World Telecommunication/ICT Policy Forum (WTPF) Issues to Watch

On May 14-16, Member States and Sector Members of the International Telecommunication Union (ITU) will meet at the WTPF to discuss emerging telecommunication/ICT policy and regulatory matters. The WTPF adopts non-binding opinions by consensus for consideration by Member States, Sector Members, and relevant ITU meetings. The 2013 WTPF will focus on Internet-related public policy. Topics of discussion at the WTPF are based on the Secretary-General's Report and draft opinions, which incorporate contributions of ITU Member States, Sector Members, and the Informal Experts Group (IEG). Final opinions coming out of the WTPF may well become the subject of and direction for further work at the ITU 2014 Plenipotentiary, so it is important to identify and consider some of the most challenging issues from the Report and opinions in advance of the WTPF. Below is a short analysis of key issues to watch, as identified by the Center for Democracy & Technology and Access. We invite comments and further discussion of these and other topics at the WTPF.

Role of the ITU in Internet Governance
Possible expansion of ITU authority to encompass Internet policy was a hot-button topic during the WCIT. Language in the SG's Report signals that this will continue to be an issue at the WTPF. Observers should take note of language that may blur the line between infrastructure and content. Content regulation is wholly outside the scope of the ITU's traditional domain, but the Report includes many negative descriptions of the dangers of the Internet that are rooted in online content. Coupled with commentary on the alleged shortcomings of existing governance institutions, this language may be seen to support the view held by some that consolidated top-down governance is needed.

2.2 [Regarding suggested broad themes for discussions,] *"On the basis of reciprocity, to explore ways and means for greater collaboration and coordination between ITU and relevant organizations . . . in order to increase the role of ITU in Internet governance so as to ensure maximum benefits to the global community."*

2.3.1 d) *"The Internet has also become a vehicle for spam, child abuse imagery and other abuses of children, identity theft and cybercrime, cyberterrorism, as well as use of Internet resources for purposes that are inconsistent with international peace, stability and security."*

Enhanced Cooperation and Multistakeholderism
Discussions on multistakeholderism and enhanced cooperation, including draft opinions 5 and 6, will be critical to watch: there is significant disagreement over the definition of enhanced cooperation and the nature of multistakeholderism, including the appropriate role of governments in these processes. These questions will be debated once again at the WTPF. Some see the call for "enhanced cooperation" in the Tunis Agenda as requiring a new intergovernmental entity or process that has not yet been established, while others consider enhanced cooperation an ongoing process of collaboration between government and other stakeholders in existing Internet governance fora. On multistakeholderism, there are differing views on the composition and roles of various stakeholder groups and whether and how they must be able to participate in existing fora.

Given the divergence in views over enhanced cooperation and the rough consensus that was reached on the draft opinions in the IEG, opening the discussion again at the WTPF would likely be counterproductive, though some delegations may seek to do so nonetheless. There is also the potential that some members may look to put back on the agenda drafts that were debated but ultimately set aside in the IEG. Given the limited timeframe for the WTPF and the important issues in the six opinions that did reach rough consensus, reopening drafts that were not forwarded due to divergent or conflicting views would take up the limited time of the conference and shift focus away from the important work that has already been achieved.

2.3.2.3 c) i. *"One view is that the current governance of the Internet is appropriately multistakeholder and designed to be inclusive in terms of involvement of all stakeholder groups. Those holding this view state that the current organizations, systems and processes successfully meet the needs of its stakeholders through "industry-led, bottom-up, voluntary, decentralized and consensus-based" processes. . . Another view is that further evolution is needed to keep pace with the spread of the Internet around the world, how the Internet is used today and that the various players need to work together to ensure its ongoing evolution. Those holding this view state that, with regards to international Internet-related public policy, the role of one stakeholder – Governments – has not been allowed to evolve according to WSIS principles . . . They consider this to be one reason for ongoing challenges in dealing with various issues (e.g., exploitation of children, security, cyber-crime and spam, etc). . ."*

Quality of Service
"Quality of Service" was a deeply contentious issue at the WCIT, as some members sought to apply a concept from traditional telephony networks to the public Internet. QoS requirements would change the fundamental operating principles of the "best efforts" Internet and could pose threats to national network neutrality regulations. Such regulations, which were ultimately rejected at WCIT, could lead to a tiered Internet, with access to the full range of information and services online available only to those who can afford to pay a premium.

2.3.3 j) *"One view is that the importance of standardization is such that the quality of service of telecommunications/ICTs should be in line with international standards. Those who subscribe to this view believe that it is in the public interest that IP-based networks and other telecommunication networks be both interoperable and provide, at a minimum, the level of QoS provided by traditional networks. Another view is that any attempt to mandate traditional QoS in a packet switching Internet will significantly increase costs; Those who subscribe to this view believe that a likely consequence of this could be to price LDCs out of the Internet and to reduce participation rates in developed and developing countries."*

Human Rights
Civil society must carefully evaluate the potential human rights impacts of topics discussed at the WTPF. Where it explicitly addresses the topic, the SG's Report takes an underwhelming position on human rights, but the issue may also come up implicitly in discussions of both policy and decision-making processes. Civil society is well positioned to weigh in on the implications of various positions or proposals for free expression, privacy, and other fundamental rights, and it will be important for all stakeholders to ensure that commitments to safeguard and promote human rights are respected during discussions and drafting sessions at the WTPF.

2.3.1 k) *"One ideal is that the Internet, as a decentralized and open system, should enable the world's citizens to connect freely and express themselves consistent with fundamental principles of freedom of expression and exercise their rights, as detailed in Article 19 of The Universal Declaration of Human Rights, while taking into consideration national security or of public order (ordre public), or of public health or morals."*

Affordable Access
Draft opinions 1 and 2 on promoting Internet Exchange Points (IXPs) and fostering an enabling environment for broadband call attention to the critical issues of advancing affordable Internet access and promoting effective competition to reduce barriers for users around the world. Discussion of these draft opinions is ripe for civil society input regarding the best technical, legal, and regulatory environments for facilitating increased access to the Internet.

Transparency and Civil Society Participation
While preparations for the WTPF have been more transparent than those for the WCIT, civil society still faces significant barriers to participation. The SG's Report acknowledges this ongoing question of how to facilitate civil society participation in ITU activities, since the organization is not, by its nature, structured to allow non-members to contribute as members do. Although a few individuals who were IEG members will attend the WTPF as guests of the Secretary General, we will need to push for more complete and meaningful civil society participation, the main avenues for civil society engagement will be as members of national delegations or as independent observers.

2.3.2.3 c) iii. "ITU's multistakeholder membership includes governments, regulators, industry, international organizations (intergovernmental and non-governmental), financial institutions and civil society — all participating in different capacities and in a wide range of ITU's activities. . . Another view is that there is a lack of clarity on whether civil society is part of the ITU membership and how such organizations can become members of the ITU. It should be noted that all civil society organizations of an international nature and which are working on issues related to ICTs are entitled and encouraged to join the ITU as members. . . . The WTPF IEG, which is open to all stakeholders (including non-ITU members) and is contributing to the preparation of this Report in a transparent and constructive manner, is another example of successful multistakeholder cooperation. In order to promote greater understanding of the involvement of all stakeholder groups within ITU fora, it could be beneficial for ITU to foster similar collaborative efforts between ITU and other relevant groups."

For more on the WTPF, visit the Center for Democracy & Technology at https://www.cdt.org/category/blogtags/wtpf, Access's WTPF primer at https://www.accessnow.org/blog/2013/02/06/a-primer-for-the-un-world-telecommunication-policy-forum, or contact Emma Llansó (ellanso[at]cdt[dot]org) and Deborah Brown (deborah[at]accessnow[dot]org).

To learn more about opportunities for getting involved, see Access's info sheet: *How civil society can participate in the World Telecommunication Policy Forum*.