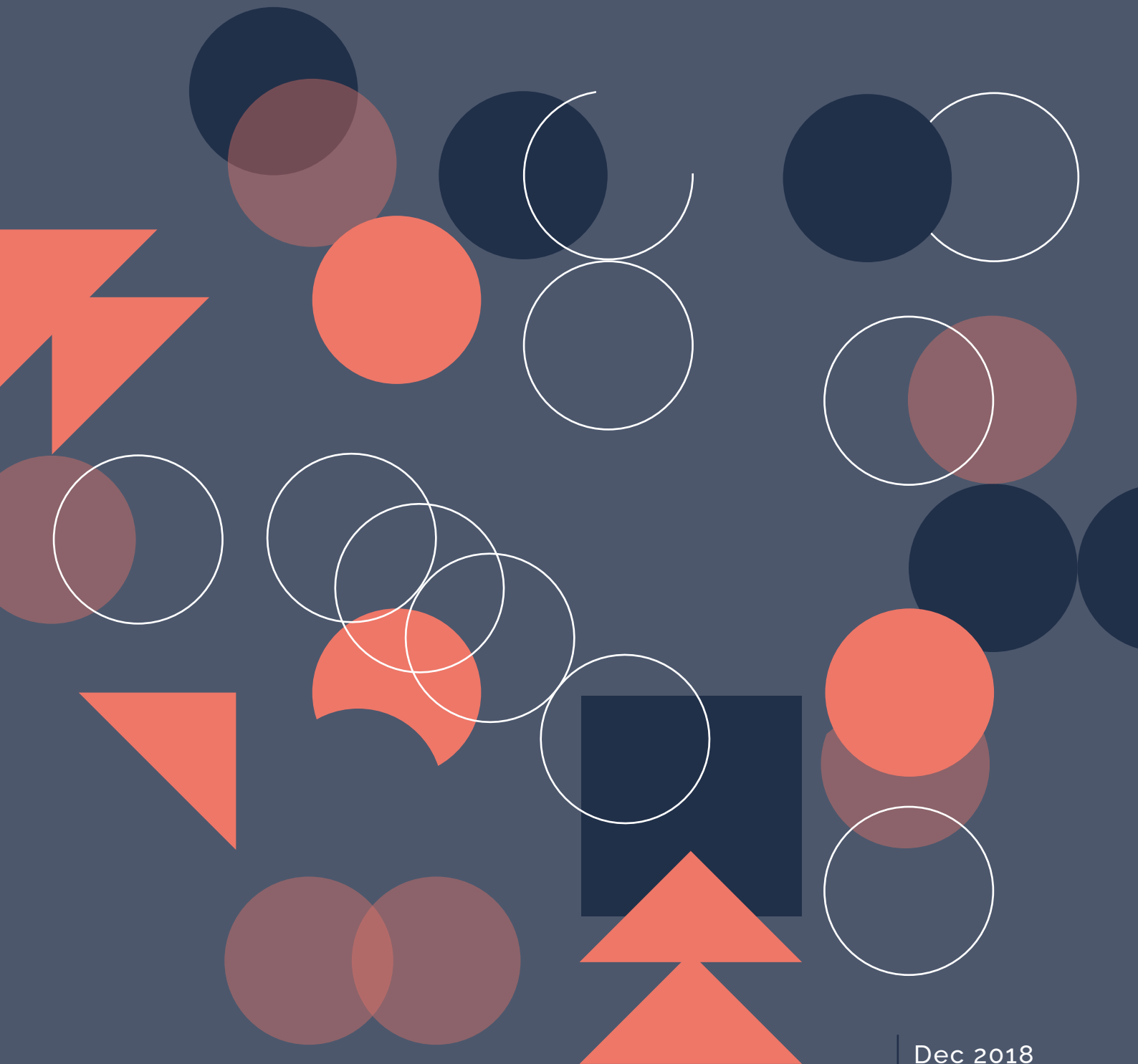


GLOBAL PARTNERS DIGITAL

Advocacy Bytes

| ITU Plenipotentiary Conference 2018



| Dec 2018

1 Snapshot

Dates covered by this case study

29 October – 16 November 2018

Type of mechanism

High level meeting of the International Telecommunications Union (ITU)

Background

The ITU is the specialised agency of the UN for telecommunications / information and communication technologies (ICTs). Established in 1865 to develop international standards and rules on the use of telegraphy, its remit as a standards-setting body has since expanded significantly to encompass newer forms of communications such as telephones, radio, television and mobile phones. It also facilitates the allocation of the radio spectrum for different purposes and manages satellite orbit resources. In the last fifteen years, it has also begun to play a role in Internet governance debates, as a facilitator of several World Summit on the Information Society Action Lines, and through studies on certain Internet-related issues in its study groups and Council Working Groups. The ITU's role in this field is, however, contested, with some governments pushing for a further expansion of its mandate to include standards-setting on Internet-related policy issues, and others fiercely resisting such calls.

The Plenipotentiary Conference (or Plenipot) is the most important event in the ITU's calendar and takes place every four years. For our recap of civil society engagement in ITU Plenipot 2014, check out the Advocacy Bytes issue on that event [here](#).

Structure and decisionmaking processes

The Plenipot is a three week long conference open to all 193 member states of the ITU. While the ITU does offer sector and associate membership to businesses in the ICT industry, international and regional organisations (including NGOs) and academic institutions, being a sector member or associate only allows you to *attend* Plenipot, not to speak or vote. Decisions are therefore made only by the member states, and on the basis of consensus (except for elections, which take place via a secret ballot). Given the large number of participants at

Plenipot, particular issues and texts will often be discussed by smaller ad hoc groups, who then bring their conclusions to higher level committee and plenary sessions at which all member states participate.

Remit

The Plenipot is an international treaty conference where, among other things, the ITU's member states make high-level decisions on the role, mandate and activities of the ITU over the next four year period (in the form of texts called Decisions and Resolutions); adopt its general organisational policies, strategic and financial plans; and elect the senior members of the ITU staff, such as the ITU Secretary General, the most senior position in the organisation.

2 What was at stake

The key concerns of civil society organisation at Plenipot mostly related to proposals for new or updated Resolutions on various topics. These Resolutions set out the mandate and priorities of the ITU, and proposals submitted by a number of regional groupings and member states would have seen the ITU undertake work on some highly sensitive issues. At Plenipot 2018, the concerns of civil society were largely based on the belief that such issues should be discussed in open, inclusive and transparent process, rather than closed, multilateral ones such as the ITU. The topics which were considered to be priorities by the civil society coordination group (see more below), and where efforts to expand the ITU's mandate were resisted included:

- Internet-related issues
- Cybersecurity
- Combating counterfeit devices
- Over-the-Top services
- Privacy and data protection
- Internet of Things and Smart Cities
- Artificial intelligence
- Digital Object Architecture

On a more positive note, there were also Resolutions on the table which related to improving connectivity and access to the Internet, bridging the digital divide, and addressing gender-related inequalities. A further area of interest among civil society was to strengthen the language in these Resolutions so that more action would be taken in these fields.

Finally, attention was also focused more broadly on improving the openness and transparency of the ITU as a body, and pushing for greater engagement of other stakeholders in its decisionmaking processes.

3 Challenges for civil society engagement

- **The ITU as a multilateral body.** Despite efforts to open up high level meetings of the ITU to independent civil society representatives, the ITU is still, at heart, a multilateral body; and while non-governmental entities can join the ITU as members and attend Plenipot, only member states can speak and vote. For civil society to shape outcomes at Plenipot, organisations needed to engage with the national delegations and regional groupings and influence their positions before and at Plenipot, rather than participating directly and independently at the conference.
- **Access to the Plenipot itself.** Only ITU members can attend Plenipot and the level of transparency over what was taking place was extremely limited. Some parts of the conference, particularly the higher-level plenary and committee meetings, were meant to be livestreamed, however the technology ultimately failed meaning none of the conference could be viewed externally. In any event, much of the decisionmaking took place in smaller ad hoc and informal meetings behind closed doors with only people in the room knowing what was going on. Access to relevant documentation was patchy and often limited only to members. In order to participate at Plenipot therefore, civil society organisations had to join a national delegation, however only a small number of states were willing to allow non-government representatives onto their delegations and all had to fund their own costs.
- **Participating at Plenipot.** Even if a civil society organisation was able to attend Plenipot, *meaningful* participation was extremely difficult for several reasons. First, because participation largely relied upon being a member of a national delegation, any intervention needed to be consistent with that government's position. Second, there were multiple meetings on different issues taking place simultaneously, often until the early hours of the morning, making it impossible for an individual to keep on top of more than one or two topics. Third, the formal procedures and working methods at Plenipot are complex, with no guidance provided for those new to the institution, making the experience for newcomers confusing and testing.

4 What happened

→ BEFORE PLENIPOT

The ITU's regional groupings and member states generally start to prepare for Plenipot a year or two before the conference itself. In the run up to Plenipot 2018, for some civil society organisations, participation with national level delegations began at this stage, in order to feed into and influence the development of national positions and regional proposals. This meant attending meetings of the national delegation, setting out some of the human rights considerations of the issues being discussed, and reviewing drafts of proposals. Some organisations were also able to participate at the meetings of the regional groupings – such as CEPT (Europe) and the ATU (Africa) – to speak to delegations from across the continent.

Some national delegations were particularly open to civil society engagement in their preparatory work including the United Kingdom, Argentina, Brazil, Ghana and Nigeria. As a result of this early engagement, many ended up inviting civil society to join their national delegation in Dubai, setting an important precedent for future engagement efforts. Others, such as Sweden, opened up their delegations at Plenipot to civil society organisations unable to participate on their own national delegations. Overall, more delegations included civil society participation in some form than ever before at a Plenipotentiary Conference.

As well as engaging directly with governments, civil society organisations formed an informal coordination group and started coordination activities about a year before the conference at the 2017 Internet Governance Forum in Switzerland. A number of organisations published **a joint statement** at the start of 2018 to help raise awareness of the coordination group and what civil society organisations could do. A mailing list was launched to enable interested organisations to communicate with each other, and quarterly in-person meetings and conference calls were held to facilitate coordination. In order to support engagement, various tools and resources were published, including by **Global Partners Digital** and **Article 19**.

In the months running up to Plenipot, the coordination group agreed on its priority issues (outlined above), developed a brief which tracked the proposals coming from different regional groupings and member states on those priority issues, and, where possible, agreed on common positions to be taken in relation to those issues. The coordination group also shared information gleaned through members' respective activities across the ITU landscape and at the national level.

→ AT PLENIPOT

Civil society coordination at Plenipot largely took place through in-person meetings, when time permitted, and the use of WhatsApp groups on different issues. As noted above,

negotiations and discussions at Plenipot on the key issues often took place during informal meetings and ad hoc working groups. At its busiest point, many of these were taking place in parallel, with meetings starting as early as 8.00am and finishing as late as 3.00am. Given the limited resources of civil society attendees at Plenipot, issues were split between different leads to ensure that at least one representative from civil society was present during each meeting. This allowed attendees to share information and updates with each other, and to keep everyone on top of the different issues being discussed.

In addition, civil society organisations were able to discuss thoughts and concerns with the national delegations on which they sat, and throughout the conference were able to use their connections to link key member states through bilateral meetings. In doing so, they were able to help highlight areas of concern, influence the positions taken, and build coalitions among like-minded member states. Many member states only had small delegations at Plenipot, meaning they struggled to cover all of the issues being discussed; the support provided by civil society members of those delegations was particularly helpful, therefore, in ensuring that national delegations were kept fully abreast of what was happening.

5 Outcomes

There were a range of outcomes at Plenipot 2018, some positive and some less so. The key outcomes from the perspective of civil society, though, were:

- **No mandate expansion on issues of concern.** A key priority of civil society was to ensure that the ITU's mandate was not expanded in relation to issues such as Internet governance, cybersecurity, and new technologies. These issues, and any norm-setting or standards-setting, should only take place in open, transparent and inclusive processes and where the relevant expertise exists. A significant success was therefore ensuring that all Resolutions relating to these issues were not amended in a way which expanded the ITU's mandate. Indeed, attempts by some regions for new Resolutions on artificial intelligence and big data to be adopted were successfully resisted.
- **Trade offs on more positive language.** As noted above, there were more positive efforts made by some member states, supported by civil society, for stronger language in Resolutions relating to gender, bridging the digital divide, and access and connectivity. This language was often resisted strongly by other regional groupings and member states who take a very different approach towards issues of gender and inequality, or who were uncomfortable, for example, with language welcoming the role that community networks play in improving access. Ultimately, and disappointingly, much of this positive language was lost in the rough and tumble of negotiations. In particular, language on the role of small and community networks was not taken forward. There was, however some more

progressive language on gender mainstreaming which was included in final versions of Resolutions, such as wording consistent with the UN System-wide Action Plan on gender parity in staffing, and new language recognising the need to consider intersectionality when looking at gender inequality.

- **Little movement on openness and transparency.** As noted above, participation in most ITU decision-making processes, as well as access to key ITU documents is still restricted to ITU members only, making engagement as a civil society organisation difficult. While some regional groupings put forward proposals which would open up the ITU's processes, others put forward ones which would have weakened the limited, existing means by which organisations who are not members of the ITU are able to participate in and scrutinise its work. The biannual open consultation process under Council Working Group on Internet-related public policy issues established at the last Plenipot, for example, would have ended under some proposals. While these were all ultimately successfully resisted, the trade off was the loss of text which would have further opened up ITU modalities, resulting in retention of the status quo. Within delegations, however, and as noted above, there was the highest ever level of civil society participation, which can be seen as a highly positive outcome in terms of openness.
- **Strengthening links with the ITU leadership team.** The Plenipot started with the elections for the senior leadership team of the ITU. One of the successful candidates was Doreen Bogdan, elected as Director of the ITU Telecommunication Development Bureau. Civil society organisations were able to meet with Doreen shortly after her election, to highlight some of the priority issues and concerns of civil society – such as increasing connectivity and bridging the digital divides – and to discuss possible ways of collaborating over the next few years.

6 Lessons learned

- **Early engagement is critical.** The regional groupings and member states start preparing for Plenipot around a year in advance, with proposals drafted several months before the conference begins. This is an essential point for civil society organisations to engage as it becomes harder for positions to shift the closer you get to Plenipot. While engaging is certainly not straightforward, many member states and regional groupings are open to at least hearing from interested organisations, especially when expertise can be provided on particular issues.
- **Understanding the ITU is tough.** The ITU is not an easy forum to navigate for non-members and there is little guidance on what it does, how it works, and its procedures at conferences such as Plenipot. Many participants at Plenipot from different member states have engaged for several years, and there is no support provided for newcomers, making participation intimidating. Reviewing what information is available beforehand is

therefore extremely valuable, as is speaking to those who have experience so as to get a better idea of what to expect and how to engage. The frenetic nature of Plenipot makes learning 'on the go' extremely challenging.

- **Strong links to your national delegation help hugely.** Meaningful participation at the Plenipot as a civil society organisation relies, almost always, on being part of a national delegation. As noted above, many national delegations were welcoming of civil society organisations' contributions, including as members of the delegations, as they were able to help make sure all issues were being followed, and that relevant expertise was available. Membership of a national delegation also often allows an organisation to be able to speak to that member state's regional grouping, increasing its audience.
- **Be flexible.** The Plenipot is, in many ways, a chaotic event, with important meetings being organised at the last minute, at all hours of the day, and with little notice or publicity. Inevitably, some take place simultaneously. Negotiations on text may even be taking place during meetings unknown to all but a few individuals. Trying to participate on the basis of a fixed agenda and schedule makes little sense. Instead, attendees need to coordinate, but flexibly, to ensure that information is shared as much as possible. Communication tools like WhatsApp are invaluable for this purpose.