



Telecom Briefing III
Telecom Industry Dialogue Considers Five “Homes”
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The Access Telecom Briefing Series updates interested parties on major developments in the telecommunications sector regarding accountability and transparency on human rights. This third briefing focuses on the Industry Dialogue as it considers five possible “homes.” Access and its partner FairPensions, whose website houses previous briefings¹, continue to advocate for a rights-respecting telecoms environment².

The Industry Dialogue has existed for nearly a year. It includes 11 of the largest international telecoms: Alcatel-Lucent; AT&T; BT; France Telecom-Orange; Millicom; Nokia Siemens Networks; Tele2; Telefonica; TeliaSonera; Telenor; and Vodafone. It has also lost a member, Deutsche Telekom.

To date, its efforts have not been sufficiently informed by multi-stakeholder consultation nor, to our knowledge, have they made any appreciable difference on the ground. The group plans to issue its Guiding Principles by the end of 2012, whilst looking for a “home”³ in one of five existing groups: Global Network Initiative (GNI), Global e-Sustainability Initiative (GeSI), International Telecommunication Union (ITU), United Nations Global Compact (UNGC), and the GSM Association (GSMA).

Below, our full analysis of the five proposed organizations is presented in the Summary Chart of Candidate Organizations for Hosting the Industry Dialogue. It should be noted that Access is not a member of any of the organizations that the Industry Dialogue is currently considering as a home.

Criteria used to analyse the 5 “homes”

In our opinion, the GNI is the best home for the Industry Dialogue.

The criteria we used in our analysis included: Founding and Location, Multi-Stakeholder, Accountability / Assessment Mechanisms in Place, Industry Experience, Industry Focus, Human Rights Experience, and Financing. Each of the criteria is discussed in more detail below:

¹ <http://www.fairpensions.org.uk/telecoms-briefings>

² We would like to thank our colleagues at Foley Hoag, LLP for their research and assistance in producing this Briefing.

³ <http://www.teliasonera.com/en/newsroom/news/2012/telecommunications-industry-dialogue-selects-five-host-organisations-as-potential-addresses/>

- **Founding and Location** can influence an organization’s trajectory. We look for organizations with global reach and founding principles that recognize the important role that the information and communications technology (ICT) sector plays in their realization.
- The **multi-stakeholder** nature and expertise of any host organization is a key factor. Commitment to multi-stakeholder processes, implemented through shared learning, public policy engagement, and informal consultation, among other ways, is necessary to achieve transparency and accountability. The Tunis Commitment of the 2005 World Summit on the Information Society declared, “We are convinced that our goals can be accomplished through the involvement, cooperation and partnership of governments and other stakeholders, i.e. the private sector, civil society and international organizations, and that international cooperation and solidarity at all levels are indispensable if the fruits of the Information Society are to benefit all.” The inclusion of all levels of society in the benefits of ICT is ensured through consultation with all those who would be affected by a policy decision. This collaborative model allows policymakers to navigate the complex, interconnected modern communications environment.
- Independent **assessment mechanisms** ensure accountability through consistent, verifiable methods of inquiry aligned with clear principles. ICT companies, a very diverse sector, only stand to benefit from consultation, both formal and informal, with independent human rights experts. Assessors often remain available for consultation in private as well as public settings, across industries, and are very familiar with the concerns and questions of ICT corporations in challenging situations. In short, independent assessors ensure the integrity of the multi-stakeholder process, and provide a crucial ear and advice during times of crisis. They also help companies to proactively prevent human rights abuses and mitigate fallout if they should occur. Transparency builds trust with the public, and steps toward transparency can be as simple as publishing a company policy on the sharing of user data, or issuing a Transparency Report, as Google⁴ and Twitter⁵ have done. While these are internet-based companies, their transparency reports could serve as a model for more openness by telecoms, as well.
- The ICT industry encompasses a varied field of companies, including telecoms, internet startups, software developers, back-end data firms, and the major tech companies. This briefing gauges

⁴ <http://www.google.com/transparencyreport/>

⁵ <http://support.twitter.com/groups/33-report-abuse-or-policy-violations/topics/148-policy-information/articles/20170002-twitter-transparency-report>

the **industry experience** of the proposed Industry Dialogue hosts and their familiarity with the fast-changing ICT environment. Knowledge of the various players and their concerns will enable the host to effectively advise and collaborate with the group of 11 diverse telecoms, who look for support across geographic and technological borders.

- Host organizations should have an **industry focus** broad enough to inform companies on how to engage with their multiple stakeholders, including users, personnel, investors, and suppliers. Having both depth and breadth of expertise in the unique nature of telecommunications operations will be critical in the host organization's efforts to provide effective and efficient guidance to companies.
- The public dialogue surrounding the ICT industry and the human rights to freedom of expression and privacy has recently come to the fore. As communication technologies and related services increase their reach, and more users depend on them for their daily needs, concerns over privacy and free expression will become even more prevalent. A host organization's **human rights experience** protecting these rights in particular will show that it has and will continue to ensure compliance with human rights frameworks.
- Sources of **financing** can influence the direction, independence, viability, and public perception of any monitoring or assessment group. The Industry Dialogue should consider the sources of funding for the body that it chooses for a permanent home.

Analysis and conclusions on the best "home"

Applied to these five organizations, the criteria strike against the ITU and GSMA at the outset. On transparency and multi-stakeholderism, the ITU fares poorly, given its high price of membership and opaque processes. While the GSMA has ample telecommunications experience, it focuses too heavily on its corporate members – all in the mobile sector – and is not currently designed for multi-stakeholder engagement. Without transparency and a commitment to operating in a multi-stakeholder environment, both organizations would be stretched to effectively house the Industry Dialogue. Additionally, neither organization was founded to protect human rights, and neither has accountability or third party impact assessment mechanisms in place.

Of the remaining groups – the GNI, GeSI, and UNGC – our analysis points to various positive attributes for the purposes of the Industry Dialogue, but of all, GNI is clearly a step ahead. All were founded with

the intention of upholding human rights laws and norms through some form of multi-stakeholder engagement. They each invite civil society and business groups to their deliberations and investigations. There are several important differences, however.

The UNGC does not conduct third party assessments, and only promotes self-reporting. GeSI also lacks an assessment mechanism, instead offering a supply chain risk “self-assessment” tool, and accrediting third parties to audit electronics industry suppliers. The GNI, meanwhile, requires member companies to submit to independent assessments by accredited third-party auditors annually. The UNGC does not have any particular ICT industry experience, while GeSI and the GNI focus solely on ICT companies.

As far as human rights experience, the UNGC generally supports all human rights, and identifies privacy and freedom of speech online as meriting further study. GeSI's focus is on environmental sustainability, and its only human rights experience relates to conflict minerals and fair labor in the supply chain. The GNI has experience protecting the human rights to freedom of expression and privacy online. It meets corporate needs for guidance in the face of government requests to curtail these freedoms.

The UNGC, GNI and GeSI are financed by member companies. GNI is also partly funded by civil society organizations, which are counted as full members, while GeSI only counts corporations as Full Members and other groups as Partners.

The GNI has proven responsive to human rights advocates, while supporting its corporate members, and has historically provided a useful multi-way channel of communication between corporations, investors, and civil society. For the above reasons, we chose the GNI as the best “home” among the organizations identified by the Industry Dialogue. The full Summary Chart below sets out each organization, provides analysis as to how they fare against the various criteria, and gives a more detailed explanation as to why Access has chosen the GNI as the best fitting home.

In other news

- Access appeared at the AGMs of British Telecom and Vodafone through a FairPensions proxy and shareholder. Of BT, we asked for progress on human rights apart from the slow-moving Industry Dialogue.⁶ The response from BT avoided several questions, including on its operations in nations that abuse human rights, and we have since followed up with executives.⁷

⁶ <http://www.fairpensions.org.uk/telecoms/agms>

⁷ <https://www.accessnow.org/blog/access-questions-british-telecom-on-human-rights-at-shareholder-event>

- Of Vodafone, we requested an immediate, public statement of policy on government assistance and a Transparency Report detailing that assistance. The company published a thorough policy⁸ just days before the AGM. However, as noted by an Access blog post⁹, statements by the company’s Chairman at the meeting diverged from the new policy and he did not address our call for a Transparency Report. Access Executive Director Brett Solomon made these points in op-ed at DailyCloudt¹⁰, which was republished by Al Jazeera¹¹.
- Access has worked to improve the substance and process of the Industry Dialogue (ID). In April, we received a paper copy of its Draft Guiding Principles. In May, we issued this Response to the ID¹², finding that aspects of our Telco Action Plan¹³ were incorporated into the Draft Guiding Principles, but room for improvement remained. We have not received a further iteration of the Guiding Principles, but we have been told that the ID is hoping to finalize its principles by the end of the year. Obviously, this process will be informed by the host institution it chooses as a permanent home.

***Access** (AccessNow.org) is an international NGO that promotes open and secure access to the internet as a means of free, full, and safe participation in society and the realization of human rights. For more information, please contact:*

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Find the “Summary Chart of Candidate Organizations for Hosting the Industry Dialogue” on the following pages.

⁸ http://www.vodafone.com/content/index/about/about_us/privacy/human_rights.html

⁹ <https://www.accessnow.org/blog/vodafone-chairman-ignores-human-rights-duties-at-AGM>

¹⁰ <http://dailycloudt.com/voice/376/how-your-phone-can-spy-on-you>

¹¹ <http://www.aljazeera.com/indepth/opinion/2012/08/2012826103935417499.html>

¹² <https://www.accessnow.org/page/-/docs/Response%20to%20Industry%20Dialogue%20Principles.pdf>

¹³ https://www.accessnow.org/page/-/docs/Telco_Action_Plan.pdf

Factors	Global Network Initiative (GNI)	Global e-Sustainability Initiative (GeSI)	UN Global Compact	ITU	GSMA
Founding and Location	A Washington, D.C. based NGO launched in 2008 "to protect free expression and privacy."	An international NGO based in Belgium, founded in 2001 "to further sustainable development in the ICT sector."	A multi-stakeholder UN initiative launched in July 2000.	An IGO based in Geneva, incorporated into the United Nations in 1947.	A worldwide association of mobile operators and related companies, formed in 1995.
Multi-Stakeholder	GNI is a multi-stakeholder initiative with members drawn from ICT companies, human rights organizations, and academia.	GeSI members are all companies, but GeSI partners include NGOs and IGOs (including the ITU and UNEP). GeSI partners are represented on its board.	Global Compact is a multi-stakeholder initiative with representatives from all business sectors, academia, and civil society groups. Many ICT companies are members; Telefonica is a big supporter of the UNGC and is actively involved in UNGC activities.	Membership includes 193 Member States and around 700 non-voting Sector Members and Associates, who are mostly private corporations and telecoms. ITU processes are not transparent and membership is prohibitively expensive for most civil society groups.	Members are entirely from private industry. They include nearly 800 of the world's mobile operators, and more than 200 companies in the broader mobile ecosystem, including internet companies and equipment makers.
Accountability / Assessment Mechanisms in Place	The GNI requires member companies to submit to independent assessments by accredited third-party auditors annually.	GeSI does not have any accountability or assessment mechanisms for its members, beyond providing a supply chain risk self-assessment tool. GeSI does, however, accredit third party assessors to audit suppliers to the electronics industry on a wide range of social responsibility indicators. It has also partnered with the Electronic Industry Citizenship Coalition to create a certification program for Conflict-Free Smelters.	Company members of the Global Compact are required to issue annual "Communications on Progress" explaining how they have been integrating the 10 Global Compact principles into their business operations. Although financial auditors generally review a company's Global Compact self reporting in the annual audit process, the Global Compact itself does not seem to have any auditing experience.	It does not appear that the ITU currently has mechanisms in place for holding private actors accountable on human rights.	It does not appear that the GSMA currently has mechanisms in place for holding private actors accountable on human rights. It does implement its standards with its developer community though.
Industry Experience	GNI is completely focused on the ICT industry.	GeSI is completely focused on the ICT industry.	Many ICT companies are Global Compact members. But the Global Compact has no particular ICT experience.	The ITU is the UN specialized agency for ICT, and is the primary international regulator of the telecommunications sector.	GSMA is currently completely focused on the mobile telecommunications industry.



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Factors	Global Network Initiative (GNI)	Global e-Sustainability Initiative (GeSI)	UN Global Compact	ITU	GSMA
Industry Focus	<p>Focused on helping ICT companies develop policies and procedures to protect privacy and freedom of expression online. All of the current GNI member companies are from the internet rather than the telecoms sector.</p>	<p>GeSI's focus is on environmental sustainability. Member companies include network operators (including Telefonica, Telenor, and Vodafone), telecom equipment manufacturers (including NSN, Alcatel-Lucent, and even Huawei and ZTE), and one software / internet company (Microsoft).</p>	<p>The UNGC is focused on assisting business as a whole, and not any particular industry or sector.</p>	<p>The ITU has 3 principal areas of activity: allocating global radio spectrum and satellite orbits, developing the technical standards that ensure networks and technologies interconnect, and improving access to ICTs to underserved communities worldwide.</p>	<p>The GSMA supports the standardising, deployment and promotion of the GSM mobile telephone system and related technologies.</p>
Human Rights Experience	<p>The raison d'être of the GNI is to protect and advance freedom of expression and privacy online—particularly in the face of government requests to Internet companies to curtail these freedoms.</p>	<p>GeSI identifies freedom of expression and privacy as among the 10 key sustainability issues facing the ICT sector, but it does not seem to have done any work on this area. Its only real human rights experience relates to conflict minerals and fair labor in the supply chain.</p>	<p>The Global Compact is a generalist organization that deals with all human rights issues. Privacy and Freedom of Speech online have been identified as two “human rights and business dilemmas” meriting study by Global Compact members. Interestingly, this “dilemma” references the Global Network Initiative's Principles and Implementation Guidelines as best practices. Many rights initiatives are either currently, or were previously, “hosted” by the UNGC, including the U.N. Principles on Responsible Investment (previously), the Women's Empowerment Principles, the Children's Rights and Business Principles, and the Principles for Responsible Management Education (and many others). The UNGC provides a spectrum of hosting support: some initiatives have dedicated staff people at the UNGC, while for others, UNGC just hosts meetings and supports events.</p>	<p>The ITU was the lead organizing agency of the World Summit on the Information Society (WSIS), a United Nations summit aiming at bridging the digital divide and striving for digital inclusion. The WSIS is credited with popularizing and mandating the multi-stakeholder process of decision-making. Additionally, the International Telecommunication Regulations (ITRs) contain provisions regarding the right to communicate (see Article 3.4). The right of the public to access international telecommunication services is also recognized in ITU's Constitution (articles 33 and 34).</p>	<p>GSMA is involved privacy and security issues. It has worked with mobile operators for a number of years on privacy and mobile (www.gsma.com/mobileprivacy). It partners with Gesi, ITU, OECD and others on Freedom of Expression issues and at events such as the IGF. Vodafone helped create the GSMA's recent "Privacy Design Guidelines for Mobile Application Development" and is implementing them with their developer community.</p>
Financing	<p>Financed by member companies</p>	<p>Financed by member companies</p>	<p>Financed by member companies</p>	<p>Financed by dues from Member States and Sector Members</p>	<p>Funded in part by members, and in part by foundations</p>

Factors	Global Network Initiative (GNI)	Global e-Sustainability Initiative (GeSI)	UN Global Compact	ITU	GSMA
Notes	<p>Members of the ID have expressed reservations about joining the Global Network Initiative (GNI), feeling that to date it is not yet tailored to the needs or realities of the telecommunications industry.</p>			<p>Concerns surround the ITU's upcoming World Congress on International Telecommunications or WCIT. The WCIT is a treaty-level conference that addresses the international rules for telecommunications, including international tariffs. In December 2012, member states will meet at WCIT-12 to vote on revisions to the International Telecommunication Regulations (ITRs), with the possibility of making the ITU and its member states an internet regulator, a role it has not played to date.</p>	<p>Vodafone helped create the GSMA's recent "Privacy Design Guidelines for Mobile Application Development" and is implementing them with their developer community. Perhaps Vodafone is pushing the ID toward the GSMA.</p>
RECOMMENDATION	<p>We believe this is the best home of the five. It is studying ways to meet the telecoms' needs. It has experience leading independent assessments and is quite familiar with international human rights norms. The GNI has proven responsive to human rights advocates, while supporting its corporate members, and has historically provided a useful multi-way channel of communication between corporations, government and civil society.</p>	<p>GeSI is the second best candidate to the GNI. It does not carry out assessments itself, and appears more focused on environmental issues to date. However, it could likely expand to address the broader human rights impacts in ICT.</p>	<p>The UNGC does not appear to seriously challenge corporations on their human rights impacts, preferring to facilitate conversations and encourage self-assessment. Thus we do not recommend this as a home.</p>	<p>We do not know how the ITU could take in entities like the Industry Dialogue. Based on its previous work and status as a non-transparent inter-governmental organization, the ITU is not a candidate that we recommend.</p>	<p>The GSMA does not seek multi-stakeholder input. It has no accountability mechanisms or commitment to human rights, beyond its privacy principles. Therefore, we do not recommend it.</p>

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