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BUCHAREST, ROMANIA

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NINTH MEETING OF THE COMMITTEE 5

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>> Good evening, colleagues. Good afternoon, I guess.

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>> Recording in progress.

>> CHAIR: Good afternoon, colleagues. Just a housekeeping announcement for the working group of the plenary. The Chairman of the Working Group of the Plenary and the regional coordinators will be meeting right now Room Avram. Room Avram. Com 5 will be starting in a few minutes. Thanks.

>> Recording stopped.

>> CHAIR: Good afternoon, everyone. We are about to start Com 5. So please be seated.

>> Recording in progress.

>> CHAIR: Good afternoon. We are come to the ninth meeting of the Com 5 and the last meeting of the Com 5. Yeah. I would like to the working group plenary chair to give me an over --

(Off microphone)

>> CHAIR: Yeah. Okay. So, we can start our meeting now.

We have agenda to approve, which is the ADM/43. Do I have any comments on the agenda?

No requests from the floor. Agenda is approved.

We have two remaining issues, our Com 5. Which is one is the new resolution, industry engagement. And the other is our Resolution 146.

So, the first I would invite ad hoc group Chair, he's been managing the membership issues. And then I know he's been staying very late, until, like, 11:00 something to continue their discussions on the drafting new resolution.

I will invite Vice-Chair Mr. Okorie to give us update on the new resolution. In Okorie, you have the floor.

>> CHIMA OKORIE: Thank you very much, Chair. Good afternoon, Colleagues. This is the update from the ad hoc group on our discussions. We met yesterday, in line with the direction given by the chair to further discuss the new draft text on industry participation in the work of the Union.

In all, therefore, the ad hoc had 11 meetings. And Rev 1 of DT/51 captures the result after the last session last night, yesterday, Monday, 10th October.

However, Chair, this document was not agreed upon. In this sense, the entire DT is in square brackets. Arising from the lack of agreement, however, the ad hoc worked on an alternative solution, which is not to have a new resolution on industry engagement, and, instead, include a recommendation in the report of the plenary, which, with your kind permission, Chair, I will read out.

Okay. Thank you, Chair. Okay.

So, the text is the Secretary-General, okay, it's there. The Secretary-General and the Directors of the Bureaux should continue encouraging the enhanced participation of and seek the views of entities and organizations in the activities of the Union, in accordance with all relevant provisions of the ITU Constitution and Convention.

The Plenipotentiary Conference further invites the director of bureaux to bring this topic to the attention of their respective advisory groups, as appropriate.

Chairman, I add that we have two square brackets on that text, irrespective, we were not able to reach a consensus. So we will be seeking guidance on the way forward. If the option of issue recommendation is acceptable, I will also then be seeking guidance to remove the brackets, keeping the language in the recommendation.

I would also want to thank members of the ad hoc for their hard work. We practically spent the night here yesterday, and we had to still hold an informal session this afternoon.

I thank everybody for the frank discussion and the thoughtful deliberations throughout. I also thank the Secretariat, Mr. Jose Maria have been very, very support, and he worked around the clock, too, with us. Thank you, Chair, for the opportunity to be of service. Thank you.

>> CHAIR: Thank you. I really want to appreciate you. And then everyone who engaged in the conversation. Well, that's the that's a loss for us, with all the discussions you had we couldn't reach an agreement. That's sad news. And that's what we have to live with.

We have a proper text here to be included in Com 5 Chair's report to plenary. And we still see the two square brackets. Let me try in this way first. Do we agree to withdraw the square brackets here? The last time I heard that the one reason group that was discussed within their groups to remove the square brackets.

My question is, do you object to (?) from the text what you seen on the screen? So, request the floor if you only object to remove the square brackets. Iran, you have the floor.

>> ISLAMIC REPUBLIC OF IRAN: Thank you, Chair. At least give us some opportunity before deciding on something. I don't believe that the last paragraph need any square brackets at all. Plenipotentiary Conference will invite instruction, so on, so forth. So I don't think there is any sense to put a square bracket and there is no need to discuss that. Nothing prevent Plenipotentiary Conference to select general, directors, advisory group and sometimes, sometimes a study group. So I believe that the removal of square brackets for the last paragraph is something very, very normal and does not need any discussion yes or no.

And then I have two other comments, but I take them one by one. Thank you.

>> CHAIR: Thank you, Iran. Everyone, please request the floor and I ask you the question. Please understand the question before you ask for the floor. My question is, do you object to remove the square brackets from the text? The it will stay, the square brackets will be removed. Only once you object -- have any objection to this, my proposal, you take the floor.

Nigeria, you have the floor.

>> NIGERIA: Thank you very much, Chairperson. So, as regards to the square brackets, emphasis on line 2, sentence 2. Can I proceed, please?

>> CHAIR: Please go ahead.

>> NIGERIA: Line 2, seek the views of. We would like the square brackets to retained or the text in the brackets kindly removed. Thank you.

>> CHAIR: Thank you, Niger. We will remove the square bracket with the text for the second sentence. And remove the brackets for the second paragraph. So, this is the text we have right now. So, Iran, you have the floor.

>> ISLAMIC REPUBLIC OF IRAN: Thank you, Chair. In last Council, we had a document which -- or in which there was the term "Should," the legal advisor of the ITU or the Secretary-General. I don't want to comment whether right or wrong. Said that should is optional. Therefore, I suggest that instead of saying that should continue or we say after the rule or instructed to continue. And we don't need to say should. We don't need to be optional. That is instruction and that is important because this resolution important for many people. And now the idea to that one. So, I suggest that to replace the word should with the bureaux are instructed to continue. Thank you.

>> CHAIR: Thank you, Iran. We report from the Vice-Chair this has been carefully discussed during the ad hoc groups. Before we make a change, I want to ask the Vice-Chair if this has been considered in your discussions. If you want us to proceed with the new insertion in this text.

>> VICE-CHAIR: Thank you, Chair. The text is a product of deep consideration by members. And we kindly urge that it be considered as is. Thank you, Chair.

>> CHAIR: Thank you, Chair of the ad hoc group. U.S., you have the floor.

>> UNITED STATES OF AMERICA: Thank you, Madam Chair. I'm going to be brief. We fully support the intervention made by Mr. Aresteh just now. And the reason is that this text was, actually, an agreed instruction in the resolve's part of the resolution, which was not bracketed text. Including the words to seek the views of.

So, with that compromise, I fully support the insertion made by Mr. Aresteh, which is the correct procedural way forward. Thank you very much.

>> CHAIR: Thank you. Since there is support, we will try to change the text right now. And then, India, you have the floor.

>> INDIA: Thank you, Madam Chair. I also propose to include the text proposed by Iran because that gives the true spirit of the sentence. Thank you.

>> CHAIR: Thank you, India. So, there has been support to change. So, the current text you can see on the screen.

We agreed not to have a new resolution, and then will be included in Com 5 Chair's report to the plenary. Is there any objection to this text, current text?

Egypt online you have the floor.

>> EGYPT: Thank you very much. We would prefer to stick to the language of the Convention and in that sense, we would be more comfortable rather than using instruction, we can use our or the Secretary-General and the directors of the bureaux shall continue to encourage.

(Overlapping speakers)

>> CHAIR: I can hear you. But in this case, you want to go back to the original, which was should, not shall. Is that correct.

>> EGYPT: If there is (audio difficulty) in such a case shall rather than are instructed to. Thank you.

Thank you, Israel. Niger you have the floor.

>> NIGERIA: I am speaking on behalf of Nigeria. Just to be clear on that, please. Thank you, very much. Nigeria strongly supports the statement from Egypt. Rather than go with the word should, we would rather stick to what we have in the Article 19 of the Convention. Which says shall encourage. So, rather the word shall, rather than word instructed should be accepted, please. Thank you.

>> CHAIR: Thank you, Nigeria. When you request the floor, it shows Niger, so I will look in my detail Nigeria.

Iran, you have the floor.

>> ISLAMIC REPUBLIC OF IRAN: All Secretary-Generals, Directors are instructed. It is an instruction to them. It is not something for future shall and so on and so forth. It is an instruction. And instruction is noted listed mandatory. I have not seen any text saying that the Secretary-General shall do this, the Secretary-General all instructed. That is in section from the higher body and we maintain our position to retain shall instruct. Thank you. Sorry. To be instructed. I'm very sorry. To be instructed. And my proposal was supported by U.S.A. and I don't think there's a need to have somebody else saying to go back to initial language. The proposal was supported and that is the exactly language of the Constitution Convention, instructed but not shall. I don't see any reason to use the word shall here. Thank you.

>> CHAIR: Thank you, Iran. We just checked your Article 19. There is a shall. Shall engage. That's 228 that there is language used shall. That's where Nigeria coming from. They have their own point.

So, Russia, you have the floor.

>> RUSSIAN FEDERATION: Thank you, Madam Chair. At the outset, I would like to thank all of those who worked on this text. And I welcome the proposals, the valuable proposal from our colleague from Iran, Mr. Aresteh. It is quite right that we don't need to repeat the Convention text because it's in the Convention. If we make the decision to develop on it, to go a step further, then we should add to what we have in the Convention with instructions. We would like to support that proposal. I do not think that we should spend much time discussing this. It's all very clear. If we want to repeat the convention text, then this would negate the sense of our work. We would have spent a lot of time simply to repeat Article 19.

Let us agree to the excellent compromise proposal, especially as this was very much agreeable to the authors of the resolution or at least I have not heard any arguments against it. So, let us agree and move on. Thank you.

>> CHAIR: Thank you, Russia. I can't agree more. I want -- everyone agreed to this text and I want to move on.

So, U.S., you have the floor.

>> UNITED STATES OF AMERICA: Thank you, Madam Chair. I think everybody is correct in their way of interpreting the text. But Mr. Aresteh's approach is the more appropriate one. Obviously, yes, Article 19 says shall continue. But in this case, the secretary and the Director of the Bureaux are instructed by the Plenipotentiary Conference. They are instructed by the Plenipotentiary Conference. And that's the key here.

So, Mr. Aresteh's approach is the most appropriate one. Thank you very much.

>> CHAIR: Thank you, U.S.

Canada, you have the floor.

>> CANADA: Thank you, Madam Chair. I will be brief. Canada supports the proposal from the delegate of Iran.

>> CHAIR: Thank you, Canada.

UK, you have the floor.

>> UNITED KINGDOM: Thank you, Madam Chair, like Canada and U.S., we support the intervention of Iran. It's quite right that we instruct the Secretary-General and the directors. That is the wording we use. Thank you.

>> CHAIR: Thank you, UK.

While the view of the room is are instructed to seems more suitable to this sentence. So, I encourage the African Group to consider to use this language in this sentence.

Saudi Arabia, you have the floor.

>> SAUDI ARABIA: Thank you, Madam Chair. At the outset, I wish to thank the Chair of the Drafting Committee for the excellent leadership in that work. This allowed us to complete some of our work. We devoted several meetings to this issue, and the most recent proposal was not discussed during the group meetings and we do not believe it would be appropriate to advance such a proposal at this time.

This is why we prefer the initial text, as was proposed by the Chair of the Drafting Committee.

>> CHAIR: Nigeria, you have the floor.

>> NIGERIA: Thank you once again, chairperson. A lot of put into this text. All right.? Probably 11 meetings before it's brought here finally and this compromised text was already agreed upon barely about an hour ago, or less.

This change now might be taking us back to the basis of where we are coming from. I would like to appeal to our colleague from Iran. Why this intervention is good, it might be coming at a very late hour. And this might not be the best approach at this time if we really need to move forward.

So, I kindly appeal that we return to the statements of shall as consistency is of key here. This is kindly an appeal, please. Thank you.

>> CHAIR: Thank you, Nigeria. Cote D'Ivoire, you have the floor.

>> COTE D'IVOIRE: Thank you, Madam Chair. I think that the debate we are having is a legal one. When we look at these two paragraphs now, in the first paragraph, we have a passive form with our instructed to, while in the second paragraph there is an active form. It is the Plenipotentiary that is instructed here. And so having the first paragraph as passive and the second as active introduces inconsistency. There should be the active form in the first paragraph to keep it consistent with the second one and so we should go back to shall. Thank you.

>> CHAIR: Thank you, Cote D'Ivoire.

The last request was draft if it was mistake, you can request the floor again. Egypt online, you have the floor.

>> EGYPT: Thank you very much. Just to be clear, the last intervention from Saudi Arabia was absolutely correct. We acknowledge the wise intervention of Mr. Aresteh from Iran. The problem is that this particular paragraphs have been very, very contentiously discussed in the ad hoc and in the informals after many deliberations. So, we were comfortable with the "should." And there is many background information and discussions behind that.

Having received an intervention right now to change it, it could open some more rooms for discussion. Again, we would divert to the original "Should." This is our preference. And as a fallback in the spirit of compromise, we were more inclined to use the language as per the Convention.

But our preference, of course, because we have discussed the "should" and we were comfortable with that. And this has been pretty much discussed with U.S. and many colleagues as well from Africa and Arab Group participating in the informals. Thank you.

>> CHAIR: Thank you, Egypt. It is easier for you to say unless there is a better way. But I would like to respect all the work has been done by the ad hoc groups. So I want to request to go back to the should, not the are instructed to and shall. We can respect all the work has been done by ad hoc groups and negotiations done by those groups. While we can always find a better way, but it's -- well, for me here is a reasonable way is to respect the work has been done here. So, they have put in a lot of work and a lot of times to negotiate this sentences.

So, we know there might be better way. But we can continue with those proposed by the ad hoc group chairs.

Iran, you have the floor.

>> ISLAMIC REPUBLIC OF IRAN: Thank you, Chair. I think there is no personal issue and we should avoid personalizing the situation. The way not to have this difficulty, Secretary-General and the draft will continue encouraging. Thank you.

>> CHAIR: Thank you, Iran.

So, I keep saying that we should respect the ad hoc group's work. Let's not change anything here. So, is there any strong objections to the current text?

U.S., you have the floor.

>> UNITED STATES OF AMERICA: Thank you, Madam Chair. We never agreed to the deletion of the text that you had in square brackets and seek the views of. We have agreed to that.

And as I stated clearly, this text was and is, indeed, resolution that one side made substantial compromise on. And this specific text, Madam Chair, was not bracketed. Was not bracketed.

And this -- these words are very important to seek a two-way dialogue. Without this, you do not have it. We never agreed to this deletion. It was square bracketed and we wish to retain this text.

Again, the ad hoc chair could show the resolution and he could see that this text was not bracketed.

>> CHAIR: Thank you, U.S. Zimbabwe. Please give the floor to the Zimbabwe.

>> ZIMBABWE: Thank you, Madam Chair. I think for progress sake, we need to move forward. I know what our colleagues in the -- from the U.S. are saying, that the text was not bracketed, but, remember, when it was in the resolution, the whole resolution was in square brackets. So, if it had not been square bracketed in the resolution, it was, too, squared bracketed because it was part of the text that was square bracketed.

So, if we start opening this judging by the kind of debate that went on in the ad hoc, our broad group over the issue, we will not be able to conclude this discussion at all. I think need to see where we can compromise, at least on this text, the short text which is lightly agreed to so we can move forward. Thank you, Chair.

>> CHAIR: Thank you, Zimbabwe. Australia, you have the floor.

>> AUSTRALIA: Thank you, Chair. Australia would like to echo comments from our colleague from the United States that we have made significant compromises to reach this text. We consider it important to ask the ITU to hear the report from industry and to hear a two-way conversation. We argue that such an engagement with industry offers a win-win approach. Industry can advise the ITU and the ITU can advise the industry. Thank you.

>> CHAIR: Thank you, Australia.

Spain and Nigeria. Spain, you have the floor.

>> SPAIN: Thank you, Chair. I don't know whether translation now, but we have it, right?

>> Yes, there is interpretation.

>> SPAIN: Spain also, just like United States, said that to be part in square brackets in the first sentence is fundamental to the spirit of this resolution. Further, we would be getting into a situation where we are repeating lots of things, resolutions, et cetera of the ITU that would become relevant again.

>> CHAIR: I have a request from Nigeria to go. And then it is closed. Nigeria, you have the floor.

>> NIGERIA: Thank you, Madam Chair. I would like to draw our attention to the IT Convention, all right? Literally, what is this resolution all about and then this text we are putting forward?

The industry is already participating in the work of the ITU. They are already making their views and opinions on issues at story group levels, maybe not governance levels of the ITU but already participating. So, what extent is this resolution of this text? What is it trying to achieve? That is the question number one.

Two, a lot of member states and countries compromised. So, when our colleagues from the U.S. and Australia speak about compromise, yes, compromise has been made for these to be considered in the first place amongst ourselves.

So, we are still strongly of the opinion that for compromise sake, that text remains deleted the way it is, so we can actually move forward in the spirit of compromise. Thank you very much.

>> CHAIR: Thank you, Nigeria.

Togo, you have the floor now.

>> TOGO: Thank you, Madam Chair. If we look at the French version of the Convention, this discussion becomes a little difficult to understand for us as French speakers. Because in the Convention it states that the Secretary-General and the directors of the bureaux encourage, especially as this document seeks to continue to encourage, continue encouraging.

Perhaps to make it simpler, we could return to the proposal made by Mr. Aresteh and dispense with shall and should. Because the French version of the Convention is legally valid and it says that the Secretary-General and Directors of the Bureaux encourage this document that we are trying to draft if we want to contribute through it.

It says continue encouraging. It just says encourage without should or shall. So, we could keep things simpler by going with Mr. Aresteh's proposal by dispensing with shall and should, by saying continue encouraging. Thank you.

>> CHAIR: Thank you, Togo.

Ireland, you have the floor.

>> IRELAND: Thank you, Madam Chair and good afternoon to all delegates. Just I'll be very brief, Madam Chair just to offer Ireland's support for the comments by the U.S.A. in relation to the text that's in square brackets on the screen in front of us. We would rather that text was not deleted and the text goes forward as proposed. Thank you, Madam Chair.

>> CHAIR: Thank you, Ireland.

So, I hear one side of the room, they said they made a compromise. But also, it's not fair to say that the other side didn't make a compromise. Because this resolution, to my knowledge, it has been discussed since the WTSA. So the other side also made a compromise. You have to remember that point.

So, we are looking at this sentence here. So, I don't want to put anything else since there is a difference here. We want to focus on square brackets. Second paragraph we deleted square brackets. For the first square brackets, do you really think this makes it really difficult to upset? I want to ask the other side. The other side, they also made the compromise. Think about that situation.

And then I would like to ask again to -- I will try again once. Remove the square brackets here. So, Russia, you have the floor.

>> RUSSIAN FEDERATION: Thank you, Madam Chair. We support the participants saying that the text should be deleted. As a basis for our position, we add here to the spirit of Article 19, and if we leave these words, then we will change -- we will do a complete 180. So, we would propose deleting the text. Thank you.

>> CHAIR: Thank you, Russia.

UK, you have the floor.

>> UNITED KINGDOM: Thank you, Madam Chair. Regarding the text in the square brackets in seek the views of, the general idea behind the actual proposed resolution was to have industry have a two-way conversation with the different organizations of the ITU. Without that text we haven't got that two-way conversation going on. That's quite critical if we want to have enhanced industry participation, I would have thought.

Thank you.

>> CHAIR: Thank you, UK.

So, this is the last Com 5. Everyone wants to give me a hard time. So, okay. I can live with that. Then let me try again.

So, since there is no resolution, actually, up to yesterday, there has been a possibility of having a new resolution. Last minute we heard different things. So, it went to ad hoc groups again. Now we got nothing, no new direct resolutions.

So, we need to find a middle ground. And since this is Com 5 Chair's report to the Plenary and, like, others expressed, too, that if we say should continue, it doesn't have bigger bindings. Then to me, it can be a middle ground, remove square brackets here and keep the sentence.

Let me try in this way. Secretary, please remove the square brackets and revert back to sentences.

Keep in mind that we all made a sacrifice and that we all made a compromise here. So, do you have any strong objections to this sentence now?

Yeah, list is growing. Iran, Russia, China, and Togo. And India. List is closed.

Iran.

>> ISLAMIC REPUBLIC OF IRAN: Chair, if we delete should and retain encourage, then implicitly the objectives of the deleted text is square bracket is achieved. So, you cannot have double actions on one hand. Put should. On the other hand delete what was in the square brackets. So, if you delete should and encourage, only encourage, not should, then the objectives of the text in square bracket seeking the views will be achieved because there is no conditions. Encouraging them and by encouragement, no doubt there is no unilateral decision for Secretary-General and Director. They will discuss it, though, and that is seeking their views, Chairman.

I hope some peoples kindly, carefully consider that. You have to have a combination of either deleting should and encourage and deleting square bracket or if you want to put the text in square bracket, you should not have should. You should have are competing, Chairman, or at the very rare case shall. We should have something understandable by everybody. Thank you.

>> CHAIR: Thank you, Iran.

Saudi Arabia, you have the floor.

>> SAUDI ARABIA: Thank you, Madam Chair. To be brief, we are not in favor of keeping the text in square brackets and seek the views. We would like for it to be removed. Thank you.

>> CHAIR: Thank you, Saudi Arabia.

Russia, you have the floor.

>> RUSSIAN FEDERATION: Thank you very much, Madam Chair. We also do not support the removal of the square brackets. We propose deleting the text that was previously in square brackets. Because this fundamentally radically changes the spirit of our organization.

Regarding shall or instruct, we do not have issues with that. We agree with should as proposed now. Thank you.

>> CHAIR: Thank you, Russia.

China, you have the floor.

>> CHINA: Thank you, Madam Chair. We agree with the previous statements. We suggest deleting should based on the following reasons. First, seek the views of this expression is not in agreement in our previous ad hoc discussions. Thus, we think it should remain in the bracket and enhance the preservation include and organizations to seek the view that it's not necessary to double state it.

Third, in the Convention and Constitution, it has not clearly stated to seek the views. But only to promote the participation. Based on the above-mentioned reasons, we suggest deleting the should part and only remain the part that has strike agreement. Thank you.

>> CHAIR: Thank you, China.

Togo, you have the floor.

>> TOGO: Thank you very much, Madam Chair. Just like our colleagues were saying, Togo suggested we could take out the end of the sentence, this discussion on the shall and the should. And refer to this part of the sentence. So Togo reiterates that if we take that out, that offers a possibility for us to be able to take out should, which would be coherent with the French version of the document.

So, just in summary, Togo suggests taking out the end of the phrase and seek the views of, and also take out the word should pursuant to the Convention. That would provide better meaning to the text. Thank you.

>> CHAIR: Thank you, Togo.

India, you have the floor.

>> INDIA: Thank you Madam Chair. I think your plan leading off the statement keeping two things. In the first sentence we are asking Secretary-General and the Director should continue encouraging. And then we are asking the views. So, one with should and the other seek, I doesn't think gel well. He consider to strike out the in record preparation of what it was in view of -- like seek the views of. Otherwise, it's not a very good presentation of the views, what we want to extend.

>> CHAIR: Thank you, India.

Cote D'Ivoire, you have the floor.

>> COTE D'IVOIRE: Thank you, Madam Chair, I wish to draw the entire conference to the Article 6 of the Constitution which establishes that the member states are compelled to align with the provisions of the Constitution. If we keep the text as presented there and seek the views of, we would somewhat contradict some of the elements of the Constitution. Thus, like all of the delegates that expressed a view in favor of taking it out and seek the views of, Cote D'Ivoire also proposes deleting and seek the views of so that we are in line with the constitution.

Thank you, Madam Chair.

>> CHAIR: Thank you, Cote D'Ivoire.

I heard the different views. Let me try again. One second. So, we delete "and seek the views of" and delete "should."

Change to continue to encourage.

So, let me try once again. Is there any strong objections on this sentences, what you see on the screen? Only take the floor if you have strong objections.

I see no request. So, we do not have a new resolutions, but we will have this text in my summary to the Plenary. Thank you, everyone.

So, another -- U.S., you have the floor.

>> UNITED STATES OF AMERICA: Thank you, Madam Chair. Madam Chair, while we do not agree with the outcome, nevertheless, we joined -- we will join the consensus. However, the message is very clear, very clear. The participation of sector members doesn't seem to be encouraged in this institution. Thank you very much.

>> CHAIR: Thank you, U.S.

The industry participation is important, in my personal view. Thank you.

And next we move to another critical resolution, Resolution 146. So, we saved it -- this for the last to have fun.

So, we have DT/76. So, is it -- are you asking for the floor on this matter or is it that -- please allow me. I will give the floor to the ad hoc chairs to introduce updates and I will give the floor to you.

So, first, I will give the floor to the Papua New Guinea, Ms. Caroline Greenway to briefly update us what's happened since yesterday meeting. PNG, you have the floor.

>> CAROLINE GREENWAY: Thank you, Chair and we tried very hard to be able to bring you good news for your last meeting. So I met this morning with the regional coordinators and with focal points for Resolution 146.

We had a frank discussion and, I think that among the participants, there is a well-understood each other's positions. Those positions have been held for a number of years and they are well-established and they are deeply held.

From that, I think we really did fail to come to any kind of a consensus agreement. Although all groups were prepared to consider a means of continuing some conversation about the ITRs within the ITU. The mechanism for doing that was very much a cause for a lack of agreement.

A number wanted that to be done through the Council, whereas others wanted a group to be established, whether it be an expert group, a Council Working Group or a member state advisory group. Although we focused down on an expert group.

So, we came to no conclusion at all on that. And I think that you can see that result in the complexity in the document that we present to you, DT/76.

So, that contains all of the resolves in square brackets. So, you can also see there the differences, if you study that document, the differences in approach in the different regional groups.

So, we did try our best, Chair. And I wish I could have brought you better news. But I would like to acknowledge all of the participants because they did speak with each other frankly, and did share views openly and honestly, I think.

And I would also like to acknowledge the work of the secretary, Ms. Zoya Yang, which, as you can see from the complexity of the documents, the number of updates that she had to do was -- involved quite a deal of complex and lengthy work. So, I would like to acknowledge that.

So, here you have it, Chair. And once again, I'm sorry, I couldn't have brought you better news. Thank you.

>> CHAIR: Thank you, Caroline. Apparently, this is not good news. But not unexpected news so please don't be sorry. If you brought us a conclusion, you would have been a hero to PP-22 so, that's okay. Anyway, I really appreciate all the work you have done.

And then, well, we have a DT/76 like the ad hoc chair described. It's not in the upcoming document. Before I give floor, if you recall, we had a request from the member to have a regal advisors' view. I will give the floor to the legal advisor first and then get back to you. So legal advisor, you have the floor now.

>> LEGAL ADVISOR: Thank you very much, Madam Chair. And good afternoon, colleagues. I understand that during your last meeting a question was asked in regard to 146. And the question was, what would happen if Resolution 166 were not to be revised at this conference? Will the expert group be reconvened in such a case by the Secretary-General?

So, I understand this is a very sensitive and, perhaps, even polarizing question and I thank you very much and I appreciate very much the support indeed you offer my legal views on this.

I would like make two observations. The first one is that in revising Resolution 146 in 2018, member states decided to instruct the expert group to submit through counsel its final report at PP-22. As we know the final report was submitted to this conference and this to me suggests that the expert group has completed its work and fully discharged its mandate under the terms of Resolution 146.

The second comment I would like to make is that, well, perhaps we have a precedent here. When faced with a similar question in 2018, the Conference decided to formally reconvene the expert group through the adoption of their revision to Resolution 146.

So, this very explicit decision of the Conference in 2018 to reconvene the group suggests to me that PP-18 considered that the duration of the mandate of the expert group was limited in time and did not extend beyond the date of submission of its final report.

One can in my view reasonably assume that if PP 18 expert group you continued its work after the submitting of its final report it would not formal to reconvene the expert group as it did to an amendment to PP Resolution 146.

In short, Madam Chair, if Resolution 146 is not revised at this conference, I believe that the Secretary-General will have no mandate to reconvene the expert group.

I hope these two observations will assist you in your debate. Thank you very much.

>> CHAIR: Thank you.

We have heard from him, so now we can 61 our discussions. Since yesterday, last night, actually, we always saved the revised Resolution from the RF group. I will give the floor to the Egypt to explain to this. Egypt, you have the floor. Thank you for the patience.

>> EGYPT: Yes. Thank you, Madam Chair. I was insisting to ask for the floor because I did not find the contribution on the agenda. I requested the floor when we were adopting the agenda but apparently you did not see my request. So, this is what I was asking about. Why the proposal from the Arab states is not on the agenda.

Are we going to present it on the screen, please? Yeah. Okay. Thank you.

>> CHAIR: Thank you, Egypt. We have a DT to send it to the Plenary. If you wish, we can show on the screen. So, Secretary, please provide the document on the screen and you can continue.

>> EGYPT: Thank you very much for giving me the floor and allowing us to present by the Arab states.

A quick background in order to explain this -- what you see on the screen. What you see on the screen is the third concession that the Arab states have made with regards to Resolution 146. Our original proposal requested an experts group on the ITRs with the potential and we added clear terms of reference as Annex 1 to this proposal.

As a way of compromise, in order to satisfy the -- all the regions, we tried to merge our proposals with Africa and with the RCC to have an MSAD without referring to the wicket, which was in our original proposal. This was rejected by the group.

We made further concessions during the meetings and we proposed to accept the Chair's proposal of having an expert group and to delete the Annex with the TOR and only include a few sentences in the body of the resolution on what the group should address. This is DT/76, I believe, which has been on the agenda.

This was also rejected.

Today and according to the regional consultations yesterday and this morning, the Arab states are proposing the document that you see on the screen, which, as I said, is our third attempt for compromise according to this compromise, the ITR of the experts group object would be created in Council. We have only made minimal amendments to Resolution 146. We have only changed the dates in this resolution.

I find it very strange, Madam Chair, since I have the floor, to find such huge resistance from the groups to reconvening the expert groups. And I thank the legal advisor for his opinion on that matter.

Yet, I am not sure that we could -- we would agree with his proposal because from one point, we could assume that the group finished its mandate. But, actually, the ToR also requested the group to achieve consensus. This is not reached. And we are supposed to try to reach consensus, Madam Chair.

I do not understand why there is resistance to having a group to discuss the International Telecommunication Regulations. It is the treaty, which is complimentary to the ITU Constitution. And which establishes general principles on the provision and the operation of international telecommunication services.

It facilitates global interconnection and interoperability and it promotes efficiency, usefulness and availability of international telecommunication communication services. In short it tries to help us communicate with each other. How could this be not important enough for having an expert group?

In fact, as mentioned before, I don't want to repeat myself, I think it's important I do. Much of the content of the ITRs is also discussed and agreed upon in other organizations. How could we not include it in the agency responsible for telecommunication. We have heard among the reasons for not convening the group is saving on financial resources.

What we are discussing today is an ITU treaty. One that is complimentary to the constitution. It's a priority. We are saving on financial resources elsewhere in ITU. Nonetheless, Madam Chair, we propose to have in this resolution also suggestions on saving financial resources like, for example, deleting the proposal on having fellowships. It's not among the proposal. But if the group -- if the committee would like, we can do that. We can consider it.

And in addition, Madam Chair, since I have the floor, it's important also for us to know how much exactly was the cost of the experts groups to be able to assess and weigh the importance of the group.

Madam Chair, this is the proposal from the Arab states, as I said. It includes only minimal, minimal revisions. As you can see, we are only changing the dates. Thank you.

>> CHAIR: Thank you, Egypt.

To my knowledge, everyone's proposal has been rejected. So, we do not have anything agreed. So, now, Russia, you have the floor.

>> RUSSIAN FEDERATION: Thank you, Madam Chair. My statement will consist of two parts. First, I take the opportunity to address the legal advisor who is present here. I would like further clarification. I hope that the advisors will allow us to make progress in a more efficient manner.

Resolution 146 in its decisive part in paragraph 2, obliges us to conduct a comprehensive review of the ITRs with the view to achieving consensus on the way forward in respect of the ITRs.

If we look at Document 35, presented by the Chair of the group of experts on ITRs, we can see that in the report there is no fact stated that the group achieved a consensus, especially when it comes to a way forward.

In my view, this means, first, that the group has not discharged its mandate, which is clearly stated in the report.

Second, that Resolution 146 cannot be considered fulfilled. That is to say, all of the instructions or decisions adopted by PP in 2018 have not been implemented. Taking this into account, this is a rather important fact, in my view. Doesn't mean that the resolution has been fulfilled and that the group should cease its activities.

And turning to my -- the second part of my statement, I wish to echo the statement by my colleagues from the Arab region and as coordinator on the issue for the RCC, I would like to support the proposal made, put forward, that is, by the group of Arab states. Thank you.

>> CHAIR: Thank you, Russia. Cote D'Ivoire, you have the floor.

>> COTE D'IVOIRE: Thank you, Madam Chair. Cote D'Ivoire, on behalf of the African Group, which is to align with the contribution presented by the Arab group, which seeks to update the Resolution 146 regarding the dates that make the work of the expert group obsolete.

So, as my colleague from Egypt very well said, the African Group has an obvious interest in this -- in the discussions being able to continue in this group. And we have made a contribution which, among other things, sought to ensure that the terms of reference would be defined at this Plenipotentiary Conference, so that the group that would be set up would have clear guidance and, just like we said, would be an opportunity to help us to reach consensus on the way forward on ITRs.

Those leading our Union to quite a delicate situation. So, in order to reach consensus, we were prepared to make some concessions and go back on these initial expectations and work with colleagues from the other regions to reach at least a minimum agreement.

The minimum agreement that we reached, I think, was that it was necessary to continue discussions on ITRs. We believed that it would be necessary to continue discussions on these. And to do that, it would be important to identify adequate framework to be able to engage in these discussions.

So, I would say that we are not far. I am optimistic -- we are not far from a consensus. For us to identify the vehicle that would enable us to exchange on this question that is of concern for many of the members of our union, that this is why this minimal proposal being put on the table by the Arab group is supported by our group. And we hope that the other regional groups will be able to accept it so that we can have this ad hoc group meet so that we can continue to continue our exchanges so that we can then feedback to the ITU Council at its next session.

I wish to reiterate once again our support to this and invite our colleagues from the other regions in a spirit of compromise that, of course, prevails in the Union so that we can round off this point, which is of the utmost importance and that is a priority for our region. Because very often we talk about priorities, but this really, ITR, is a priority for Africa. Thank you, Chair.

>> CHAIR: Thank you, Cote D'Ivoire. We have only two minutes left on our list. Zimbabwe, Czech Republic, U.S., Romania and Iran, and China. United Arab Emirates and Japan. The list is closed. and Canada. List is closed.

Zimbabwe, you have the floor.

>> ZIMBABWE: Thank you very much, Madam Chair. We thank the Arab group for coming up with this amended resolution with only amended the text minimally. Given the contents of resolves one and resolves 2 of Resolution 146. It will not be in line with the resolution to conclude this Plenipotentiary Conference without a mechanism to continue the discussion of the ITRs. And in that regard, we align ourselves with the draft resolution that the Arab group has prepared and will diffuse of the African Group. Thank you, Madam Chair.

>> CHAIR: Thank you, Zimbabwe.

Before I give the floor to the Czech Republic, I would like the interpreters to give us 10 more minutes to finish our agenda.

>> Yes, Chair. Of course.

>> CHAIR: Thank you.

Czech Republic, you have the floor.

>> CZECH REPUBLIC: Thank you very much, Madam Chair. And, frankly, this proposal coming from one regional organization and being supported by another one is not something that, bearing in mind the compromise we tried to make from our side and going quite far from our regional position. So, this is nothing that can be right here, right now at the moment accepted, not without further discussion and, frankly, I am not sure whether with such approach any discussion could be acceptable at all.

And is speaking about the text as have just now seen on the screen. There should be some and there always have for both the terms, clear outcomes asked and clear deadlines set. Leaving it open as was proposed, there's another level of surprise, I think not only to me, and with this, we have strong reservation towards this proposed text. Thank you very much.

>> CHAIR: Thank you, Czech Republic.

U.S., you have the floor.

>> UNITED STATES OF AMERICA: Thank you, Chair. And good evening to our colleagues. I will be brief because we are running out of time. CTEL has been clear since our very first conversation on this issue that we recognize this is a challenging issue and many member states would like to continue discussing. The ITRs displayed the fact that we have been unable to achieve consensus because there are fundamentally different views of this issue. We have been unable to achieve consensus for the past eight years with this one group. But before that, for many, many years.

And we therefore, see that it will be absolutely futile to establish a new group to continue the conversation. CTEL has compromised, that we would urge others to accept is that the conversation can continue in existing mechanisms, but not to put the Union and its member states through this exercise again because we know from experience it will go nowhere.

I would note in closing, that, again, we have a proposal, new language from one member state on the screen. This has happened time and again in this process and we have been trying to negotiate in good faith. There have been many, many conversations amongst small groups and we get to a larger group and there's a new proposal presented as the one compromise. So, we have some real challenges here, Chair. Thank you.

>> CHAIR: Thank you, U.S.

We have eight minutes left. But I have eight countries asking for the floor. So please be brief.

Romania, you have the floor.

>> ROMANIA: Thank you, Chair and to echo what my colleague from Czech Republic and U.S. just stated, we have been discussing about this issue also in smaller groups and it is a surprise for us to see as a proposed compromise text on the screen today, something that we haven't seen before. That was never consulted with us. And it has happened in most of the exercise that has been done.

With regards to this issue, our position has been clear since the beginning. We have tried to get to a compromise proposal. We haven't seen on the screen, not even once, I think, the CTEL proposal that we were inclined to accept as a compromised proposal and this proposal that has been presented today is far, very far from any kind of compromise that we can get to.

Thank you, Madam Chair.

>> CHAIR: Thank you, Romania.

Iran, you have the floor.

>> IRAN: Thank you, Chair. This is for the first time that the Plenipotentiary Conference facing such a issue. The first time we have difficulty was 2006 when the Committee 5 and Chair was not in a position to propose any solution. Then the Chairman of the conference established a small group of regional, whatever, and discussed and that was based on the Distinguished Delegate of United States took contention that there is a need to discuss at the higher level.

Everybody agreed to continue but you don't know how, when and where. So, I think we need a discussion initiated by distinguished Chairman of the PP in order to have a very forward, no country is against continuation, but we don't know how, when and where. Thank you.

>> CHAIR: Thank you, Iran. That conversation is already initiated but it's not going nowhere.

China, you have the floor.

>> CHINA: Thank you, Madam Chair. The Chinese delegates wishes to thank the expert group of the ITI for their hard work over the past four years. The ITR can contribute to global international telecom network infrastructure and improve the efficacy, applicability and visibility of all kinds of services. To the members, in particular developing country members, the ITR is of great importance. We believe that the ITI should continue to play such an important role and it should be regularly reviewed and revised in light of the latest development and the latest issues.

Therefore, China supports the current proposal made by the Arab region and we suggest the convening of the ITI expert to continue their work in the coming four years. I thank you for your attention.

>> CHAIR: Thank you, China.

UAE, you have the floor.

>> UNITED ARAB EMIRATES: Thank you, Madam Chair, for giving us the floor, and good evening to all. Madam Chair, of course, we would wish to see a continuation of the work through an ad hoc group and to continue discussions on these ITRs. Of course, with new competencies and new objectives.

Madam Chair, there are many topics that were discussed at the Council of the ITU and we don't see, in view of the time available, how this can be discussed. Thank you, Madam Chair.

>> CHAIR: Think, UAE.

Japan, you have the floor.

>> JAPAN: Thank you, Madam Chair, I would also like to thank the ad hoc chair and the participants for their effort to move the discussion forward.

However, I was also confused looking at DT/76 we do not know where this was come from and where it was created. And we haven't had a chance to discuss for even look at this document. So, we do not agree to have this document discussed here. And we support the comments made by the colleagues from CPT and CTEL. Thank you.

>> CHAIR: Thank you, Japan. To make it clear, DT/76 is the results from the ad hoc groups, not to send your document. It's their revised document from the RV group that is not in the DT/76 so to make it clear.

Canada, you have the floor.

>> CANADA: Thank you, Chair. Thank you for your time. Thank the Chair of the ad hoc group. You will not be surprised if I state for the fifth time, Chair, we have been doing this exercise for eight years, two reports, no consensus.

So, Madam Chair, you received four -- the conference received four proposals, one of which is proposal submitted on time. And we appear -- we are confused with what happened to our inter-American proposal, which yesterday in one of the several meetings we have on this issue --

(Off microphone)

>> CANADA: To take the entirety of the proposal as a way forward. But it doesn't seem to be getting any echo, Madam Chair, so we are in your hands. But, again, we offered that compromise and it has not been accepted. Thank you.

>> CHAIR: So, to make it clear -- thank you, Canada. DT/76 is all the DL 107, Rev 4. We made enter DL/107 Rev 4 as a DT document 76.

So, this is separate with the newly made -- the contribution by the Arab group.

Cuba, you have the floor.

>> CUBA: Thank you very much, Madam Chair. It's true that we have been discussing this subject for some time, for several years, and it's true that we haven't yet got a consensus. And if we haven't reached a consensus, it's because there's something that's not right and we consider that. And organization is robust as modern as the ITU should not have two ITRs, international ITRs, which have quite a lot of time has gone by since they were approved.

So, it turns out that they don't correspond to the current situation of ICTs and telecommunications now. So, we think that we should continue with the work of the expert group until we achieve a consensus. Consensus that will help us to find an agreement on how we are going to continue with this regulations. This is a basic document for our Union.

So, we support the continuation of the expert group. And that it will be approved at this PP. Thank you.

>> CHAIR: Thank you, Cuba.

Egypt, you have the floor.

>> EGYPT: Thank you, Madam Chair for giving me the floor once more: I also surprised, again, by the resistance from members of the committee to receive ideas, receive contributions to solve a problem. All we are trying to do, Madam Chair, was to solve a problem. There was even homework from the ad hoc chair that we should get together, things of ways forward and present it in written format and we did this. That was also received with resistance, I am surprised about that as well.

Nonetheless, Madam Chair this is not the first time in the history of Resolution 146 that documents from outside come and try to solve the issue. This happened also last time in 2018.

So, I would just like the room to consider that there is a need for the experts group. There is a need to continue discussion within a group. Through Council we have discussed this many times. It did not work. We even discussed this proposal not in written format, but we discussed it, the proposal to have minimal changes. We discussed it this morning. So, this should not be coming as a surprise to my colleagues. We proposed this, to have minimal changes and now we are presenting it as a contribution in written format following the rules of Plenipotentiary Conference.

Thank you.

>> CHAIR: Thank you. Sweden online, Sweden, you have the floor.

>> SWEDEN: Thank you, Madam Chair. Can you hear me?

>> CHAIR: Yes, please go ahead.

>> SWEDEN: Thank you. And thank you to the Chair of the ad hoc who I know, after participating in many of the meetings, had a challenging task. I would like to say, first of all, that I am as confused as my dear colleague Santiago. By the way, probably the most experienced in the room on this topic.

My question to you, Madam Chair, is, why is the compromise discussed in the ad hoc, not on the screen, but only the never discussed proposal? Thank you.

>> CHAIR: Thank you, Sweden. The list was proposed so I still have one because I still insisting have the floor. We have heard room there is a different view. We cannot reach agreement here. So, Zimbabwe, you have the floor.

>> ZIMBABWE: Thank you, Madam Chair. There was a proposal from Iran for the Chairman of the Conference to convene an interregional meeting and we thought that there was a good proposal that might help find the solution to this issue. Thank you, Madam Chair.

>> CHAIR: Thank you, Zimbabwe.

As I answered that question, it's already been proposed this morning and then this afternoon even at lunch, but there was no agreement. But I guess that PP chair will continue that discussion.

Well, apparently, there is no agreement at this Com 5 level on this Resolution 146. So, this has to be a decision taken by the Plenary. So, we have a DT/76. So, I will submit this document to the Plenary for its consideration.

But the other thing, it's a member's right to continue discussing and making proposals to advance the debate. So, you can discuss your informal discussions. But we will put this as a Com 5's document to the Plenary.

Egypt, you have the floor.

>> EGYPT: Thank you, Madam Chair. Just a question for clarification. What about the Arab states proposal? Will it also be submitted to Plenary? Because it's also a new proposal to the discussions. Thank you.

>> CHAIR: Thank you, Egypt. It has been -- this DT has been ad hoc group discussion that's included here. But your contribution came late, last night. So, you can make a proposal at the Plenary if you wish to. But this DT will go as it is. Thank you.

Iran, you have the floor.

>> IRAN: Thank you, Chair. I don't think that putting several proposals to Plenary will be a wise decision. So many people at Plenary. And I don't have any views -- any news that the latest proposal of Arab group has been brought to the attention of the Chairman of the Conference and Chairman of the Conference has taken action with respect to further discuss that. Once again, we request that the distinguished Chairman of the Conference further discuss the matter based on the latest proposal of Arab Group. Thank you.

>> CHAIR: Thank you, Iran. We can do that. But as I said, that we will refer this DT/76 as is. At this level we cannot agree on anything. We heard views from the members. There is no agreements. While I always dream if my committee will be the only committee without square brackets to send every document to the Plenary. But apparently, it's not. So, we have square brackets. So, we will send. So, it's up to the Plenary to decide. So, I encourage all the regional coordinators to please continue your discussions to make a PP Chair's job easier. So, that's my recommendation to the members.

Ghana, are you asking for the floor on this matter? Okay. We way past the time that I have asked. So, if you allow five more minutes to finish us, too, interpreters, that will be very grateful.

>> Yes, Madam Chair.

>> CHAIR: Thank you. We have a list of Ghana and Sweden in line. Ghana, you have the floor.

>> GHANA: Thank you, Madam Chair. We are a lot confused with the position that has been taken on, perhaps, the conclusion that you have just indicated. Ghana's understanding was that DT/76 that was discussed, the Arab states humbly submitted a document that has also been discussed. And if I want to list also from RST, provided a very good way forward. The standard these documents it has to go to the Plenary will be submitted together. But now what looks like it's only DT/76 that is being forwarded. What will happen to the contribution on the proposal submitted by the Arab states? We are a bit confused. If you can clarify. Thank you.

>> CHAIR: Thank you, Ghana. The Arab proposal is a revision to its original proposal. If you want to include this, we also have all other countries from other regions. And then this DT/76 is a discussion from the ad hoc groups so it was a DL/106, 107, revision 4. It was what has happened up to the last ad hoc groups.

So, now I will send what has been discussed at ad hoc groups as a conclusion of this ad hoc group and this committee. As I said, it's a member's right, you can make that proposal at the Plenary as Arab groups revision. You can make the proposal to the Plenary. But as a Com 5, I will send the document, DT/76 as it is.

Sweden online, you have the floor.

>> SWEDEN ONLINE: Thank you, Madam Chair. Sorry for taking the floor again, but I am so surprised by my colleagues trying to imply that these proposals are not accepted to be discussed. Just for the record, would like to say in the ad hoc, the following happened. We prepared for this discussion ahead of the conference respecting the deadlines to contributions. One country didn't. Very late, in a very late meeting, we were suddenly faced with new proposal, new contribution.

We had to discuss that late on Saturday. Then we continued with the discussions. We continued. And now we have the report from the ad hoc chair.

Then suddenly when you open this meeting, another new proposal is presented. Could you please inform the Chair of the Plenary about that procedure? Thank you.

>> CHAIR: Thank you, Sweden. But, again, so also members can submit the contribution late. So, this contribution came last night. So, we discussed it here.

If you wish, I can clearly explain to the PP Chair on this situation, this document 76. And then I will make your point, Chair, and also the other requests from the room that he has to continue -- working to continue offering consultation with all the regional coordinators. That will be delivered to him as well.

Thank you. So, we were going to the next agenda item. It's number item 5, other business. I was going to close the meeting with thanks to everyone. We have done all the work that was passed to the Com 5, or sent to the Com 5. But there is only one issue that we couldn't resolve. So, it's going to be PP stop but I think we did our best. And then also I want to thank you, all the vice chairs, I have tasked them to ad hoc groups and test them to all the regional coordination when they needed. They were all efficient. I really appreciate that.

And then also the Secretariats, they have been worked behind all the work. So, him and his team, I really appreciate them, too.

But then all the participants who participated here, thank you very much.

So, the meeting is closed. U.S., you have the floor.

>> UNITED STATES OF AMERICA: Thank you Madam Chair for giving me the floor. Very quickly, on behalf of the United States, we express our appreciation of you and your colleagues for guiding the work of Com 5 these past three weeks. As well as special appreciation to the Chairman of our ad hoc groups, the Secretariat and all of the delegations for their persistence and patience throughout our discussion on how to foster greater engagement in the ITU. Through it all these qualities have been demonstrated at really a super human level, not to mention a bit of consensus and compromise that bind our union together. We are grateful to you all and to everyone for their efforts and we look forward to working again in the future. Thank you.

>> CHAIR: Thank you, U.S. Thank you. Committee is closed.

>> Recording stopped.

(Session was concluded at 1753 EEST)

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