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| **Plenipotentiary Conference (PP-14)Busan, 20 October – 7 November 2014** |  |
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| **PLENARY MEETING** | **Document 175-E** |
| **3 December 2014** |
| **Original: English** |

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| minutesOF THESeventeenth plenary meeting |
| Thursday, 6 November 2014, at 0950 hours |
| **Chairman:** Mr. W. MIN (Republic of Korea) |

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|  | Subjects discussed | Documents |
| 1 | Organization of work | - |
| 2 | Report by the Chairman of Committee 5  | [161](http://www.itu.int/md/S14-PP-C-0161/en) |
| 3 | Draft Resolutions 99 (Rev. Busan, 2014) and 125 (Rev. Busan, 2014) – first and second reading | [DT/83](http://www.itu.int/md/S14-PP-141020-TD-0083/en) |

# 1 Organization of work

1.1 The **delegate of Poland** suggested that the report by the Chairman of Committee 5 (Document 161) be considered before the proposed amendments to Resolutions 99 and 125. Approval of the recommendation by Committee 5 not to amend the Constitution or Convention would mean that the Polish delegation’s credentials presented to PP-14 were in order for the purposes of voting, in the vent of a vote on those resolutions.

1.2 It was so **agreed**.

**2 Report by the Chairman of Committee 5 (Document 161)**

2.1 The **Chairman of Committee 5** reported that the committee had agreed to suppress Resolutions 163 (Guadalajara, 2010) - Establishment of a Council working group on a stable ITU Constitution, and Resolution 171 (Guadalajara, 2010) - Preparations for the 2012 world conference on international telecommunications. It had agreed to revise Resolution 21 (Rev. Antalya, 2006) - Special measures concerning alternative calling procedures on international telecommunication networks, Resolution 146 (Antalya, 2006) - Review of the International Telecommunication Regulations, Resolution 166 (Guadalajara, 2010) - Number of vice-chairmen of Sector advisory groups, study groups and other groups, Resolution 169 (Guadalajara, 2010), Admission of academia, universities and their associated research establishments to participate in the work of the three Sectors of the Union (on the understanding that *resolves* 4 of Resolution 169 (Rev. Busan 2014) was to be interpreted as meaning that participation by academia did not include ITU treaty-making conferences), and Resolution 177 (Guadalajara, 2010) - Conformance and interoperability. It had agreed to adopt draft new Resolution COM5/1 - Global flight tracking for civil aviation, draft new Resolution COM5/2 - Strengthening the role of ITU with regard to transparency and confidence-building measures in outer space activities, draft new Resolution COM5/3 - Review of the current methodologies and development of a future vision for the participation of Sector Members, Associates and Academia in the activities of ITU, draft new Resolution COM5/4- Combating counterfeit telecommunication/ICT devices, draft new Resolution COM5/5 - Assisting Member States to combat and deter mobile device theft, and draft new Resolution COM5/6, Countering misappropriation and misuse of international telecommunication numbering resources. He drew attention to the eight recommendations in his report in Document 161, which the Plenary was invited to approve.

Recommendation 1 – A stable Constitution

# 2.2 The delegate of Saudi Arabia suggested that the text be modified to read “… no amendment to any individual provision of the Constitution or the Convention …”.

2.3 It was so **agreed**.

2.4 The **Chairman** suggested that the conference approve recommendation 1 as follows:

“Recommendation 1: Committee 5 recommends:

 1 That no modification to the structure of, and hierarchy between, the Constitution and the Convention (as currently stipulated in the relevant parts of Article 4 of the Constitution) and no amendment to any individual provision of the Constitution or the Convention be adopted at PP-14.

 2 To suppress Resolution 163 (Guadalajara, 2010).

 3 To disband the Council Working Group on a Stable Constitution established under Resolution163 (Guadalajara, 2010).”

2.5 It was so **agreed**.

Recommendation 2 – Space Protocol

2.6 The **Chairman** suggested that the conference approve recommendation 2 as follows:

 “Recommendation 2: Committee 5 recommends that Council continue to monitor any further developments on this matter, and that the Secretariat continue to express interest in ITU becoming the Supervisory Authority and respond to any questions raised by the Member States between now and the next Plenipotentiary Conference.”

2.7 It was so **agreed**.

Recommendation 3 – Access to documentation

2.8 The **delegate of the Islamic Republic of Iran** believed that it was up to the notifying administration to decide whether disclosure of a document would cause harm to a potential private or public interest, and therefore suggested that the words "as indicated by the submitting Member States" be inserted after “benefits of accessibility” in §1 of the recommendation.

2.9 The **delegate of Saudi Arabia** endorsed that proposal.

2.10 The **delegate of Lebanon**,pointing out that the input and output documents concerned were distributed for approval at public conferences or assemblies and were therefore by definition public documents, suggested that a full stop be inserted after “2015” and that the rest of the sentence be deleted.

2.11 The **delegate of Sweden** said that §1 of recommendation 3 was a compromise achieved in Committee 5 and a group dealing specifically with documentation. The initial proposal had been to make all ITU documents publicly accessible, but, as part of the compromise, his delegation had agreed that the recommendation could be limited to conference and assembly input and output documents. He therefore could not agree to the proposal by the Islamic Republic of Iran to introduce a Member State veto, which had not been part of the compromise. It would not be appropriate to reopen the debate on the issue.

2.12 The **delegate of the Russian Federation** confirmed that § 1 of the recommendation was a compromise text and should be retained unchanged.

2.13 The **delegate of the Islamic Republic of Iran** clarified that his concern was who would decide whether or not disclosure of a document would cause harm to a potential private or public interest, if §1 of recommendation 3 were to be retained unchanged. He had no objection to ending the sentence immediately after "2015" and deleting the rest of the sentence.

2.14 The **Chairman of Committee 5** said that §1 of the recommendation, although not a perfect text, was the outcome of a compromise. He suggested that it not be changed, to avoid the risk of further extensive discussion.

2.15 The **Chairman** proposed that the text of recommendation 3 remain unchanged.

2.16 The **delegate of the Islamic Republic of Iran** had no objection to the Chairman’s proposal, on the understanding that decisions on disclosure were the purview of the submitting administrations.

2.17 The **delegate of Lebanon** pointed out that, notwithstanding the results achieved by Committee 5, it was in the Plenary that countries expressed their individual opinions and took the final decisions. The problem regarding §1 of the recommendation was to define what was meant by “disclosure” (providing a paper copy or making a document available online?) and “potential harm” (harm to whom and in what way?). In his view, if the compromise wording reached by Committee 5 could not be changed, it might be best to eliminate §1 of the recommendation altogether.

2.18 The **Chairman** said that it was his understanding that recommendation 3 was in line with the Plenary’s decision to make available all input and output documents of the current conference.

2.19 The **delegate of Sweden** did not believe that making available the documents of ITU conferences and assemblies had the potential to cause harm to legitimate private or public interests. The last clause of §1 of the recommendation was therefore a non-issue. His delegation had no objection to maintaining the current compromise wording or to ending the sentence immediately after "2015".

2.20 The **delegate of South Africa** preferred to keep the compromise wording exactly as it was and not to revisit the issue.

2.21 The **delegate of the Philippines** acknowledged that the final clause of §1 of recommendation 3 raised a legitimate question. The plenipotentiary conference did not have the time to flesh out a detailed answer and, as the supreme authority of the Union, could delegate authority to do so to the Council.

2.22 The **delegate of the Islamic Republic of Iran** recalled that it was at the Secretary-General’s suggestion that all PP-14 input and output documents had been made available without any conditions. The simplest solution would therefore be to end the sentence immediately after “2015”, and not to continue discussing the issue at the Council. Alternatively, the compromise wording could be maintained, but the Council would have to decide which authority decided on disclosure. Either proposal was acceptable.

2.23 The **delegate of the United Arab Emirates** said that the Arab Group had initially objected to the distribution of conference and assembly documents, but had accepted the compromise wording. It could not agree to the deletion of the text that followed "2015".

2.24 The **delegate of Brazil** agreed with the Chairman that part 1 of the recommendation should be left unchanged.

2.25 For the **delegate of Lebanon**, the issue was freedom of access to information and was therefore a key matter for PP-14 and for the coming four years. It was all very well to compromise, but the compromise should not have regrettable results. With regard to §1 of the recommendation, if there was no agreement to end the sentence immediately after "2015", the wording should be changed to “unless the Council decides that disclosure …”. Another possibility would be to allow countries to enter reservations in a footnote to the recommendation.

2.26 The **delegate of the United States** expressedsupport for the proposal to end the sentence immediately after "2015", in line with the practice adopted for PP-14, namely to make all input and output documents available to the general public.

2.27 The **Chairman of Committee 5** agreed that the Plenary had decided on unrestricted access to PP-14 documents, as had the World Conference on International Telecommunications (Dubai, 2012). Compromises, while often not ideal, were difficult to overturn; that was particularly true in the case at hand. He therefore repeated that the text should be left unchanged.

2.28 The **delegate of Qatar** endorsed that proposal.

2.29 The **delegate of Lebanon** noted that compromises were reached at various levels: by committees, by the plenary, etc. It was regrettable that the compromise achieved by Committee 5 restricted access to ITU documents, for the Union worked in what was by definition an open environment, that of telecommunications. It would be a shame were it to restrict access to documents on its discussions, working groups and conferences.

2.30 The **Chairman** agreed that the matter was important, which was why the Plenary had decided to make all input and output documents of PP-14 publicly available. Committee 5 had subsequently discussed and reached a compromise on the Union’s general policy on access to documents. He proposed that the compromise wording be left unchanged and that any countries wishing to do so submit statements for the record.

2.31 It was so **agreed**.

2.32 Concerning §2 and §3 of recommendation 3, the **delegate of Saudi Arabia** pointed out that the plenipotentiary conference referred matters to the Council, which in turn referred them to a working group established by it. It was therefore the Council, and not the plenipotentiary conference, that should give instructions to the Council Working Group on Financial and Human Resources.

2.33 The **delegates of Sweden,** the **United Arab Emirates, Brazil, Lebanon** and **Qatar** endorsed those comments.

2.34 Following a suggestion by the **Chairman of Committee 5,** the **delegate of the Islamic Republic of Iran** proposed that §2 and §3 be reworded to read “to instruct the Council Working Group, through the Council,”.

2.35 It was so **agreed**.

2.36 The **Chairman** suggested that the conference approve recommendation 3, on the understanding that §1 did not cover study group documents, as follows:

“Recommendation 3: Committee 5 recommends:

 1 To provide public access to all input and output documents of all conferences and assemblies of the Union starting from the beginning of year 2015 unless where disclosure would cause potential harm to a legitimate private or public interest that outweighs the benefits of accessibility.

 2 To instruct the Council Working Group on Financial and Human Resources, through the Council, to:

i) continue to review document access policy in ITU to determine the extent to which documentation should be made publicly accessible and to prepare a draft document access policy for submission to Council;

ii) consider the necessity to establish a dedicated group for that purpose.

 3 To instruct the Council Working Group on Financial and Human Resources, through the Council, to transmit the proposed access policy to Council for its consideration and provisional approval and its implementation, as appropriate.

 4 To instruct and authorize Council to consider the report of the Council Working Group and as appropriate approve and implement the policy on an interim basis.

 5 To instruct the Council to submit the policy to 2018 Plenipotentiary Conference for final decision.”

2.37 It was so **agreed**.

2.38 The **delegate of Lebanon** subsequently submitted the following statement for inclusion in the present minutes:

 “The delegation of Lebanon, attending the deliberations of the 2014 Plenipotentiary Conference in Busan, hereby enters its reservation as to the content of part 1 of Recommendation 3 of Committee 5, submitted to the Plenary in Document 161 of 4 November 2014, entitled Report by the Chairman of Committee 5. The delegation of Lebanon wishes all working and final documents of all the Union’s conferences to be available to the public without restriction.”

Recommendation 4 – French version of Articles 36 and 38 of the ITU Convention

2.39 The **delegate of Cameroon** welcomed recommendation 4.

2.40 The **Chairman** suggested that the conference approve recommendation 4 as follows:

 “Recommendation 4: Committee 5 recommends to the Plenary that it be clarified in its minutes that in the French version of Article 36 and Article 38 of the ITU Convention, the word “*taxes*” should be understood as having the meaning of “*tarifs*”.“

2.41 It was so **agreed**.

Recommendation 5 – Resolution 119 (Rev. Antalya, 2006)

2.42 The **Chairman of Committee 5** said that the committee had decided not to modify Resolution 119 (Rev. Antalya, 2006) - Methods to improve the efficiency and effectiveness of the Radio Regulations Board. It nevertheless recommended, with regard to the proposal to document the process for reconsideration of a previous Board decision, that the Plenary include a text in its minutes, as indicated in Document 161.

2.43 The **delegate of Saudi Arabia** said thatboth the WRC and the RRB were the appropriate bodies to decide on conditions for reconsideration of a previous RRB decision. He therefore suggested that the text on previous RRB decisions to be included in the minutes be modified to read as follows: “…it was noted that WRC and the RRB are …”.

2.44 It was so **agreed**.

2.45 The **Chairman** suggested that the conference approve recommendation 5 as follows:

“Recommendation 5:

 1 Concerning the proposal to document the process for reconsideration of a previous RRB decision, Committee 5 recommends that the Plenary Meeting include the following text in its minutes:

“*Following discussions about a possible modification of Resolution 119 (Rev. Antalya, 2006) to include a request to the Radio Regulations Board (RRB) and to the World Radiocommunication Conference (WRC) 2015 to consider the conditions for reconsideration of a previous RRB decision, it was noted that WRC and the RRB are the appropriate bodies to decide on such conditions, on the basis of proposals from administrations*.”

 2 Concerning the proposal regarding the prevention of conflict of interests, Committee 5 recommends that the Plenary take a decision to require each RRB member to sign the following declaration at the time of taking office:

“*I, the undersigned, declare that I adhere to the provisions set forth in Nos. 98 and 99 of the ITU Constitution and will exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the Radio Regulations Board:*

*– 98 3 1) In the exercise of their Board duties, the members of the Radio Regulations Board shall serve, not as representing their respective Member States nor a region, but as custodians of an international public trust. In particular, each member of the Board shall refrain from intervening in decisions directly concerning the member’s own administration.*

 *– 99 2) No member of the Board shall request or receive instructions relating to the exercise of his duties for the Union from any government or a member thereof, or from any public or private organization or person. Members of the Board shall refrain from taking any action or from participating in any decision which may be incompatible with their status defined in No. 98 above.*””

2.46 It was so **agreed**.

Recommendation 6 – SATCOL satellite system

2.47 The **Chairman** suggested that the conference approve recommendation 6 as follows:

 “Recommendation 6: Regarding the SATCOL 1B (FSS) satellite network, should the Administration of Colombia not be in a position to comply with the regulatory deadlines for bringing into use, it is recommended that the Administration of Colombia (Republic of) bring the matter to the attention of WRC-15 for action, as appropriate, taking into account Article 44 of the ITU Constitution and the difficulties this developing country has and is experiencing bringing the frequency assignments into use. On an exceptional basis, it is also recommended that the Radiocommunication Bureau should take any appropriate action to facilitate consideration of the case by the 2015 World Radiocommunication Conference.”

2.48 It was so **agreed**.

Recommendation 7 – Resolution 22 (Rev. Antalya, 2006)

2.49 The **Chairman of Committee 5** said that the committee had decided not to modify Resolution 22 (Rev. Antalya 2006) - Apportionment of revenues in providing international telecommunication services.

2.50 The **Chairman** suggested that the conference approve recommendation 7 as follows:

 “Recommendation 7: The relevant ITU-T study groups are invited to continue their work on network externalities for international Internet connections and on the development of appropriate costing methodologies for international Internet connections.”

2.51 It was so **agreed**.

Recommendation 8 – Election procedures

2.52 The **Chairman of Committee 5** said that recommendation 8 was also the outcome of a compromise.

2.53 The **delegate of Brazil** thanked all those who had participated in the discussion of the draft recommendation and apologized for any inadvertent errors made in the conduct of the proceedings, particularly where the delegates of the Islamic Republic of Iran and Kenya were concerned.

2.54 The **Chairman** suggested that the conference approve recommendation 8 as follows:

 “Recommendation 8: It is desirable to improve the electoral process of the elected officials in the Union. In this regard, Council should study the issue and recommend to Member States options for implementing new procedures to improve the electoral process of Secretary-General, Deputy Secretary-General and Directors of the Bureaux. Due consideration should be given to several options such as presentations, interactive sessions, live sessions, interviews, submission of questions, through webcasting and remote participation, as well as further enhancing the election portal in the ITU website. Council is invited to initiate these studies in its 2015 session in order to implement these possible improvements.”

2.55 It was so **agreed**.

Other issues

2.56 The **Chairman of Committee 5** reported that, following various exchanges of views, the committee had noted the importance of the issue of terminology, in particular the definition of terms such as “decision” and “recommendation”, and encouraged Member States to continue to examine it in their preparations for PP-18. It had further agreed not to provide a definition of the term “ICT” at the present conference, and not to modify No. 166 of the General Rules of conferences, assemblies and meetings of the Union (Franking privileges) despite the fact that some of its provisions were obsolete.

2.57 The **delegate of the Islamic Republic of Iran**, referring to the definition of certain terms, noted that it was the issues involved that were complex, not, as stated in Document 161, the proposal itself.

2.58 The **delegate of Saudi Arabia** said that following the agreement reached in Committee 5 not to provide a definition of the term "ICT" at PP-14, it had been decided to delete *requests the Council 4* in Resolution 140 (Rev. Guadalajara, 2010) - ITU's role in implementing the outcomes of the World Summit on the Information Society. In view of that, he suggested that the phrase “and that the matter be addressed at the next Plenipotentiary Conference and, if need be, at Council" be deleted from the second paragraph of §4 of Document 161.

2.59 The **delegates of the United States, Sweden** and the **Islamic Republic of Iran** endorsed that proposal.

2.60 The **delegate of the Russian Federation**, on the other hand, considered that the door should be left open for the next plenipotentiary conference to consider the matter, should it receive a related proposal. He proposed that the phrase in question be modified to read: “…and that the matter may be addressed at the next Plenipotentiary Conference and, if need be, at Council”.

2.61 The **delegate of the Islamic Republic of Iran** noted that, if PP-18 received a proposal regarding the definition of “ICT”, it would have no choice but to consider it.

2.62 The **delegate of Lebanon** suggested that the entire paragraph be deleted from Document 161, because it beggared belief that an ITU conference final document that would be read by students, researchers and professors would include a sentence indicating that ITU could not provide a definition of the term "ICT", especially given the frequency with which the term appeared in ITU documents.

2.63 The **delegate of Guyana** pointed out that Committee 5 had apparently been unable to define the term "ICT" because of the many contributions it had received to that end. He asked whether there was a difference between the term "ICT" and the abbreviation "ICT", and agreed with the previous speaker that failure to define the term might well lead to confusion.

2.64 The **Chairman of Committee 5** wished it to be clearly recorded in the Plenary minutes that PP‑14 had decided not to provide a definition of the term "ICT" and that any delegation wishing to propose a definition to PP-18 could do so.

2.65 The **delegate of the Russian Federation** agreed with that position.

2.66 The **delegate of South Africa** said that, while the points raised were important, they were more suitable for discussion in a study group than in the Plenary of the present conference.

2.67 The **Chairman** said that, in his view, Document 161 reflected the large amount of work done by Committee 5 on the definition of “ICT”, even though the committee had ultimately agreed that it could not provide such a definition. It was therefore valid to retain the second paragraph in §4. However, there appeared to be a general consensus in the Plenary to end the paragraph immediately after "at this conference", and he therefore proposed that the Plenary agree to modify Document 161 accordingly and that Member States with different views on the matter provide statements to be included in the minutes of the meeting.

2.68 It was so **agreed**.

Resolution 86 (Rev. Marrakesh, 2002)

2.69 The **Chairman of Committee 5** said that the committee had agreed not to modify Resolution 86 (Rev. Marrakesh, 2002) - Advance publication, coordination, notification and recording procedures for frequency assignments pertaining to satellite networks.

2.70 The **delegate of Argentina** requested that Document161 be amended to include the following text:

 “A proposal was submitted, supported by the Administrations of Paraguay, Uruguay, Mexico and Argentina, to modify the procedures set out in Resolution 86 to reflect the provisions of Article 44 of the ITU Constitution and No. 0.3 of the Preamble to the Radio Regulations.”

2.71 He said that, having failed to reach a consensus on the proposal, the committee had agreed that WRC-15 would be called upon to review Resolution 86 in the light of the proposal submitted to PP-14.

2.72 The **delegate of the Islamic Republic of Iran** pointed out that the world radiocommunication conference could not review Resolution 86 (Rev. Marrakesh, 2002), which was a resolution of the plenipotentiary conference. It could review Resolution 86 (Rev. WRC-07), which, by coincidence, discussed the implementation of Resolution 86 (Rev. Marrakesh, 2002) of the plenipotentiary conference.

2.73 The **delegate of Sweden** agreed.

2.74 The **delegate of the** **Russian Federation** expressed support for the delegate of Argentina.

2.75 The **Chairman** suggested that the delegate of Argentina’s statement be noted in the minutes of the present meeting.

2.76 It was so **agreed.**

2.77 The Report by the Chairman of Committee 5 (Document 161), as amended, was **approved**.

# 3 Draft Resolutions 99 (Rev. Busan, 2014) and 125 (Rev. Busan, 2014) – first and second reading (Document DT/83)

3.1 The **Chairman** thanked the Arab countries, Palestine and Israel for the outstanding spirit of cooperation and compromise they had demonstrated in reaching consensus on the two draft revised resolutions, which were submitted to the Plenary as a package in Document DT/83. The texts would be read out by the Secretary-General, following which the floor would not be opened for discussion on either resolution.

3.2 The **Secretary-General** also thanked all the parties for the spirit of compromise they had shown. He read out draft revised Resolution 99 - Status of Palestine in ITU.

3.3 Draft revised Resolution 99 (Rev. Busan, 2014) as contained in Document DT/83 was **adopted** on first and second reading.

3.4 The **Secretary-General** read out draft revised Resolution 125 - Assistance and support to Palestine for rebuilding its telecommunication networks.

3.5 Draft revised Resolution 125 (Rev. Busan, 2014) as contained in Document DT/83 was **adopted** on first and second reading.

3.6 The **Secretary-General** thanked all parties who had made it possible, through compromise and cooperation, to reach agreement on the two revised resolutions just adopted.

**The meeting rose at 1320 hours.**

The Secretary-General: The Chairman:
H. TOURÉ W. MIN