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DUBAI, UNITED ARAB EMIRATES

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>> CHAIR: Delegates, kindly take your seats. Com 5 is about to start. Please take your seats.

Thank you.

(Gavel)

>> CHAIR: Good afternoon, distinguished ladies and gentlemen. And welcome to the fourth meeting of Committee 5 proceedings.

At this point, I'd like to verify if the translators are all at posts, ready to go.

>> INTERPRETER: We're with you, sir. Good afternoon.

>> CHAIR: Thank you.

All right. Ladies and gentlemen, I thank you for the work done so far. It's been a very hectic past weekend for most of us. All the Working Groups have been at work at different times, and we really appreciate your contributions and your efforts.

As we begin this session, I want you to look at the agenda for this afternoon's work, and it's in the document ADM/25-E.

Please take a careful look at it, and we shall -- hold on. Secretariat, do you have something to say about the agenda? Okay. Go ahead, the Secretariat has something to say about it.

>> SECRETARIAT: Yes, Chairman. We realize that it might be productive, if the meeting so agrees, to add an item reporting back from the informal consultations on the new resolution regarding the frequency of the revision of the ITRs. And I believe Ghana could perhaps give a verbal report on that and perhaps we can take that as agenda item 6A. That is after agenda item 6 and before agenda item 7. There will be a verbal report on the discussions regarding the proposed new resolution regarding the frequency of the holding of the WCIT.

Thank you, Chairman.

>> CHAIR: Thank you, Secretariat.

Before we move to adopt the agenda, I've got Qatar on the screen. Qatar, do you have something or it was a mistake?

Iran, please.

>> IRAN: Thank you. Good afternoon to you and to all Distinguished Delegates.

I hope that during your meeting you will give us 15 to 20 minutes of break between the entire period.

Thank you.

>> CHAIR: Well, we are working from now until 5:30 and we just had almost half an hour break. So I think you can sustain an hour and a half.

Thank you.

Okay. Ladies and gentlemen, at this point I'll move for the adoption of the agenda.

Iran, you're back on the screen.

>> IRAN: Thank you.

I'm sorry, I thought that you were working up to the end of tonight. Thank you.

>> CHAIR: Well, that's not the timetable that I have. Okay.

Thank you. Good-bye.

I didn't say "bye" go home or something.

(Laughter)

Anyway, so we will adopt the agenda as has been presented in document 25-E.

Agenda is so adopted.

(Gavel)

We will move on quickly to item number 3. That's a new resolution on the changing telecommunication environment, as presented in DT/48. This document has been made available and at this point I would like to ask if there are any questions, any reasons why the document should not or should be adopted? It comes I believe without any -- well, square brackets? But anyway, so any views on that document?

Very quickly. We have a lot of work to do today. So...

Egypt, you have the floor.

>> EGYPT: Thank you, Mr. Chairman.

We had a long discussion about this environment issue, DT/48. I was Chairing the session, but now I'm talking on behalf of Egypt. There came the word "Inter alia" and I need an explanation how far this can extend.

>> CHAIR: DT/48 is the changing --

>> EGYPT: Environment.

>> CHAIR: -- telecommunication environment.

>> EGYPT: I hope we are talking about the same document, Mr. Chairman.

>> CHAIR: Go ahead, Egypt.

>> EGYPT: I want to be sure of the document before I talk. Is it the environmental issues? Sorry, Mr. Chairman, please indicate which document.

>> CHAIR: DT/48-E. New from the USA, new resolution on the changing telecommunication environment, dated the 10th December 2012. And it's posted.

Egypt, are you okay?

>> EGYPT: Yes, Mr. Chairman. Sorry, it was because of the misinterpretation of the title. Thank you, Mr. Chairman.

>> CHAIR: Thank you very much.

Iran, you have the floor, please.

>> IRAN: Thank you, Chairman.

As is usual and traditional practice in ITU, now we call it draft new resolution Com 5. It's now discussions of everything. So the title of document draft resolution Com 5 AA, you might have new resolutions and so on, and then ITU will give you a number later on at the end, whether you say Com 5 AA or not. But at least this is draft resolution AA and the number is related to the Committee 5, because it's out of your Committee. So everything else will be deleted. Thank you.

>> CHAIR: Thank you, Iran, for the correction.

Australia, followed by Sudan.

Thank you.

>> AUSTRALIA: Speaking as not Australia but one of your Vice Chairs.

A simple proposition is that resolution 4 has been suppressed because there was an amount of change and deleting considering D. So what we have before us now is a new form of the resolution. It's a draft new resolution and I think it should be a fairly easy task just to speed this through with a guillotine. And so thank you very much to the USA.

Thank you, Chair.

>> CHAIR: Thank you. I'll do just that. But I'll hear from Sudan.

>> SUDAN: Thank you, Mr. Chairman.

With reference to the resolves 1, 2, and 3, number 3 is already embodied in number 2, actually. I suggest it be stricken out.

Thank you.

>> CHAIR: U.S. Can you comment on that? It looks like an attempt to make the document a little bit more elegant and better. Thank you.

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

I think I am confused about where we are in the document, perhaps. If it -- I had understood the delegate from Sudan to be referring to resolves 2 and 3 as having overlap, and I guess I don't see that.

Resolves 2 is speaking about Member States taking certain steps within their own regulatory environment to promote access. Whereas resolves 3 is focusing on Member States continuing to work within the ITU on these very important issues. So I guess I don't see the overlap, if I am in fact referring to the proper sections.

Thank you.

>> CHAIR: Ghana, followed by Egypt and Iran. Then I'll close the list. This seems like a fairly simple and straightforward document.

>> GHANA: Thank you, Mr. Chairman.

Mr. Chairman, the delegation of Ghana notes that a lot of effort has been put into drafting this new resolution. Mr. Chairman, under "recalling," C, reference is made to the 2005 World Summit on the Information Society and the report of the Fifth World Telecommunications Development Conference. Perhaps it might be expedient to consider the 2005 World Summit on Information Society on the account that under "Resolution" a reference is made to the Geneva Declaration of Principles, which was adopted at the 2003 World Summit. And again under "considering further," A, reference is also made to the Geneva Declaration of Principles.

Perhaps we may consider setting the 2003 World Summit and 2005 World Summit under C of "recalling."

Thank you very much.

>> CHAIR: Thank you very much, Ghana.

I think I'll refer this document as it is back to the US and Ghana, if you can -- and also Sudan. If you can get together with them and try and fix these sort of editorial issues, the things that are missing, and bring it back for consideration later on.

Egypt, you have the floor, please.

>> EGYPT: Thank you, Chairman. Also, as some previous speakers about resolves number 6 -- number 3. I think it's an attempt to touch some national matters, particularly at the last sentence, the last part of the sentence which said "Regarding the implementation of progressive regulatory regimes designed to liberalize markets, promote competition and stimulate environments."

I suggest that we stop at "regimes." Otherwise, we are going into specific characteristics of markets, which is not relevant. And this will not make the sentence lose its essence.

Thanks, Mr. Chairman.

>> CHAIR: Thank you very much. So also on enhancing the document further, so please join the team. Meet with United States and let's enhance this document.

Okay. I'll now move on to agenda item 4. Provisions under Article 10.

On this subject, I need to inform Members or the meeting that the work that was to be done has been postponed to Tuesday morning, and I think the time will be 7:30 tomorrow morning. So please note that.

And with that we will move on. But before that, I see Iran on the screen. You have the floor.

>> IRAN: Thank you, Mr. Chairman. Although you invite us to join the meeting, but we have a simple suggestion. In fact, in the resolves 2 -- resolves 1, Chairman, you need to go to the resolves part. But renumbering instead of Roman i to v, put 1, 2, 3, 4, 5, as is the tradition of ITU.

And then instead of dash 2, one to 5, but not a dash Roman 5, put it in Arabic numbers, 1, 2, 3, 4, 5, whatever number you want, or the Latin numbers.

And then in the resolves 3, we have the same concerns as Egypt. We would like to stop after "Progressive regulatory" and instead of "regimes" put something else here. We don't understand what the "regimes" means here. Select another word and put it after without referring to the "liberalize markets, promote competition, and stimulate investment" on --

>> CHAIRPERSON: Thank you, Iran. I think you made your point. Again you seek to enhance this document for the better. So I recommend, as you said yourself, you would join the small team and do just that. Thank you very much.

I move on to item number 4 -- sorry. Number 5, which is report from the Working Group 1 of Committee 5.

Thank you, Madam Chair, if you're in the room, please, give us a report from your Working Group. Thank you.

>> BERNADETTE LEWIS: Thank you. We met for one and a half hours on Saturday the 8th and again for the fifth time for three hours this morning. Working Group 5-1 approved a new proposed resolution on the changing telecommunications environment.

We agreed on the text for the provisions on maritime telecommunications, which would be appendix 2.

And we also agreed on the text for provision 45 on taxation.

Proposed tax for provisions on International telecommunications connections and general economic and policy issues, roaming, and special arrangements Article 9 were consolidated but agreement could not be reached. Therefore, they were submitted to Com 5, with respective contentious aspects in square brackets.

I wish to convey my sincere gratitude to all the Distinguished Delegates who participated in and contributed to the work of the Working Grouping for their cooperation, support and mutual understanding and their efforts and willingness to reach consensus, bearing in mind that the issues before Working Group 1 were highly complex, diverse and controversial. I'm convinced that the decisions taken in Working Group 1 will help smooth the way forward for the future direction of the Union.

I would like to thank my vice-chairs and all the chairs of the various groups. I also wish to express my heartfelt thanks to the Chairman of the World Conference on International Telecommunications, the elected officials and ITU Secretariat, and the Government of The UAE, United Arab Emirates, the secretary and the team as well as the many interpreters, translators, the coordination unit, room management team and the technicians without whom our work could not have been completed.

I thank you, Chairman.

>> CHAIR: Thank you, Madam Chair.

I think you've done a yeoman's or shall we say yeowoman's job. You've done very well in organizing your Working Group, and you brought out all the important issues that were discussed, and a lot of people had a chance to air their concerns and contributions, especially. And it has made the work of the union a little b -- it much more better, and we plan to build on what you have done so far.

Unfortunately, there is a lot of square brackets in the documents, and the output coming from your area obviously shows how complex the issues are and continue to be. And for that matter, we at this level are noting what you have brought, and after the report from Working Group 2 of Com 5, we will set about the way forward for what remains to be done.

So I thank you very much.

United Arab Emirates, you have the floor, followed by Iran.

>> UNITED ARAB EMIRATES: Thank you, Chairman.

I think there was a reference about the new resolution on the changing telecommunication environment, and because there is a bit of confusion whether we are actually modifying the existing resolution or we're actually adding a whole new one. However, the proposal that we find in DT/48 speaks about liberalization and competition and so on. And I think I'm afraid I have to actually further consult this with at least my regional group, since there are a number of principles in here that are speaking about liberalizing the markets and competition and stimulating investments and things like that, that are quite important for our regulators, also, and other Member States' economic and competition policies and laws. And I think we have to study this resolution carefully.

And I'm afraid that at this stage we would like to reserve our position in terms of agreeing to such resolution.

Thank you, Chairman.

>> CHAIR: Thank you, United Arab Emirates. Your points are very well noted.

Iran, please, you have the floor.

>> IRAN: Thank you, Chairman.

We fully appreciate the work on your Committee and the amount of work you have to do. In any case, Chairman, we wish you refer to number 61 and 62 of the rules of the meeting. "It shall be the duty of the Chairman to protect the right of each delegation to express its opinion freely and fully on the point at issue."

And number 62, "The Chairman shall ensure that discussion is limited to the point at issue, and may interrupt if a speaker who departs thereof, and request such a speaker to confine him to the points." So we wish that you kindly allow us to express our views.

I thank you very much. I know you have a lot of work to do. I'm fully prepared to cooperate with you and to assist to the extent possible. But that is a simple question, rules 62 and 61 to be respected. Thank you.

>> CHAIR: Thank you very much. I respect those rules and I continue to do so.

However, the time limit for submission of views and comments ought to be respected as well. I mean, we have three minutes, and it's something that we have to bear in mind when we are making submissions.

Thank you.

United States, you have the floor.

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

Because this resolution will continue to be considered further, as we just heard, I would encourage those who have expressed concern with the conclusions to take a look at the "considering" and "recognizing" clauses, and in particular at the documents referenced in those clauses.

These are concepts that have been agreed very widely for a very long-time now, including through the Geneva Declaration of Principles adopted by the WSIS and including in the reports that have been issued by the ITU/UNESCO broadband division for digital development, and including in this Union's own resolutions through, in particular, the WTDC. So I would encourage those who have a concern about what had seemed to be very well accepted principles to look back at those documents.

Thank you.

>> CHAIR: Thank you very much for those comments, United States.

Togo you have the floor.

>> TOGO: Thank you, Chairman. I would simply like to draw your attention to the fact that document DT/48 only exists in English. I say this because this is quite serious. We are talking in this Committee in a single -- about the document in a single language. And before we have these discussions, we who speak other languages need to understand what we're talking about. So I'd really like you to check up on this. We need the other language versions for this discussion to move forward.

Thank you.

>> CHAIR: Thank you very much. We will do that. So at this point, I'll -- I have indicated that the United States will get together with those who have had issues with this document thus far, and try and resubmit after all concerns have been addressed. It will be looked at at another level.

Thank you very much. Folks, if you allow me, I'll move on to the next agenda time, which is report of the Working Group 2 of Com 5.

Thank you. Chair of Working Group 2 of Com 5, if you can give us a brief summary of what you have coming out of your Working Group. Thank you.

>> FABIO BIGI: Thank you, Chairman. I will try to be brief, but at the same time I will be exhaustive in order not to be misinterpreted in my verbal report.

We have had the second meeting and we have had multiple informal consultations convening around the issues. We have created four ad hoc groups on security, on countering spam, on misuse, and on international routes.

There has been support in the following areas:   
 A draft revision of quality of service, concerning Article 3.1, 4, and 4.3.

Draft text for provision on facilities, Article 3.2.

Draft text for new provision on calling line identification under Article 3.

Draft text for revision of provisions under Article 4. In particular, Article 4.1 and 4.2.

Draft text for revision of provision in Article 5, Article 5.1, 5.2 and 5.3.

Draft texts for new Article 5.4.

All these were included in a single document entitled draft text for consideration in your Committee 5.

Concerning draft text of the regional quality of service, the delegate from Egypt submitted the statement for inclusion in my report and so I -- it's there, would appear, which states in the ITR Article the phrase "Satisfactory quality of service" would be taken with the understanding that the level of quality of service would be above a minimum level in accordance with the relevant recommendation of the ITU.

Please note that some elements have been included in the text for consensus, with square brackets, as there was divergence on some specific aspects. This included draft 6 for new Article 5.4. While there is a general agreement on the content of the text for this Article, some delegates asked that the entire text be included in square brackets.

Our Working Group approved a new draft resolution on global emergency number, wide support for text on misuse, though some square brackets. At the same time, suppress resolution 6 on continuing the ability of additional service.

There appears to be general support for a new provision of misuse, I say in Article 3, where there are some aspects with divergence in view indicated again in square brackets. And refer it to you for further consideration.

Our Working Group discussed the draft text for new Article 5A on security. But in view of the divergence of opinion in the meeting, and the lack of possible consensus, it was again referred for consideration, continuation of consideration in your Committee with respect to conceptual aspects in square brackets.

Now, we have discussed the draft text for new Article 5B on countering spam. But in view of the divergent opinion in the meeting and therefore the lack of possible consensus, it is referred again to your Committee with respect to aspects in square brackets.

There were some suggestions for a possible resolution on this matter, but the meeting agreed not to pursue this and to focus on potential provision in the text of the Treaty.

Our Working Group discussed text for revision of Article 3.3 on international routes, but in view of the divergent opinion in the meeting and therefore the lack of possible consensus, it was referred for continuation of consideration to your Committee, all the texts being in square brackets.

Specific items, 9, 10 and 11, there was divergence in opinion in these last three items. There was divergence on the principle in this topic on the Treaty. So there is still a question to include or not to include. The meeting decided this would not be bridged at the level of our Working Group, and all the matters are again referred to you.

Let me conclude the presentation by thanking all the delegates who have made their contributions to this group, in particular the Chairman of that group and the Secretariat, who was sitting nearby me.

And with that, I give my verbal report. Thank you.

>> CHAIR: Thank you very much for the verbal report, which is quite comprehensive.

And at this point may I ask you if you have any document or approved text that does not have any square brackets that we can adopt?

>> FABIO BIGI: For example, the draft resolution, DT/38 revision 1. We can try to consider the provision of quality of service. Again DT/38 revision 1, the provision on facility, 38 revision 1, and that is the one where we have less problematic.

The other one I have some square brackets, but all are continuing in DT/38 revision 1.

>> CHAIR: Thank you very much for that.

Ladies and gentlemen, you've heard the two reports coming from Working Groups 1 and 2. At this point, and quite frankly we have all noticed that almost on all the topics or subjects, there have been quite divergent views. And even where ad hoc groups agreed on certain things, when they came back to the Working Group level, there were objections and square brackets had to be introduced. And I'm afraid the same thing is going to happen here now, if I open all these documents.

So rather than doing things over and over, getting stuck in the mud and just spinning, I think I as Chairman of Com 5 am going to package all this and send it to plenary. And we will have to discuss all this at a plenary level, so that there won't be any chance for misunderstandings, lack of time, coming from ad hoc groups and stuff like that. We will all sit here and work through the documents that have been presented thus far and get compromises or agreements as necessary. Otherwise, we can't meet the time allocated for this conference.

So this is the statement I have to make on the reports that have been given by these two Working Groups.

At this point, I will -- United States, you have the floor. Sorry. United Arab Emirates, you have the floor. And after that, I'll move to agenda item 6A.

Thank you.

>> UNITED ARAB EMIRATES: Thank you, Chairman.

Of course we are all in your hands. If you would like us to discuss, we are going to discuss. If you'd like us to work together and try to find some also further compromises around the square brackets, we're also prepared. We're in your hands, Mr. Chairman. However I raised this during the Working Group and I would like to raise this again. With document 38, revision 1, there has been big progress. However -- there is always "however." 3.2, and as well as 4.1, 4.2, we have some actually improvement of this text that are very critical. In fact, the existing text, some of the wordings of the existing text has been deleted. We don't understand why. And we prefer to keep the existing text on them, because it covers the issues for more comprehensive matters.

An example, in 3.2, which speaks about "Member States shall endeavor to ensure the provision of telecommunication facilities to meet" and the word "requirements" was taken out. So we have to meet the requirements as well as the demands. The requirements could be quality requirements, other requirements that are put in there. And the word "Requirement" was in the original text. Now it's taken out and it only speaks about the demand. So I think we should probably retain the existing text. And this also comes from the original Arab proposal in this regard. Therefore, Mr. Chairman, as we highlighted in the Working Group and again here, is it you are going to take it, we reiterate that there are some people who had the further view to improve this text and it's not agreed actually at your Committee level.

Thank you, Chairman.

>> CHAIR: Thank you very much. We will do so at the plenary level and give everybody a chance to enhance various documents and get some finality on all of them.

Thank you.

At this point I'll call on the Chair for the document -- no. I think Ghana, to give a quick verbal status of the document that is listed here as item 6A on my agenda.

Thank you.

>> GHANA: Thank you very much, Mr. Chair.

We met yesterday at 2:30 p.m. for two and a half hours, to really consider this draft new resolution under the term of reference given us.

We had two items, the Article 25 of the ITU Constitution and Article 3 of the ITU Convention provision 48. We recognize that we deleted the "Further recognizing" and the new part was unchanged.

And that comes to the "resolves," where we have two options. The first option is the original, which tends to suggest every eight to twelve years. And we have the second option which is open and it's not suggestive.

We have a new "instruct" under the Secretary-General and the "instruct" to the Secretary-General and the directors of the bureaus are in square brackets.

That was it for --

>> CHAIRPERSON: Thank you for your verbal report. As I can see it, there are still some consultations going on on the areas that need to be -- to make the document ready for acceptance or presentation to the end. So that will be part of the documents going forward to the main body in the plenary sessions.

Thank you very much for your submission.

At this point, I'll move quickly on to agenda item number 7. And it is provisions on nondiscriminatory access to the Internet. I believe this is document number 26, presented by Cuba. I'll call upon Cuba to present this document at this point.

Thank you.

>> CUBA: Thank you.

Cuba submitted that on the basis of what was in Article 1 of the Constitution, to maintain and extend international cooperation between all Member States; to improve the efficient use of all types of telecommunications.

Article 48 of the outcomes of WSIS recommends that there shall be multi-lateral transparent Democratic work with the full participation of Government, civil society, the private sector and International organisations.

We should ensure that there is a fair distribution of resources, and access for all, and ensure that the Internet can function in a stable fashion.

And we should also take into account resolution 69 of Johannesburg, 2008, which was ratified in its fundamental aspects most recently.

Cuba suggests that we include in the ITRs an Article which expresses that Member States will ensure that unilateral discriminatory measures are avoided as such measures could prevent access to the Internet.

We think that our proposal is balanced and it's completely appropriate, given the objectives of this conference.

Arduous work has been undertaken to ensure that the word "Internet" doesn't appear in our documents. And that's a very contradictory stance. We need to make sure that we can move forward with the work that has been ongoing for the past 20 years.

So we would like to express our desire to reach a text which expresses the meaning behind this proposal and which might meet with the approval of all delegations.

Thank you.

>> CHAIR: Thank you, Cuba, for presenting this document.

At this stage I would like to take a note of all the things that have been presented. I will ask for any opposition to this document.

United States, you have the floor, please.

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

I think part of the thing that we need to be thinking about with this particular document is that there is another group that is looking at Internet issues. And so we do not think that this is the appropriate Committee to be looking at this particular issue.

Thank you, Mr. Chairman.

>> CHAIR: I think this document, as has been presented, and the opposition coming from the United States, is one of a situations where perhaps I would treat it as the necessity for the U.S. and Cuba to meet on this for a bilateral, and bring something back to the plenary for everybody to -- for us to start the comments on it.

The reason I say that is, first, when I asked for contributions, I was asking for contributions from people who opposed it. And I took it that when the U.S. came up, they were the ones who opposed it and wanted to get this agreement so we can move at least past the first hurdle. But I've got a very growing list, a long list on it. And I've got Iran, Algeria, Germany, Cuba, United Arab Emirates, Japan, Sweden, Portugal, Canada, Saudi Arabia, Palestine, Sudan, Russia. And I will cut it here, because there would be some duplication among these, I'm sure.

So I'll open the floor for Iran to make their statement.

And, folks, if your sentiments were captured by somebody else as we go along, please release the flag. Thank you.

Iran, you have the floor.

>> IRAN: Thank you, Mr. Chairman.

I think there is another proposal before the conference. Common proposal of APT, ACP 3A345. Nondiscriminatory access to Internet. And that's coming from the regional organisations and that should be considered.

I understand that you also wish to take that on board. That is a point one that I will be prepared on behalf of APT this time. Please consider it is on behalf of APT to present this document.

Second, Chairman, I think it may be difficult to agree with you. It's not a matter between Cuba and the United States. It is a proposal from regional organisations and also another country, and it is before the Committee 5. It was agreed that we would discuss it at Committee 5. And there is a need to hold the discussions and debate at the level of Committee 5 and make it clear for all distinguished colleagues.

So please kindly reconsider your position and allow us to present this document at any time that you wish before concluding anything. Thank you.

>> CHAIR: Sorry. Iran, I didn't find it on my agenda. But I think I will let you present it now. Perhaps that will cause my long list to shrink a little bit before, you know, I guess... Thank you. So if you can present that document, please.

>> IRAN: Thank you, Mr. Chairman. The issue of nondiscriminatory access to Internet -- which is important for many, many countries, Chairman, perhaps all countries whether developing or developed -- at first was raised at the WTSA in 2008 at Johannesburg. We discussed that and I was in discussion with distinguished colleagues. And we finalized a Resolution 69 of the WTSA 2008.

We revised that resolution at the WTSA-12 based on the proposal of our distinguished colleagues from the Arab countries. That is that point.

Now, before that APT at the fifth meeting discussed the issue of nondiscriminatory access and as a common proposal, Chairman, which is in document APT -- ACP A3-45 or/45. And, Chairman, this document was drafted before WTSA. However, the WTSA perhaps would be a complement to this document and now it is a matter between not Cuba and the United States, matter with many countries, at least countries of region 3 -- not region 3, APT, those who cosigned these common proposals and other countries who publish with the issue.

Therefore, I suggest you, Chairman, kindly provide some discussion to that, general discussions, and before giving to any group. And if you want to give it to a group, it's not a matter between two countries, it's a matter of all countries. And we should have a neutral body if you want to take on work of drafting or to making something.

And it has nothing to do with the general issue of Internet. It is access to Internet and using the resource of Internet. We are not talking of governance. We are not talking of any of these issues. It's a simple matter, Chairman, it's a part of our daily life, access to Internet. Any Government, any state must have this nondiscriminatory access to the Internet.

Thank you.

>> CHAIR: Thank you, Iran.

Algeria, you have the floor.

>> ALGERIA: Thank you, sir.

I want to react to an intervention. Someone said that this issue should not be dealt with here in Committee 5. I'd like to remind you, sir, that you've clearly invited the Member States to give their views on the draft agenda, which is in document ADM/25, alongside all of the documents here. And there was no opposition to this. So document 26, which is part of the agenda of our meeting, has been accepted. Therefore, Committee 5 is within its writ in considering this document.

Thank you.

>> CHAIR: Thank you very much.

Cuba.

>> CUBA: Thank you, Chairman.

If possible, could some other delegations take the floor before I do? I don't want to repeat anything.

Thank you.

>> CHAIR: Thank you.

Sweden, you have the floor.

>> SWEDEN: Thank you, Mr. Chairman.

We believe that this issue may not be discussed here. We think it's appropriate to discuss it with other issues related to the same issue. Therefore, we support the views expressed by the United States. Thank you.

>> CHAIR: Thank you.

Canada, you have the floor.

>> CANADA: We associate ourselves with the opinion expressed by Sweden and the United States.

Thank you.

>> CHAIR: Thank you.

Saudi Arabia, followed by Sudan.

>> SAUDIA ARABIA: Thank you, sir.

In turn, we believe that this document is very important and requires consideration. Why? Because this document is of interest to numerous countries. We think that it is advisable, therefore, to not leave this discussion up to Cuba and the United States. Given the importance of the document, it may be preferable, as we see it, to submit this document to the plenary so that all of the texts between brackets could be dealt with there.

Having said that, we will have to deal with this document in the same manner as we deal with other documents if we don't come to a consensus on this document. Sir, we will have to submit it to plenary.

Thank you.

>> CHAIR: Thank you very much.

Sudan, you have the floor, followed by Russian Federation.

>> SUDAN: Thank you, Mr. Chairman.

Sudan and other countries suffer from discriminatory behavior for Web sites. We understand that the issue is technical so that the ITU or the rest of the Internet community may or may not have the rule, the capacity, and the power to help us.

We officially submit a complaint to the ITU attached with the lists of Web sites and services that are not accessible from our community. These lists are related to services related to academics, which is important to develop our educational system, and builds our capacity. This prevents us from using cybertools to benefit on the International webcast events, including the ITU meetings, which limit our participation. Moreover, our CCTLD was obtained and yet managed by an NGO, because our Government is not in favor with the domain name provided corporation. Furthermore, we have difficulties using ePayment. At the previous AfriNIC meeting held in November, we had to put an announcement on the top of the meeting saying that: Note: Visa, American Express, Master Card, and travelers checks cannot be used in Sudan. We know that it's a political issue, but it affects our ICT community and we want the global ICT community to help us in breaking this sanction. We ask for a provision and a resolution to address these issues.

Thank you.

>> CHAIR: Thank you very much. Russian Federation next.

>> RUSSIAN FEDERATION: Thank you, Chair.

And this is a little bit strange, because a week ago at the WTSA took resolution 69 with regard to access to the Internet and nondiscriminatory access to it. And when we're talking about the principles of working at our conference, we should take into account the results that the -- the outcomes of the WTSA.

So we think that this issue is very important. And it not only has to do with many technical aspects, it also touches upon other aspects. The freedom of speech, for example, access to information resources of the Internet work. Therefore, this issue is very important.

I'm aware of the Radio Regulations Board and I can say that almost at every meeting we are receiving complaints from Cuba of harmful interference from the United States of America. In this case, there are procedures which allow us to address these kinds of problems. And it's necessary to develop procedures to clearly deal with any problems that countries may have with regard to discriminatory access to the Internet. So that all countries have the possibility of drawing attention or addressing the ITU, so that the ITU can help them solve these problems.

This, I believe, is in line with many of the countries who have spoken in favor of this contribution.

Thank you, sir.

>> CHAIR: Thank you. I've got lots of countries in favor of this. Do I have anybody opposed to this, apart from the United States? Because the list is growing longer and longer. And I will cut it off after Netherlands.

And please be brief. I'll allow you just one minute. Palestine, please.

>> PALESTINE: Many thanks, Chair, for giving me the floor on the item at hand.

ICTs have evolved tremendously, and have changed the fundamental principles of human life. Therefore, sir, we think that the right to telecommunications is now part of fundamental human rights and requires that we also have the right to communication.

But given the difficulties that Palestine has, it's necessary and indeed highly urgent that this document be not only reserved -- or rather its discussion not be reserved to only two states, but this document be discussed more broadly as it impacts the four corners of the world.

>> CHAIR: Costa Rica, please.

>> COSTA RICA: Thank you, Chairman.

We, Costa Rica, will be very brief. We subscribe to what was said by Canada, the United States and Sweden. This is not the forum in which to discuss this matter. We should also evaluate this as a draft relating to changes to telecommunications. In group 5-1 we have got an Article 48 and so on. But we, in brief, subscribe to what was said by Sweden, Canada and the United States. Thank you.

>> CHAIR: Thank you. United Arab Emirates.

>> UNITED ARAB EMIRATES: Thank you, Chairman. I think as you mentioned, the issue apparently has a lot of people who are really interested to discuss it. And we can -- I mean, support your proposal, Mr. Chairman.

And just create an informal group. I see that you have a meeting tomorrow morning as Committee 5. And hopefully between tonight and maybe tomorrow morning this informal group, let's say leaded by US or leaded by Cuba or any of the previous speakers, is just get their engagement and they can put something on the screen and hopefully they come up with something that they can bring to your Committee tomorrow. And maybe in your report to the plenary tonight you can just raise the issue that the issue has been discussed and it's under discussion. This is just to have things as a way forward.

And I think the previous intervention by the U.S. said that there is a group, maybe, discussing this. And let's see if this group is already meeting or something, then probably the discussion can be taken there. If not, then just create an informal group and let the people come up for you with something for your tomorrow meeting in the morning.

Thank you, Chairman.

>> CHAIR: Thank you very much. I think you make very good points.

And at this point I'll call on the conference Chair, who is also here. I was going to seek counsel from him anyway, so if he is here, please let's hear from you, Chair.

>> CONFERENCE CHAIR: Thank you, Chairman of Committee 5.

I think, first of all, the issue that we have in hand is a broader issue rather than a narrow issue, which is a nondiscriminatory access to public International telecommunication service. So you have a lot of recommendations that are coming to you, and I hope you will take the right decision, probably creating another group or something, and dealing with it.

The reason why I'm asking for the floor, Chairman, is the -- we are going to have a Steering Committee meeting today. And I don't want to preJudge what is going to happen at the Steering Committee meeting, but given the size of the square brackets that we are having in your meeting, I'm -- I would recommend to the Steering Committee to have plenaries starting from tomorrow. But I want to warn you in advance of the meeting, so if you have created any ad hoc group or you are probably not, you might create an ad hoc group to deal with this issue. Such ad hoc group should report back to plenary and then not Committee 5.

But that is just, of course, subject to the approval of the Steering Committee. The issues that we have seen so far apparently require much more of plenary time to deal with, and I will put this in the -- forward it to the Steering Committee today. And of course once it's approved by the Steering Committee, it's going to be published on the ITU website with the new timeline.

Thank you, Chairman.

>> CHAIR: Thank you very much for your wise counsel to me and all of us here on the reports that came in from 5-1 and 5.2. So that is what is going to happen to all of those reports that have come in.

But on the matter at hand, I think the consensus that I'm gathering is of such importance that it has to be looked at. But at, again, at a much higher level: The plenary. But before then, an ad hoc group to be Chaired by one of the Vice Chairs of the conference, and I at this point I'll call upon South Africa to Chair this group, and details of their meeting will be published later.

So this is how we're going to treat this document. And if you allow me, I've got quite a few people on the waiting list. If this is satisfactory to you, you can release your flag and maybe continue your inputs at that forum. If not, everybody has just one minute. And at the end of one minute I will cut you off. I'm sorry.

So let's start with Cuba.

>> CUBA: Thank you, Chair.

We have heard a number of statements which have shed light on how these discussions should move forward. Cuba has experience and knowledge of how this situation impacts many countries around the world. And we have a very general opinion about this. And we think that this problem should be addressed in the ITRs, and it's a problem of access, of connectivity. It's not a political problem.

If it doesn't appear in this document, and if it isn't discussed in this conference, where will it be discussed? What forum do we have to create so that we can all understand that one country can't take measures to prevent another from having access to telecommunication networks and services?

What forum exists in which we can discuss this? This document was submitted in time. And everyone at this conference knows that we have been trying from the first day of this forum to know and talk about this.

If we don't discuss this document in the plenary, where will we discuss it? We need to ensure that countries have free access to connectivity, to international telecommunications. We're now creating an ad hoc group that might reduce this to a drafting problem. But we have been trying to seek consensus to find an alternative to the word "Internet."

We want to discuss this issue of discrimination and access to the Internet. And we should have it included in the ITRs.

So, of course, Cuba will subscribe to the method that you suggest and we will collaborate, but we think this is a crucial problem; one that will affect many of our countries.

Thank you very much.

>> CHAIR: Thank you.

Canada, you have the floor.

>> CANADA: It's not that these issues are not relevant and important, first and foremost. The issue is whether they do belong.

It is our view, Mr. Chairman, that an ad hoc group will only prolong and extend the discussion. We would suggest that this issue be brought to the attention of the plenary.

Thank you.

>> CHAIR: Thank you.

The United Kingdom, you have the floor.

>> UNITED KINGDOM: I just wanted to add the voice of the United Kingdom to those who note that these issues of Internet are out of scope of the discussions that we have been undertaking, and to support the remarks of the United States, Canada, Sweden, and Costa Rica. But, following the wise counsel of the Chairman and your own decision, we could go along with further discussions, but noting that we are beginning to run out of time and that perhaps also plenary discussion may be appropriate as well.

>> CHAIR: Thank you, United Kingdom.

Iran, followed by United States. And Bahrain will be the last, please. I must insist.

>> IRAN: Thank you. In fact, it should be an ad hoc group, if everybody agrees, it should be open to all Member States and should not be coincident with the meeting of any other groups because many delegations are interested in that. And then also be back to plenary. I don't think before having sufficient debate and discussions the issues should be brought with the general matter of Internet, Chairman. It's access, as mentioned by Cuba, and must be taken in that aspect, Chairman. It's access to the Internet is a part of the definition of telecommunications, otherwise you have to modify the definition of telecommunications, saying that this excludes the Internet totally.

If colleagues agree, we are prepared to modify the definition of telecommunications. We are very happy to do that.

Thank you.

>> CHAIR: Thank you, point is noted.

Bahrain. One minute.

>> BAHRAIN: Thank you. I'll not repeat the comments and points made by previous speakers. But I would like to point out that in today's day and age, we can't really talk about International telecommunications without factoring in IP-based telephony and telecommunications. Therefore, if we are going to be talking about International telecommunications, the ITP network does have a place in this discussion.

Furthermore, since the agenda and the remit of the conference was approved, that means by definition this discussion was also approved. So arguments to say that we should not discuss are not valid, in my opinion. That does not preclude each Member State of taking its own position on the outcome of the discussion.

Thank you.

>> CHAIR: Portugal, you're the last one.

>> PORTUGAL: Thank you, Mr. Chairman.

I'm just -- I would like a bit more clarification from your side, if that is possible. As far as I understood, in the first plenary we have decided that fundamental issues that could shape the scope of the ITRs wouldn't be addressed in Committees. It would be addressed in the plenary in the first place.

I would like your assistance in order to guide us how we should address these in the Committee in light of the decisions that were made in the plenary, I think, in the first.

Thank you very much.

>> CHAIR: I saw South Africa on the -- I wanted to formally ask South Africa if they were willing to Chair this ad hoc group, which is the sentiment of the house, I think, as I can gauge it.

Thank you, South Africa.

>> SOUTH AFRICA: Thank you, Chairperson.

Of course we are at your service. And we will do what we can to assist. If you can just confirm the task before us so we can have -- just to be clear, we will of course accept your proposal.

>> CHAIR: Okay. Thank you. I'll get back to you on that.

United States, you have the floor.

>> UNITED STATES OF AMERICA: Thank you, Mr. Chairman. I'll be brief.

We want to associate ourselves with the comments of Canada and Portugal, Costa Rica and many others. I don't think that it is, in fact, a consensus here that we should be doing anything at the ad hoc. There is -- what many countries have said is that there should not be an ad hoc, and that it should be taken up by the plenary, that this is a really important issue, to some countries, and so it should be taken up at the plenary and not here. Internet issues should not be discussed at the Committee level.

Thank you, Mr. Chairman.

>> CHAIR: Well, I think that the decision that this Committee is making is that we should focus more on the access to the Internet, and discuss those issues at the ad hoc group that has been set up to be chaired by South Africa.

So with that, I think I would like to move on. And when it comes, when it does come back to plenary, it will be subject to further discussions.

So as the title of the document says, it is provisions on nondiscriminatory access to the Internet. So that is -- this is what the ad hoc group will consider. And their results will be discussed further at the plenary, as the Chairman has indicated.

I'll move on now to agenda item 8. Agenda item 8 is the ad hoc group on Article 6. DT/45 and DT/47. These have been posted and the initial read indicates that there is still some work to be done in that area. And before we send it off to plenary, there is a consideration that this Article 6 be consolidated and packaged by one of the Vice Chairs, to be delivered to plenary for further consideration.

We don't seek to open discussion of this document, because the positions that have -- there were lots of divergent ideas and there has been some consultation of some sort, but we want to see this back at the plenary level for discussion, and I'm asking one of my Vice Chairs, Dr. Horton, to do just that, to consolidate this document properly for further discussion at the plenary level.

So this is what we are going to do with the report of the ad hoc group on Article 6, as presented in DT/45 and DT/47. I'm sure most of you have had the chance to look at it.

Dr. Horton, you have the floor.

>> DR. HORTON: Thank you, Chairman. I'll be delighted to respond to the request from you. As I understand it, we will go through DT/45 and 47 and formally consolidate that. Was it your wish that I should try to remove square brackets or do you want me to send all square brackets to the plenary? My own opinion is that we should try to resolve some of these, and clean things up a little bit, so the plenary is not cluttered up with square brackets.

>> CHAIR: I think that would be a fair assessment of your job on this as far as this is concerned. So try and remove as many square brackets as you can through the consolidation exercise.

And when it comes to plenary, we will look at it and make sure we reach the desired conclusions, if possible.

At this point I'll call on Iran. You have the floor, please. Go ahead.

>> IRAN: Thank you, Chairman.

On your last point, do you give the total liberty to Mr. Horton to personally remove the square brackets around the document, or is he going to have a meeting? How, could Mr. Horton, with all of his good will and competency and skill, decide to remove the square brackets, Chairman? Could we clarify the matter? I don't understand.

Thank you.

>> CHAIR: Actually, Dr. Horton will be doing this with the assistance of anybody who so desires. And be in room -- at 6:30, to be at 6:30. But the room is to be announced later. Tonight. Yes, 6:30 tonight. So a little over an hour this will happen.

And obviously Dr. Horton Chairing will need some assistance and help from all of those who are interested.

Thank you.

Canada, United States, and Australia. Thank you.

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

We would like some clarification again. We appreciate that Dr. Horton is not single handedly going to remove the brackets or that he is going to do that with the cooperation of Mr. Arasteh.

(Laughter)

But, --

(Applause)

But we would certainly --

>> CHAIR: There is a point of order that -- please. Canada. Canada. I have a point of order. Canada, I have a point of order from Iran, please. Thank you.

Iran, you have the floor.

>> IRAN: Thank you, Chairman.

We fully respect my distinguished colleague from Canada, but let's be serious. Mr. Arasteh never claimed to put hand into the hand of Mr.  Horton and unilaterlaly remove all brackets. There should be a meeting with all concerned parties and should not be in conflict of any other meeting of plenary.

Chairman, Mr. Arasteh does not have such claim. I'm not qualified to remove the square brackets on behalf I any country. I could represent my own Administration, but not any other countries.

>> CHAIR: Thank you. I may have misspoken when I said Dr. Horton would do the job. I didn't mean that he would do it by himself. I meant that he could Chair a group that will clean this up, and obviously his experience in such matters will go a long way to help us achieve this goal. So obviously all interested parties are welcome to join Dr. Horton at 6:30 tonight. The room will be posted shortly.

Thank you very much.

United States.

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

Just briefly. It would probably help you pick out a room if you found out how many people in this room would like to attend that particular meeting.

Thank you, Mr. Chairman.

>> CHAIR: All right. I think, Secretariat, just the biggest -- just make the biggest room available. It doesn't hurt if less people are in there. Thank you.

Okay. Thank you. Dr. Horton, I presume.

>> DR. HORTON: Just two points. If you decide for the ad hoc group on the Internet -- nondiscriminatory Internet access is at the same time, we will need a smaller room.

>> CHAIR: It's not.

>> DR. HORTON: Both Mr. Arasteh and I will not be looking to reduce this task to a small task. We do hear that the Bulgarian method is a suitable method, so we might look at that one, too.

>> CHAIR: Thank you for your comments. Thank you all.

You know when we started I thought I was going to get this done before 5:30, but as we approach 5:30, may I just for assurance sake ask our translators to give us ten minutes, please.

>> INTERPRETER: Ten minutes with pleasure, Chairman.

>> CHAIR: Thank you.

Okay. Well, any other business, please? I've gone through my agenda items quite fast enough.

Any other business?

Canada, you have the floor.

>> CANADA: Thank you, Mr. President.

I'm a bit confused at this point as to what is going to happen from now on. We heard all day that things were being pushed to plenary. We understood there was a plenary tonight. Now we're creating ad hocs, and you mentioned plenary starting tomorrow.

Could you please clarify where we're at? Thank you.

>> CHAIR: I think I'll let the ITU Secretariat explain the potential or possible change of timetable, as was referred to by the Chairman himself.

Or maybe the Chairman can help us out here. If it's -- is he there? Yes.

Okay.

Well, basically, there will be a Steering Committee meeting this evening, and it's likely that the rest of the meetings will be all plenary, coming to the plenary.

And so the timetable, the plan as we know it from now on is going to vary. So there will be a plenary tonight, obviously, from 7:30 to 10:30. But beyond that, for tomorrow and other future sessions, all ad hoc Committees will be reporting to plenary of the conference and everybody will be here. So that we can -- except for this ad hoc group on Article 6 that needs to do a little bit of clean up. And even that, once they are done, they will have to report to the plenary. There will be no more Com 5 meetings. So everything is going to come straight to the plenary, so that we can all be here, discuss the issues, and make decisions with everybody sitting. There won't be any ad hoc groups going forward, apart from these two, the one being set up at 6:30 this evening, and any such that are still out there. All of them will be reporting to the plenary from now on.

Thank you.

All right. I realize that we don't have any time and place for the group to discuss the document submitted by Cuba, but that will be forthcoming shortly.

So, ladies and gentlemen, with that -- okay. I see a request from Japan. Japan, you have the floor, quickly. Please.

>> JAPAN: Thank you. I just need guidance here. So, I understand the plenary starts tonight from 7:30. And I just also understand that you've just made an ad hoc group, two ad hoc groups. First is about this Article 6 issue. First it's about the Internet issues. Is my understanding correct? So do you mean that maybe these two ad hoc groups will be held in parallel with the plenary? Thank you very much.

>> CHAIR: No. The one starting at 6:30 obviously ought to finish by 7:30. If they can't, they will have to reschedule. And their output will come to the plenary. And the other one, the time will be given later and we make sure that it doesn't conflict.

Thank you. Ladies and gentlemen, at this point I would like to thank you for your participation of the last Com 5 meeting. From here on, we will be all subjecting ourselves to the deliberations by the plenary, and try and make progress from then on.

Thank you for your support.

(Gavel)

(Applause)

(End of meeting. 17:30)

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