



The world's digital future

by Patryk Pawlak

When the members of the World Trade Organisation (WTO) gathered in Seattle in 1999 to launch the new round of global trade negotiations, over 40,000 people representing civil society, trade unions and environmental interests took to the streets to voice their discontent with the direction that global economic governance was taking. Fifteen years later, the International Telecommunications Union (ITU) – a UN body dealing with issues ranging from the global use of the radio spectrum to promoting international cooperation in assigning satellite orbits – is meeting in Busan, Korea (20 October – 7 November), to decide on the future strategic direction of the organisation.

Over the next couple of weeks, the Plenipotentiary Conference (PP-14) – the ITU's highest decision-making body – will discuss the organisation's role in shaping future information and communications technology (ICT) policies throughout the world. Yet behind the veil of a seemingly mundane agenda (including the elections of the ITU's new management and the revision of numerous resolutions), lie issues to be debated which are every bit as important as those discussed by the WTO in the 1990s.

Connecting the world

Established in 1865 as the International Telegraph Union, the organisation underwent a far-reaching overhaul in 1992 with the adoption of a revised constitution, even before the telecommunications

environment experienced significant change and the internet became ubiquitous. As new technologies kept expanding to new areas of human activity, so did the ITU's appetite for playing a bigger role in this policy area. With time, the ITU's undertakings spread beyond its initial ambitions of bridging the digital divide or setting standards to include technical, legal and institutional capacity building around the world. With its UN-derived legitimacy and the message of economic and social prosperity that accompanied widespread broadband deployment, the ITU gradually became a favourite of the developing world. The fact that countries like Kenya, Nigeria or Uganda have the same voting power as Germany, India or the US is an additional guarantee that *all* voices will be heard.

The intergovernmental structure of the organisation, on the other hand, is perceived as a major asset to certain countries which desire greater state control over how the internet is governed. Ironically, where once Western countries saw an increased need for a strong ITU focused on 'connecting the world', the organisation's inroads into new areas have been causing them to grow ever more uneasy.

Game of zones

There is a creeping fear among developed countries that PP-14 will be used to expand the scope of the ITU's mission beyond its core tasks. For instance, although resolution 130 – revised and adopted as a

last-minute compromise in 2010 – reaffirms the ITU’s supporting role as a facilitator in building confidence and security in the use of ICTs, there is a tendency for the body to attempt to move beyond technical issues. This would pave the way for it to address questions related to data protection and privacy, which have been traditionally dealt with by other UN agencies like ECOSOC or UNESCO. For the group of developed countries – with the US at the forefront – the argument is simple: giving an intergovernmental organisation control over online content might give certain states additional tools to limit freedom of expression and other fundamental rights.

The issue was already raised at the World Conference on International Telecommunications (WCIT) in 2012, when governments came together to revise the principles on which international telecommunications traffic is handled (known as International Telecommunication Regulations or ITRs). On this occasion, a non-binding resolution pushed forward by Russia, China, and Saudi Arabia called for a central role for governments in internet governance. Together with new ITR articles on spam and cybersecurity, this controversial package has openly challenged the vision of internet governance promoted by the US, EU and other like-minded countries. The ghost of that debate will surely come back to haunt PP-14, given that some submissions – including those by the African Telecommunication Union Administrations and Asia-Pacific Telecommunity Administrations – address the revision of ITRs. The possibility of a new ‘stable constitution’ is also on the table even though many delegations – including Brazil, Canada, Colombia and the US – think that the current proposals risk undermining the stability of the existing legal framework.

Mission impossible

Partly a victim of its own success, and partly an accomplice in member states’ political games, the ITU became subject to scrutiny from those countries which seek to curb the organisation’s overstretch beyond its core mission. The US, among others, proposes increased oversight over the financial and strategic implications of the memoranda of understanding (MoUs) between the ITU and other expert organisations. While many of those agreements help avoid duplications, some of them – like the one concluded with the United Nations Office on Drugs and Crime – go beyond mere technical assistance and, in essence, are tantamount to assistance on cybercrime legislation.

Making the ITU’s decision-making process more inclusive and more transparent would further improve

public oversight and foster greater trust in the organisation. Even though the ITU has made an effort to involve representatives from academia, non-governmental organisations and the private sector in its various activities, the process remains very much state-centred. While private sector representatives may attend the plenipotentiary conferences to advise their respective governments, very few governments incorporate scholars or civil society representatives as members in their national delegations.

Moreover, an ITU study comparing document access policies among the UN and specialised agencies has found that the organisation is substantially lagging behind when it comes to making documents publicly available. That said, the recent proposals submitted to the PP-14 suggest, *inter alia*, that contributions to future conferences and all outcomes (i.e. resolutions or decisions) are openly published.

Unity in diversity

Successfully connecting the world today requires bringing together a host of actors: developing nations with developed ones; regulators with diplomats, law enforcement agencies and development bodies. As national governments proceed with their discussions in Busan, they will quickly realise that maintaining the existing status quo is the least plausible option. With the number of mobile phone subscribers and internet users in developing countries substantially higher than in the developed world, their wish for a greater say will be difficult to ignore. Nor should it be. The principles adopted by a broadly defined cyber community at the NETmundial meeting in San Paolo in May – the equivalent of a digital Seattle, bringing together governmental and non-governmental actors – should provide further guidance. However, the possibility of solving differences through voting will definitely be off the table, potentially leading to problems in the future.

Just as the trade liberalisation agenda impacted the lives of people across the globe in the 1990s, the decisions taken in Busan will set the direction for the future of the digital world. This time around, deliberations will still take place in rooms sealed from public scrutiny. Nevertheless, those sitting in them should be conscious that the world is watching.

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