

## **Contribution from the Association for Progressive Communications**

### **REVIEW OF THE 2012 INTERNATIONAL TELECOMMUNICATION REGULATIONS**

1. The Association for Progressive Communications (APC) welcomes the opportunity to make this contribution to the second meeting of the Expert Group on International Telecommunication Regulations (ITRs). APC, a Sector Member of ITU-D and ITU-R, is an international network of civil society organisations concerned with ICTs, the internet, development and rights. APC followed the WCIT-12 process very closely, and contributed to the extent possible for a civil society organisation.<sup>1</sup>

2. The ITRs are important instruments in international communications and it is critically important that all stakeholders should be able to contribute to discussions about how they are revised. In reviewing the 2012 ITRs, the guiding question should be whether there are any issues or conflicts arising from the existence of two versions of the ITRs, specifically in relation to the objectives of the ITRs, which are:

- To facilitate global interconnection and interoperability of telecommunications facilities
- To promote the harmonious development and efficient operation of those facilities
- To promote the efficiency, usefulness and availability to the public of international telecommunication services.

3. APC is not aware of any issues or conflicts as a result of two versions of the ITRs. Moreover, it is our view that the polarisation that emerged from WCIT-12, namely the fact that just 89 of 193 member states signed the Final Acts, has not resolved itself in the past five years. We are concerned that an effort to amend or update the ITRs would reopen protracted debates and not result in progress.

4. Furthermore, we are concerned that renegotiating the ITRs comes with considerable risk, in three areas: a) restricting the use of telecommunications, b) financial cost, and c) reputational cost.

- a) Restricting the use of telecommunications: Proposals at WCIT-12 and in other ITU processes in recent years, such as PP-14 and WTS-16, posed a risk to access to

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<sup>1</sup> See [https://www.apc.org/sites/default/files/APC%20Perspectives%20on%20the%20revision%20of%20the%20ITRs\\_0.pdf](https://www.apc.org/sites/default/files/APC%20Perspectives%20on%20the%20revision%20of%20the%20ITRs_0.pdf).

Note: At the time, APC was not an ITU Sector Member and was only able to formally contribute to the limited opportunities presented by public consultations.

information and freedom of expression through telecommunications, and to other human rights, such as the right to privacy.<sup>2</sup>

b) Financial cost: As noted in other contributions, the financial cost of convening a WCIT is considerable.<sup>3</sup> At WCIT-12, 13 days of meetings cost CHF 1.9 million (CHF 147,000 per day). This does not account for the cost of regional preparatory meetings, and the preparations and consultations that Member member States states carry out at the national level, so the total cost would be far greater.

c) Reputational cost: WCIT-12 sparked considerable controversy as a result of the lack of consensus with which it concluded as well as being conducted without adequate transparency and stakeholder involvement. While it can be argued that some media reports were overblown, the fact that WCIT-12 did not meet stakeholders's expectations of an open, inclusive and transparent process is indisputable. We commend the ITU for taking steps towards opening up to non-governmental, civil society stakeholders in recent years, specifically by opening up sector membership to non-paying members, preliminarily adopting a new document access policy, and conducting online and in-person consultations for CWG-Internet. However, in our view, much more is needed to ensure meaningful stakeholder participation and avoid reputational risk for the ITU.

5. APC reiterates that the **ITRs should continue to be concerned with basic telecommunications** and should **not extend to services that make use of telecommunications networks such as ICTs in general or the internet** in particular or **include public policy objectives and areas of governance which are beyond their current remit of the telecommunications sector**. In addition, the **ITRs should always seek to facilitate and never to restrict** the development of telecommunications and the availability of communications services.

6. Furthermore, we encourage the ITU to take further measures to facilitate meaningful participation of independent civil society actors into its work by enabling **open, participative, transparent, accountable, inclusive, and equitable processes**.

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<sup>2</sup> For example proposals that would have limited the ability of users to route around censorship or communicate anonymously by providing Members States the authority to determine routing paths and to prevent "misuse and misappropriation of numbering resources", or would have effectively legitimised state shutdowns of unlicensed equipment, or would have imposed a global digital identifier system that uniquely identifies internet-connected devices in such a way that would have compromised the privacy and trust of users.

<sup>3</sup> See Document EG-ITRs-2/4-E Contribution from the Federative Republic of Brazil.