FINISHED TRANSCRIPT

WORLD TELECOMMUNICATION STANDARDIZATION ASSEMBLY

DUBAI, UNITED ARAB EMIRATES

23 NOVEMBER 2012

WG 4A 14:30 ‑ 15:29

Services Provided by:

Caption First, Inc.

PO Box 3066

Monument, CO 80132

1‑877‑825‑5234

www.captionfirst.com

\* \* \* \*

 (This text is being provided through CART, Communication Access Realtime Translation. It is intended to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.)

\* \* \* \*

>> FABIO BIGI: Good afternoon.

(Language other than English being spoken.)

>> Interpreters, there is a problem. We are getting Arabic on the channel.

>> FABIO BIGI: Try a different channel, 1 English and 2 French and 3 Spanish and 4 Russian and 5 Chinese and 6 Arabic. Everything is working now, so we can start.

We have the agenda up on the screen. You can see we have approved the agenda. Are there any observation? If not, moving to the next point of the agenda with the approval of the work performed by the group chaired by Mr. Minkin on Resolution 75. The text is in Temporary Document 20.

<< RUSSIAN FEDERATION: Can you hear me? Thank you very much, Chairman. The group held two meetings. We looked at all the documents and prepared a draft modifying Resolution 75 in Temporary Document No. 20 which is before you for your consideration.

In this document we have changed the title, we have changed the sections "considering" and "considering further" and "recognizing" and "noting" and "taking into account."

All these sections have been changed in light of the documents adopted at the conference by the ITU Council, the radio assembly and radio communication advisory group and telecommunications development advisory group, all the main meetings held after Johannesburg at the World Communications Development Conference.

Now is the group on international Internet public policy issues upon the decision of the Council, instead of being a dedicated group. So we have had to change the resolution, and also in the instructs of the director and the resolves and invites member states we have included references to documents which this group will prepare and also in the section "Instructs the Director W. Rowe."

We have some of the instructions handed down from the plenary Council and Council. Unfortunately we were not able to get rid of all the square brackets because further internal consultations were required.

For those square brackets for which we do not yet have a, when we go through this document paragraph by paragraph, under your wise guidance, chairman, we will find a solution.

With that I put the document before you for your participation. I thank all participants in the group Mr. Pratham from the Secretariat who helped us.

The document, draft modified Resolution 75, Document 20 is now before you for your consideration.

>> FABIO BIGI: Thank you, Mr. Minkin for the clear introduction. I noticed there were some points still in brackets. I hope we will be able to solve this problem when we go through the document section by section. Any general observations on this text prior to detailed discussion? Iran?

>> IRAN: I was late. Please identify document number.

>> FABIO BIGI: Document 20. Let's proceed by section. First let's go to the "considering" on the first there is only the updating of the existing text, so I don't think it will cause a problem.

On the second page I see a detailed addition of the actual line for which IQ a acting, and I see no requests from the floor. We also have the reference to communication aspects to support the Internet. I see no requests from the floor.

So we can approve the considering. Now to considering further, recognizing "A" and B and C and lower case d. I see square brackets. On Page 4 if says: Which have not started the process. Can you propose a solution? Jordan, are you requesting the floor? It appears not. Mr. Minkin, in absence of any consideration, I will delete the text in square brackets.

>> RUSSIAN FEDERATION: Thank you, Chairman. The first square brackets we will find in "B" of considering further because this text is a direct reference to the text of Resolution of 178.

And in the process of consultation, we therefore decided the square brackets could be taken out, but the text within them can be retained if there is no objection from colleagues.

When it comes to the recognizing further under "d" where you just were, here I don't want to make any proposals because I think it is up to you to decide; you have to see what is the view of the group. If there are objections, we have to go back to the old text.

This is an open question and I cannot make a recommendation. The group must decide.

>> FABIO BIGI: So it is for the group to decide. There is text on lower case "d" on square brackets. Shall we delete the square brackets or the text? United States?

>> UNITED STATES: The United States would prefer to go along with the suggestion with our colleague from Russia, perhaps ring back to the original text since we have been unable to reach satisfactory compromise at this time. Thank you very much.

>> FABIO BIGI: Do you agree to go back to the old text in Resolution 75? It seems that way. Secretariat, can you act on that? Okay.

Next is taking into account what I believe is modified text, with no ambiguity. We can endorse this text, noting no new text, no brackets. We can approve that.

Now in resolve 3, there is text in square brackets for study groups to consider the output of the group regarding Internet related public policy. There may be a minor regulatory correction. Study groups should consider in "their" study.

>> RUSSIAN FEDERATION: In the course of consultations where we explained that the documents of this group, the output documents are open to everybody; therefore, we can take away the square brackets from the text because we are following the resolution of Council that the group should disseminate its documents through the Secretary General.

Here with merely recommend that the group should consider. We are not calling upon them to make any decision, but only to consider. Therefore, the proposal to keep the text is useful, the group is working and its materials are useful for work when necessary, keep the text and take out the square brackets?

>> FABIO BIGI: I was saying the relevant study groups, in a is blur apt, considering in "their" versus "its" singular versus plural. It is only an English correction. I may be Italian, but it still sounds better to me. With that, we can take out the square bracket and approve this part. No request from the floor? Done.

The "instructs director," I see a change, no square brackets so we can approve this part. There are square brackets on the invite sector members .1, contribution to relevant IT study groups. And in square brackets, standardization advisory group where appropriate and contribution of working group implementation.

>> RUSSIAN FEDERATION: Thank you. In the course of consultations we managed to remove the objections. So we propose retaining the text and removing the square brackets around it. Thank you.

>> FABIO BIGI: If that is the case, we can practically approve the text of Resolution 75. Again, thanks Mr. Minkin. If there is no objection, done. Thanks, Vladimir, for staying with us.

Now going back to the agenda, you remember there were some pending items this morning. We start with the things of Resolution 60. As usual I have the text from TSB in Document 29. I have a contribution from CEPT from Arab States. Can you introduce the Addendum? France?

>> FRANCE: Thank you, and good morning.

At this point I will come back to what I already presented, Addendum 8 of the European contribution to recall it is an addendum proposed for the suppression of fulfilled resolutions, since we consider they have been fulfilled and their work is finished.

 That is what we thought. Looking at Resolution 60, given the work relating to the development of numbering to converge with networks and systems based on IP, since this work had been undertaken by Study Group 2 as requested, and to our knowledge this work is part of the normal work program of study group 2

That is why we think the resolution has been fulfilled and can be suppressed. Thank you.

>> FABIO BIGI: Thank you, France, for the clear position which has a certain logic to it. Are there any comments or requests for clarification on the document presented by France? Egypt?

>> EGYPT: Thank you. The Arab State has a continuation request for the new progress work in the Study Group 13 about future networks and the expected transition of the telecommunication from traditional to IP environment into the future or maybe the near future. So keeping the study alive with a high priority, it should be supported with such resolution.

The work in Study Group 2 considered the document, but as far as I remember it was just on paper from one administration; we need more work to be done in this aspect.

>> FABIO BIGI: Thank you for having presented the Arab contribution. Iran?

>> IRAN: Thank you. What I wanted to say, by the delegations of our country, we are not in favor of the resolution. The suggestion will make it more effective and should be used after some discussion on the proposed text.

>> FABIO BIGI: Thank you, Iran.

Any other general observation from the meeting? United States?

>> UNITED STATES: Good afternoon. We had a question. It seems that in the recognizing section of this resolution, it includes resolves from an earlier resolution. We have some concerns about that as a proper procedural matter.

We do have other questions as well, which we hope to get a chance to discuss if you create an ad hoc for this issue.

>> FABIO BIGI: There is also an interim American proposal I was told in Contribution 38, Addendum 5. The contributions will be introduced, since the other two have been introduced. Addendum 5 to contribution 38. I leave time for someone to present the contribution. Brazil?

>> BRAZIL: Thank you, Mr. Chairman. Contribution 38‑A5, the American proposal on Resolution 60 has some change in the recognizing section. It adds recognizing "D" to the resolution, and "E" to Resolution 123 and Resolution 54 of this assembly.

Also an addition to noting D, mentioning recommendation E164, machine to machine. And another section to invite member states and sector members to create regional groups to review the issue and promote the participation of developing countries in those discussions. Thank you.

>> FABIO BIGI: Thank you. Request for clarification or comments? I see there are at least two regions who want to continue the resolution, Resolution 60. Since I have already given Resolution 20 an order, I will add that to the same group if Egypt agrees.

>> EGYPT: Thank you. We cannot accept this, with the support of the last speaker, regarding Resolution 60.

>> FABIO BIGI: In any case, you will take into account all the observational remarks and support made, because it will be in the same group dealing with the expertise and Secretariat who dealt with Delegate 2 for the study group for the activity. I am sure you will perform a great job that will let me explain it with less problem.

Moving to the next one, Resolution 69. For this we have the text from TSB, as usual in Document 29, but this is only an amendment. And after the contribution from the Africa Delegation Union and from Arab States. Sudan, can you introduce your text?

>> SUDAN: Thank you. I am here speaking on behalf of the African group. Please allow me to speak about the Arab proposal, since both are quite similar and compatible.

I am also speaking on behalf of the Arab group. Mr. Chairman, we are talking about an important resolution that affects mostly the developing countries.

The proposal aims at supporting Resolution 69 regarding the nondiscrimination in accessing the Internet. Is it emphasizes the right of all to have access of the Internet and to enjoy its services and benefits, which are great.

And it also promotes everyone to implement this important resolution swiftly. Reference was made to some important issues, among which is the issue of the Human Rights about strengthening the Human Rights on the Internet or regarding the Internet and benefiting from it.

There is also a reference to similar resolutions that have come from the ITU and PP conference. Reference is also made to the importance of accessing Internet with regard to developing countries, and in bridging the gap between both developed and developing countries. Fine.

Finally in the proposed resolutions, some items have been added which add more responsibility to the ITU and the member states in necessity to implement this resolution.

Mr. Chairman, four years have passed since the resolution was passed. The page has been prepared on the Internet to receive complaints. Quite a number of complaints have been raised with no answers given, and discrimination is increasing in importance.

As you do know, as do the experts, the Internet is among the most important means linked to health and education and other activities of vital human beings. Thank you.

>> FABIO BIGI: May I request the presentation of the other contribution, one from Africa and the other from the Arab States. Sudan?

>> SUDAN: I preserve the Arab State and the African.

>> FABIO BIGI: But the text is quite different in the proposal, not exactly the same.

>> SUDAN: I think both are the same, yeah.

>> FABIO BIGI: I was not aware. Okay. Any observations or requests for clarification or comments on this text? Iran?

>> IRAN: We support both proposals from Arab and African countries dealing with the issue.

In fact, we witnessed from 2008 where Resolution 69 has been adopted or approved by the assembly. There has been no actual measures in favor of implementation of this resolution.

Therefore, we need to enforce the resolution and provide clarification via that the amendment of the African countries and the Arab countries is acceptable. Thank you.

>> UNITED STATES: A clarification question. In the resolves No. 1, the words "and services" have been added to the section, we would like to ask what that means and why it is being added here.

>> FABIO BIGI: Sudan?

>> SUDAN: We mean not only web, but Internet services are forbidden in many countries, and Sudan is a victim of that.

>> FABIO BIGI: Further requests for clarification or comments on the proposal? Iran?

>> IRAN: Thank you. If some colleagues are not happy with the word "services,” perhaps an alternative could be replacing it with "resources."

>> FABIO BIGI: Before entering into an editorial change, is there any objection in principle to the joint text proposed by the Arab and African states?

>> UNITED STATES: We have a number of issues regarding this document and the proposed changes. We would ask for ad hoc which can perhaps be added to the making Egypt the victim again, if that would be acceptable to him. Thank you.

>> FABIO BIGI: That is one possibility, but I have seen a theme that is slightly different from the other. I some informed consultation is in order, so maybe I can ask Sudan to lead the informal consultation. Can Sudan accept?

>> SUDAN: Yes, we can.

>> FABIO BIGI: I ask you to make this informal consultation and come back with an agreed text for next week.

>> SUDAN: Okay.

>> FABIO BIGI: Iran?

>> IRAN: Thank you. I think the issue is, as the United States proposed, it has several points which may be beyond informal. I hope Sudan will be able to do that informally.

You may find some United States delegation, unfortunately they are numerous, but informally you may find no other people. Can Sudan identify how you can find me? I have support of this resolution and I may not support the changes proposed by the United States. I know the proposal already. I think we should be practical.

Thank you.

>> FABIO BIGI: Let's kindly make a compromise between your proposal and mine. Let's have the informal event. If there is no success after the weekend, we will create a formal group among the first instance with a formal meeting with the discussion. I hope it is only a minor problem to be solved, and that informal consultation that clarify the issue.

If there is a major problem, on Monday we will have a formal group. Is that okay with you? Sudan, can I repeat my plea for you to start and contact people who have made issues regarding clarification. I also ask for the interested people to please contact Sudan. Yes? Thank you.

Next on the agenda, a draft resolution on implementation on network premiums. Here there are three contributions to be considered. First the contribution from Cameroon, No. 52.

>> CAMEROON: I will give the presentation at the same time and speak on behalf of the African group because the contribution of Cameroon is not different from the African contribution of the WTSA in 2008 recommended networks externality adopted with several countries expressing reservations about the recommend, based on the fact it did not reply to essential questions for its implementation.

The practical questions for implementing the externality and determining the premium, study group 3 was instructed to reply to these questions during the 2009/2012 and on the practical implementation of D156, the annex replies point by point by questions raised which WTSA 08 for determining the network externality premium.

 The premium was estimated around 5% of the incoming international traffic rate. In conclusion, the African group has proposed this draft resolution requesting those countries that expressed reservation regarding implementation of recommendation D156 based on the various additional questions for Study Group 3 to withdraw the reservation because of Annex A and B replies to those questions

That is what I have to say about the draft from Cameroon. May I move to the African contribution?

>> FABIO BIGI: Yes, please go ahead. Just a moment, and then I will give you the floor to introduce the text of the resolution itself. Cameroon, you may proceed in presenting the text.

>> CAMEROON: It is actual implementation of the premium. There is a consideration recalling the agenda for the information society and the world summit on the information society. There were difficulties in finding ways and means to finance the developing of telecommunication in developing countries.

Also there is Resolution 22 of the plenary conference in providing international telecommunication services, and Study Group 3 was instructed to find ways and means to finance this development of telecommunications through the network externality premium.

There is also a note of recommendation which I will not read out, and the resolves which say to invite the member states to withdraw the recommendation regarding 156.

As I said when I made the presentation, these reservations were covered by the two annexes to recommendation 156. It also says: Inviting all member states to take all necessary measures for the actual recommendation of the implementation.

Then we have the invites which says the 2013 Council is to report on the matter to the 2014 conference, pursuant to Resolution 22 rev Italia 2006.

>> FABIO BIGI: Thank you for giving us the clear presentation, Cameroon. I shall now ask if anyone has a request for clarification or any problem or question or any other point to raise. Iran?

>> IRAN: We have no difficulty with the substance of the proposal, but as far as the modality, Mr. Chairman, it should be considered that it is not a proper way how to deal with this issue in that aspect.

I give the reasons. Member states at the study group level or the assembly has the right to make reservations with respect to the recommendations.

When reservations are made, it is a unilateral statement of the member states. We could not have a resolution and ask them to withdraw that in a resolution; it is not constitutional.

However, we could act differently. For instance, noting and further recognizing, and part of the resolve can be combined to compose a sentence.

That sentence can be included in the minutes of the plenary saying in view of the fact that Study Group 3 has the Annex 1 and 2 to afford that the member states are invited to reconsider their position in light of the developments, but not in the resolution.

We should be confirming to the constitution and convention. It is not appropriate that an assembly has a resolution, asking administrations to withdraw their positions, but they can do it in a different manner which will reach the same purpose. We in essence are in agreement with the proposal of Cameroon and ‑‑

>> FABIO BIGI: Thank you, Iran. Uganda?

>> UGANDA: We fully support the proposal. Thank you.

>> FABIO BIGI: There has now been a proposal from Iran, requesting the African country regarding the point of view of the practicality and constitutional aspect is better to not have a resolution, but to put the meetings records, the substance of the resolution more or less a conclusion of debate.

Can the African state accept this proposal from Iran to have the substance put in our proceedings and not having a resolution? Kenya?

>> KENYA: Thank you. Good afternoon. The modalities as to how this proposal can go forward, I know they are important, But I would like to ask the TSB in the room to clarify whether the position put across by our colleagues from Iran ‑‑ I'm not trying to second‑guess them, but if that is actually the position, and also for them to advise us which mechanism and which form we can put that proposal across to achieve the Internet goal.

Remember this is a request to colleagues to reservations, and now based on the two annexes, asking to withdraw the same. I would like the TSB to give an official position as to how we can do that.

Thank you.

>> FABIO BIGI: Maybe it is good the TSB give clarification so everybody will be more clear. There is a request from ‑‑ and Tanzania.

>> This will be easy. I will not venture into that territory. The secretary does not have a mandate for authoritative interpretations of any text. The membership itself interprets text, and the delegate from Iran has given his interpretation.

Actually to be honest, I have no idea whatsoever what the position could or could not be. If you wish, we can request Mr. Arnold G. to come back with a legal interpretation, but I frankly think it is better if the meeting here agrees as to the best approach.

Because it seems at this stage, at least there is no objection to the principle of recording the request from the African countries; it is just a question of what is the best place to record it. Perhaps the meeting itself is in the best position to make that decision.

>> FABIO BIGI: And now Tanzania.

>> TANZANIA: With the explanations given by TSB, what we have given as an African group by stand as it is. If there is a better option as we move forward, we shall consider it. But for the moment which consider what is presented to still stand. Thank you.

Iran, you have the floor.

>> IRAN: No difficulty to ask the legal view of the legal advisor to the secretary general. But another alternative would be a recommendation instead of a resolution recommending to do that; that is different from a resolution, but there is no doubt we can ask the review of the legal advisor.

However, we retain our right to comment as a state member on the issue and we welcome the legal advisor. Another alternative is to put a recommendation. In fact, it is not more than a recommendation because you invite member states. Thank you.

>> FABIO BIGI: I have Nigeria first, then United States.

>> NIGERIA: Thank you. Africa has actually made its position known. It will be difficult at this point in time for us to actually shift our position until when we perhaps go back to our African group where we will be able to discuss that issue and see a possibility of shifting ground.

But for now, we want the presented position to remain the way it is. Thank you.

>> UNITED STATES: Thank you. We would request that the legal advisor be asked for the proper way to present this request to member states. It seems that would clearly resolve this issue.

>> FABIO BIGI: That is the line I intend to follow, and to postpone the discussion of this particular resolution to give the African states time for consultation and to leave us time to have the legal advisor advise us. With that, I am afraid we have to close our meeting. We are already ‑‑ or not? Oh, there is five more minutes?

>> We have almost a half‑hour.

>> FABIO BIGI: It seems we have time. That is good. For this particular item, I really think we cannot conclude now without the legal advisor's opinion. We will call for the legal advisor, but I understand the African country wants to have a meeting to further discuss the matter. Kenya?

>> KENYA: Thank you. I think what is important here, identifying the correct procedure through which this proposal can be put forward. But in terms of whether or not we would want to go back and reconsider, no, we are not going to reconsider. I am speaking on behalf of Africa.

What we need a guidance from the legal advisor as requested by the colleague from the United States to tell us how we can progress the neither either as a recommendation or a resolution as proposed.

>> FABIO BIGI: Maybe there was a misunderstanding. That is what I understand, you need time to consider the best way to act. I do not think anybody has challenged your request, but there are some legal implications. The best way the matter can be recorded ‑‑ oh, the legal advisor cannot come now. Maybe we have to have informal consultation and postpone this matter until our next meeting.

Is there anything further on the agenda? I know the discussion went well for Resolution 40 and 58. I have the text, but there is no label. So with that, we can close the meeting.

Sudan can make informal consultation. Before we close, Cote d'Lvoire.

>> COTE d'LVOIRE: Thank you, Chairman. I had requested the floor a long while ago before the statement from TSB counsel. I just wanted to know about how we should make our proposal.

 Should it be a resolution as proposed by Cameroon, or should it be a recommendation, because the African Group has submitted a draft resolution. If we are told that we should do this in a different form such as a recommendation, we will do that, but we need that information before we take a decision. Thank you.

>> FABIO BIGI: Iran?

>> IRAN: As I mentioned, we are in favor of the substance of the African proposals and we fully support that, number one.

Number two, not this resolution, but suppose that in any other recommendation, an administration makes a reservation, can the assembly ask the organization to withdraw the resolution?

Third, please correct the term. We are not seeking guidance from legal advisor. We are seeking legal view, but not guidance. We are a member state and we decide ourselves, so we don't need guidance. We need a legal view on that. Thank you.

>> FABIO BIGI: I am sorry if my wording is not correct, but English is not my mother tongue.

Now we have a legal expert.

>> No. I was just informed that although the legal advisor cannot come, a colleague of his is here. Is Nicholas here? Yes, he is. Do you feel capable of answering this particular question?

>> I would rather reserve my judgment right now.

>> CAMEROON: I do not wish to go back over the discussions. I agree with the proposals of Cote d'Lvoire. We will see whether it should be a recommendation or resolution.

I just wanted to say Cameroon is spelled with a C, not a K.

>> FABIO BIGI: Mexico?

>> MALI: Mali, not Mexico. I think the name of Mali has been limited. Secondly, I do not think we need a legal opinion on this. I think if we all agree on the substance, that is the important thing. I think our colleague from Iran is in agreement on the substance. We are now in favor of a resolution because that is stronger than a recommendation.

I would like Iran to reconsider its position, since they agree on the substance of the African proposal. Can you please consider accepting this text a new draft resolution, Iran?

>> FABIO BIGI: Thank you, Mali. I have heard comments from Iran and the United States. We really need an opinion from the legal advisor. On the basis of that opinion, we will then decide the issue.

I think we should come back to this particular resolution on Monday. I am asking if this is possible? Does Iran wish to speak again? If so, I will give you the floor. Otherwise I will declare the meeting ‑‑ Iran?

>> IRAN: Yes, we prefer Dr. Arnold assist us for a legal view, number one. Number two, our distinguished colleague from Malia, resolution by the title has not a status until we come to the operative part of resolutions.

The operative part depends on the wording of the operative part. If the operative part of the invites is similar to the recommendation, Chairman, not to be a resolution and only an invite, you put wording which is not in the status of a resolution because you use the word "invites," which is not acting as a resolution that our distinguished colleague from Africa wants.

Once again, we wait for the legal view from the legal advisor.

>> FABIO BIGI: Let's try one more time. I want to leave time for informal consultation for the task I gave to Sudan, as well as for Egypt regarding Resolution 20. I hope you can use the time for the informal consultation.

We will have the burden for your ad hoc group be a bit less than was foreseen. With that, I declare the meeting closed.

 (Session concluded at 15:29.)

\* \* \* \*

 (This text is being provided through CART, Communication Access Realtime Translation. It is intended to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.)

\* \* \* \*