



Talking Points for Civil Society on the World Conference on International Telecommunications

In December, the world's governments will convene for the World Conference on International Telecommunications (WCIT), a meeting organized by the International Telecommunication Union (ITU), a UN agency.

This meeting could very well determine the future of the internet. Governments will be debating whether to expand the ITU's treaty to include aspects of internet policy, which could limit the internet's openness, its positive effects on economic growth, and the exercise of human rights online. Worse still, internet users and civil society are largely excluded from the WCIT process.

There is still time to make your voice heard through talking to your government. At the WCIT, each country has one vote, so national consultations are important for making sure governments vote for an open and accessible internet. Below are sample talking points for civil society to use in a national consultation.

In December, the world's governments will convene in Dubai for the World Conference on International Telecommunications (WCIT) where they will review and revise the International Telecommunication Regulations (ITRs). The ITRs are a binding global treaty last updated in 1988 and outline principles for ensuring that international telecommunication networks can connect with each other smoothly and in a fair and efficient manner. While the ITRs are clearly in need of updating, some countries are proposing to expand the ITRs to include the internet. Such expansion could have an adverse impact on the internet's openness, its positive effects on economic growth, and the exercise of human rights online. Below are talking points on some of the most dangerous proposals to the ITRs that stakeholders can use in conversations with their governments.

The ITU does good work in expanding access to ICTs, but proposals that would expand its mandate to aspects of internet policy-making should be rejected, as the ITU is not an appropriate venue for internet governance, in particular regulation.

- The internet has flourished under an open, decentralized model of governance, where groups representing business, the technical community, and users as well as governments focus on different issues in a variety of forums. The strength of this model was endorsed at the World Summit on Information Society (WSIS) by the world's governments.¹
- The ITU, by contrast, is a relatively closed, non-transparent body in which only governments are allowed full participation. It lacks crucial public scrutiny and the expertise necessary to weigh the human rights implications of proposed changes to internet structure and functionality.
- The current model of internet governance is in need of reform to better reflect the needs and concerns of the global south; however reform would better be achieved by diversifying participation in the existing multi-stakeholder internet governance bodies like ICANN, rather than shifting it to a government-dominated body like the ITU.

Freedom of expression is a fundamental human right and proposed changes to the ITRs that are inconsistent with the protection of this right should be rejected.

- Common Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights--two cornerstone documents in the international human rights framework--establishes that everyone has the freedom to seek, receive and impart information and ideas of all kinds, *regardless of frontiers*. The UN Human Rights Committee issued an authoritative legal opinion establishing that Article 19 extends to the digital sphere, and the UN Human Rights Council recently

¹ <http://www.itu.int/osis/outcome/booklet.pdf>

affirmed that governments have a duty to protect freedom of expression online in the same ways that they do offline.

- Some proposed amendments to the ITRs place broad and vague limitations on the right to freedom of expression in the name of national security that are inconsistent with international human rights standards, as articulated by common Article 19.
- For example, Russia has proposed that Member States ensure unrestricted public access to and use of international telecommunication services “*except in cases where international telecommunication services are used for the purpose of interfering in the internal affairs or undermining the sovereignty, national security, territorial integrity and public safety of other States, or to divulge information of a sensitive nature.*” (New Art. 8.4)² Such broad and vague language runs the risk of misuse to censor or block communications and should be rejected.

Cybersecurity is a serious problem that requires global problem-solving; however introducing cybersecurity measures to the ITRs could result in unduly restricting users’ privacy and the free flow of information and should therefore be resisted.

- Countering cyber-threats inevitably involves a balancing act between the interests of security and liberty. Yet some of the proposed changes to the ITRs fail to address privacy, free expression, and the right to access information, or do not provide adequate safeguards for these basic human rights.
 - A proposal from the Arab States would prohibit certain IP addresses from being received inside a country, would track users by IP addresses, and block specific individuals from sending or receiving certain communications. (Art. 3.3 MOD 3&4)
 - A Russian proposal would require governments to “ensure that operating agencies duly identify the subscriber when providing international telecommunication services”. (New Art. 8.8)
- Given that the the ITU has not historically dealt with the challenge of balancing security and human rights concerns, cybersecurity measures should be excluded from the ITRs. Other international bodies are already working extensively on cybersecurity issues, and many of them operate under a multi-stakeholder model that is best practice in internet policy-making and allows for more diverse groups to take part, including those with expertise in human rights.

Member States to reject a proposal by a group of European telecoms companies that would create barriers to harnessing the economic benefits of the internet in emerging markets.

- A group of European telecom companies (known as ETNO) has urged ITU Member States to change the payment system for Internet traffic, a move that could harm net neutrality and limit access to information, particularly for users in less-developed countries.³
- ETNO’s proposed “sending parties pays” approach to interconnection could lead to increased cost of Internet access for users everywhere, limit the ability of upstart entrepreneurs, innovators, and content creators all over the world to access global online market, and could limit the ability of users in smaller or less developed countries to access the global network.
- Because ETNO is a sector member and cannot introduce proposals on its own, it is reliant on an ITU Member State to take up its proposal.

Visit <https://www.accessnow.org/policy/itu> for additional advocacy tools for the WCIT, including a sample letter to send to your national delegation to request a consultation.

² Note: All proposed articles referenced are contained in the ITU Council Working Group-WCIT 12 Temporary Document 62 Rev.2 (TD-62) available at: <http://tinyurl.com/8llxym5>

³ The ETNO proposal would amend Articles 2-4 of the ITRs. For the full proposal visit: <http://tinyurl.com/8eyz3g9>