>> RUSSIAN FEDERATION: Thank you very much, Chairman.

Yes, in the spirit of compromise and moving forward, we can agree.

Thank you very much.

>> CHAIR: Thank you very much. And thank you, RCC. And if the meeting agrees, can we send this to the Editorial Committee?

>> IRAN: Perhaps I was not clear. Again, there are two proposals. One, without reference to in D, in the International Telecommunications Regulation, simply saying "In these Regulations" and without reference to "Hereinafter referred to as ITRs." So that needs to be clarified.

There are two categories of proposals. One without these additions and one with these additions.

Thank you.

>> CHAIR: Thank you, Iran, for clarifying that.

No, I'm talking about the minimum changes. And I will read the changes.

Replacing "Country" with "State."

"Supplement" with "Complement."

And adding the word "Constitution and."

And the floor requests "System."

I have Algeria, Saudi Arabia, Costa Rica and... do you still want to talk? Algeria.

>> ALGERIA: Mr. Chairman, before I add what I had on my mind, I wanted to ask the following question: These provisions, the preamble and everything on today's agenda, are these issues which will not appear on the Comm 5 agenda? In other words, will only the plenary deal with these points?

Thank you.

>> CHAIR: Yes, these are issues that only the plenary will deal with.

Algeria?

>> ALGERIA: Thank you, Chairman. Well, we don't want to have a heavy conscience later on. We were working on the basis of the principle of complementarity between the Administrative Regulations and the Constitution and the Convention for the time being until 2014, at least we have a Constitution and a Convention. And we also agreed on the fact that we shouldn't reduplicate the content from one preamble to another. So we shouldn't, in the ITR preamble, repeat the content of the preamble which appears in the Constitution.

So on the basis of that, as a starting point, since the Regulations should complement the Constitution, that means we should bring in new elements. And by "new elements," we refer to the role which has been given to the ITU by the WSIS, the WSIS.

The ITU is coordinator of the line work which deals with confidence and security and information technology and communications. Action line C5.

So these new elements should consist in including or adding the terms "Confidence" and "Security" and "information" and "communication technology."

So rather than talking about peace, peaceful relations, that already exists in the preamble to the Constitution, we suggest, rather, that we include the terms "Confidence", "Complement" and "trust complements" and "Security" is also a guarantor of peacekeeping, where ICTs are concerned of course.

However, if we are saying that ICTs haven't been defined yet, we should remain in the domain of telecommunications. So trust and security in terms of telecommunications.

So that was what I wanted to mention now.

Thank you.

>> CHAIR: Thank you, Algeria.

And I think we are working towards the proposals coming from Member States on the preamble.

Saudi Arabia, Costa Rica, Georgia, UAE, please, briefly, so we can move on with the text.

>> SAUDIA ARABIA: Thank you, Chairman.

I'll be brief, in fact, I don't need the floor right now.

Thank you.

>> CHAIR: Thank you.

Costa Rica?

>> COSTA RICA: Thank you, Chairman.

Like Saudi Arabia, I think our comments have now been rendered obsolete by the discussions. So we subscribe to what was has been said before.

Thank you.

>> CHAIR: Georgia? UAE?

>> UNITED ARAB EMIRATES: Just that we support your proposal about the minimal changes as you mentioned to "country" and "complement," "Constitution" and "Convention."

Thank you, Chairman.

>> CHAIR: Thank you.

Can we send this to the Editorial Committee?

I see no one is asking for the floor. Thank you very much. We are done with the preamble.

Okay. We take item 3.3 and Article 1. The first proposal is coming from Asia Pacific. Japan?

>> JAPAN: Thank you, Chairman. The Asia Pacific proposal concerning 1.1A is, first, there is a word "Administrations" and our suggestion is to change this to "Operating agencies," as the case may be. Article 6, number 38, with the Constitution also applies. This is what we propose.

Thank you very much.

>> CHAIR: I just wanted to highlight something, because there are articles within Article 1 that will take lots of time. That is 1.4, 1.6, and the ROA/OA issue, and so I'll start with the editorial changes. The changes from CCITT to ITU-T.

And the changes from "Member" to "Member States" as well as "CV" to "CS/CV." Are there any comments on these changes or can we agree to that?

And I'll take it with the regional group. Start with -- is there any comment on that, on these changes? Asia Pacific?

>> JAPAN: Thank you, Chairman. We don't have any objection to that.

Thank you very much.

>> CHAIR: Good. The Arab proposal?

>> UNITED ARAB EMIRATES: Thank you, Chairman. Similarly, we don't have any objection to this one and we support.

Thank you.

>> CHAIR: The African Group, Egypt?

>> EGYPT: Africa supports these changes.

Thank you, Chairman.

>> CHAIR: CPT?

>> CPT: No position to these changes. Thank you.

>> CHAIR: Thank you. RCC?

>> RUSSIAN FEDERATION: Thank you, Chairman.

We have no objection to the three changes which you proposed, with the understanding that point 1.1.A has not been concluded. The discussion on that is still ongoing.

Thank you.

>> CHAIR: CITEL?

>> CITEL: Thank you. CITEL supports editorial changes to articles 1.1.B, 1.2, 1.3, 1.4 as contained in IAP's 13 through 17.

Thank you.

>> CHAIR: Can you repeat that again, please? I did not follow you. Thank you.

>> CITEL: Yes. Certainly, Chairman.

CITEL supports editorial changes to Article 1.1.B, 1.2, 1.3, 1.4, and these editorial changes are contained in IAPs 13 through 17. Thank you.

>> CHAIR: Thank you, CITEL.

I just wanted to focus on these things, the changes from CCITT to ITU-T. "Member" to "Member State," "CV" to "CS/CV."

If you have no issue with that, because you have added something as well, under 1.4, I think. If you are okay with that, we can move on. I see you nodding.

Thank you.

Egypt, UAE?

>> EGYPT: Thank you, Chairman. On behalf of Africa, this is general in principle, but in certain instances we use the ITU-T when we talk about the maritime, so this is a special case, but in general we are using the ITU-T.

Thank you, Mr. Chairman.

>> UNITED ARAB EMIRATES: Thank you, Chairman.

I think I have a concern. At the beginning we thought CCITT said that ITU, not ITU-T, because our proposals from the Arab Group, we are referring to ITU.

But now I hear from you saying that's "CCITT" to "ITU-T." In that case, we still have a concern on this one.

Thank you, Chairman.

>> CHAIR: I'll give the floor to Iran, Russia, until we see. We are trying to focus on Article 1, on the use of the word "ITU." Iran and then the Russian Federation.

>> IRAN: Thank you, Chairman. There are two issues here, general reference to "CCITT" could be replaced by "ITU-T." However, whenever we discuss reference to "CCITT recommendation," some people would like to change that with "ITU-T recommendations," some people would like to change that to "ITU recommendations." This is an issue you may want to discuss separately.

Thank you.

>> CHAIR: Sorry, Russian Federation.

>> RUSSIAN FEDERATION: Thank you very much, Chairman.

The countries of the RCC also consider that this conference is not a conference of any particular sector. It's an intersectoral conference, and therefore any proposal made here has a general nature. And we think that it would be more appropriate, at least this is our opinion, to replace "CCITT" by "ITU."

Thank you.

>> CHAIR: Bahrain?

>> BAHRAIN: We would like to align itself with the comment proposing that "CCITT" is replaced with "ITU."

The reason for that is these ITRs do make reference to broadcasting agencies and do make reference to other technical operations which involve radio. As such, the recommendations under the radio sector would also come into play and might be very, very relevant. As such, we think in light of the general approach to make these as comprehensive and as inclusive as possible with the existing text, such as the Constitution and Convention, we believe it's much more appropriate to say "ITU."

Thank you.

>> CHAIR: Thank you.

Canada.

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

Chairman, in terms of the scope of the ITRs, we do believe it is most appropriate to maintain the reference to ITU-T. In part, because of the reference to voluntary recommendations. Chairman, we're concerned if we expand the scope of this -- of the ITRs to include recommendations from the radio sector, in particular, this would expand the scope of the ITRs to a level that we could not accept.

So, Chairman, I do accept the suggestion that was made, that this is perhaps a separate issue that needs to be resolved. But nonetheless, from Canada's perspective, we do not support the expansion of the reference to ITU recommendations.

Thank you.

>> CHAIR: United States? We have three minutes before coffee break. So please be brief.

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

Mr. Chairman, we would associate with the intervention of Canada and others which would prefer to use the term "ITU-T ." We believe that that is, first of all, the intention of the ITRs, it was quite clearly Administrative Regulations that apply to ITU-T.

Secondly, Mr. Chairman, we state this position consistent with 1.8 in the ITRs, that makes very clear that there is a distinction between the ITU-T and the ITU-R, in terms of our understanding of Regulations.

So for those reason, Mr. Chairman, we prefer ITU-T.

Thank you.

>> CHAIR: Algeria? Cameroon?

>> CAMEROON: Thank you, Chairman.

As far as this point is concerned, and the replacement of "CCITT" by either "ITU" or "ITU-T," we think the replacement word should be "ITU." Because this conference is not the conference of a given specific sector, it simply concerns international telecommunications, whatever the aspects that might be discussed.

We, therefore, support the use of the term suggested by many other countries, "ITU."

Thank you.

>> CHAIR: I have lots of speakers in line. I will ask to take the coffee break and come back after the coffee break, and during the coffee break I'll do some informal discussions so that we can come up with a quick conclusion on this issue.

So we will take a coffee break right now, and we will come back at 11:00 sharp and we will start. We have still a long way to go before the end of the plenary today.

Thank you very much, and have a nice coffee break.

(Break)

>> CHAIR: Ladies and gentlemen, can you kindly take your seats, please.

Thank you. I would like to come back to the discussion on the CCITT and the ITU-T.

I would like to come back to the discussions on the CCITT and ITU-T. And I just want to focus on the discussion of that reference and Article 1.7B.

1.7B, so that we don't get out of the way to the rest of and the remaining of the articles, and avoid detailed discussions on "ITU" versus "ITU-T."

We have different roles and we have listened to the proposals that are coming to replace "CCITT" with "ITU-T." And 1.7B, I would give the floor to Brazil if they are ready, because they have a different proposal as well as the Arab group. So that we can have some discussion. If we reach an agreement, it's going to be good.

So I see -- I'll give the floor -- I see the floor, I see requests from the floor from United Arab Emirates, Brazil, UK, but I'll give the floor first to Brazil and then UAE.

>> BRAZIL: Thank you, Mr. Chairman.

We would like to associate ourselves with Iran and Bahrain in some aspects of their interventions. Brazil thinks that for some articles and items, "CCITT" can be replaced by "ITU-T." But for other provisions, "ITU" recommendations are more appropriate.

ITRs are telecom regulations. We are not in one specific Assembly or conference of the sectors of ITU. We can agree in substituting "ITU recommendations" to "recommendations of ITU," which is a more usual terminology.

Additionally, Brazil agrees that the recommendation of the ITU shall not be made obligatory by the ITRs. Therefore, and again, Brazil firmly believes that such concepts must be dealt on a case-by-case basis, in order to not limit enormously the scope of this Treaty.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

I'll just bring you back to the 1.7B. And I would -- I've listened to what you said and I want to ask you on your proposal, on 1.7B, only that part. Thank you. Brazil.

>> BRAZIL: Thank you, Mr. Chairman.

This first part of the ITRs are general concepts and we believe that ITU recommendations of ITU are more appropriate at this time.

And then for the other parts of the Treaty, we must deal on a case-by-case basis. Thank you.

>> CHAIR: So, basically, you have modified your proposal to the conference to read "Recommendations of ITU."

Is that correct?

>> BRAZIL: Yes, Mr. Chairman. That is correct.

>> CHAIR: Thank you.

UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman.

Actually, I want to ask the floor to suggest our proposal. And since we are talking about 1.7B, if you see that Arab proposal and this specific provision, we are proposing to suppress. And if you see the reason that we are saying the suppressing of this one, because this provision, it's almost -- seems to be very similar to provision 1.6 above.

And if it is like this, there is no need to make repetition. And we can even, in order to help you on this one, Mr. Chairman, to suppress this one here, 1.7B, and just keep it at 1.6, which may be later on we will come back to it. You can see it's almost similar wording there. Relevant recommendation, to be implemented by Member States.

Thank you, Chairman.

>> CHAIR: Thank you.

There are three proposals. Replace "CCITT" with "ITU-T" in 1.7B. There is another proposal, which is deletion entirely of 1.7B. And there is a new proposal to replace "CCITT" with "recommendations of ITU."

United Kingdom?

>> UNITED KINGDOM: Thank you, Chairman. And good morning, since it's the first time I've taken the floor.

I would like to say that for the United Kingdom we share the concerns that have been expressed by Canada and others about expansion of scope.

As regards specifically 1.7B, like United Arab Emirates, we would also favor suppression of this provision in line with the position that has been expressed by the CPT in its submission.

Thank you, Chairman.

>> CHAIR: Egypt for the African Group?

>> EGYPT: Thank you, Chairman. And talking on behalf of the African Group.

Regarding 1.7, we are opposed to suppressing this Article because 1.6 can take care of. However, with some consultation during the coffee break with some African countries, we are considering the term "ITU" as explained by some other colleagues in the meeting.

And we see that widening the scope of the ITR is not the problem, it's not a sin, it can avoid harming or avoid some aspects of operation that may affect other countries, so broadening the scope is not a problem.

However, we have Article 1.8, which protects the Regulations of the ITR, giving it a higher preference. So if there is any contradiction or conflict, ITR would prevail. So taking ITU in the provisions maybe could be appropriate.

We reserve the right to come to the African Group this afternoon.

>> CHAIR: If you are going to repeat the proposal from the European is to delete it, then please be very brief.

>> PORTUGAL: I would associate with the Arab Group to suppress this 1.7B, exactly for the same reasons, on 1.6. While some colleagues are also referring to this issue of using "ITU" instead of "ITU-T," Mr. Chairman, if you allowed me, I would associate with comments provided by Canada, USA and UK and others.

And we would like to note to this conference that as you exactly pointed out in this morning, we think this is an editorial issue, replacing "CCITT" for "ITU-T." Doing otherwise could be not only negative for this conference and would complicate the work in this conference, but also in the ITU sectors, given that could raise overlaps between sectors in their activities.

Thank you.

>> CHAIR: Thank you.

I have the floor from Nigeria, Sudan, Algeria, Canada, Iran, United States, Germany, Russia, Saudi Arabia.

The list is long and we are just starting. This is regarding 1.7B. I believe it's not a substantive issue.

We have many who suggested to delete entirely 1.7B.

We have some proposals to modify replace "CCITT" with "ITU-T." And we have one new proposal from Brazil to replace it with "The conditions of ITU."

So Nigeria, Sudan, Nigeria, start with that, please, briefly.

>> NIGERIA: Yes, thank you, Mr. Chairman.

I will actually be brief. Nigeria wants to align itself with the Africa Common Position, whereby it is proposed that 1.7B be suppressed. This is because we consider that this particular provision is covered in 1.6.

However, with respect to the issue of CCITT, we will still reserve our position and come back after we might have consulted within the group. Whatever is agreed within the Africa Common Group, we will align ourselves with that.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Sudan, briefly, please.

>> SUDAN: Thank you, Mr. Chairman.

I would like to also shed -- the country of Sudan would like to associate itself with the Arab group in relation to the suppression of an African Group and relation to suppression of 1.7B.

But we also have a comment on the change of "CCITT" into "ITU-T." As it is explicitly stated that this recommendation of the ITU should not be taken to have the same force as Regulations, we actually support changing "CCITT" into "ITU," and this will actually save us time in the future if there are any changes to the names of these groups in the ITU or the hierarchy of the ITU.

So it is appropriate to talk about ITU recommendations in general, as they do not have the force of Regulations as it is explicitly stated in this document.

Thank you.

>> CHAIR: Thank you. We will come to the binding nature of recommendations as a subject after this.

Algeria?

>> ALGERIA: Thank you, Chairman.

Chairman, have we already looked at item 6? It's a question. Maybe I was distracted at this point in time. But I do think that we looked already at 1.6. So why are we talking about suppressing 1.7B at this time on the basis that the content's already in 1.6, when we have not yet examined 1.6?

In my opinion, we're not opposed to the suppression of 1.7B, but I think we're jumping the gun. This is premature. We are not talking about ITU-T, ITU-R. We are talking about ITU, simply. So we are in favor of what Egypt is saying on behalf of Africa. But maybe we can come back to that later when we already examined 1.6.

Thank you.

>> CHAIR: Thank you.

The binding nature of ITU recommendations, that is 1.4 and 1.6, as a subject will be taken immediately after finishing with Article 1. So please bear with us.

Canada, are you supporting -- if you are supporting -- I mean, we are -- is there anything substantial that you need to add? Otherwise, we need to move on. We have three proposals. Canada, briefly. Please.

>> CANADA: Thank you, Chairman.

We have a substantial issue here. First and foremost, as we have already indicated, Canada cannot support the reference to ITU only.

But second, Mr. Chairman, we have an interAmerican proposal number 10 that, on the 6th item of such proposal we call for the term "CCITT" to be systematically replaced by "ITU-T." This is an interAmerican proposal.

Secondly, Mr. Chairman, we need to assess carefully the unintended consequences of overlapping should the term "ITU" be left or be included in terms of any recommendations or resolutions.

Thank you.

>> CHAIR: Thank you. Iran?

>> IRAN: Thank you, Chairman.

We fully support the viewpoint of Algeria. We should not decide on 1.7B, because we have not discussed 1.6. And I understood that with respect to the obligatory or voluntary application of ITU-T recommendation and/or replacing ITU-T recommendation. But ITU, you will come back to that at a later stage.

So we support Algeria and we are not in favor of suppression of 1.7B because we have not discussed 1.6.

>> CHAIR: We have to put this in square brackets, otherwise I have six or seven requests from the floor which I know that will go nowhere with the proposal. We have three different proposals.

So if you can bear with me, we will put this between square brackets, 1.7B, and move on.

I have two questions from the floor, from Russia and Saudi Arabia. Russia, do you still need the floor?

>> RUSSIAN FEDERATION: Yes, Chairman. Thank you.

We would like to make sure we're acting in a consistent fashion here at this plenary. Because now we have raised a global issue related to definitions, related to the understanding of the recommendations.

We don't really understand when we look at 1.3, for example, when we're going to conclude the discussion on 1.1. As we move on, I'd like to be a little clearer about what's happening. We are suggesting recommendation of ITU, so as not to cut down on the scope of the new regulations and in order to retain technological neutrality.

We understand that your proposal to look at this on a case-by-case basis is an acceptable one. It would be very acceptable to us. We could look at recommendations of ITU, and then in the future look at whether we need to refer to recommendations of ITU-T or not.

Thank you, sir.

>> CHAIR: Thank you. I think we will come to it. I just wanted to conclude on the matter that we have at hand. At least we have agreed to change "Member" to "Member States" and "CV" to "CV/CS" and on the "CCITT" versus "ITU-T," at 1.7B specific, I'll put that between square brackets and move on.

But I've taken note of what you just said.

Now, in Article 1 there is -- the beginning of Article 1 there is one proposal which is coming from Tunisia. And I would love to take that, to start with. And I want to give the floor to Tunisia to present their proposal. DT/4 rev 1, page 19, you have the floor for presentation.

>> TUNISIA: Thank you, Chairman.

This proposal seeks to guarantee freedom of expression as recognized by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and Article 33 of the Constitution, and protect it in International Telecommunications. This will protect access to all dissemination telecommunication, ICTs at an International level, and the exercise of these rights as well as other rights enshrined in the texts.

And states should impose no limitations on this, other than those permitted by International law.

Tunisia believes that this will allow human rights and human privacy to be protected when the ITRs are enforced.

Thank you.

>> CHAIR: Thank you, Tunisia. And since this is the only proposal on this specific subject, I would ask the floor for any clarifications. Is there any objection to the Tunisian proposal?

United States? And then Cyprus. >> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. Mr. Chairman, we wish to state our appreciation to Tunisia for bringing to our attention the very important precepts and principles that are contained in Article 19 of the Universal Declaration of Human Rights. We of course fully support that declaration.

Mr. Chairman, our issue is more one of clarification and perhaps preference. The clarification goes to the need to restate the Article 19 of the Universal Declaration of Human Rights in the ITRs. The universal declaration stands on its own feet and is understood to be the foundation of the United Nations. And it may not require restatement in the ITRs, as we have all, as members of the United Nations, have committed to the principles of the Universal Declaration.

Secondly, Mr. Chairman, we would also note that the same sentiments expressed by Tunisia in their proposal are found in paragraph 4 of the Geneva Declaration of Principles of the World Summit on Information Society. We have fully supported at the head of state, paragraph 4, and we believe that that may be sufficient to meet the proper references to the declaration, and that that may be sufficient that, to the extent to which we may not require, therefore, its repeating in the ITRs.

Mr. Chairman, we would also obviously wish to restate our full commitment to the Universal Declaration with the questions of clarification and point made as it specifically references the World Summit. And that may be sufficient for all of us as it was a commitment at the head of state level and may not be required, therefore, in the ITRs.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Cyprus.

>> CYPRUS: I'm speaking from the European Commission on behalf of the European Union behind the Cyprus nameplate.

I want to ensure the group that we of course in the European Union support fully and respect the Universal Declaration on Human Rights. And these are part also of the European core values, of course. We think also that it's not necessary, though, to repeat these basic fundamental principles, and certainly not in this particular part of the ITRs.

Other International laws and provisions and charters stand on their own, and I think in discussing the preamble you have also discussed the lack of necessity to repeat various provisions in other parts of either the Constitution or the Convention of ITU.

So we think that although we support entirely these basic principles and these are things that we all must follow in any event, and the basic principles apply also to telecommunications, it's not necessary to include them in this particular part of the ITRs.

>> CHAIR: Thank you.

China and then South Africa, briefly, please.

>> CHINA: Thank you, Mr. Chairman.

China has some similarities in our views compared with the United States and EU. We respect the principles in the Universal Declaration of Human Rights and also we respect the principles advocated by the declaration of WSIS. But we think the ITR is about the interconnection of international networks as well as to guide the operation of international services is more technical savvy. So it's more focused on the technical aspects.

So we think it's not necessary to reiterate what we have recognized as the international political principles. Therefore, we support the intervention of the previous two speakers.

Thank you.

>> CHAIR: Thank.

South Africa?

>> SOUTH AFRICA: Thank you, Chairperson.

We do think it was a very good proposal, but we would also have to reserve our own position on this issue. In particular, because whilst we agree with the right of freedom of expression, in our Constitution it's not an unlimited right in the sense that it is balanced against other rights such as the right not to be the victim of hate speech.

So I think from our perspective we would need a little time to consult on this issue.

Thank you, Chairperson.

>> CHAIR: Thank you. Before giving the floor to the others, I don't see agreement to, while respecting the Universal Declaration of Human Rights, I don't see agreement to include this in the ITR.

So Tunisia, before giving the floor to the rest, we do not have an agreement.

SG, you wanted the floor?

>> SECRETARY-GENERAL: Thank you, Chairman.

Yes, I did want to speak, because I wanted to draw your attention to something, as indeed I did in my opening statement. It seems to me to be essential, fundamental for the future and the credibility of the union and to the image which the union wants to project to the outside world, and in view of all the various conspiracy theories that are floating around in respect to individual freedoms in this meeting, that it would be a good idea to put some explicit recognition of this essential right, which after all is already acknowledged, the right to the freedom of expression. That would perhaps contribute to preventing people distorting the cause and purpose of this conference.

This is a universal right, of course. It's one that has already been negotiated and agreed by our Members. But an explicit reference to it, I think, would be helpful at the beginning of a Treaty of this kind.

It would, as I say, dissipate any potential misunderstanding about this whole question. So as far as I'm concerned, that would be the essential purpose of a proposal such as that which has just been tabled by Tunisia.

Tunisia was, after all, the host country of the WSIS, where these issues were dealt with, and dealt with at a level that cannot be exceeded at the level of heads of state. Tunisia was also the cradle of the Arab Spring, where the Freedom of Expression as we know was extremely important in many respects. It was used in order to return countries to Democracy, after all.

I therefore think that this would be helpful, and I would encourage, with the indulgence of Member States, to look at this from the point of view of the image which this organisation wants to project, particularly at this conference. For those who want this conference to be successful, I think it would be a good idea to try and reach agreements here and reach agreements such that they give the right image of the ITU outside the organisation's walls.

I would like to see contribution number 25 from the Tunisian delegation looked at in this way and I urge delegations to try and do that.

Thank you.

>> CHAIR: Thank you. Iran?

>> IRAN: Thank you, Chairman.

We are grateful to the presentation of the Tunisian Government to propose this very important issue, which has drawn our full attention to the fundamental rights that are mentioned in Article 19 of the Universal Declarations of human rights.

Having said that, Chairman, the nature of this proposal is more fitted to perhaps a proposal to the plenipotentiary conference, to possibly, if necessary, amend the preamble of the Constitution, which covers everything, not only ITR but also other segments and the entire ITU as was mentioned. Therefore, in our view, this proposal needs to be, if the delegation of Tunisia so wishes, submitted to the plenipotentiary conference and should not be discussed at this conference and should not be included in the ITR in any part of the Regulations.

Thank you.

>> CHAIR: Thank you.

United States.

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

I'm speaking on behalf of CITEL in connection with two interAmerican proposals, 21 and 23. We certainly endorse the sentiment expressed in the Tunisian proposal. However, in our view, as expressed in these interAmerican proposals, the purpose of the ITRs is to assure the interoperability of underlying telecommunications systems that enable communications, not the content of the communications that flow over them.

We are concerned that we should not open this door and get into the issue of adding content issues, even Freedom of Expression issues, which we certainly endorse, to the ITRs. Our fear is that once this door is opened, the other language could be added on this subject and this is a highly sensitive matter. We think it would be much better for all of us if we left this issue -- kept the issue of content entirely out of the ITRs.

Thank you.

>> CHAIR: Tunisia, I think you've heard the comments from a lot of Member States. And all of them said one thing, that there is a respect to the Universal Declaration of Human Rights, but there is no support to include this in the ITR.

So I'll give the floor back to Tunisia, if they still insist on their proposal. And withdrawing it does not mean that there is no respect to the Universal Declaration of Human Rights.

Tunisia?

>> TUNISIA: Thank you, Chairman.

Well, I would like to be able to reach a consensus agreement if that were possible. But before I do, maybe I do draw something to the delegates' attention. The events which we have seen taking place recently in some regions of the world, the cutting of international telecommunications things, for example, and that despite the existence and recognition of these rights in existing texts, has happened. Existing texts haven't prevented some countries cutting off international telecommunications, and that's why we in Tunisia think that this conference should give a very strong signal about the need to protect this right of the Freedom of Expression.

We need, I think, to make explicit the fact that this kind of cutting off of international telecommunications is unacceptable.

Perhaps I could agree with the United States who have proposed that reference be made to the summit text. That might get the idea across.

And I leave it in your hands, Chairman, to find how we can actually do that and make headway on this.

Thank you.

>> CHAIR: Okay. There is a proposal to refer to the WSIS text. But before putting that to the floor, UAE is asking for the floor. UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman.

And in order to be very brief, I think most of what we would like to say was already mentioned by the distinguished Secretary-General and also by the Distinguished Delegate from Tunisia.

It's also important to highlight that there has been some, under some of the media, some let's say wrong information that there are some proposals to actually neglect freedom of speech. And here we go, we have an Arab proposal, an Arab country proposal coming to this conference that would like to emphasize this, and we can go along with whatever approach as has been endorsed by Tunisia, the Secretary-General, as well as you, Mr. Chairman, to send a signal from Dubai that this principle and all the principles of the WSIS. So I think if we prefer, if we go and refer to the WSIS, we should refer to it as a whole.

We have been active in the WSIS and we actually can go along with the idea to refer to the WSIS and all of its principles and endorse it from -- within the conference of the WCIT.

Thank you.

>> CHAIR: Thank you, UAE. I think "refer to WSIS as an entirety" is also a very dangerous sign, so I need to be careful here.

I think there has been a lot of discussion on this issue. And I'm sure there has been a lot of reflection on such important and novel declarations as this, and it's already amended.

I'm not sure if there is any additional thing that we can add to that. There are strong views. We have heard also the Secretary-General's view on the Universal Declaration of Human Rights. But there are views respecting the Universal Declaration of Human Rights, but having an opinion that the ITRs is not the place for it.

And the reflection of it in the summary record, it's important. And I don't know if you can go along with that. And sending also a message from Dubai to the rest of the world through the summary record of the plenary respecting the Universal Declaration of Human Rights, but also as I see it from the Member States that there is no agreement to have it included in the ITRs itself.

So I would like to thank Tunisia for their proposal. Unfortunately, we have no support. But we can reflect on the summary record of the meeting and emphasize on it, and perhaps we can have a text proposed by Tunisia to look at it as well, so that we can have -- so that we can give it a proper place in the summary record.

I see others asking for the floor. Qatar and then Iran.

>> QATAR: We are sitting at the back of the room, and let me explain why you can't see us, Chairman. I sought the floor several times but didn't obtain it.

As far as the Tunisian proposal is concerned, we think that this is an extremely important proposal and an extremely important principle and we support it.

It's a question of ensuring the human rights and the Freedom of Expression are respected. As the Secretary-General said in his statement, it's very important that we send out a positive signal on this one from this conference.

That will be the best possible response to some of the rather inaccurate information being put around about this conference, to the effect that we're trying precisely to limit the Freedom of Expression. I think that the content of the Tunisian proposal is crucial. As I said, I think it needs to be mentioned even if that is done via a referral back to the WSIS.

The essential point is that this be mentioned, one way or the other, to make it very clear that our conference fully respects both human rights and the liberties of expression.

Thank you.

>> IRAN: We have no difficulty if Tunisia would like to have a statement in the minutes of the plenary. However, with respect to general recognitions of the conference, it depends whether this is in the agenda of the conference or not in the agenda of the conference, and also it depends on the text, what text we put. What is the language? What is the wording of that. And before saying that we could not agree to the inclusion of that text, we have to see it clearly and we have to consult our Government.

Thank you.

>> CHAIR: Thank you.

Poland.

>> POLAND: Thank you very much, Chairman.

Poland would like to associate itself with the Tunisian proposal and the comments of the Secretary-General. We believe that the general reference to human rights would send the positive signal, and our proposal is that the general reference to human rights and guarantees of the freedom of the Internet perhaps should be made in the preamble to the ITRs.

Thank you very much.

>> CHAIR: We will take Mexico first and then the Secretary-General wants to speak as well.

Mexico?

>> MEXICO: Thank you very much, Chairman.

We have listened with very careful attention to the debate which has been taking place in respect of the issue of human rights, and particularly Article 19 of the Universal Declaration. We support that Article. We support the declaration.

But we do agree that it is perhaps not in the ITRs where we find the most appropriate place from which to send out this message. We do, however, agree that it's a good idea for this conference and indeed for ITU in general to send out a message to the world outside about guaranteeing communication and human rights in general. Maybe this could be done in a resolution from the conference.

We don't think we should be considering only the specific text of the ITR. We have a bit of margin over to us by conference resolutions. So perhaps a conference resolution would be the right place to mention this. What we suggest is that we mention this issue in a conference resolution.

Thank you.

>> CHAIR: Secretary-General?

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

I think there is full agreement here that Universal Declaration of Human Rights is very important to every single delegation here; that every delegation who spoke, spoke for it.

But it's clear, also, that it has not its place in the ITRs, and we have said that all along. During the preparatory process of this conference, I had multiple press conferences and replies to press allegations that this conference is about Freedom of Expression. And I've said no, it's not the case. And you are just proving that here. And you don't want it to be the case. You'll set a precedent.

As the President of CITEL said, it will open the doors for content issues being in the ITRs. And we have said that ITRs is not about content.

If we have to make reference to this in the ITRs, we should say that even though content is not an issue for this conference, it has been, since it's been too much labeled. We make it clearer.

But if we decide not to, you allow me to make a press release again to clarify this issue. And of course I have my daily conference briefing, press briefing, in which I will refer to this issue and make it clear that this conference, in this conference, we all agree that human rights issues are very important, the Freedom of Expression is something that no one can -- nothing in this conference, in this Treaty, will contradict that.

But we decided unanimously not to put it in there, but it was a gracious proposal by Tunisia to clarify the matter.

On that compromise, I will be very able to handle this issue. Because as you can -- as you have seen in the press, there has been simply too much negative labels on this conference for this very issue, which has never been on the table.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Switzerland.

>> SWITZERLAND: Thank you, Chairman.

We feel the same way as our colleagues from Poland who spoke a little earlier, and indeed more or less for the same reasons. It seems to us to be very important, as other people have said, that given the unfounded criticism we have heard leveled at this conference, we make reference of some kind to the respect of human rights in general. The idea of putting a very brief reference to them in the preamble without going into detail would be for us a very simple solution, with their support.

I think we would really be missing the boat in this conference, so to speak, if we did not refer to what is a very basic and fundamental principle for our society.

Thank you.

>> CHAIR: Let me try this and let me try this proposal, to have the Tunisian proposal, or let's say a modified version of the Tunisian proposal, in a resolution.

Is there an agreement to do that? Or let me put it this way: Is there any objection to have a resolution attached to the ITRs that talks about Universal Declaration of Human Rights, as per Poland's proposal.

Canada?

>> CANADA: Yes, sir, thank you, Chairman.

First and foremost I'll not take a lot of time. We fully recognize the principles embedded in the Tunisian proposal and we thank them for it. But as clearly stated by several people that have preceded me in the use of the floor, in particular I would quote the reference made by the Distinguished Delegate of China, as to the nature and scope of the ITRs.

Secondly, the reference made by the Secretary-General to the media coverage of this conference, whether it is unfounded or founded, it is not up to Canada to qualify it. But we will certainly agree with his proposal to deal with any issues associated with the coverage, precoverage, and post coverage of this conference by means of a press statement that needs not to be part of the ITRs.

Lastly, the issue of human rights it's already clearly enshrined in the Universal Declaration of Human Rights and there is no need for this conference or WCIT or plenipotentiary or WSA to include such an important element already recognized by extremely important declarations as the Declaration of Human Rights.

Thank you, Chairman.

>> CHAIR: I'll give the floor to Tunisia. I don't see, at least from the start, support for my proposal.

Tunisia?

>> TUNISIA: Thank you, Chairman.

What I would say is that our conference should issue a clear signal in response to the severe accusations which it has faced in the recent period. And the only way that we can do that is by making mention of freedom of expression and human rights in the International Telecommunication Regulations.

To that end, I would like to go back to the proposal made by Poland and Switzerland to make such a mention in the preamble to say that our conference attaches importance to Freedom of Expression and human rights.

>> CHAIR: Thank you. But there is no -- until now, there is no support for it yet.

I'll give the floor to Costa Rica and then Iran. I really need to conclude on this discussion. There is a proposal from also the Secretary-General that we -- the ITU issue a press release on this issue, recognizing what happened in the meeting. That all Administrations respect the Universal Declaration of Human Rights, but not to be part of the ITRs, which is a binding Treaty. And I've seen also the comment made by Canada.

Costa Rica, you have the floor.

>> COSTA RICA: Thank you, Chairman.

Costa Rica has a hundred year long Democracy and we think that the Secretary-General's comments are very important. We need to issue a message on this, particularly given the accusations which have been going around in the press.

As the UAE said, we need to agree on a message, but Costa Rica believes that the ITRs aren't the best instrument for that to be achieved. And that's why we think that it would be more sensible to think about what was said by Mexico, to have the resolution by this Assembly, which takes up the spirit of what was said by Tunisia and supported by Poland and Switzerland. So we could have a resolution and perhaps we could also cover this using a press release as said by the Secretary-General. We think that would be a more viable course of action.

>> CHAIR: Thank you. There is now some support for having a resolution. I don't want to give the floor to many people. I'll give it to two countries.

Iran, briefly, please.

>> IRAN: Thank you.

The last speaker was quite clear saying that either a press release or resolutions. Chairman, resolutions, first of all, should be very carefully crafted. It would take a lot of time on the wording. It should be within the agenda of the conference. And we fully support the wisdom of the Secretary-General that he said clearly that he would take this action in a press release, and make necessary and appropriate courses of action in order that the correct signal be given to outside people. And we are not in favor of a resolution. We are opposed to a resolution.

Thank you.

>> PORTUGAL: Thank you, Mr. Chairman.

Like the majority of countries, we are -- we do not favor including the issue in the ITRs and I think this is already solved by now.

And we also do not favor the resolution model. We think the proposal by the Secretary-General is very balanced and very towards our aim here. And maybe a record -- including in the record of decisions as was also initially proposed would be the appropriate way to deal with this issue.

Thank you, Mr. Chairman.

>> CHAIR: Thank you. I will close the discussion now. I don't see an agreement included in either the resolution or part of the ITRs, so we will go along with the Secretary-General proposal to have a press release, the minutes of meeting also covering all your sentiments from all the Administrations. And I would thank everybody, including Tunisia, to bring this important issue. And we will have its size in a press release that we do on a daily basis, recognizing the Universal Declaration of Human Rights. And emphasizing that this conference is a technical conference and all Administrations here recognize it, and they do not feel that it's appropriate to include it in the ITRs.

Secretary-General?

>> SECRETARY-GENERAL: I just want to thank this conference for coming again to a good compromise on this very delicate issue. In fact, you have done half of my job by speaking out here in this meeting. Because this is webcast. And this webcast goes to the press. So I'll simply be reiterating what you said here, which satisfies me, because this is what we have been saying all along. Because we know the feeling of our membership. We know what our membership is tasking us to do in this conference, in this Treaty. And therefore I would like to thank you again. And you've proven that again ITU can come together and all Member States and come to a consensus on issues.

Thank you very much.

>> CHAIR: Thank you.

Now we can move to the remaining issues of Article 1, we will come back to it. We have taken the -- I would call it the easy issue, but it was not that easy.

So we will move to the binding nature of ITU recommendations and articles 1.4 and 1.6.

I'll give the floor for presentation by the Asia Pacific. And then Arab and then US and then interAmerican proposal, RCC, Cameroon, European proposal, Australia. So we will start with the Asia Pacific and Japan.

It was page of DT/4 rev 1 and it is 26. Sorry. 40. Page 40.

>> JAPAN: Thank you, Chairman. Now this is page 41. When we look at this page 41, there is a proposal concerning 1.4. And this is about reference to ITU-T recommendations. And we -- our position is that even if it's deferred in the ITRs, the nature of the ITU-T recommendation will not change. It remains. This is the recommendation. Thank you very much.

>> CHAIR: UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman.

The basic idea of recommendations is there, and we also agree to this part. We also recognize that, in some cases, we stress on these recommendations and it is really up to this conference as we're going to progress the work to decide if there is -- if we would like to refer to any recommendations or any other text that they would like to make mandatory. So, again, we emphasize that recommendations are mandatory by nature. It's really up to the conference as to the work progressing to decide what is mandatory and what is not, whether it's a recommendation or any other text.

Thank you.

>> CHAIR: Thank you.

U.S.

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

Mr. Chairman, we firmly believe that ITU-T recommendations are voluntary. That was an issue addressed in the 1988 conference and it was fully agreed that those -- that ITU-T, at that time CCITT, recommendations should be voluntary. We continue to support that position. We support it for a variety of reasons that are inherent to the technology that ITU-T addresses.

It does require flexibility. It requires to support innovation, and that ITU-T recommendations for that reason should be retained as or should be seen as voluntary.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

RCC?

>> RUSSIAN FEDERATION: Thank you very much, Chairman.

Our proposal is directed to the fact that there might be cases when certain recommendations might have another status. Therefore, we propose for 1.4 that we add "Unless otherwise specified in these Regulations."

References to ITU recommendations and instructions in these regulations are not to be taken as giving to those recommendations and instructions the same legal status as the regulations. We think it is a good idea to add this, because sometimes certain recommendations may need to have mandatory status. We do already have this sometimes in ITU. Generally speaking, recommendations are voluntary and only in a special way are put into the Regulations and therefore become mandatory.

Our position is, therefore, that we look at the possibility in the Regulations of having mandatory status for certain recommendations.

Thank you, sir.

>> CHAIR: We have requests from the floor from Turkey. Can we finish the presentation documents and then we take you? Turkey?

>> TURKEY: We feel that the ITU recommendations should be kept. That is that they are nonbinding for Member States. Thank you.

>> CHAIR: Thank you.

Cameroon.

>> CAMEROON: Thank you, Chairman.

On this item on the application of recommendations, we agree with many other delegations that the principle of voluntary application of recommendations should be affirmed here.

However, we believe that in some cases the conference may deem that there are recommendations where applications should be binding. And for that reason we support the idea of voluntary application with exceptions. So there should be "Exceptions" where certain recommendations can be seen as binding.

>> CHAIR: Thank you. The European proposal?

>> EUROPEAN UNION: Thank you. Europe notes in criterion 2 that the ITU Constitution does not have recommendations with binding force. In fact, by their natures, ITU-T recommendations are nonbinding, meaning that they are of voluntary application and therefore should not be imposed as a matter of routine.

Europe considers that the ITRs revision shall not be used to change the nature of ITU recommendations.

Proposals to modify 1.4 would have the effect of making it compulsory for States to impose ITU-T standards and potentially policy decisions on international telecommunication service providers in their country.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Australia.

>> AUSTRALIA: Thank you, Chair.

Australia supports the retention of Article 1.4 in the ITRs which provides that references to recommendations throughout the ITRs are not to be taken to give them the same legal status as the ITRs.

Australia supports the AP common proposal that ITU-T recommendations should not be given the same legal status as the ITRs through incorporation by reference into the ITRs.

Recommendations are created in Study Groups on the understanding that they will be implemented on a voluntary basis. And that is how we think they should remain.

Thank you, Chair.

>> CHAIR: Thank you.

Brazil?

>> BRAZIL: Sorry, Mr. Chairman, but we did not ask for the floor. Maybe some other country.

>> CHAIR: Sorry.

Sorry.

The African proposal, Egypt.

>> EGYPT: Thank you, Mr. Chairman.

Africa in general sees that the ITU recommendation should be voluntary. In general.

However, some specific recommendations that are engaged in regulatory or policy implications are a necessity for the proper implementation of the ITR Treaty could be made mandatory, depending on the Article they are involved in. But, in general, it should be voluntary.

Thank you, Mr. Chairman.

And I just add that if it is related to harm or some abuse or misappropriation, in this case -- or interconnectivity, in this case there are several modalities to be included as mandatory recommendations.

Thank you, Mr. Chairman.

>> CHAIR: Thank you. Mexico?

>> MEXICO: Thank you, Chairman. Mexico agrees that recommendations should maintain their voluntary nature. Mexico stated already that at least in the Spanish version there is a contradiction in terms in 1.4 of the current ITRs. It says that these recommendations shouldn't have the same legal status as the Regulations. However, 5.3 confers a certain amount of mandatory nature to the recommendations. It says that the order of priority will be that contained in the relevant CCITT recommendations.

So there might be a contradiction, in short, between 1.4 and 5.3.

Mexico is in agreement with the fact that the recommendations should be voluntary in nature, but we should avoid any contradictory language between 1.4 and 5.3. The problematic term in 5.3 might be the word "Governing."

Thank you.

>> CHAIR: Thank you.

Israel? Israel? Okay.

Then the next proposal is Brazil.

>> BRAZIL: Mr. Chairman, it's again not Brazil in the least. Maybe it's a technical problem. But we are not requesting for the floor.

>> CHAIR: I wanted to -- I want you to present your proposal.

>> BRAZIL: Excuse me, sir. Which proposal do you mean?

>> CHAIR: In your document 18, your proposal number 10. And you'll find it in DT/4 rev 1. Page 43.

>> BRAZIL: Thank you.

Regarding this proposal, as briefly said before, Brazil thinks that the ITU recommendations must not be obligatory, as other countries have spoken also. And we think so because of the stability of the ITRs. If we wish stable ITRs, we should not maintain ITU recommendations obligatory. If we wish some recommendations be kept in the ITRs, all the text must be put in the text otherwise ITRs would be extremely unstable, which is something that we don't want in the current text.

Thank you, Mr. Chair.

>> CHAIR: Okay. I have now the four countries asking for the floor: Portugal, Costa Rica, Egypt and the United States. Please be brief. We have -- no. Costa Rica, Egypt, United States and Iran. Please be brief. We have 7 minutes to go. Costa Rica.

>> COSTA RICA: Thank you, Chairman.

Just as part of this discussion, I'd like to stress the fact that standards should go on being recommendations. The EIII makes standards. And if we try to turn recommendations into something that is mandatory, we're really not doing the right thing. So we think that these recommendations should continue to be voluntary if the ITU-T is to maintain its historic role.

>> CHAIR: Thank you. Egypt?

>> EGYPT: Thank you, Mr. Chairman.

Egypt believes that recommendations are recommendations, and they should remain voluntary.

However, if this esteemed conference or this esteemed gathering deems that one of the recommendations should be obligatory, the essence of that recommendation or the text of that recommendation would be embedded in as part of the ITRs rather than recommendation. And it would be as a new part of the ITRs. So that is how we suggest to resolve any problem, if we see that we have to have a recommendation become obligatory.

>> CHAIR: Thank you.

United States?

>> UNITED STATES OF AMERICA: Thank you, Chair.

Good morning to all colleagues. I'm speaking for CITEL. We support maintaining the existing Article 1.4 of the ITRs with the appropriate editorial revision to change "CCITT" to "ITU-T," which establishes that the ITU-T recommendations are voluntary for the ITU Member States.

The current ITRs protect the sovereign rights of the Member States to determine how, if, and when to adopt any of the ITU-T recommendations into their regulatory frameworks. The public and private sectors shall best be served by voluntary recommendations which allow for adapting to technological changes in a timely manner, promote international trade, and provide global interoperability. This issue is also tied to points we have already reached consensus on in the past couple of days. As discussed this morning, it's important to not conflict with the Constitution. Article 4 of the ITU Constitution identifies the instruments of the ITU that are binding upon Member States.

Finally, as the Chair noted yesterday, we have consensus around some principles; in particular, that the ITRs should be a high level Treaty which allows for flexibility and technical innovation.

Thank you.

>> CHAIR: Thank you. CITEL. Iran.

>> IRAN: Recommendation from its name is recommendation. It's voluntary applications. However, reference was made by some colleagues that if this conference has a particular recommendation that could be included in the Treaty. Chairman, if we take this path, we have considerable unintended consequences. If we refer a recommendation to the Treaty, that means any improvement, any progress on that recommendation will be blocked until the next WCIT will establish and replace the recommendation by a new recommendation. That would be a very, very complex process. Perhaps instead of obligatory, you may kindly retain to the proposal in paragraph 1.4 to see whether the recommendation is, if referred in any language, has the same status as the other legal part of the Treaty or not.

That is the question Chairman and many countries said that it does not have the same status as the other part of the ITR and that should be retained.

>> CANADA: Chairman, as we intervened prior to the coffee break, we do believe that we should maintain the voluntary nature of ITU-T recommendations.

And we should not expand the reference to ITU recommendations, for a number of reasons.

So we -- I would like to associate for all of those who intervened on that basis.

Thank you.

>> CHAIR: Thank you. We have three minutes to go.

I propose for this issue, rather than discussing it in details, and it's very, very clear the different positions that we have, as to create an informal group who I'm going to announce who is going to Chair it after lunch, to look into this issue and then report to the plenary.

But I would ask that in the afternoon session, the first session in the afternoon, we continue the plenary. We have four issues -- sorry. Five issues at hand. I believe we can make progress. We have made progress.

We wanted to continue the plenary in the afternoon, the first session, and then on the second session of the afternoon period we would use it for Com 5.

If I have your agreement, we will adjourn for the meeting right now. As soon as we come back after lunch, we will announce the informal meeting, who is going to Chair it, and we will continue on what we started.

We made good progress. I thank you for a lot of cooperation that I've seen. And we need to capitalize on it to finish the agenda for today.

If there is no objection and no one asking for the floor, I will adjourn the meeting. And then come back at 2:30 to start the meeting -- to start the plenary, to continue the plenary in the afternoon.

Thank you very much. Bon appetit and I look forward to seeing you in the afternoon.

(Applause)

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