FINAL TRANSCRIPT

WORLD CONFERENCE ON INTERNATIONAL TELECOMMUNICATIONS

DUBAI, UNITED ARAB EMIRATES

PLENARY 13

DECEMBER 14, 2012

1430‑1615 LOCAL TIME

Services provided by:

Caption First, Inc.

P.O. Box 3066

Monument, CO 80132

1‑877‑825‑5234

+001‑719‑481‑9835

\* \* \* \* \*

This is being provided in a rough‑draft format. Communication Access Realtime Translation (CART) is provided in Order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

\* \* \* \* \*

>> CHAIR: Good afternoon, Ladies and Gentlemen. And welcome to the afternoon session of the plenary. We have a plenary meeting on the issue of the text that relates to universal Human Rights. I'll give the floor to representative, Distinguished Representative from Algeria. Algeria?

>> ALGERIA: Thank you, Chairman. I'm looking at you and at the Secretary‑General in the white of your eyes because I am trying to get you to energize me. And this is why I am looking at you so fixedly.

So, Mr. Chairman, I think that it would be necessary, before we deal with the text, to reiterate the commitment of all member countries, including our own, of course, where Human Rights are concerned. We are all signatories to the Universal Declaration of Human Rights and cannot deny such rights. Of course, in our own view, if we have a Universal Declaration of Human Rights at the United Nations, that Declaration must, of course, be a part of the other organizations, WHO, for example, Human Rights are expressed by the right to health. Within the UNESCO, there are rights to knowledge, to science. And within the ITU, it's the right to access to networks and telecommunication services. That is how we understand Human Rights. And we are sensible of that human value because it is of the highest value.

Having said this, Mr. Chairman, in order to avoid wasting time, I propose that the controversial part of the preamble, which is controversial, be maintained in square brackets and to continue discussing all the other issues which are pending and return to this preamble later and participate in the drafting of language which is acceptable and agreeable to all Member States.

That is our motion, Mr. Chairman.

>> CHAIR: Thank you very much. So we'll leave the text as it is with normal modification, come back to it at the end and deal with it as entire compromise.

You need the floor, Algeria?

>> ALGERIA: Mr. Chairman, in order to avoid any misunderstanding, we should keep the square brackets. We have no idea what the language will be at the end of our meeting. We will work on the language here after we have finished the rest of our work. But for the time being, that text does not exist; it's invisible.

>> CHAIR: Thank you. Malaysia, Italy, Netherlands, can we keep the text in square brackets and come back to it? We have small pending issues that we need to get it done with.

We have ‑‑ and let me explain. We have one hour of meeting. We have still few pending issues which will consume this one hour. Then I'll take all the results. I'll produce in a coffee break entire ITRs between square bracket and present it back to the meeting hopefully at 4:30.

So if you don't mind, I don't want to have further discussion on this subject because we need to finalize other issues in front of us.

The Distinguished Delegate from Algeria ‑‑ and I want to reaffirm and confirm ‑‑ proposes to keep the square bracket and come back to it at a later stage. So if you don't mind, Italy, Netherlands and Malaysia, if you can take the request, I don't want to open a debate. We have already had a very, very extensive debate during First, Third and I don't know how many plenaries on the same specific issue and on one sentence.

I'll give Italy, Netherlands, Malaysia each one minute and we need to move on ‑‑ Italy.

>> ITALY: Thank you, Mr. Chairman. It was not directly linked with this point, but I take this opportunity to give a statement that I hope will be in the proceeding of this plenary.

Mr. Chairman, when you requested yesterday room temperature, the majority remained silent. Thus the temperature in the room was not very pleasant. Italy at the repeated the declaration of the Secretary‑General never contested that the ITR will not deal with Internet Governance and that the text will be aligned with the principle proposed by the European country.

Italy recognized that several resolution of PP10 in busy section lines are giving already a role to ITU on Internet issue within the competence of the organisation. Italy ‑‑ I appreciate your efforts to reach a compromise. And the fact the ITR will contain close indicate that the treaty will not deal with the content at all. Italy will look with favorable approach to the requirements pressed by the developing world and will hope that this will be recognized in the treaty or the text of the treaty or to reach a solution.

Finally, Italy is confident that the conference will be concluded in the international spirit of cooperation to reach consensus, thus avoid the need to have a vote. Thanks for your understanding and your consideration.

>> CHAIR: Thank you, Italy. Netherlands?

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

Just to make our position clear, I would say this part of the preamble is for us a very important part of the whole packet. I'd say if the text that is in between square brackets or even blank, as the distinguished colleague of Algeria said, if it's there, it would make it much easier for us to look favorable, let's say, at the outcome of this conference. So it's a very important element of the whole package. Thank you.

>> CHAIR: Thank you, Netherlands. Malaysia, briefly, please.

>> MALAYSIA: Thank you, Mr. Chair, if we were to proceed on the principle of recognizing the rights of states, it is only fair that our meeting at this juncture develop a certain value which we could respect in future.

If you put the language as it is in the square bracket, it would mean that content, as well, is subjected to what we deliberate here because Human Rights is a content. You cannot deny that. And there is no need for us or even for me at this stage on behalf of Malaysia to state again the propriety of placing it is in question, not the substance of Human Rights.

Therefore, what is contained within the square brackets right now to us is wordless. There are no words. Which means we do not accept it. Therefore, if the meeting at the end of 4:30 would come up with a sentence, that sentence must be realized through the notion of substance, not through the notion of wanting to put the language as such. Thank you.

>> CHAIR: Thank you.

Sweden, briefly.

>> SWEDEN: Thank you, Mr. Chairman. We believe that technical treaties may have Human Rights implications and therefore are supporting inclusion of the text and the statement from the Netherlands.

>> CHAIR: Thank you, Sweden.

So now can we go now to see the progress of this meeting? And I hope you have a text in front of us. No square bracket that we can take with no issue. And if there is a document, can you tell us the document number?

ITU staff? Sir Paul?

>> MR. HORTON: Thank you, Chairman. Yes, we do have a document and it's document DT/52 Rev 1. And there are no square brackets, Chairman. Just a quick check just to make sure. Yes. No square brackets. What you saw ‑‑ I've got a whole rubbish being square brackets and I don't want to bring any back.

But I will say, Chairman, this came to be a much more delicate compromise than I thought it would be, this document. But I'll take you through it, slowly.

Now, going through the considerations, we tried to capture the concerns which have been raised at the conference, where this came from, transition ‑‑ today's transition from "dedicated foreign data networks" and to a "converged IP networks environment." And that many states have expressed a need for initiation, implementation of commercial agreements between authorized operating agencies and that concerns raised regarding the development of IP interconnection to maintain investment to satisfy future demand formed the background to the resolution.

We also noted that some Member States are observing a deterioration in the quality of international services and voice traffic. ITU Study Group 3 has the mandate to study the development of recommendations, not so much resolutions. Resolutions should not be in there because that is a WTSA, and guidelines related to these issues.

There may be no clear guidance on alternative dispute resolution mechanisms arising out of commercial arrangements.

And some members have concerns for the prevention and mitigation of fraud in international telecommunications. Now, that is their concerns. Whether that is inside or outside our ambit is another matter.

So the resolution, then, invites concerned Member States ‑‑ and this is not all Member States because we had different positions represented in the meeting ‑‑ first of all, to endeavor to insure that each party in a negotiation or agreement related to or arising out of an international connectivity matters can seek the support of relevant authorities of the other party states in alternative dispute resolution.

This is one of the issues which was potentially in the text, which was suppressed earlier today.

Secondly, "to take measures to ensure that their regulated frameworks promote the establishment of commercial agreements between authorized operating agencies and the providers of international services in alignment with principles of fair competition, innovation, reasonable compensation for carrier traffic, and agreed quality of service." So there we're taking direct from the requests which were put to us from suppressed material.

Then it goes on to resolved to instruct the Director of the TSB to take necessary action in Study Group 3 can study recent developments and practices with regard to termination and exchange of international telecommunications traffic under commercial agreements, to develop a recommendation, if appropriate, and guidelines for concerned Member States for the use of providers of international telecommunication service with regard to issues they consider relevant.

And some examples here, not necessarily the ones that will get picked up, but it's up to the Study Group to decide if it's within the competence "conditions for the establishment of invoices, the sending of invoices, payment of invoices, dispute resolution, fraud prevention and mitigation, and the conditions for excess charges based on agreed quality of service and any other applicable models."

So what we said there is a sort of wish list that can be added to. Whether Study Group 3 feels it's competent to pick these up is up to Study Group 3.

And then we go on to invite Member States to provide contributions on international telecommunication service, termination and exchange to Study Group 3 for furtherance of its work, and invite sector members to provide information to Study Group 3 and share best practices in the area of international telecommunications services, termination and exchange, including particular invoicing.

So it's a fairly delicate compromise which brought forward some ‑‑ what were intended as provisions but also provides an instruction to the Director of TSB to get some work done in Study Group 3, which should provide guidance and advice and perhaps a recommendation for the use of countries who are involved in commercial agreements.

Chairman, that's where we got to. As you can see, there are no square brackets, but this is how it came out in the end.

And I would particularly bring your attention to the invites concerned Member States, because not all Member States would feel this is relevant to them, or perhaps they don't feel that it's necessary or agree with it. But some Member States, concerned Member States, may find it useful to take these things into account.

Chairman, that's the compromised text, I believe. That was the will of the meeting. And that is, I think, the best we can deliver at this point in time. Thank you, Chair.

>> CHAIR: Thank you. And I wanted, before start consideration of this document, just wanted to make sure that we have still four issues that we need to deal with. And I will really ask ‑‑ I will go through the approval process. And if there is any intervention, it has to be to the point. I don't want to give lots of time to administrations. I want to limit discussion to the resolution itself.

I will not open, again, the debate because we have taken a lot of time from today's plenary in the morning. So I'll start with the approval of the draft resolution, and I will say the title. I see no objection? Thank you.

Considering that, and I'll take A, B, C. Thank you.

No. Cyprus?

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

We're not convinced at all that little c should be there. In our opinion, it doesn't seem to be the appropriate place to have this provision in such a resolution, if such a resolution is even to be agreed as a whole. Thank you.

>> CHAIR: United States?

>> UNITED STATES: Thank you, Mr. Chairman, and good afternoon to colleagues.

Mr. Chairman, c ‑‑ we would agree with Cyprus. C seems conclusionary. It's a bit odd, actually, "that there may be no clear guidance on alternative dispute resolution." I guess the question is: Guidance from whom? Presumably if we looked, we could find guidance on alternative dispute resolution mechanisms, and we certainly could direct colleagues to a large library of options with respect to dispute settlement resolution mechanisms. So, Mr. Chairman, we find that rather odd and would ask that it be struck. Thank you.

>> CHAIR: I want to go back to Cyprus and to the U.S. because I think I'm considering that. So, Cyprus, where you are ‑‑ are you talking about noting that? So, Cyprus.

>> CYPRUS: Thank you very much for giving me the floor again, Mr. Chairman. In fact, I assumed you were looking at the first A, B and C. And I would like to have the first of the A, B and C's, under considering that struck because that is one of the issues that hadn't been discussed. It wasn't part of the group provisions in the draft Article 6 additional articles that we were considering.

And second, I forgot, and I apologize for this, to ask for the second part of little b of the "considering that" to be struck, as well. And that part begins with "and service providers of international services, with the objective of empowering all the participants in the new value chain."

Thank you very much. And I apologise for the misunderstanding.

>> CHAIR: Who was participating in the meeting?

>> MR. HORTON: Cyprus, Chair.

[Applause.]

>> CHAIR: So go back to Cyprus. Cyprus, you were in the meeting. And you have here that this was agreed in the meeting. Cyprus?

>> CYPRUS: The reservations were made during the meeting.

>> CHAIR: UK?

>> UNITED KINGDOM: Thank you, Chairman. The UK would support Cyprus in the deletion of Article C. I mean, I don't think there is ‑‑ it's certainly leaping to a conclusion to assume there is IP interconnection and the need to satisfy future demand. You could talk about the needs to meet future demand simply on its own, but I don't think actually little c adds anything. So I think the best approach would be to suppress. Thank you.

>> CHAIR: Okay. I'll start with little c. Is there any objection to suppress little c from considering that? I see no objection. Thank you.

And I'll go back to Cyprus. Is Cyprus okay to leave, since we have struck out c, the second sentence? And also since you are part of this meeting, I hope you did not raise reservation on little b? Can we go ahead with little b as it is now? Cyprus?

>> CYPRUS: As I said, we would prefer to have it out; but if there is a compromise agreement, of course we will leave it in.

>> CHAIR: Thank you. I really appreciate that.

Going to noting that ‑‑ and I think here the U.S. asked for the floor, if I am not wrong? Sir, you have referred to something which is noting that? Maybe I'm wrong.

>> UNITED STATES: I did, Mr. Chairman, and I may have gone ahead of you a bit, and I apologize for that, but I was looking at noting c, thinking that was where you were.

But any case, with your permission, I'd like to make my comments one more time, if I may, which is that the noting c indicates there is no clear guidance on alternative dispute resolution mechanisms.

Our point being is that there is a library that one has access to on alternative dispute resolution mechanisms, so that that construction of the sentence seems to be factually wrong. And since it's factually wrong, we're not clear what the intent of noting c would be. So we would suggest that that be struck, that it may not be necessary in this context, and that there are other opportunities that one certainly has available to them to look at these, to discover guidance.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Canada?

>> CANADA: Yes, thank you, Chairman.

Our question concerns the end of considering that b, where there's a reference to "in the new value chain." That is not very clear, Chairman. If we could ask perhaps Dr. Horton, through you, to explain exactly what that refers to? Thank you.

>> CHAIR: Before taking that, Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

While we are going very quickly, and we have a few issues. Considering that c has been resolved, I think, but we share the same concern as Canada in the new value chain. And we support the proposal from U.S. on noting that c. We believe that should be deleted. Thank you.

>> CHAIR: Thank you.

Sir Paul?

>> MR. NORTON: Thank you, Chair. I think we could make clear the language there. "The new value chain" really means the developing environment. And I thank Sweden number 2 for those comments, but Sweden number 1 at the meeting didn't say anything about this b.

>> CHAIR: Okay. So I think it's clear.

Now going to noting that, we have the comment from the U.S. to strike out c since, as they explained, there are many alternative resolution mechanisms. Are we okay to strike out c? Thank you.

Burkina Faso?

>> BURKINA FASO: Thank you, Chairman. I think that the United States said there is a big library, but you will see that the wording has already been softened. Not everybody has access to those libraries or guidelines. Maybe some administrations have been available, but they are not accessible to everybody. This is just a statement of fact, really. And I think it's furthered certainly for those that propose that it be included and retained in this formula. Thank you.

>> CHAIR: Thank you. I'll go back to the U.S. Is U.S. okay of leaving it as it is and move on? And perhaps adjusting the language slightly, if any? But we have to move on. Thank you.

U.S.?

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. Well, we believe that we are not comfortable leaving an item that does seem to be oddly constructed in terms of a conference of this distinction to say that as a matter of fact, there's no clear guidance.

There is a lot of clear guidance. The question is only whether or not it is appropriate to the circumstances of a particular commercial situation.

So I think we're still perplexed, Mr. Chairman, with respect to this phrasing. I don't know if you would like to offer a bit more time with Mr. Horton to get a statement that is more appropriate, but we just find it very oddly constructed to say there is no clear guidance. There is much clear guidance; it's just whether or not it is suitable to the circumstances that colleagues may find themselves in, including colleagues in the United States.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

I will give time to Sir Horton and then I will go to advised concerned Member States to think about it for a minute. So we'll leave little c from the approval. Bahrain, Ghana, can you take the request from the floor so that we can move on? Ghana? Okay.

So advised concerned Member States, and I will take 1 and 2? Cyprus?

>> CYPRUS: Yes, thank you very much, Mr. Chairman.

On 1 and 2, we would also propose to remove both of those provisions. And this was commented on in the small Working Group with the same reservations and for very similar reasons already explained. Thank you.

>> CHAIR: Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

Sweden supports the proposal by Cyprus.

>> CHAIR: Japan?

>> JAPAN: Thank you, Mr. Chairman.

We also support the comments made by Cyprus and Sweden, thank you.

>> CHAIR: UK?

>> UNITED KINGDOM: The UK would also associate itself with the comments from Cyprus, Sweden and Japan. Thank you.

>> CHAIR: Thank you.

We'll go back to Mr. Horton, first of all to suggest solution to c.

>> MR. HORTON: Thank you, sir. Yes, in c, what I would suggest is there is a need for broader understanding of alternative dispute mechanisms. I think that more correctly summarizes the situation. Or words close to that. A need for a broader understanding of alternative dispute resolution mechanisms?

>> CHAIR: Okay. I think it's a good solution.

>> MR. HORTON: And if you permit me, Chairman, go to invites 1 or 2. This certainly was a couple of reservations placed on this construction of invites because there are certainly some concerned Member States who feel that there should be some wording here which takes the place of what was potentially in the Articles of the text.

But clearly quite a number of Member States ‑‑ and you've had a small sample of that ‑‑ really don't see the need for this. Or not only see no need for it, but they would be against seeing it there.

So the compromise that we thought we'd achieved ‑‑ and it may not be a compromise, of course ‑‑ was to put in "invites concerned Member States."

Now, the alternative is to strike this part out if we need to go to a solution that will prevail, because I don't think there's anybody who had concerns with the next resolves.

So, Chairman, the choice we have is to either accept that this only applies to some concerned Member States or we remove this "invites" section here.

>> CHAIR: Thank you.

First, would the adjustment of little c, is there any objection? Good. Thank you.

Burkina Faso, now to the invites?

>> BURKINA FASO: Thank you, Chairman.

For those proposing the deletion of 1 and 2, I think Mr. Horton has explained how we reached agreement on this wording. It was done in an attempt to reach compromise. That is why we agreed to the inclusion of the words "concerned Member States."

We think that with this wording, it is essential to retain the two paragraphs. We would prefer to retain them rather than delete them. So that is our position. And I just wanted to repeat it and put it on record again. Thank you.

>> CHAIR: Thank you, Burkina Faso.

But we have an issue with time. And I prefer the Australian way right now ‑‑ or actually Sir Bob Way, I would call it. And there is no objection just to strike it for the sake of time and move on to resolves. Sir Bob?

>> MR. HORTON: Chairman, I would say there is some compensation for this because this material will find itself in the next ITU Study Group 3 studies. It's just, I think, there's some loss of status of it not appearing in the provisions and then not in the resolutions. But the work will get done, and I think the value will eventually show itself.

>> CHAIR: UAE?

>> UNITED ARAB EMIRATES: Thank you, Mr. Chairman, I would like to bring your kind attention and all those here is that these provisions have been ‑‑ I mean, at least was a compromise during the other group, since, actually, Mr. Chairman, we reached this compromise after long discussions, first of all not only for today but during this meeting. It was, first of all, proposed to be given ‑‑ to be added to the Article 6 of the ITRs, then we agreed as a compromise to take it out to the resolution; and in the ad hoc we have agreed with our colleagues, and actually we added the word "concerned" and removed here the resolved from here and we changed even in the draft to be a compromise for everybody to go ahead.

And I think Mr. Horton ‑‑ Dr. Horton can also correct if I'm mistaken that during the meeting, it was agreed that the changes that we have agreed and proposed actually with a spirit of collaboration was enough to go forward with this text, which is more flexible enough to address all concerns. For those concerned Member States. And not everybody. Thank you, Mr. Chairman.

>> CHAIR: Thank you. Cote D'Ivoire you have one minute, please. Thank you.

>> CÔTE D'IVOIRE: Chairman, thank you. Far be it from me to delay the progress of the work, but let me say one thing. The idea of having these provisions in the resolution was a compromise agreement which we reached this morning I think in the course of the first discussions.

Following the work done within the ad hoc group, the provisions are now submitted to us, and I find it a little bit surprising that people are now suggesting that these provisions be deleted. They were supposed originally to be included in the body of the treaty itself, so I am a little bit confused now. Of course I am in your hands, and I repeat I don't want to hold you up. Thank you.

>> CHAIR: Thank you. Togo?

>> TOGO: Thank you very much, Chairman.

Like my colleague from Côte d'Ivoire, Togo had stated very clearly this morning that it would not be able to accept such a resolution; however, after discussions and in the spirit of compromise, we agreed to do so for 42y to be moved into the body of this resolution.

Now that's a compromise. We accepted it as such. And I really don't understand why now people are trying to take out all the provisions in it.

We already made an enormous concession in agreeing that these provisions be put in a resolution rather than in the body of the treaty.

Everything proposed here is to allow ITU‑T Study Group 3 to carry out studies. It's not even a case of anything binding. So, frankly, where is your problem? We're just trying to enable Study Group 3 to carry out these studies. They may end up in a recommendation; they may not. But there's nothing binding, mandatory or difficult to accept in such a resolution. Thank you.

>> CHAIR: Thank you.

I have 30 minutes left, and this is the first issue that we have, and we did not finish.

The issue that we have at hand is we have no agreement. And for the sake of time, I have to move on so that I can produce the entire ITRs, the entire compromise ITR text for the meeting for consideration.

So I'll take it, Egypt, if you can stick to the time? Egypt?

>> EGYPT: Thank you, Mr. Chairman. As to the proposal presented regarding the fears or concerns expressed by some administrations, the service providers and network technologies are in the area of convergence, so we have considered these issues during our meetings in order to look at the consequences in future.

As our colleagues from the African countries and from the Arab countries, the issue was discussed; and subsequent to the request of some countries in Europe and the Americas, we suppressed some of the language; for example, international applications and services, in order to ensure that there are no misunderstandings and by eliminating ‑‑ by suppressing this reference, which ‑‑ 2 of this great fear, it is very unfair to the developing countries.

>> CHAIR: Mr. Horton, do you have a solution?

>> MR. HORTON: Of course, we always have a solution, Mr. Chairman.

Now what I would suggest that where we have "invites concerned Member States," this could be "noting further the following proposals to WCIT from Member States."

[Pause.]

>> CHAIR: Mr. Horton, do you need the floor again?

>> MR. HORTON: No, Chair.

>> CHAIR: Cameroon, please?

>> CAMEROON: Thank you, Mr. Chairman. We simply wish to support the other speakers like Burkina Faso.

>> CHAIR: Thank you.

And I just said at the beginning of the meeting we're willing to move on.

Anyway, Chad, please, if you can stick to the time. Chad?

Okay. Can I make the proposal that was proposed by Mr. Horton to replace "advise concerned Member States" with "noting"?

[Pause.]

Please, Mr. Horton, can you repeat your proposal?

>> MR. HORTON: Yes, Chairman. "Noting further the following proposals to the WCIT by Member States".

>> CHAIR: Iran?

>> IRAN: Thank you, Chairman, until you resolve this, if it is resolved, I have no suggestion; otherwise, I have a suggestion. Thank you.

>> CHAIR: Is the solution presented by Mr. Horton acceptable?

Burkina Faso?

>> BURKINA FASO: Thank you, Chairman.

That is a proposal that was made during the ad hoc group's meeting, and we could not accept it at that time.

>> CHAIR: Algeria?

>> ALGERIA: Thank you, Mr. Chairman.

I would make my own views expressed by Burkina Faso. We wanted to include here some provisions of Article 6, and this resolution appears to do so and we would support it.

>> CHAIR: Iran?

>> IRAN: Thank You, Chairman.

If the proposal of Mr. Horton is agreed by everybody, we have no problem; otherwise, we propose that at the sentence "invite concerned Member States" add "to collaborate so that and then delete in 1 "to endeavor, to ensure that" and in 2, delete "to take necessary measure to insure that."

So the text is "invite concerned Member States to collaborate so that, 1, each party," the rest of 1. And the 2 the regularity frameworks. Thank you.

>> CHAIR: Thank you. I'll start first with Mr. Horton's proposal. To replace ‑‑ again, to invite concerned Member States with noting further the following proposals, okay? Is there any objection again to that?

Sweden, you object to that?

>> SWEDEN: Thank you, Mr. Chairman.

I have some concerns with the way that the discussions are going off. We have text in front of us. We have two views. And we have heard that the intention is to take decisions by consensus.

We have concerned difficulties to adding on certain of the proposals to the conference. I think there were Member States proposing no change on these issues and the inputs to the conference.

And we think it's better not spending time discussing this issue since there will be no consensus as far as I can see from the debate that's going on. Thank you.

>> CHAIR: Egypt?

>> EGYPT: Mr. Chairman, we would support the position of Burkina Faso, and we would also support the Iranian proposal.

>> CHAIR: Portugal?

>> PORTUGAL: Thank you, Mr. Chairman.

I would like to associate with the comments by Sweden. I think in order to move forward and facilitate the decisions we have to make in front of us, I would kindly associate with the comments made by Sweden. Thank you.

>> CHAIR: And Ghana, finally.

>> GHANA: Mr. Chairman, we beg to see that Dr. Horton led a very fruitful meeting and indeed we had consensus. The introduction of some Member States in tradition of the word or the phrase "concerned Member States" were agreed upon so that these issues of concerned Member States would be addressed.

I wish to ask indulgence of honorable Delegates to let us support the Chairman; and in that direction, I think the Honorable Delegate of Iran had a rendition which, when considered, could move us forward. Thank you very much.

>> CHAIR: Okay. Let's try the Iranian proposal one more time. So we add the words "to collaborate" and in 1, to delete "to endeavor to ensure."

[Pause.]

Iran, can you repeat that clearly and slowly?

>> IRAN: Yes, Chairman, with pleasure.

We suggested that in the title, we said "invites concerned Member States to collaborate so that" and then in 1 we delete everything up to that. That means to delete "to endeavor to ensure that." And in 2, "to take measures to ensure that"

So the sentence is to invite Member States to collaborate so that each party, and the rest of the sentence. And in 2 ‑‑ framework. It's collaboration, invitation to collaboration. It is always done in ITU. And I don't think that harms anybody. Thank you.

>> CHAIR: Thank you.

With that, can we proceed and approve 1 and 2 with these changes?

Cyprus?

>> CYPRUS: Come back again, Mr. Chairman.

In a spirit of collaboration ‑‑ and again it really doesn't suit us very well, particularly with these adjustments ‑‑ but since we're starting again with a new text, I think at a minimum, we should take out the last part of 2, which indicates reasonable compensation for carrier traffic and agreed quality of service. Thank you.

>> CHAIR: (uninterpreted)

>> Thank you, Mr. Chairman. As you know, the majority of the provisions in this resolution are drawn from the text of the ITRs. In order to reach a compromise, we agreed that these provisions should form a separate resolution.

And in order to show our cooperation and to move forward, we would support Mr. Arasteh's proposal, as representative of Iran, Mr. Arasteh's proposal, the one he has just made regarding this paragraph. Thank you.

>> CHAIR: Thank you.

Let me try that with the proposal from Iran. There is a proposal now to delete "reasonable compensation for carrier traffic data and agreed quality of service" as a compromise.

Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

Well, we support the proposal Cyprus to delete "recent compensation for carrier traffic and agreed quality of service."

>> CHAIR: Uganda?

>> UGANDA: Chair, I would agree with the proposal of Iran. Chair, we shouldn't spend too much time in this section because the real meat is in the resolves. If we can accept the resolves, then I think we would done justice to both parties. I thank you.

>> CHAIR: Can we just agree to delete the "reasonable compensation for carrier traffic"? There is some way out of this, "reasonable compensation for carrier traffic, agreed quality of service."

Senegal?

>> SENEGAL: Thank you, Chairman.

Yes, I would support the proposal by Iran. And the suppression of the final phrase. As to the deletion of the final phrase in paragraph 2, we would bow to your decision, Chairman.

>> CHAIR: Thank you.

Can I now ask the countries to take out there, unless you insist, I have 20 minutes to deal with four issues now.

Togo, then Egypt.

>> TOGO: Thank you, Chairman.

We could accept the proposal of Cyprus and Sweden in a spirit of compromise.

>> CHAIR: Thank you.

Egypt?

>> EGYPT: Thank you.

With all due respect to the representative of other countries, we must nevertheless say that if there is no mention of "reasonable compensation for carried traffic and agreed quality of service", was this phrase to disappear, this provision is meaningless. The goal of the provision is to oblige service providers to provide appropriate connection, acceptable connection; and if we remove the end of the paragraph, it removes all reference to compensation.

>> CHAIR: I don't think that what you are saying is a place for it right here, right at this place. I think it was replaced with "advise concerned member states to collaborate so that." So I don't think that we have big enough of an issue to delete it. Mr. Horton, final try to salvage this.

>> MR. HORTON: Thank You, Chair. We sunk a ship this morning but I don't think we need to salvage anything, I don't think. What I am suggesting is that we probably have close to an acceptable form of text here.

If there are any other matters, they can be brought to the attention of Study Group 3. This is not a complete list which is shown in the next resolves. And, really, that is where the work is going to be done, anyway. So I would suggest that if some Member States wish to have certain issues also raised, they should take that to Study Group 3. They are not limited.

>> CHAIR: Thank you.

We will proceed. We'll take the Iranian suggestions. I will delete "reasonable" to the end and proceed with that. Thank you.

"Resolves, to instruct the Director of the Telecommunications Bureau," and I'll take it in full.

United States?

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

Mr. Chairman, taking my point of departure from this comment made by Mr. Horton, that colleagues may bring to Study Group 3 any contribution that they feel appropriate to ‑‑ for study. And of course we participated in Study Group 3 actively and have always benefited from the contributions that have been brought to Study Group 3.

Mr. Chairman, looking then, as I know your time is valuable and trying to deploy in the spirit of Mr. Horton this Australian method, there were four conditions that were contained in the resolution this morning dealing with international telecommunications service traffic, termination exchange.

In that spirit of moving forward, we would propose to delete 5 and 6. But particularly, Mr. Chairman, we would focus on 6 as either deleted or changed. The current formulation is not consistent with the Article 6, nor is it consistent with the title of the resolution.

So, Mr. Chairman, our preference is to delete the whole thing; that is to say, 6, but if colleagues don't wish that and in the spirit of compromise, we would offer this language, "conditions for charges for international telecommunications service traffic termination and exchange, conditions for charges for international telecommunications service traffic termination and exchange," which is, after all, the title of this resolution, and it does focus appropriately on telecommunications.

Thank you, Mr. Chairman.

>> CHAIR: With that, can we agree with this modification with the resolves?

Cyprus, Canada, Netherlands.

Can we agree with the changes that have been made by the United States?

Canada?

>> CANADA: Yes, thank you, Chairman.

If that includes the deletion of No. 5, certainly we can go along with the amendments to No. 6. Thank you.

>> CHAIR: Cyprus.

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

I was going to propose something even simpler for Study Group 3 and not to burden them and to also give the full possibilities for the countries concerned, to just stop at "they consider relevant." But I see ‑‑

>> CHAIR: Cyprus, that's major departure.

>> CYPRUS: Don't worry. But under the circumstances, of course we accept your guidance on this.

>> CHAIR: Netherlands?

>> NETHERLANDS: Yes, thank you, Chairman.

The wording on 6 proposed by the United States is completely acceptable.

I'm not quite sure about 5, what you ruled. We would like to see it deleted, as well. Thank you.

>> CHAIR: Is there any objection to delete 5?

Morocco?

>> MOROCCO: Hello, Chairman.

Morocco has an objection to deletion of 5.

>> CHAIR: Morocco, the list starts with "such as." So whether we delete it or keep it, these are less. And I have now 6, 7 countries asking for the floor. There is 10 minutes left. And I have to close the meeting. And I have 5 issues to deal with before producing the ITRs.

Togo.

>> TOGO: Thank you, Chairman.

We are here looking at a list of subjects of study for Study Group 3. Why restrict the subjects of study? I really don't see why the people are bothered by these subjects for study.

So I would beg you to let these studies be undertaken and the decisions to be made by study group 3.

>> CHAIR: Thank you.

I'll go back and appeal to some European countries and U.S. and Canada. Can we leave 5 as it is for the sake of compromise? I think the other part can be compromised on 6. Can we leave it?

And I need the request from the floor to disappear for the time being. Please, can you remove the requests? Can you please remove your requests? I understand some countries want to support. I understand that some countries wanted to object. Can you just, Burundi, you are still insisting to have the floor? I am making a suggestion so that the meeting moves on and finish this resolution.

Burundi.

>> BURUNDI: Thank you, Chairman.

I will abstain from speaking to 5 and 6. I raised them. I took part in the work of the ad hoc group.

But I have two other suggestions. In the "so decides" or the "resolves," it's suggested that the ITU‑T work in conjunction with ITU‑D, if possible; and, secondly, if the Distinguished Delegates could agree, we need to establish a deadline for the completion of these studies. Could we not ask Study Group 3 to have completed their work by the time of the next plenipotentiary meeting.

>> CHAIR: Thank you.

Let's go back to this. And in the spirit of compromise, can we leave the list as it is and just adjusted by U.S. for 6? Thank you very much.

Advised Member States and Vice Sector Members, I take them both in full?

Thank you. Resolution's approved.

[Applause.]

I need compensation after this conference.

[Laughter]

[Applause.]

Thank you.

We have left some small issue in Article 9, special arrangements, and I want you to go to it. Under 9.1b, we have in this text, we put between square brackets "should." Some prefer "shall," some prefer "should." And if we can go along with the compromise of having "shall endeavor."

So the proposal is to replace the word "shall" to "shall endeavor." I see no objection to that. Agreed. Thank you.

I now ‑‑ I was going to give the floor to South Africa to talk about the nondiscriminatory access; but for sake of time, I had the brief from him before the meeting, and I've heard from him that there was little progress on the provision, to add the provision, and I refer to 3.7 of Document 51 Rev 1. And there was somehow positive signs to have a resolution in this regard.

And I wanted to suggest something to the Conference for the sake of compromise and to move it forward and to make it easy to turn it around for this Conference, is to take ‑‑ to attach or to produce ‑‑ reproduce Resolution 69 of the WTSA that was held in Dubai before this Conference and just adjust the heading to read "World Conference on International Telecommunications" and attach it to this.

This has also took lengthy discussions in WTSA; and we, for the spirit of compromise, to delete 3.7, to have this resolution with just this change?

Sweden?

>> SWEDEN: Thank you, Chairman.

I don't have the document available, and I'm not comfortable to agree on a resolution in this meeting without having seen the text. I'm sorry to say that. Thank you.

>> CHAIR: United States?

>> UNITED STATES OF AMERICA: Thank you very much, Mr. Chairman. Mr. Chairman, we would find that difficult to accept.

We would note, Mr. Chairman, that as we have spent ‑‑ during the WTSA, we spent considerable time dealing with Resolution 69, which address the same subject. And we would suggest that that is sufficient. It is at the technical level, which was appropriate from Johannesburg to Dubai. And that is the resolution that was given thorough consideration and was adopted by both in Johannesburg and in Dubai, and we would accept that.

Mr. Chairman, we cannot accept the draft revised resolution that you are suggesting. We understand that this has not been given adequate consideration, even in the ad hoc. And that it really is too late in the conference for us now to undertake a subject of such complexity.

Mr. Chairman, we propose to remain with the WTSA resolution as it has been thoroughly considered by delegates at that meeting.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

Perhaps I will produce a text and I will read it to the next plenary. That will be put as a compromise to refer to that resolution for this meeting as a way forward. Just reference that in the record of this meeting.

Thank you.

Now, if we could go to ‑‑ sorry. Cuba?

>> CUBA: Mr. Chairman, we need some more clarification as to your proposal. We understand from South Africa that there was much debate about this proposal.

Cuba has sought language which would be satisfactory for the majority of countries in the search for a compromise. There was a lot of ‑‑ many contributions, a lot of square brackets, and we were unable to achieve that consensus.

We believe that Resolution 69, which was agreed to in Johannesburg and here in Dubai, I think it should just be presented as a proposal for inclusion in the ITRs rather than a reference to a resolution. We want ITRs which are just and balanced and should deal with the issue of access to telecommunications networks in a nondiscriminatory manner.

And if this is not included in the ITRs, it is in contradiction with the issue of Human Rights. This Conference cannot accept that a Member State impede access to telecommunications networks to another state. And I think that it would be very wrong and in contradiction with the spirit of the ITRs to exclude Human Rights.

So we would accept the proposal from the Chair, modified language on this proposal. And we certainly discussed Resolution 69, which we're all familiar with. And it should not be brought as a proposal to this Conference.

>> CHAIR: Thank you.

I just wanted to say that the Conference recognized that WTSA 2012 adopted the Resolution 69 on the subject of nondiscriminatory access and use of Internet resources. So we recognize that. There is no agreement to have that resolution replicated here in this Conference, as I see it.

Cuba definitely can add a recommendation to the record, also, but we are running out of time now, and we need to produce the ITRs.

I have Bahrain and Sudan.

>> BAHRAIN: Thank you, Mr. Chairman.

I've listened very carefully to the interventions of the different delegates. And I must admit that I'm still a bit confused. I suspect it might have something to do with the fact that I've had far too much caffeine and not enough sleep over the last few days.

Mr. Chairman, there's a difference ‑‑ first off, there's a difference between a resolution and a provision in the ITRs.

Now, at the beginning of the Conference, there was not general agreement about adding a provision about Human Rights. However, as time went by, we realized that it would be a very good thing to restate that, even though obviously we're referring to a different treaty entirely.

By the same logic, I don't see any problem with restating the issue of access, the issue of the right to access as a provision. It has been clearly stated that this is a matter of critical importance to many Member States here. And I doubt that any delegation here can disagree with the principle within that text.

I also cannot agree with the assertion that we have not discussed this over the course of the Conference or not discussed it enough. In fact, we've had many meetings on it. And it was put forward on the table as part of the difficult provisions that we were discussing.

I would suggest, Mr. Chairman, that we consider this in light of all the remaining issues that we have because we do not want to just swap this to a resolution when obviously many Member States are going to have some issue with that and we still have some matters to discuss.

Thank you, Mr. Chairman.

>> CHAIR: Sudan, then Saudi Arabia.

>> SUDAN: Thank you, Mr. Chairperson.

This topic has taken quite a lot amount of our time, and we have come up with quite a number of conclusions that are still remaining between closed brackets.

We had expected that these closed brackets be lifted in this meeting, and we were surprised by your decision. We believe that what we have so far achieved at the subdivision level has to be presented and to lift the closed brackets.

Thank you, Mr. Chairperson.

>> CHAIR: (uninterpreted into English.)

>> SAUDI ARABIA: In all truthfulness, things are becoming not so clear to me. And maybe that is because I haven't slept enough, as our colleague from Bahrain has stated.

Sometimes when we discuss in paragraphs, we are told that this Convention looks into technical matters. And sometimes we are told that this is a technical matter that should not be included in this Convention. And this is something that is confusing. This is on one side.

On the other side, we would like to state or refer to Resolution 69, which refers to the right to access and proposes that this be set down in the minutes of the meeting.

And I'm asking myself: Are we shy to tackle such a topic to a degree that we can't put it in the same document?

I think we have lengthily discussed this topic, and we all agree that it is a topic that has enjoyed agreement. And it is quite important, especially for many developing countries. And therefore I believe that it has to be added in the core of the ITRs.

Thank you, Chairman.

>> CHAIR: Sweden?

>> SWEDEN: Thank you, Chairman.

Well, once again I thought we were going to try to reach agreement by consensus. And in my view, there is no consensus on this issue to be included in the main body of the ITRs.

And furthermore, the proposal to have a resolution ‑‑ well, as I stated before, we need to see the text before us before we can agree on a resolution, and we don't have the text in front of us. Thank you.

>> CHAIR: Russian Federation.

>> RUSSIAN FEDERATION: Thank you, Chairman. We have listened extremely carefully to the discussion, and what we are particularly worried about is this: We are trying to agree to the text on Article 1 about Human Rights. And that's right. There has to be some kind of compromise, acceptable text. But on the other hand, if we're only going to make a declaration about Human Rights and we're not going to reflect that really in the ITR's text, then that seems to us to be incorrect, inappropriate.

It is important that we give a very clear signal to the effect that we're not only making declarations, but that in practice we're going to tackle these problems of Human Rights. Unimpeded access to Internet resources would be the implementation of what we are trying to declare in Article 1, and that's why I don't really understand the reaction of some of my colleagues.

On the one hand, they seem to be saying, yes, it's necessary to observe Human Rights; but when it comes to taking practical steps to do so, then once again we seem to be looking at the question in a whole different light.

So, Chairman, I have to say I support the inclusion of this provision in the ITRs. We do understand that Sweden and other countries have problems with the resolution. Perhaps, therefore, it would be correct for us to remove the square brackets and give this clear signal that in practice we are observing and implementing Human Rights as we declare that we intend to do. Thank you.

>> CHAIR: Thank you.

Lebanon?

>> LEBANON: Thank you, Mr. Chairman.

Lebanon, like other countries yesterday, proposed some words to try to deal with this issue that avoids most of the problems that people are dealing with to get to a consensus.

But now I am questioning whether I understand what's going on. Are we saying that there are countries that want to impede other countries' access to telecommunications resources? I assure you I don't think that's the case. And if it's not the case, why can't this Conference come up with an agreement on something that makes sense in a nonaggressive mode? Basically the people in this room would say countries are not going to attack each other, or at least are not going to impede each other's networks. And I'm talking telecommunications here.

Thank you.

>> CHAIR: Secretary, you asked for the floor.

>> SECRETARY‑GENERAL TOURE: Yeah, thank you, Mr. Chairman.

I just wanted to remind us that in order to make progress, I thought that we'll come with a package here.

There are many issues on the table. By putting them all on the table together, we'll see where we are winning or where we are losing, or whatever. I think in any case we'll see the whole picture. That's what many people were expecting.

So you have to table the sort of things that you want to present together so that we all accept it as a package. We will be all equally happy, I hope, or you are equally unhappy. That's what will be some of the things ‑‑ the way forward in order to make progress.

Otherwise, if we take things in sequence, people may not make moves because they don't know what's going to happen next. Nobody wants surprises here. It has to be clear to all of us so that we will be confidently going back home with something serious that we can sell back home.

>> CHAIR: Thank you.

I have four asking for the floor. I'm closing the list. Iraq, Pakistan, Lebanon, Algeria.

>> IRAQ: Thank you, Mr. Chairperson.

We have carefully listened to all that has been discussed and all the opinions presented by the Member States. Where the Iraqi Administration emphasizes the necessity to respect the opinions of Member States that would like to have access to the Internet. Because access is a right of countries, especially developing countries, that are striving to have the right to develop in view of the huge developments that are taking place in the world of telecommunications and information and since we are witnessing what the ITU‑T is carrying out in terms of studies and developments.

Therefore, we call upon all Member States to agree and accept the right to access, access to Internet and to cooperate in order to achieve such a right.

Thank you, Mr. Chairperson.

>> CHAIR: Pakistan?

>> PAKISTAN: Thank you very much, Chairman.

The ‑‑ Republic has also listened very carefully to everything that has been said on this question; and in order to be brief, Chairman, we would simply like to say we support what has been said by the Distinguished Delegates from Cuba, Bahrain, Saudi Arabia and the Russian Federation.

We would also like to lift the square brackets.

Thank you.

>> CHAIR: Nigeria?

>> NIGERIA: Thank you, Mr. Chairman.

Nigeria have listened to the discussion and contribution by various Member States and have equally listened to the suggestion of the Secretary‑General of ITU on this matter. Nigeria want to align itself with the suggestion of the Secretary‑General, that Mr. Chairman, you put all the issues on the table so that everything will be looked at at the same time because many administrations are afraid of what is going to happen to the next provision if a particular decision is taken on one.

So it's better in order for this Conference to move forward, you bring everything at once, and every Administration will look at all the issues at a go. And then a compromise position will be agreed upon. That is my submission, Mr. Chairman.

>> CHAIR: Thank you, Nigeria.

And this is exactly what I said at the beginning of the meeting. I will adjourn the meeting. And we will come back at 5. This will give me time to basically produce document between square brackets, the entire document between square brackets, as a compromise. And I hope it will be a compromise. So that Administrations have ‑‑ will look at it and discuss it.

So, we will adjourn the meeting right now, and we will come back at 5. And I hope I will have the time to produce it by then. Thank you. See you at 5.

\* \* \* \* \*

This is being provided in a rough‑draft format. Communication Access Realtime Translation (CART) is provided in Order to facilitate communication accessibility and may not be a totally verbatim record of the proceedings.

\* \* \* \* \*