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>> CHAIR: Good evening. Can you take your seats, please. Thank you.

Good evening, ladies and gentlemen, and welcome to the evening session of the plenary.

I wanted, just before I start, I wanted to recognize a few people, as a matter of fact, a few or many or all Administrations.

We had started this process ten days ago with a lot of tensions around this conference, and we have started the conference with a spirit and this spirit continues. A lot of regional groups pushed each other for a compromise, and I think everyone started to work together. A lot of regional groups made compromises, and I really thank them for all their work, all their hard work, all the pain they got with me, making them stay very, very late.

I wanted to say that document DT/55, 95 percent or even more than 95 percent of this document was agreed. More than 95 percent was agreed as a compromise text. And I'll come to the details of that.

But one thing that we should now get out of it is we all should be very proud that we have reached to this conclusion now. I think without you guys, I would definitely, definitely not be able to achieve what I have achieved.

I don't want to sound like I'm concluding the conference, but definitely we have in front of us a very, very important document that, without the full starting, I need to say that I wanted to thank everyone who contributed very hard in reaching where we are.

Now, I wanted to introduce this comprehensive package as a Chairman proposal in DT/55. Now, before I start, you might say we have a big square bracket. A lot of this has been approved before. So please don't be nervous, we have lots of this text has been agreed. The square bracket was meant to have a package to be looked at as an entire package. But we have approved a lot of the text. So please don't be nervous when we have a big square bracket behind the entire ITR.

So that's something that you need to think about, and definitely you need to think about before we start discussing this document, that more than 95 percent has been achieved. So we are very, very, very close of making it.

As I said before, I think if I made everybody happy, I would be very pleased. And I hope that we aim to that.

Now, as I said, 95 percent of the text of this package has been agreed on plenary. And I wanted to say that despite all efforts, the Preamble is still something that we need to talk about. However, I have proposed or I have retained what has been left before as a Chairman compromise. I was surprised that we have been able to achieve, you know, most of the Articles, but we are stuck in Preamble. And I made a compromise now.

Also, we have discussed content. And before we started the conference and we began this conference and during the conference and we are getting towards the end of the conference, a lot of Administrations were fearing that we are going to discuss content. And I have made a proposal in 1.1A to exclude content as a Chairman compromise.

Now, we have not included provision 3.7 on the previous document on nondiscriminatory access because there was a large or there was no agreed language. And the last output of the ad hoc group had multiple square brackets within square brackets and I could not see a way to produce a consensus text.

It has been said that nondiscriminatory access is a human right, so it appears that hopefully once we agree on the human rights text. And I wanted also in addition to all of this to add to the summary record of the plenary regarding this specific issue, to realize the Universal Declaration of Human Rights. And, of course, of course, any delegation can also send us the declaration to be added to the summary record.

On 3.8, on the national management of naming, numbering, addressing and identification, that provision appears to be a statement of fact. That provision does not change the rights of Member States, but it was also debated. And it was a compromise text or a compromise solution from the Chairman.

We tried to solve the content side to be able to look at -- of course, we have to look at Article 5A on network, on security or robustness of networks, and 5B on the unsolicited communications.

Article 6 was also agreed today. And we have an approved resolution that arose from the discussions on Article 6.

And we have agreed on Article 9 in full when we have approved number 2.

Now if you allow me, I want to get into some editorial mistakes, and there are very few in the compromise text. And I wanted to invite you to go to Appendix 2, provision 4.4. Now, under Appendix 2, provision 4.4, there was a disagreement regarding a deadline of 12 versus 18 months. We have proposed to solve this by using the following: "The data account authority may refuse the settlement and adjustments of accounts presented more than 12 calendar months after the date of the traffic to which the accounts relate, unless provided otherwise under national law. In which case the maximum deadline can be within 18 months." And please note that there is an editorial mistake in the text in front of you. It reads "the data account authority may refuse the settlement and adjustments of accounts presented more than 18 calendar months." And "18" should be "12."

Now, in the resolution, which reads "to foster an enabling environment for the greater growth of the Internet," we have an editorial mistake in the "invites Member States" part. That should be "ITU Study Groups" and not "ITU-D."

Now, I wanted to say that this text is a package. We have debated this document or this text in length. We had convened in smaller groups where we have made proposals and we have actually heard groups, regional groups, compromising. So I wanted to remind everyone that there was a compromise on the telecommunications/ICT. There was a compromise on the text that you see in front of you. We had discussed the ROA/OA issue. And we had the famous -- and I will call it and I hope we will remember it for future outcomes, the Panama solution for the ROA/OA issue, which is now not a footnote, it's a provision.

This is a very delicate text. it has been discussed, as I said, and I want to start and I want to open the floor to see if you agree with the proposal. And I will ask you to limit your interventions, if possible, because we have limited time. And if you can, possibly stick to even less than one minute. And you've heard my presentation, and I would like to hear your views on adopting this document.

I have Argentina.

>> ARGENTINA: Thank you Mr. Chairman.

I wonder whether it would be possible for Argentina on behalf of other countries with whom we discussed the issue and have -- they have asked me to speak on their behalf.

The document as it stands, in our view, is a compromise document presented as a package, and we would support the document. And if you will allow I would like to express our support on my own behalf and on behalf of other countries. They have asked me to speak on their behalf to express their support for the document.

Is that permitted, Mr. Chairman?

>> CHAIR: Yes. Yes.

>> ARGENTINA: Well, I shall then read the list of the other countries who are supporting this document.

Panama, Guatemala, Mexico, Paraguay, Venezuela, Chile, Peru, Brazil, Uruguay, Jamaica, Haiti, Barbados, Trinidad and Tobago, and some others.

>> INTERPRETER: The interpreter apologizes.

Thank you.

>> CHAIR: Interpreters, we need to catch them.

(Laughter)

>> INTERPRETER: Of course, Mr. Chairman.

>> ARGENTINA: Panama, Guatemala, Mexico, Paraguay, Venezuela, Chile, Peru, Brazil, Argentina, Uruguay, Guyana, Jamaica, Haiti, Barbados, Belize, and Trinidad and Tobago.

Thank you, Mr. Chairman.

>> CHAIR: Thank you. I also, before I give the floor to the other speakers who wanted to ask for the floor, there is one more editorial mistake. In the famous A bis, the Panama proposal on the second line, there are two words missing. "Authorized or." So before "Recognized" it's supposed to read "Authorized or."

And I give the floor to Iran.

>> IRAN: Thank you, Mr. Chairman. We are also grateful to you for your very kind efforts.

We assure you we are not nervous. We assure you we are not angry. And we assure you we want to help you. So please kindly do not categorize us as being nervous or not.

And we also want to make the Chair happy that we are smiling. We continue to smile irrespective of the hours that we slept or not slept.

Chairman, yes, I don't think that you need a group of countries supporting your package. The package is open for discussion that you have with colleagues. However, you referred three times to 95 percent, for that 95 percent. And I hope that you kindly allow us under the provision of the rules of the conference to freely express our views with respect to this and to help you reach agreement, to reach consensus, and we commit ourselves to collaborate with you to the maximum extent that we can.

But you should kindly consider that we have also sometimes some restrictions, some instructions, and we have to follow that.

Chairman, even if we agree 87 percent, I don't know, either. There are areas that we have difficulties and I want to raise one of them, and that is the one which is in the provisions that 1.1.A, Chairman. Please allow me, I'm sorry if I exceed one minute, because I was speaking on behalf of APT. This is not Iran speaking, this is on behalf of Asia Pacific telecommunity, not to be interpreted differently.

Chairman, for us, the text to the exclusion of the content is not clear for two reasons. First of all, exclusion of data contained. This goes to what? To the International telecommunications service or to the International telecommunications transport? What is the reference?

Second, exclusion of content. If we exclude content, you are talking of technical content. That means we establish telecommunication but we want to exclude the content. That means the transport of the information. We have the system, but we don't transmit anything. And we stop receiving anything. That is the exclusion of the content. Content has very, very vast meaning.

Chairman, APT proposed an alternative text which satisfies the concerns of our distinguished colleagues that we are very much concerned about content. And the text, Chairman, is as follows, if you allow me.

We delete what you put to the exclusion of the content. And you replace or we replace that by the following: "These Regulations do not address the content-related aspects of telecommunications." It's quite clear. I'll read it again. "These Regulations do not address the content-related aspects of telecommunications." No ambiguity. No problem. How to carry it forward, and easy for us to submit that to the authorities.

Currently, Chairman, we have serious difficulty to submit the text you proposed for ratification. Because content is very general in the text that you mentioned. And it is not properly referenced and we don't want to go to editing your text. And we thank you very much. And that is the views of the APT telecommunity and that's what we have agreed to this afternoon.

Thank you, Chairman.

>> CHAIR: Thank you. I'll give the floor to a number of Administrations and then go to the proposal for APT. Tanzania.

>> TANZANIA: Thank you, Mr. Chairman. Indeed you are assured of our support.

And this is Tanzania speaking as a servant of African Group of countries. I was just charged to talk about the already buried 3.8, of which we can't make it alive again, but we are proposing before we say yes to the proposal on the table, that at least on the item 3.6, which is related to international telecommunication numbering, the aspects which were contained in the 3.8 be brought in that section 3.5, in a very simple and clear manner as follows, if Mr. Chairman would allow.

Fine. And that is just after the word "Telecommunication numbering" we insert comma, then we include "Naming, addressing and identification" then it continues as it is.

We are proposing this from Africa, because already as of current the ITU is dealing with numbering, naming, addressing, and identification. And this is justified if you revisit the ITU-T recommendations in the E series. This deals with numbering issues.

But again, if you go to the xSeries, and in particular the X650 to X679, this ones deals with naming, addressing and registration. And at the end, the identification and discovery are contained in the xSeries and X15702, X1579.

So, Mr. Chairman, the dead 3.8 is remembered by taking those parts back into 3.5, just as I have proposed.

Thank you, Mr. Chairman.

>> CHAIR: Thank you. Turkey.

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

First of all, we want to express our sincere thanks to you, to the Secretary-General, and everyone who has contributed to this text.

We have examined the draft before us. Maybe it will not satisfy all of the desires for everyone, but as far as we see, the ITR before us is a consequence of a compromise. So we think it's time to conclude the Treaty. From our point of view, we will be ready to sign it tomorrow.

Thank you very much.

>> CHAIR: Thank you.

Tunisia?

>> TUNISIA: Thank you.

We believe that we are reaching the end of the conference and it's high time that reason prevailed. I believe that the text before us is an excellent compromise, and Tunisia supports it.

I would like to congratulate you, Mr. Chairman, for the manner in which you have chaired our conference and all the efforts you have made to achieve this compromise. Thank you, Mr. Chairman.

>> CHAIR: Thank you, Tunisia.

Trinidad and Tobago?

>> TRINIDAD AND TOBAGO: Thank you, Mr. Chairman.

Trinidad and Tobago wishes to indicate that with respect to Article 5B, we are of the view that there could be an unintended interpretation of the text which may conflict with our national laws. Notwithstanding this concern, Mr. Chairman, in the spirit of compromise and as indicated by our colleague from Argentina, we will join the consensus and accept the document.

(Applause)

>> CHAIR: Togo?

>> TOGO: Thank you, Mr. Chairman.

Like other colleagues, Togo would also like to thank you and the Secretary-General for the work you have accomplished. I think that you have achieved a very successful balancing act and I believe that we will be able to sign this document, since that balance has been achieved.

However, in the Preamble, the last sentence of the Preamble and the second paragraph of it seem to be repeating themselves. One is redundant. Will we be keeping both of them or will one of these phrases be removed?

>> CHAIR: Can you repeat? The second paragraph under human rights is not definitely repeated, on the Preamble. Maybe I'm wrong. I did not --

>> TOGO: In the Preamble, I'm talking about the French version of the Preamble, the last sentence of the first paragraph referring to "human rights" seems to be a repetition of the second paragraph. Is there an error or are we keeping both of these sentences?

>> CHAIR: Thank you. It's an error in the French document. Thank you.

Kuwait?

>> KUWAIT: There was a mistake, Chairman, I did not ask for the floor. Apologies.

>> CHAIR: Senegal.

>> SENEGAL: Thank you, Chairman.

Here I'm speaking on behalf of the French speaking countries of Africa. As to the definition and Article 1, I think that the term adopted was "International telecommunications services" in that order. And we had also agreed that we were going to refer to "Tarif" in French and not "Taxe" in French. And I see that throughout the French version of the document the term "Taxe" has been maintained. And for the accounting rate, and here we would like to ensure that, in French, it's the -- "Tarif" rather than "tax" and we would like to know why this has not been checked in the French version.

>> CHAIR: I will only blame Madam Marie-Therese, but we will align that with the English version.

Please, Editorial Committee, my apology, but we did not go through the -- we don't have the document given to the editorial, so that probably might happen.

But, Madam, please go ahead.

>> FRANCE: Thank you, Mr. Chairman.

I don't want to delay the session, but the Editorial Committee has looked at the alignment of the English and French versions of the text. And as to the two issues raised by Senegal, that is "Service de telecommunications internationaux" and "taxe de repartition" (Speaking French), we cannot accept the request of the African countries, since these terms are defined in the Convention and the Constitution. These are terms used in the basic text. And we can ask the counsel, legal counsel, but certainly at present we cannot change these terms in the ITRs, since they come from the basic text.

>> CHAIR: Thank you.

Bulgaria?

>> BULGARIA: We did not ask, sorry.

>> CHAIR: Okay. Thank you for taking the floor and thank you for showing the support to this text.

This is compromise text. It's a package deal. We have heard APT proposing a change.

I see Lebanon asking for the floor. Lebanon?

>> LEBANON: Thank you, Mr. Chairman.

On behalf Lebanon I really would like to thank you and everybody who has gotten to where we are today.

It's a great accomplishment, and I wish to ask that at least one item be taken care of before we end this session.

And that is related to nondiscriminatory access by Member States. It should be, in my mind, at least, added in the Preamble and you may have referred to it earlier. I may have missed it.

This should be added as a part of the rights of the states and part of human rights.

Thank you, and have a good day.

>> CHAIR: Nigeria?

>> NIGERIA: Thank you, Mr. Chairman.

This time I'm not speaking as Nigeria but I'm speaking on behalf of the entire Africa continent.

We want to thank your effort for producing this compromise text. And we want to thank all the people that participated in the production of this text.

However, Mr. Chairman, we have one little concern and this concern is in the Preamble. I've been sent by the Africa Group to bring this to your attention. The second paragraph that talks about human rights, we want at the end of the "obligations" to add the following: "And recognize the right of access of all Member States to international telecommunication networks and services."

That is just a little addition we want to make. This also is in line with human rights to access to telecommunication services.

Thank you.

(Applause)

>> CHAIR: Thank you.

I have three requests. I have requests from APT for the content. And I have requests for addition on the second paragraph on the Preamble. And I have requests from Africa on 3.5.

Before I start, I just want to say that this is a very delicate balanced text. And the proposal, if it's agreed in consensus, will definitely -- I personally as Chairman do not have a problem of this incorporation. But it will be a problem if we have objection. We will get into a debate. And we are now at the last hours of the very critical time for the conference.

So I would like to appeal to everyone, in the spirit of cooperation, I hope we can finalize this delicate matter and approve the compromise text in its entirety.

And I'll start with -- and I hope I will not get any objection. I see UAE asking for the floor.

Is it before I start? Can you take it, because -- thank you.

The proposal coming from APT is to strike out my original proposal on 1.1A. The last sentence "To the exclusion of their content" and replace it with we put full stop after "services," and we continue.

So it's full stop after "Services" and then starts with "These Regulations do not address the content-related aspects of telecommunications."

Is there any objection to include this text?

I see none. Thank you.

(Applause)

Again, I'm going to repeat the exact thing. This is a very delicate matter and we are at the stage of not opening things for editorial change. And if there is agreement on the proposal from Africa on 3.5, it will be added. And if not, then I'm afraid I will not be able to open the text.

So their proposal is to put on 3.5 after the word "Numbering, comma," the words "naming, addressing, and identification" and the sentence continues.

I'll repeat. The second line of 3.5, after "Numbering" put comma and insert the words "Naming, addressing, and identification."

Is there any objection to add these words to 3.5? Mexico?

>> MEXICO: Thank you, Chairman.

We don't want to delay the reaching of a consensus, but Mexico would have to speak to capital as to this addition.

Thank you.

>> CHAIR: Well, we don't have time for that now. Canada?

>> CANADA: Yes, thank you, Chairman.

Chairman, unfortunately, we can't agree with this addition. That was precisely the problem we had with the 3.8. So transposing the -- this formulation to 3.5 does not address our particular problem.

So, unfortunately, we can't accept it. Thank you.

>> CHAIR: Thank you. I'm sorry, the African Group, we will not be able to agree to this. It's a very delicately balanced text. You have to be very careful here and not open anything for big debate.

If you don't mind, remove the requests. Tanzania, briefly, please.

>> TANZANIA: Chair, this request was in the favor of what is going on and this is to withdraw our submission on that aspect.

Thank you.

(Applause)

>> CHAIR: If we would have started this conference with this spirit, I think we would have finished in three days.

(Laughter)

Thank you.

Now, we will go back to the famous Preamble. And there is -- again, this is also a sensitive issue. And we wanted to hopefully, finally, approve the Preamble. And there is a proposal to add the words after "Obligations, and recognize the right of access to international telecommunication services."

I will repeat. We will add "And recognize the right of access to international telecommunication services."

Is there any objection to add these words?

Iran, United States? Iran?

>> IRAN: Thank you, Chairman. We don't have objection. But we want to add "access of Member States"

Thank you.

>> CHAIR: Okay.

And so the proposed -- additional modification would read now "And recognize," after the end, "And recognize the right of access of Member States to international telecommunication services."

I see the United States and Malaysia. United States.

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

Mr. Chairman, we have a comment on the proposal, but if we may also take advantage of this intervention to ask a clarification as to the schedule for this evening.

Mr. Chairman, the request specifically goes to do you anticipate a break at some point between now and the end of this session? That would be helpful to know exactly how you're planning to manage this evening.

But, Mr. Chairman, before you answer that important Question, but not as important as the issue at hand, we have made a number of interventions and we have worked closely with colleagues to try to find a way to express the importance of human rights obligations, and we have made considerable progress, as is reflected in the Preamble text before us.

But we have also asked that the phrase "Which are not changed in any way" be added.

Mr. Chairman, with respect to the proposal to add "Access of Member States to telecommunications services," I believe we could not accept that. Human rights obligations go to the individual.

And, secondly, Mr.  Chairman, it is our preference to have attached to the sentence "Which are not changed in any way" for the reasons that I have stated previously in the debate during the plenary.

Thank you, Mr. Chairman.

>> CHAIR: Thank you.

First of all, my plan is to proceed in approving this document. We will not have a break in this session, to start with. We don't have more time. It's very limited time left.

And on the second issue of your proposal, it was not accepted in the previous session, so I decided not to include them, not to generate additional debate on this lengthy debated issue.

I have four requests from the floor. Malaysia, Sweden, China and Lebanon. Please be brief. Malaysia, briefly.

>> MALAYSIA: Thank you, Mr. Chairman.

Malaysia recognizes that everyone will have a view on the Preamble and in particular this particular sentence.

We were very willing to compromise, and there was some text that we had considered. And in fact my Minister himself had developed some text which had also been considered by some countries. We see now before us the original text that had been presented yesterday or the day before, and we do recognize that in the spirit of compromise we should accept it. But we would like to reserve the right for us to put in a reservation. Because we do not want to delay this conference any longer.

Thank you very much, Mr. Chairman.

>> CHAIR: Thank you.

Sweden?

>> SWEDEN: Thank you, Mr. Chairman.

The proposals put forward for amending the text does not correspond to well-established human rights language. We believe that this conference should not draft new human rights language, but reaffirm our existing commitments. Human rights are for individuals, not for States. We regret that some Member States are trying to politicize the very important issue of human rights. Therefore, we cannot agree to the changes proposed.

Thank you.

>> CHAIR: Thank you.

China.

>> CHINA: Thank, you, Mr. Chairman. I know human rights has rights for individuals or collective rights.

Secondly, to implement human rights related obligations, you first need to have conditions to implement these rights. It should be in the member that respects the human rights.

First of all, developing countries must have right to access to Internet, to access to information technologies. Although the African proposal is not the most ideal version of every country, but in a certain manner it's a balance to the original wording.

So our delegation supports this proposal of the African Group. Thank you, Mr. Chairman.

(Applause)

>> CHAIR: Thank you.

Lebanon.

>> LEBANON: Thanks, Mr. Chairman, again.

I wanted to reaffirm Lebanon's commitment to human rights. Lebanon has a long-standing history of implementing and following on its commitments to human rights. One of the rights that everybody is entitled to is access to information. If this body does not recognize the right of the Member States to have access to telecommunications services, I am not sure what it means that we have human rights but the humans do not have access to information.

But the Question that I have for you, Mr. Chairman, is do you really expect everybody here to have a full consensus on this? If everybody agrees that your proposal is accepted as is, I will support taking the item related to access to information off the list.

However, if people are not going to go fully with agreeing to the proposal as is, I really suggest that the Preamble should have a third paragraph that reaffirms, not only recognizes, reaffirms the right of every state and its citizens to access to telecommunication services.

Thank you.

(Applause)

>> CHAIR: Thank you.

UK?

>> UNITED KINGDOM: Thank you, Mr. Chairman, I'll be brief.

I need to associate myself with the remarks of the United States and Sweden and also I believe my understanding of what Lebanon had just told us in respect of human rights.

I need to reiterate that human rights are for individuals. The text respecting the rights of access of all Member States to telecommunication services appears to create new human rights language. And I must say to the conference that this is not the forum to be creating new human rights language.

And so while we recognize that all Member States are respecting their human rights obligations, with regret I cannot support this addition.

>> CHAIR: I have five and now seven requesting -- and now ten.

I think we have started this meeting with a very, very positive note and I don't know why every time we open this Preamble it doesn't end.

(Laughter)

I have a list. It's up to South Africa. And then we will rule. We really need to move forward. It's really late in time. And, please, if an Administration is asking for the floor to support or reject, please limit the intervention to something that will just progress the discussion and not get into a detailed discussion.

Cuba?

>> CUBA: Thank you, sir.

Cuba supports your proposal in order to find a compromise on the document. But we're surprised during the last discussion, and this is what the Secretary-General said, we wanted to find a balanced solution, and yet the proposal on discriminatory access has been eliminated.

It's true that there were a lot of brackets. We think, and we have said this many times before, sir, when we saw the text we thought that we should have tried to find a consensus at the conference. And yet what you're proposing is very far from what we, Cuba, proposed. And it seems that the African proposal at least expresses the right or rights of all. We're not talking about Governments, we're talking about Member States who are composed of individuals.

When we're talking about access to international networks, we are talking about access of individuals who compose these various countries.

In our opinion, we should try to find a compromise. And it's absolutely necessary, fundamental, when we talk about human rights -- and we have talked about them a great deal at this conference -- it's important to remember that everything is linked to the Regulations. And we have to keep in mind what we have all said here during these past few days.

So we propose to support the African proposal.

>> CHAIR: Cuba, I really need to -- we have -- I have at least ten asking for the floor. And if we don't limit the discussion to one minute, I will need at least 30 to 45 minutes on this issue.

So Cuba, please, if you can conclude, and I will -- I hope that we reach a satisfactory conclusion.

Cuba.

>> CUBA: Thank you, again, sir.

I have already finished.

>> CHAIR: Thank you.

Poland, briefly.

>> POLAND: Mr. Chairman, at the beginning of the conference Poland initiated a discussion referring to the Preamble, the human rights obligations.

We accept the proposed text, compromise text, as Mr. Chairman said. But we don't agree with changes. And we support U.S., UK, Sweden's statements.

Thank you.

>> CHAIR: Thank you for being brief.

Russia.

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

We understand how sensitive this issue is. And this is why we had so many consultations with some of the regional groups. And we do also have a compromise text which I think covers the concerns of one side and other sides as well.

If you wish, I can read it out in English.

"Member States recognize all human rights, including nondiscriminatory access of other Member States, to all public International telecommunications networks and services."

It seems to us that through this text we are showing that the Union wants to observe all rights and that we don't want any kinds of discrimination to access which many sides have stated that we won't allow any discrimination.

Thank you, sir.

>> CHAIR: Thank you. I'll come to your proposal.

Algeria.

>> ALGERIA: Thank you, sir.

Mr. Chairman, we would like to lend our support to the African proposal expressed by Nigeria with regard to human rights.

>> CHAIR: Botswana.

>> BOTSWANA: I thank you, Chairman. I think the issue under debate is for the right of the Member State, not the human rights of the state, of the Member State, but the right of the Member States' access to international telecommunication services. I think that to me is important.

If, for instance, we are to provide as a state services to our citizens, we must first of all as a state or as a Member State have access to those services in order for our citizens to claim them from the state. And when you talk about eEducation, eCommerce, eHealth, all of those are content that is transmitted through the International telecommunication infrastructure, and the state has to have a right of access.

Thank you.

>> CHAIR: Thank you.

(Applause)

UAE?

>> UNITED ARAB EMIRATES: Thank you, Chairman.

Thank you very much for all your efforts that you are trying to find a solution and compromise to reach in this conference.

I don't want to take that much time. Already my colleagues also from Arab Group, Lebanon, has already expressed their views. And human rights and nondiscriminatory issues was also one of the issues discussed in the last session. We thought that will come in this new document, but since it is not there in the new provisions, I think the proposal that has been made by the African Group, we support to that one.

Thank you, Mr. Chairman.

(Applause)

>> CHAIR: Costa Rica.

>> COSTA RICA: Thank you, Chairman.

Costa Rica defends a free and open Internet. The open network where everybody is free to communicate, to write, to see, to learn, to read, that is the Internet that we defend.

We already had an agreement in the language proposed by the Chairman, and I think that it is appropriate. I think there has been a tendency to complicate the debate by adding this. I think we have to come back to the basic paragraph. "Member States affirm their commitment to implement these recommendations in a manner that respects and upholds their human rights obligations."

And we can perhaps create another paragraph. But what we have is an agreed basis of all countries where -- it was a very simple paragraph which states the respect of human rights, the obligations of all States, whoever they may be.

We could make an addition, but we shouldn't complicate a paragraph upon which we already had agreement.

Thank you.

>> CHAIR: Thank you, Costa Rica.

Jordan?

>> JORDAN: Thank you, Mr. Chairperson.

Please allow me at the outset to present my warm thanks for the great efforts that you personally have undertaken. And also to thank all those who have contributed in preparing this document.

Mr. Chairperson, our discussion is limited to human rights and his right to access International communications. And if the formulation is to related countries, let us emphasize our full commitment in the Hashemite Kingdom of Jordan and to abide by all the commitments related to human rights.

Mr.  Chairperson, these Regulations are the agreement that deal with International communications and their sources.

Can't we, in this agreement, guarantee full humanity who are citizens in our countries to access communications and the resources or sources?

Mr. Chairperson, I find it quite strange that we cannot reach an agreement, and therefore I support the proposal made by the African Group.

Thank you, Mr.  Chairperson.

(Applause)

>> CHAIR: Lebanon, South Africa and I'll take Iran last. Lebanon?

>> LEBANON: Thanks, chairman, again. I'll be extremely brief.

I really would like to thank everybody who expressed their opinion on this one, even those who do not want other countries to have access, International access to telecommunications.

But in the -- for the sake of time, I would agree with the Costa Rican proposal probably from a different sense saying why don't we have a third paragraph in the Preamble just for that, so people don't confuse it, necessarily, with the human rights.

Thank you.

>> CHAIR: Thank you.

South Africa and then Iran.

>> SOUTH AFRICA: Mr. Chairman, thank you very much. In fact, Chairman, we take the floor on behalf of -- as the Chair of the Africa Group.

Mr. Chairman, at this late hour we are taking the floor to help you reach the most desired compromise. Mr. Chairman, we have to remind the conference that South Africa would have preferred to maintain 3.7, which spoke to the formulation of nondiscriminatory access. Mr. Chairman, we see the issue of human rights as a separate issue, and as such we accept to maintain human rights obligations in the Preamble.

However, as explained by Botswana and Nigeria, we feel that the addition of the African proposal, especially on the issue of access to international telecommunications services, Chairman, and would appeal to the room to at least accept this formulation as a separate conceptual formulation, Chairman.

Thank you very much.

>> CHAIR: Iran briefly.

>> IRAN: Thank you, Mr.  Chairman. I'll try to be brief.

If you take the text as you proposed at the end of the second line, "Upholds their Human Rights obligations," "Their Human Rights obligations" goes to Member States. So Member States need to uphold "their Human Rights." In order to be balanced, we should have -- also Member States should have access to the International service.

Chairman, it is not one sided. We have to maintain the balance between the two. Many people say that there are two aspects. One, human rights, and the other access of the Member States. Human rights obligation to respect -- the Member States to respect the human rights and Member States to have access to international services.

These are, Chairman, complementary to each other.

Thank you.

>> CHAIR: Thank you.

(Applause)

I think we are reaching to also again another difficult discussion on the same Preamble.

And there was a proposal to separate the proposed text by African Group from the first paragraph -- sorry. Second paragraph. And end with "Rights obligations" and basically add a new paragraph, and it starts with "These Regulations recognize the right of access of Member States to international telecommunication services."

I want the administrations asking the floor please to take their -- take the floor, so that we can test that.

I see Switzerland.

>> SWITZERLAND: Thank you, sir.

We have listened very carefully to various interventions. We are also very grateful for all of the efforts you've made to try to find a compromise. And the compromise that is before us is a compromise that you presented to us at the beginning of this meeting seemed to us, even if it's not ideal, like all compromises, is something that we could agree to, despite its imperfections.

We would like to add something, and that is this: If you would allow us to put individual rights on an equal footing, individual rights are human rights, of course, put them on an equal footing with Member States. This doesn't seem appropriate to us. Indeed, it shocks us from a legal point of view and from a philosophical point of view. It's not at all the same thing.

Human rights are applied to citizens. Member States are something else entirely.

We understand the problems raised by many of the States present here with regard to nondiscriminatory access. And we think the -- and we don't think that we could go in this direction. We have the impression that one is trying to create a new human right. So we should really try to find another solution to resolve the problem before us and the problem raised by a certain number of countries with regard to nondiscriminatory access.

Thank you, sir.

>> CHAIR: Thank you. I just wanted to repeat the proposal. The proposal is to split, rather than having a continuous paragraph, we have two paragraphs. The first paragraph starts with "Member States affirm their commitment" to the end. And then we start another paragraph below it. "These Regulations recognize the right of access of member States to international telecommunication services."

Burkina Faso, briefly, please.

>> BURKINA FASO: Sir, we endorse your proposal entirely. Thank you.

>> CHAIR: Thank you.

Denmark?

>> DENMARK: Thank you, Chair. First I would like to start by commending you for all of your efforts in establishing a compromise. It has not been easy and a lot of efforts have been made also by the participants in this conference.

With respect to the concrete provision ahead of us, or Preamble, I would like to express that I share the views expressed by Poland, UK, Sweden and also the United States, and lastly also by Switzerland.

The issue of human rights should not be confused with other rights. Human rights is a question about citizens rights and it should remain like that.

Thank you very much.

>> CHAIR: Thank you.

Again, I'm going to repeat the proposal. The proposal is to separate the text so that we do not mix the two. That was a proposal -- I can't remember which country proposed it. But the proposal was to split these two.

Czech Republic.

>> CZECH REPUBLIC: Thank you, Mr. Chairman.

Well, first of all, thanks for your work, for your energy and for your desire to achieve a good result. We are thankful for this, and we would like to have the conference real successful.

But we have to join or -- we don't -- we would like to join the European countries in the view that human rights are individual, and they should not be mixed with other definitions.

So we do not support this concept.

Thank you very much.

>> CHAIR: Thank you, Czech Republic.

Bahrain, you have one minute, please.

>> BAHRAIN: Thank you, Mr. Chairman, I'll attempt to be brief.

I listened carefully to the comments and I can appreciate the concerns of perhaps intermixing some issues. However, Mr. Chairman, I'm looking at a document from the United Nations General Assembly, the Human Rights Council, which talks about the rights of people's access to the Internet and discusses it as a human right. And I can provide this document. In fact, many, many countries have their names on this document.

As such, as a proposed way forward, perhaps we could reaffirm this document, which already discusses access to the Internet as a human right and encourages Member States to ensure that access, within the ITRs. And the reason for that, Mr. Chairman, is because ultimately this is an International agreement where we are depending on each other to supply this to our citizens and give them this access. Again I can provide the document on request. Thank you.

>> CHAIR: Thank you.

>> CANADA: Thank you very much. Chairman. This particular issue has generated a great deal of discussion and I know your time is very valuable.

Chairman, I would believe that it would be the best solution just to keep the original text. So we would support no additions.

Thank you.

>> CHAIR: And Indonesia?

>> INDONESIA: Mr. Chairman, we would like to support many colleagues from Africa, China and Bulgaria. It should be that we confirm the addition of a new paragraph.

Thank you.

>> CHAIR: Secretary-General, I need your help here.

>> SECRETARY-GENERAL: Thank you, Mr. Chairman. If I were you, Mr. Chairman, I would stick to my text. Because, unfortunately, there is no agreement on this issue.

I would like to remind all of us here, this is not the Human Rights Council. There is a Human Rights Council that is dealing with all of these issues that knows their job very well. ITU would not substitute to that.

We just are having a flavor here of this text. You can imagine the difficulties that they have in the Human Rights Council. And your the governments are represented there. They are doing their job very well. That's their mandate.

This is why we're saying from the beginning that this Treaty is not about about human rights. It's, in fact, human rights to access. We have been saying that all along.

We have been putting something here just to have a reference that, a flavor of our affirmation of all of those obligations that are there.

So I would kindly ask that U.S. and Africa also, both additions that they wanted to put in here be reserved, so that we continue with the text as it is.

We have already a very good spirit of cooperation in this afternoon, and I believe that this should continue.

Please, let's move forward in maintaining this and keeping in mind that the Human Rights issues are continuing to be dealt with at the Human Rights Council and they do it well.

ITU's mandate is clear, it's about telecommunications. Let's move on to this. The right to communication for every citizen. If we do our job here right, every citizen will have that access, that possibility.

So, please, let's move ahead and I would like to urge you, really, please, let's help our Chairman. He has been very, very, very gentle. He worked very hard to come to these compromises, and please let's help him.

(Applause)

>> CHAIR: Thank you, Secretary-General.

As I started this meeting by saying, this is a very delicate issue. And given the debate that we have just seen, I would recommend that we keep the text as it is, and not open it up, and stick to it. And agree to the compromise text as presented and as amended in this plenary as an entire ITR.

(Applause)

If you can, there are a number of countries asking for the floor. If you can remove the requests, if you don't mind.

We will keep the text. And I would be happy to take the statement for preservation. But we really need to not risk this conference and just move forward so that I can have the Editorial Committee do their job to have a document for us tonight to produce for the first reading.

I have a very long list. I will appeal to you, please, that we leave the text as it is and move forward.

Iraq?

>> IRAQ: Good evening, Mr. Chairman.

I should like to thank you and the team which worked with you. The Iraqi Administration supports the African proposal and we do not agree with those who say that access to services is not a human right.

Pull on the other people with me, because everybody got a list of the subject to buy from Dubai, and we don't have a time to go for shopping. Please, everybody, finish today and we finish tomorrow early and we have a time to do the shopping.

(Applause)

(Laughter)

>> CHAIR: Lebanon, if you can go along with the compromise and we will take a reservation in the summary record. I know this is a very hard issue but we have to move forward.

Lebanon.

>> LEBANON: Mr. Chairman, Mr. Secretary-General, Distinguished Delegates, it is regretful that in a body of Distinguished Delegates from many, many countries, all countries around the world cannot agree to the rights of States to have access to international telecommunications. It is, in my mind, deplorable that we cannot reach that conclusion.

In any case, we will express our reservations as Lebanon and we still ask the Chairman and the Secretary-General to add this addition, because it's consistent with the Secretary-General's statement about the right to access to international telecommunication. We are not asking for anything else.

I am taking off of it for now the human right aspects.

Thank you.

(Applause)

>> CHAIR: Thank you, Lebanon, but we really need to move and we cannot open the text again. It has been really a very difficult task and I hope that -- and I will take your reservation with open heart, but we need to really finalize this and give it to the Editorial Committee.

Iran?

>> IRAN: Thank you, Chairman.

The reservation is the right of every country; we don't need the endorsement of the Chairman. This is our right. And we don't need any instruction from anybody, and we do that.

(Applause)

Second, Mr. Chairman, there has been a proposal from Africa; many, many countries agreed with that. Please kindly do not ignore that. We have heard that people are saying that this is my text, and I want to put it in. So it is not your text. It's someone else's text.

But, Chairman, Africa made a proposal. Please agree with the African proposal, Chairman.

(Applause)

>> CHAIR: I'll take four countries that I see here, and then I'll conclude.

India?

>> INDIA: Mr. Chairman, and Distinguished Delegates, good evening to everybody.

I just would like to be very brief and I would like to say that when a captain and navigators of years ago attempted to cross over the sea, they reached over the climate conditions and reached over and reached the hope of the soul. We have successfully overcome the stormy conditions and brought this idea of hope of the soul by bringing a lot of hopes for all of us. (?)

Your contribution, sir, towards the development of telecommunications will be remembered for a long time to come and make this historic conference a success.

The India delegation conveys high appreciation to you and thanks the Chair and the Secretary-General for the extraordinary force and for the success of the WCIT 2012.

Thank you, Mr. Chairman. Thank you very much.

(Applause)

>> CHAIR: South Africa and Togo, I'll close the list.

>> TOGO: Thank you, Chairman. Of course we thank you for the efforts that you did for assisting us to reach a compromise.

But if the ITRs do not recognize the rights of States, what purpose do the ITRs serve?

If we do not recognize the right of States to have access to telecommunications, why do we bother to have ITRs?

(Applause)

If the ITRs do not recognize this right, let us have the courage to put the opposite in the ITRs. Let us say that the ITRs do not recognize the right of States to have access to telecommunications.

If we don't --

(Applause)

If we don't want to put it in the positive, let's put it in the negative.

>> CHAIR: Thank you.

China.

>> CHINA: Thank you, Mr. Chairman.

Thank you for your hard work over the past two weeks. We appreciate very much your experience, especially your diplomatic experience and your wisdom, as well as your patience. We appreciate that very much.

About the package proposal, the package proposed a text. We discussed it and agreed the two changes. We approved one change, and also the Africa Group has given up another proposal. That means we can discuss -- further discuss this proposal. And this also demonstrated our spirit of flexibility and cooperation.

But our issues of principle or on principle issues, we cannot give up our positions easily or compromise our positions easily. I'm very surprised that some delegate said human rights is only about the human rights of individuals, not Member States.

I'm very honored to have been working on human rights issues for many years. I said, I repeat it myself that human rights comprise human rights for individuals as well as Member States.

Before they were at war, and because before they were at war, some Member States do not respect the --

(Applause)

-- the Member States' rights. That's why we were witnessing the slavery phenomena and some other violation of human rights. Therefore, we cannot bear that again.

After the Second World War, the International community has already recognized the importance of human rights comprising human rights for individuals as well as Member States.

I can give you some examples. The rights of surviving, the rights of development. They are rights for individuals as well as rights for Member States, for countries.

That's to say we heard from the Secretary-General the access, the rights to access the network, we have a Human Rights Council. We do not have agreement here, so we should not discuss it here.

It's a surprise to us, if you ask Member States to fulfill their obligations of human rights, obligations for human rights, and Member States haven't reached a consensus here, why we put some descriptions here when we haven't reached agreement, and then urge developing countries to give up their requirements, which is very rationale, which is not fire. This is unfire. Separate States.

And, Mr. Chairman, you said before we need to achieve a win/win situation or a multiwin situation. We are trying ourselves towards that direction.

The developing countries have demonstrated greatly their spirit of flexibility. We urge the developed countries also demonstrate their spirit of flexibility, and to agree with this reasonable requirements asked by over 50 developing countries, at least you give them some hope, this requirement, reasonable requirement from Africa Group.

Thank you, Mr. Chairman.

(Applause)

>> CHAIR: Thank you.

Sudan.

>> SUDAN: Thank you, Mr. Chairman.

Since the outset of this conference, we have felt all those difficulties to which you have had to face and have sought to achieve a solution which is acceptable for everybody.

Sudan has a great difficulty with access to Internet. We have undertaken efforts through resolution 69 at WTSA and at this conference in order to protect the rights of developing countries, the right to enjoy all the benefits of telecommunications.

Mr. Chairman, we are suffering. We will continue to suffer. We should protect the weak and our brothers in developing countries. And I would beg you, Mr. Chairman, to maintain this paragraph.

(Applause)

>> CHAIR: Thank you. South Africa.

>> SOUTH AFRICA: Chairperson, we are representing the Africa Group as Chair of the Africa Group.

We really appreciate the spirit at which the conference is going. Equally so, we really appreciate your patience in helping us as the African Group and developing countries coming up with some of the proposals.

We are apologizing for having been seen to be delaying the conference as we put this proposal. Equally so, we respect and request that the conference upholds our proposal.

We are also partly disappointed to learn that the rights of Member States, which we purport and believe that they represent the citizens who are individuals in those countries, today is seen as if it's separate from the rights of citizens within those Member States.

Our understanding of the ITR and the ITU as a member of the UN is that those that are sitting in front of the country's flags and names represent the individuals in those countries. So we are very touched and partly disappointed as the Africa Group that as Member States we thought we were representing citizens of the countries where we come from, to learn that in the ITRs we are just a separate group of Governments, without any citizens. To that, we are pleading once more with the conference to recognize, respect, and uphold the proposal that we are putting forward.

Without delaying you, Chairperson, we apologize if we have to, but we have to put our views across, with your respect.

Thank you.

(Applause)

>> CHAIR: Nigeria.

>> NIGERIA. I don't need the floor again after hearing South Africa and Sudan.

>> CHAIR: I can only try one more time.

But if I see objection, I have to conclude on this.

Is there any acceptance to add in a separate sentence, not linked to the human rights sentence? A new sentence, a sentence which reads "These Regulations recognize the right of access of Member States to international telecommunication services." Is there any objection to that?

Saudi Arabia, do you object?

>> SAUDIA ARABIA: Mr. Chairman, no.

I believe that you were asking whether we accepted this proposal. Since I have the floor, I think that it is an excellent opportunity to personally thank you for your untiring efforts to allow us to arrive at a solution which will ensure the success of this conference.

Mr. Chairman, we support what you have just proposed, that is separating the two sentences.

>> CHAIR: Thank you.

Canada?

>> CANADA: Yes, thank you, Chairman.

Again, we apologize, but we do believe that this kind of discussion should take place in the UN Human Rights Council and not as part of -- and not be part of the ITRs.

Thank you.

>> CHAIR: Thank you. I have now again a long list of speakers.

I really apologize. We are not reaching anywhere with this Preamble. I shall leave the text as it is.

Let us -- we have reached to a satisfactory resolution to many, many, many articles. I would kindly ask you to proceed, leave the text right now, the one which is in square brackets. Let's remove the square bracket and let's adopt the ITRs for 2012.

I would ask the five countries if they possibly can remove their requests from the floor.

It's a very difficult issue. But we really need to move on.

Burundi?

>> BURUNDI: Good evening.

Thank you. I should like to take this opportunity to recognize your unceasing efforts, Mr. Chairman, and I realize that we are nearly at the end of our labors and close to success.

We hope that the debate which has just taken place in ten years or eight years, when we meet again, I believe that many people who are here today will not be present. We must today bear witness to history.

This effort we have undertaken is a praiseworthy one. Fair access to international telecommunication service should not divide us. These are Human Rights. Even if they -- we're talking about Member States. Member States are made up of people; of individuals.

Once again, I would like to congratulate you for all your efforts and to support your proposal. And I believe that is a support which strikes a balance between the two positions.

>> CHAIR: Iran?

>> IRAN: Thank you, Chairman.

Point of order.

Chairman, under number 100.03 of the rules of the conference, I move the motion closure of debate on the matter, and putting this out, the African proposal, out to the vote by a show of hands.

(Applause)

>> CHAIR: Ladies and gentlemen, can you take your seats?

And can this room be quiet so that we can proceed?

Thank you.

>> CHAIR: Thank you. I want to have a vote of show of hands on the motion of closure of debate first. And I want you to use the board, the yellow board, which has got a square bracket in it.

Black square in it.

(Applause)

>> CHAIR: Sorry.

I have so many square brackets.

(Laughter)

Oh, my God.

So much brackets in my head now.

So, please, I want to have -- so the first vote is on the motion of closure of debate, as requested.

So I want to have a vote of show of hands on the motion of closure of the debate.

And I want you to use this yellow board which has got black -- yes.

Square.

So... so I announce now the start. Start of the vote on the motion of closure of debate.

Who is in favor on the closure of the debate?

Raise the board.

(Showing of boards)

>> CHAIR: Please keep your hand up, so we can count.

Sorry. I want you to lower your boards. And I want you to -- because we have to count the countries who have the right to vote. So I want you to use the board which has got a red square. Again.

And I'm going to read those countries who are in favor on the motion of closure of debate.

Raise the white with a red square. Okay.

Let's count now.

>> CHAIR: Brazil?

>> BRAZIL: Thank you very much, Mr. Chairman. I raised a point of order, because we want clarification from you. So I think we are not understanding what you are saying.

So please, --

(Applause)

Try to explain more the Question that we need to vote or explain very well what is to close the debate. Because we really -- we are not understanding. Thank you.

>> LEGAL COUNSEL: Thank you. Just very briefly, the delegate of Iran raised a point of order which asks that the debate be closed on the Question being discussed. According to the rules of procedures, we have to take a position. You have to take a position on the closure of the debate.

After that, if you adopt the closure of the debate, you have to automatically take position on the Question that was being discussed; namely, the amendment proposed by the African Group.

Therefore, the first vote which will take place by raising of hands will deal with the closure of the debate and whether it's accepted or rejected.

If it is accepted, then the Chair will immediately move on to the vote with regard to the Question at hand under discussion; namely, the amendment proposed by the African Group.

Thank you, Chair.

>> CHAIR: Thank you. Is that clear? Brazil?

>> BRAZIL: Yes. Yes. Thank you, Mr. Chairman. It's more clear right now.

And I'd like just to ask the legal adviser if, because the delegate of Iran asked for the specific proposal from Africa, but for sure we have the last proposal of the Chairman, just to put in a second line, we put full stop and a second line. In my understanding, I'd like to ask the legal advisor just to try to put -- if the final proposal of the Chairman will be asking for the floor to accept.

Thank you.

>> CHAIR: Yes. It's your understanding a new text -- the text in a new paragraph, and to be the third paragraph, which starts "These Regulations" until the end. So this is the third paragraph. This was the last discussion that was taking place.

Thank you.

And now can we have a show of hands on the motion of closure of debate. Who is in favor of the closure of the debate, to raise the white board with the red square.

Thank you.

(Voting)

>> CHAIR: Okay. Can you lower the board now.

Now I want you to have a show of hands -- please, quiet. Please.

I want a show of hands on the motion of closure of debate, who is against; who is against the closure of the debate, to raise the white board with the red square.

I will repeat again.

I want to have a show of hands on the motion of closure of the debate. Who is against, from the countries, to show the white board with the red square.

(Voting)

>> CHAIR: Thank you. I want to have a show of hands on the motion of closure of debate on Member States who abstain from the decision.

To raise the white board with the red square.

(Voting)

>> CHAIR: Okay. You can lower the board.

Can you lower the board? Thank you.

The results are as follows: On the show of hands, there is 93 with the closure of the debate versus zero who is against versus 16 who abstained.

So motion of closure of debate is adopted.

(Applause)

I'll give now the floor to the legal advisor to basically exactly explain the next step.

>> LEGAL ADVISOR: Thank you, Mr. Chairman.

Like I mentioned earlier, we are now going to immediately move on to the vote on the question at hand.

Like you said, this issue was the insertion of a new paragraph based on the amendment proposed by the African Group, an amendment that you had submitted to the room for adoption.

Allow me to read this text, and you'll excuse me for my English. "These Regulations recognize the right of access of Member States to international telecommunication services."

I'll read it again. "These Regulations recognize the right of access of Member States to international telecommunication services."

>> CHAIR: I will repeat in English.

New sentence, it will be the third sentence in the preamble, which will read, "These Regulations recognize the right of access of Member States to international telecommunication services."

France, you are asking for the floor?

>> FRANCE: No.

>> CHAIR: Okay. Thank you.

Thank you.

Now, if you you vote "Yes" the new paragraph will be adopted and included in the Preamble, as was read.

I'll repeat. If you vote yes, the new paragraph will be adopted and included in the Preamble as read.

Now, I will invite a show of hands using the white with the red square for Administrations who favor the inclusion of the new paragraph, as read in the Preamble.

And start...

(Voting)

You can now lower the board. Thank you.

And now if you vote no for the new paragraph proposed, it will not be included in the preamble.

And I want a show of hands on the Administrations who vote no against inclusion of the new paragraph as read. And I start now.

(Voting)

>> CHAIR: Thank you. You can lower the board now. Thank you.

Now, for Administrations who abstain from voting on the inclusion of the new paragraph as read. I want a show of hands on the countries who abstain. And start now. And use the white board with the red square. Start now. Thank you.

(Voting)

>> CHAIR: You can lower the boards now. Thank you.

Thank you. The required majority is 56.

8 have abstained. 33 was against. 77 was with.

(Applause)

>> CHAIR: So the paragraph is adopted as read.

And this was the last point under discussion. And now I can announce that DT/55 is adopted as amended.

(Applause)

United States?

>> UNITED STATES OF AMERICA: Mr. Chairman, as head of the U.S. Delegation, I wanted to start out and thank you for your tireless work and leadership. Your personal commitment to a successful outcome here is very impressive.

However, I do need to say that it's with a heavy heart and a sense of missed opportunities that the U.S. must communicate that it's not able to sign the agreement in the current form.

The Internet has given the world unimaginable economic and social benefit during these past 24 years, all without UN Regulation.

We candidly cannot support an ITU Treaty that is inconsistent with the multistakeholder model of Internet governance. As the ITU has stated, this conference was never meant to focus on Internet issues. However, today we're in a situation where we still have text and resolutions that cover issues on spam and also provisions on Internet governance. These past two weeks of course we have made good progress and shown a willingness to negotiate on a variety of telecommunications policy issues, such as roaming and settlement rates.

But the United States continues to believe that Internet policy must be multistakeholder driven. Internet policy should not be determined by Member States, but by citizens, communities, and broader society, and such consultation from the private sector and civil society is paramount. This has not happened here.

We live in an interconnected world, which is becoming more interconnected with every passing day. We came to this conference with a hope for finding ways to advance our cooperation in the telecommunications arena, and continue to believe that is an important goal.

We are disappointed that this conference didn't fully provide that opportunity, but remain committed to finding other ways to advance on our shared common goals.

Mr. Chairman, I'd like to ask that this intervention be entered into the record of the plenary.

And thank you for your time.

>> CHAIR: Thank you, United States.

United Kingdom?

>> UNITED KINGDOM: Thank you, Mr. Chairman.

I thank you for your continuing efforts to find an acceptable outcome.

Like the United States, I now find myself in the position and with enormous regret of having to explain the position of my delegation.

I have brought from the United Kingdom a multistakeholder delegation with broad expertise who are ready and prepared to negotiate on all issues.

We have taken part actively in many discussions and sought compromise and sought to understand the issues and concerns of other regions and Member States, and tried to find a text wherever we could.

We were willing to try to find a Treaty that we could live with in the interest of consensus and in the interest of developing an International Telecommunications Regulations fit for the 21st century. But there are elements that we find impossible to accept.

We all agreed that content was not intended to be part of the ITRs, but content issues keep coming up.

We preferred no text on security, but in the interest of compromise we worked towards language we could accept.

Unfortunately, the language that we proposed and the various alternatives we proposed were constantly rejected and the compromise that we have before us we could only possibly accept in the context of a Treaty that was acceptable in all other respects.

On the Internet itself, our position is clear. We do not see the ITRs as the place to address Internet issues. The proper place is multistakeholder fora, the IGF, the ICANN GAC, the CTST would all have been possibilities.

We were prepared to see an acceptable resolution in the context of an overall acceptable text, but that option was foreclosed.

So my position now is we prefer no resolution on the Internet at all, and I'm extremely concerned that the language just adopted for the Preamble opens the possibility of Internet and content issues.

We looked also to see if there was language that we could accept on the thorny issue of ROA versus OA. We preferred ROA and were advised there was an inconsistency between the Constitution and ITRs. As far as we can see and as far as we continue to see, all of the solutions proposed caused to a greater or lesser extent the same problem of an inconsistency between the ITRs and the Constitution, and that remains the case in the text before us.

In conclusion, Mr. Chairman, my delegation came to work for revised ITRs. But not at any cost. We're not able to sign a bad agreement that does nobody any favors and makes nobody happy. That does not mean that we will not continue to work with all delegates, all Member States and regions on these important issues of concern to many.

We will work with colleagues in the ITU and Study Groups and plenipots, in the IGF and in ICANN GAC, in the continued positive spirit and the will to work for win/win solutions that we came here with.

I request that this statement is reflected in the minutes of the plenary.

Thank you, Mr. Chairman.

>> CHAIR: Thank you, UK.

Sweden?

>> SWEDEN: Thank you Mr. Chairman. Sweden appreciates yours and the Secretary-General's tireless efforts and hard work. We would also like to express our gratitude to other colleagues' constructive attitude.

However, Sweden has serious concerns about some of the provisions in this ITRs, especially in relation to content and security. In addition, we feel uncomfortable with the new resolution on fostering and enabling an environment for the greater goal of the Internet. The new resolution does not properly recognize the existing multistakeholder arrangements for Internet governance and the Internet market.

Sweden therefore reserves its right to further consultations with capital before we decide whether or not to sign this Treaty, due to the concerns expressed.

Thank you.

>> CHAIR: Thank you Sweden.

Egypt?

>> EGYPT: Thank you, Chairman.

On behalf of Egypt, we would like to express our thanks and gratitude for the tremendous efforts and great patience that you have exhibited together with the Secretary-General and all the people involved in this conference.

And we would like to wish everyone the best of luck in the coming time. I think because of the division that we have seen here, we will definitely have to find ways to mend all these differences and keep on pushing for the advancement of this sector, advancement of the Internet in a multistakeholder environment as depicted, actually, in this Treaty. And I would like to thank the United Arab Emirates for hosting this conference, which will be -- which I think is a historical conference. And thank you very much for all your efforts.

>> CHAIR: Thank you.

Canada?

>> CANADA: Thank you, Chair. I'd like to thank you for your dedication throughout this conference and for the generous hospitality shown by the UAE.

In looking at the overall results of this conference, I'd like to point out the candidates have been clear from the outset that it desired to make progress in updating the ITRs to reflect the modern telecommunications environment. We were heartened to hear the Secretary-General state at the outset that fears that the conference would deal with Internet issues were unfounded.

We were also heartened to hear from the Secretary-General that the conference would operate on the basis of consensus.

Chairman, while progress has been made, we are sorry to report these expectations have not been realized.

Canada asked at the beginning of the conference that we deal first with the key issues that were before the conference; that is, the foundational issue of the definition of scope of application of the Treaty.

An agreement that the conference would not deal with Internet issues, particularly content and governance or security issues.

These issues were not resolved at the outset, and in our view it is clear there is still no consensus.

The conference did make significant progress in other issues, including the articles on roaming, charging and accounting. Canada worked with other delegations to reach compromise when possible. We compromised when we could. However, I regret to inform you that Canada cannot agree to the proposed revisions and resolutions on operating agency, security, spam, and Internet governance. Canada believes strongly that the current scope of the ITRs should be maintained, and these proposals would certainly extend it.

Nevertheless, Canada is committed to continuing to work with all States and all stakeholders in all settings to advance work in these important areas. We will work with the ITU in its area of mandate. We remain committed to strengthening our partnership with the ITU.

But we are also committed to working within the existing multistakeholder bodies, which are flexible, adaptable, and have a proven record of success to continue to further approve their inclusivity.

Moreover, Canada would like to reaffirm its commitment to an open private sector led Internet, one in which people are free to participate, communicate, organize and inform information. This has been the best model for innovation and bringing about a secure, stable and resilient Internet which promises to be an extraordinary vehicle for social and economic development.

Thank you, Chair.

>> CHAIR: Thank you.

Poland.

>> POLAND: Dear Chairman, dear Secretary-General, let me share with my personal feelings.

I'm personally under big impression of your excellent management of this important and difficult conference. I know that Poland didn't make your life easy, but I appreciate your skills and your abilities to handle this event. I appreciate your attempts to find a solution and compromise among such varied audience. I think you did an outstanding job. Thank you.

Poland --

(Applause)

Poland was one of the first countries that started public consultation of proposals to revision of ITRs. We have not only a mandate from my Government, but also a strong mandate from Polish society. Because of this, we cannot accept the current text of ITR. We have several concerns that were described accurately by other UK colleague. We reserve the right to consult the text with the Polish public opinion.

Poland is, however, committed to work on future development of International telecommunication services. We will continue to support other works of ITU.

We would like to include this statement in the minutes of the meeting. Thank you.

>> CHAIR: Thank you, Poland, and thank you for your words.

South Africa?

>> SOUTH AFRICA: Chairperson, delegates, regions, and observers and NGOs that are within our midst.

As the Africa Group, on behalf of the Africa Group, we thank you and all the delegates together with the Secretary-General, the ITU team for the considerable effort you have undertaken to produce what we believe is a good agreement. Given that the 1988 ITRs did not involve the developing countries, we recognize and we believe that it is indeed proper for us to have been here in times or in the time like this.

It is a matter of disappointment, of course, that the agreement has not been accepted by some delegations. Believe us, we also believe that this is still a win/win situation for all of us, the haves and the have-nots, the developed and the underdeveloped, the rich and the poor, the so-called first world and the formerly called third world.

We agreed that this conference should now be primarily about the Internet, but what we were faced with was what was somewhat a surreal situation where we could not even say the word "Internet, spam, ICT, communication," and other related issues, including just a mere securage of the infrastructure.

Internet, it is true to say it has been a dynamic and a powerful phenomenon for the development of our countries and ourselves. The Internet model is mostly exclusive to the citizens of the developing world. We are just recipients and consumers.

In fact, during the conference the reference was constantly made to international forums that do not include developing countries. We are then appreciating the fact that we have been together with all the thoughts of our countries, the regions, as they are, most of whom are developing, and our friends who are part of the developing world who supported us in this process.

It is not about us, it's about the whole continent. It's not about us, it's about the whole world. The world is a powerful colleague.

We would like to thank you for affording us an opportunity to be hosted here, and also affording us an opportunity to be recognized here, and for affording us an opportunity to have a say here.

We would like to take this message back to our citizens that indeed the ITRs have been produced and we have been part of it with our developed world and our friends who have seen to it that the definition of these ITRs are badly written, as it was given earlier on in the statement. We appreciate everything that has been done here. We acknowledge and recognize the lessons that we have learned. And we hope that the developed world has also learned a lesson in the process that indeed the world is a compilation. And change has to happen; it must be inclusive of everyone. Human rights are for all, whether you are poor or rich, high or low, developed or underdeveloped.

We repeat ourselves. We would like to thank all the countries that supported us, all the regions, all the collaboration that we had with all the regions who are fighting for the recognition of all the regions and all the countries equally so. We believe in the principle of equality.

We would like to thank the Chairperson for all of your patience, all the nights that you have spent, and all the monies and the sleepless nights. We believe in your leadership. We would like to thank you for everything that you have done with all the UAE members and the people of Dubai and the other Arab countries that have been part of the process.

We also believe in the support that you got from China and other regions of the world.

So on behalf of the African countries, we are saying this is your -- not Africa's world view, but it is the global world view, and we are humbled about that.

To all that have voted, thank you so much.

(Applause)

>> CHAIR: Thank you. I see that this is turning like a closing remarks of the conference.

I just wanted to announce that the Editorial Committee meeting will happen in ten minutes time. We have ten minutes to go. And we want to reconvene the plenary at 11:30 tonight. We are not finished yet.

I know. I'm giving you a hard time now.

But please, if you can, very briefly I have -- I'm closing the list. I have Netherlands, Lebanon, Iraq, Denmark, Kenya, New Zealand. We have one minute each because we need to close the meeting.

Netherlands briefly, please.

>> NETHERLANDS: Thank you, Mr. Chairman.

First of all, we would like to join all the others that have expressed their big gratitude for all the work that you have done, Mr. Chairman, and for the team that worked with you.

We have prepared this conference with the stakeholders in our country, so in the framework of the multistakeholders model we have consulted all the parties that have an interest.

We came to this conference in the hope of reaching a good Treaty text. We also have, as others, concerns about some of the provisions. We have concerns about the resolution on the Internet.

We continue to believe in the free and open Internet. We strongly believe in the multistakeholders model that has brought the Internet as it is today.

We are willing and we are bringing the text of the Treaty that we have in front of us back to our capital, and we will consult the Ministers and the Parliament on the content. It's up for them to make an assessment of acceptability.

In that sense, Mr. Chairman, we will not be able to sign the final act tomorrow, but we bring it home to the capital and see what the political assessment will be.

Thank you, Chairman.

>> CHAIR: Thank you, Netherlands.

Lebanon?

>> LEBANON: Good evening everyone. Thank you, Chairman.

The delegation of Lebanon thanks you and everyone in the room, and thanks Dubai for hosting this great conference.

Lebanon reaffirms its commitment to human rights, without any alterations. It reaffirms its commitment to Freedom of Expression, open access, and free -- open access to information and free flow of information. And that access should be to all ICT and both individuals and Member States. We believe in keeping the hands of the Government and everybody off content.

And assuring our citizens of the privacy, and the confidentiality of the data. We reaffirm our support to the multistakeholder governance of model of the Internet and multinational cooperation.

We hope that the agreement or the Treaty or the ITRs that were agreed to today will lead to better and further and faster development in around the world, especially for the citizens of Lebanon.

There have been many articles that we would have liked to see added and included in the agreement, especially those related to security and nonaggressive behavior between States.

In all cases, we thank you, thank everyone, and we wish everybody better days.

Thank you.

>> CHAIR: Thank you.

Iraq, you have a minute, please.

>> IRAQ: In the name of God the merciful, the beneficient.

The Iraqi Administration would like to present its gratitude and thanks to you, Mr. Chairperson, and to the state of the Emirates for hosting this important event. And we don't forget our great brother, Dr. Hamadoun Toure, and the team working with him who accompanied you in these difficult days of work.

We also thank all Members who participated for their hard work during these past days, and we wish to meet in other symposia and see the development of the communication sector.

And thank you to all participants.

>> CHAIR: Denmark.

>> DENMARK: Thank you, Chair.

Let me again thank you very much for your hospitality and hosting this conference, and also commend you again for your efforts in finding a reasonable compromise text.

When we came to Dubai, we came with an open mind and the willingness to be as constructive as possible to find a solution.

We also came with the condition that we would strongly fight for a free and open Internet and for an Internet governance model respecting the multistakeholder driven approach for governance. This has been a very successful model applied over many years; and it has contributed tremendously to growth, innovation and jobs, which we all consider very, very important.

We don't think that our conditions for coming here in that respect regarding the Internet has been duly taken into account. And for these reasons, and a number of other reasons, I have to inform you with regret that Denmark will not be able to sign the Treaty tomorrow.

That doesn't mean that we will not continue working together with other countries in ITU in order to promote the benefits to all of the Internet economy. We will do that in ITU. We will do that in other International fora, including in particular the developing countries, which we are very concerned about.

Thank you.

>> CHAIR: Thank you for being brief.

Kenya, please, in one minute. Because we owe the interpreters a rest before 11:30.

>> KENYA: Yes. Kenya wants to appreciate your patience and to thank the Government of UAE for the efforts that you've made towards reaching a consensus.

Kenya, prior to coming here, held several meetings through the multistakeholder approach and hoped that we would achieve the objectives we set. Unfortunately, we have not reached those objectives and I wish to say here that we reserve our rights of reservations to go back home and do more consultations.

Thank you.

>> CHAIR: Thank you.

New Zealand.

>> NEW ZEALAND: Thank you, Chair, and thank you for your tireless efforts in helping to help us to achieve consensus.

New Zealand approached these negotiations in good faith and desired to get a win/win outlook for everybody. New Zealand has been a longstanding and acting member of the ITU and remains committed to the processes and working with Member States. We believe that an open and rapidly evolving Internet is an important driver of economic growth and innovation. The current multistakeholder approach in managing the Internet supports this.

Unfortunately, the revised Regulations contains text which relates to the Internet, spam and security matters, which we consider to be outside the scope of the ITRs and should remain so.

Highlighting these concerns and noting the difference in time zones, at this stage New Zealand reserves the right to consult capital before making the decision on whether we will be able to sign the text.

Thank you.

>> CHAIR: Thank you.

Costa Rica.

>> COSTA RICA: Thank you, Chairman.

I would also like to thank the ITU and the Secretary-General, and we should also like to thank the UAE for their welcome.

On behalf of Costa Rica, our Government has always maintained the defense of a free Internet as a result of a Democratic political system. We have had an open series of hearings, and consulted all the stakeholders. We tried to find flexible solutions for public sovereignty and came to defend the promotion of those solutions. Costa Rica has always promoted and defended these initiatives.

However, Costa Rica will nevertheless reserve the right to not sign this document tomorrow and will maintain its consultations, since we will have these hearings in our Democratic system, and we have concerns on some of the provisions included which we believe could exceed the scope of the ITRs.

Thank you, Chairman.

>> CHAIR: Thank you. Qatar.

>> QATAR: Yes, Mr. Chairman. We would like to thank you for your efforts to achieve a successful outcome from this conference.

We have been discussing with our colleagues on positions to consider multistakeholder points of view that support the development of the information society and incentivize technological innovation. We have been working extensively to reach a balanced compromise.

We fully understand the concern expressed by various distinguished colleagues in relation to its address Internet content and unsolicited electronic communication.

Mr. Chairman, we believe that the Internet should continue its evolution in this collaborative open multistakeholder environment, and commit ourselves to work with all stakeholders, each acting to fully contribute to the development of the Internet. Thank you.

>> CHAIR: Thank you, Qatar.

Czech Republic.

>> CZECH REPUBLIC: Thank you, Chairman. And thanks all of you who took part in this conference, to all of them who prepared the conference, who spend here ten days, hardworking, and we believe that there will be opportunity to continue in our cooperation in the future, to continue to improve the situation also of our citizens, not only Governments.

We have experience from the last 20 years, very positive experience, from opening the society including its influence of Internet on it. And we believe that a number of countries will follow our example.

So we are looking for the future cooperation. We do not take this conference as totally unsuccessful, because it could help us for the future steps. I believe that we will meet next time under better conditions.

We are not able to sign the Treaty. Nevertheless, we are optimistic and we recommend the same way for all of you.

Thank you.

>> CHAIR: Thank you very much. And thank you for -- thank you everyone.

We will adjourn the meeting now and we will reconvene at 11:30 p.m. tonight. 11:30 p.m. tonight. This room.

(Applause)

(Adjournment at 22:30)

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