Remarks from the Association for Progressive Communications on the occasion of the ITU's 2014 Plenipotentiary Conference

26 October 2014

The Association for Progressive Communications (APC) extends our good wishes to delegates at this important meeting. We welcome incoming Secretary General Houlin Zhao to his new position, and express our sincere appreciation for the contributions made by outgoing Secretary General Hamadoun Toure. APC looks forward to working with the ITU's new leadership.

Below are three general points for consideration by delegates as they discuss the future direction of the ITU. These are followed by some specific recommendations on issues on which APC has knowledge and experience that could be of value to delegates in their deliberations.

1. General points for consideration by delegates

1.1 Continued divides in access to communications infrastructure

While much progress has been made, affordable and reliable access is still not sufficiently available in many parts of the world, reinforcing existing social and economic inequalities. Widespread access to mobile telephony and linked data services has made a huge difference in connecting people to one another, and to public and commercial services and applications, but it is simply not sufficient to enable the level of access needed to significantly alter existing divides.

1.2 The main role of policy and regulation is to enable, rather than to restrict

We would like to call the attention of delegates to the definition of policy and regulation contained in the Geneva Plan of Action produced by the World Summit on the Information Society (WSIS): "Governments should foster a supportive, transparent, pro-competitive and predictable policy, legal and regulatory framework, which provides the appropriate incentives to investment and community development in the Information Society." (WSIS Action Line C6. Enabling environment para 13. a). http://www.itu.int/wsis/docs/geneva/official/poa.html)

Maintaining this emphasis in policy and regulation is extremely challenging because of the exceptional pace of change in ICT technology and markets, resulting in many policy and regulatory decisions having short lifespans. What enabled yesterday restricts today; what enables today may restrict tomorrow; what enables tomorrow may no longer do so in two years' time. This is precisely why the ITU should be conservative in expanding the scope of the policy and regulation with which it engages.

1.3 The diverse and distributed nature of internet governance and policy making

Internet governance and policy cover a wide range of issues. Many other intergovernmental institutions are giving consideration to internet-related issues within their purview (e.g. the Human Rights Council's concern with freedom of expression online and privacy in the digital age) and it is therefore understandable that the ITU should be doing the same.

The nature and breadth of internet policy and governance are such that they cannot be effectively centralised. They have global, national and regional dimensions, and different institutions and forums play a role in different aspects of internet governance that require different expertise. Increased interaction between these forums will help address gaps, and enable them to complement one another's work.

We recognise the important role of the ITU along with other stakeholders in internet governance issues, particularly with regard to matters in its core expertise that impact on access, such as spectrum management. It is important, however, to keep in mind that giving consideration to internet issues does not have to imply assuming oversight of or primary responsibility for issues in areas that extend beyond the ITU's core mandate. We trust that the ITU will continue to concentrate on these core areas, and that it will not over-reach as it discusses internett issues. We strongly believe that huge benefit can be derived from the ITU working more closely with other internet governance bodies in a spirit of enhanced cooperation.

1.4 Multi-stakeholder and multilateral mechanisms are not mutually exclusive and both types need to increase transparency, participation and accountability

Linked to the distributed nature of internet governance (and policy and regulation) is the diversity of the institutions involved. Some of them have evolved as specifically multi-stakeholder, such as ICANN (Internet Corporation for Assigned Names and Numbers) and the IETF (Internet Engineering Task Force).

But there are also roles for intergovernmental institutions, such as the Human Rights Council, for example, which at its 26th session adopted a resolution (A/HRC/26/13) on "The promotion, protection and enjoyment of human rights on the Internet".[1] Governments have a fundamental responsibility to promote and defend human rights and it is vital that intergovernmental institutions provide the necessary leadership to ensure this role is fulfilled.

Both types of mechanisms need to tackle the growing challenge of maintaining transparency, access to information, inclusive participation and accountability. We find the NETmundial statement of principles and roadmap particularly enlightening and encourage ITU member states to read and discuss them.[2]

2. Specific recommendations and suggestions

In the light of the general points made above, APC believes it would be valuable for ITU member states to prioritise the matters outlined below and take into account APC's perspectives on them. These perspectives are the product of 25 years of experience in working in developing countries with civil society, governments, the UN system and the business and technical communities in mobilising ICTs for development, gender equality and social justice:

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[1] https://www.apc.org/en/pubs/apc-welcomes-human-rights-council-resolution-human and ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/13

[2] netmundial.br/wp-content/uploads/2014/04/NETmundial-Multistakeholder-Document.pdf

2.1 Affordable and equitable access to communications infrastructure

APC recognises and supports the recommendations in the Dubai Declaration of the 2014 World Telecommunication Development Conference[3] on this matter and recommends that consideration be given to how these can be implemented, in particular the following:

Paragraph 1: "promoting and making available, affordable and accessible broadband infrastructure, with appropriate policy and strategy, is a fundamental enabling platform that fosters innovation and drives the development of national and global economies and the information society;"

Paragraph 3: "with convergence, policy-makers and regulators should continue to promote widespread, affordable access to telecommunications/ICTs, including Internet access, through fair, transparent, stable, predictable and non-discriminatory enabling policy, legal and regulatory environments, including common approaches to conformance and interoperability that promote competition, increase consumer choices, foster continued technological and service innovation and provide investment incentives at national, regional and international levels;" and,

Paragraph 6: "building widespread telecommunication/ICT literacy as well as human and institutional capacity in the development and use of telecommunication/ICT networks, applications and services are key to enable people to access and contribute to information, ideas and knowledge. ICT-based life skills should be further strengthened not only through vocational and education training, including training in local languages, but also through international ICT volunteer programmes or initiatives. It is very important to take advantage of all facilities, such as schools, libraries, content providers, multipurpose community centres and public access points, in close partnership with all stakeholders."[4]

2.2 The cost of international connections

We understand and share the concern that many ITU member states have with the high cost of international internet connectivity.

Over the last 15 years we have examined this problem in detail and our conclusion is that the disparity in costs is mostly attributable to local policy environments, rather than to any lack of international agreements. One factor that contributes to the view that an international agreement on interconnection is necessary is the perception that discrepancies in costs are rooted in the earlier topology of the internet as a predominantly North American/European-centred network that the rest of the world had to connect to. This is no longer the case. The network has expanded dramatically and global/regional operators are steadily building out points of presence into every region/country, so that there is less need for local operators to invest in international or cross-continental infrastructure. Better local policy environments (for example, in the areas of spectrum management and national regulation of the cost of data services provided by mobile phone operators) will accelerate this process and ultimately build a network that has no centre and no inequalities in the costs of international access.

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[3] www.itu.int/en/newsroom/wtdc-14/Pages/dubai-declaration.aspx

[4] Ibid.

APC suggests that member states call upon ITU-T Study Group 3, which is responsible for Recommendation D.50,[5] to modify Recommendation D.50 in light of these considerations and to focus its work on "Ways and means to reduce the cost of international Internet connectivity" on the other guidelines[6] outlined in Supplement 2 to Recommendation D.50.

2.3 Radio spectrum as a vital resource for expanding internet access

With regard to radio spectrum, the ITU has a key role to play in helping national policy makers ensure that access to spectrum is made easier for a wider range of service providers. Typically this vital resource for increasing internet access (especially in countries without extensive fixed line networks) is under-utilised due to: the limitations that many national regulators place on access to unlicensed spectrum; high spectrum fees; and awarding exclusive use to incumbent and mobile operators as well as broadcasters. This has seen large parts of the radio spectrum unoccupied and unused by those who have been allocated the wavebands, while those who could make better use of it are excluded.

By taking advantage of new technology developments in cognitive radio and dynamic spectrum access techniques, such as use of TV white space (TVWS), countries could radically improve connectivity. These new wireless technologies are especially important for reaching those in more remote locations, because very little radio spectrum is used in rural areas, and the lower frequencies that can be used mean that much greater distances can be covered by a single base-station. Countries ranging from Singapore and the UK to the Philippines and Malawi are already seriously examining how to make the best use of these important technology developments to support better internet access.

APC encourages the ITU to ensure that improving access to unlicensed spectrum and adopting dynamic spectrum management are major components of the upcoming World Radiocommunication Conference (WRC-15).

The ITU has put substantial effort into supporting countries to make the digital switchover. We suggest that the ITU increase the emphasis placed on how the resulting increased availability of spectrum can be made available for expanding access beyond the role provided by mobile data services. There is a role for the ITU here not only in regulatory guidelines, but also through capacity building and the work done by study groups.

2.4 Access and social inclusion

APC would like to see the ITU more explicitly draw attention to and address the needs of women and of marginalised social and economic groups. We recognise and commend the important work that the ITU has done in partnership with UN Women in relation to gender equality and women's empowerment; for example, the Broadband Commission's Working Group on Gender in which APC participates as an expert. As the ITU looks ahead, we encourage further partnerships with other

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[5] www.itu.int/rec/T-REC-D.50-201104-I/en and www.itu.int/rec/T-REC-D.50-201305-I!Sup2

[6] Useful points highlighted in this Recommendation include: "Establishment of Internet exchange points (IXPs); Development of local services including local hosting and local applications; Access to landing points for submarine cables and related issues; Mirror sites and caches, and Additional infrastructure including submarine cable build out."

organisations such as UN Women, UNICEF, HRC and others, so as not to duplicate efforts, but instead deepen impact.

2.5 The diverse and distributed nature of internet governance and policy making and future ITU strategy

APC acknowledges the controversies surrounding some aspects of internet governance arrangements. We want to emphasise that these need to be addressed by all internet governance bodies. We welcome the ITU's involvement as an actor in the internet governance space with particular roles and responsibilities in areas of great importance to the internet. We welcome the ITU's increasing interaction with other internet governance agencies, and urge it to develop these relationships, recognising the limitations of its own role and the importance of collaboration in the multi-stakeholder spirit established by the WSIS.

2.6 Cyber security

Cyber security is a pressing global issue and we recognise that many ITU member states feel the need to discuss it. We also recognise the need for increased cooperation in addressing cyber threats. We suggest that at this time, sharing of best practices, capacity building, and building common definitions and collaborative mechanisms that respect due process and human rights should be pursued more actively.

Current approaches to cyber security are characterised by a) fragmentation of approaches between different international initiatives and agencies; b) lack of consistency among governments, which leads to inconsistent application of principles and loopholes which are easily exploited; c) lack of integration of cyber security into national ICT/broadband strategies and into other aspects of government; and d) frequent emphasis on the security of states at the expense of the security and rights of internet users.

While there is general agreement on the need for cooperation between governments and the private sector, civil society has been largely excluded. Civil society can not only contribute to these discussions by helping ensure that the necessary checks and balances needed to protect human rights are in place, but is also a primary stakeholder in internet security. Without being able to use the internet securely and safely, civil society cannot effectively play the role of providing access to information, building capacity, protecting human rights defenders, and promoting the interests of marginalised groups.

2.7 Transparency and inclusivity in the context of strengthening the ITU as a public institution

We consider the ITU Plenipotentiary Conference to be an opportunity for member states to introduce significant reforms to how the ITU operates in terms of transparency, access to information, and participation. We welcome recent progress by the ITU towards more transparent and open procedures, including at the Plenipot, as well as through the Informal Expert Group of the World Telecommunication Policy Forum and the WSIS+10 Multistakeholder Preparatory Platform.

As the ITU has recently recognised (Document C14/INF/20 and PP Document 59), it currently lags behind other UN institutions with respect to public access to documents. There are significant barriers to participation for non-governmental, non-profit entities as well as small and medium enterprises. This is cause for concern in a large international institution that exists to serve the public interest.

We believe it is time for the ITU to update its guidelines and policies regarding access to documents, making all documents publicly available on the ITU website, without password protection. All ITU publications should be made available to the public without fee, as is the practice of other UN bodies. Public access to ITU documents would not only mean bringing the ITU in line with practices at other UN agencies, but would benefit the ITU's work. Public access could generate increased interest and citations of ITU-based knowledge and research.

Specifically, the ITU should ensure that all interested stakeholders can meaningfully participate in and contribute to the work of the ITU.

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About the Association for Progressive Communications

The Association for Progressive Communications (APC) is an international network and non-profit organisation founded in 1990 that wants everyone to have access to a free and open internet to improve lives and create a more just world.