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Information Document

Contribution to WTPF regarding Draft Opinion 2

Source: Richard Hill, APIG

**Introduction**

At its February meeting, the Informal Expert Group agreed Draft Opinion 2, published as WTPF13-IEG3/C 43. That opinion cites portions of “The State of Broadband 2012: Achieving Digital Inclusion for All”, *A Report of the* *Broadband Commission for Digital Development* (September 2012). (Available at <http://www.broadbandcommission.org/Documents/bb-annualreport2012.pdf> ).

However, other portions of the report also appear to be relevant for the draft opinion and should be added to it.

In order to reflect those additional elements, it is proposed that WTPF consider the revisions proposed below to the draft opinion agreed by the Informal Expert Group.

**Proposal
Revisions to Draft Opinion 2**
*The original is found in document WTPF13-IEG3/C 43*

**DRAFT OPINION 2: FOSTERING AN ENABLING ENVIRONMENT FOR THE GREATER GROWTH AND DEVELOPMENT OF BROADBAND AND CONNECTIVITY**

The fifth World Telecommunication/ICT Policy Forum (Geneva, 2013),

*recalling*

1. Resolution 71 (Rev. Guadalajara, 2010), The Strategic Plan for the Union;
2. Resolution 101 (Rev. Guadalajara, 2010) on the subject of Internet-Protocol based networks;
3. Resolution 139 (Rev. Guadalajara, 2010), Telecommunications/information and communication technologies to bridge the digital divide and build an inclusive information society;
4. the 2005 World Summit on the Information Society (WSIS) outcome documents;
5. the third World Telecommunication Policy Forum (Geneva, 2001), Opinion A on the general implications of IP Telephony for the ITU membership,

*taking into account*

the Report of the fifth World Telecommunication Development Conference (Hyderabad, 2010), highlighting the importance of telecommunication infrastructure and technology development, particularly developing countries, and adopting regional initiatives and the Hyderabad Action Plan to assist developing countries achieve, to a greater degree, universal access to telecommunications,

*considering*

1. the Geneva Declaration of Principles adopted by WSIS;
2. the potential benefits of the rapid introduction of new and diverse telecommunication services, including those highlighted in Resolution 66/184 of the UN General Assembly, and consistent with § 54 of the Tunis Agenda, to “provide new solutions to development challenges and foster sustained, inclusive and equitable economic growth, development, competitiveness, access to information and knowledge, poverty eradication and social inclusion that will help to integrate all countries, especially developing countries, in particular the least developed countries, into the global economy”;
3. the role of broadband connectivity in attaining the UN Millennium Development Goals;
4. the importance of broadband capacity to facilitate the delivery of a broader range of services and applications, promote investment and provide Internet access at affordable prices to both existing and new users,

*recognizing*

1. that, pursuant to § 22 of the Geneva Declaration of Principles adopted by WSIS, a well-developed information and communication network infrastructure and applications, adapted to regional, national and local conditions, easily accessible and affordable, and making greater use of broadband and other innovative technologies where possible, can accelerate the social and economic progress of countries and the well being of all individuals, communities and peoples;
2. the importance of competition in promoting investment, as presented in the report of the Broadband Commission for Digital Development[[1]](#footnote-1) ;
3. the policy recommendations in the report of the ITU/UNESCO Broadband Commission for Digital Development[[2]](#footnote-2) encouraging broadband infrastructure development and for creating a favourable environment for investment in telecommunications infrastructure by encouraging all Member States to:
4. provide policy leadership for investment, including open consultations on necessary policy and legal frameworks;
5. open telecommunications markets to competition through licensing and taxation reforms, including transparent licensing regimes;
6. enable government services that will stimulate demand for and investment in telecommunications, especially in developing countries;
7. establish a universal service program to support telecommunications infrastructure investment; and
8. encourage efficient and innovative mobile broadband practices for new market entrants and consumers,
9. that, according to the report cited in (c) above,
10. depending on geography and population density, policy-makers and regulatory authorities face different challenges in the roll-out of different broadband technologies;
11. in areas where private firms may not be initially willing to invest, the public sector could use targeted subsidies to foster the deployment of specific infrastructure, devices, and content, so universal adoption can be achieved;
12. the design of a national broadband programme should include a focus on using Universal Service Funds (USFs) to finance critical broadband infrastructure;
13. some countries take the view that competition may not suffice to achieve stated broadband goals;
14. some countries have established a single company to provide the wholesale broadband network, offering wholesale services to providers on an open access, equivalent basis;
15. regulatory reforms may be needed to ensure the telecommunication sector provides competitive and innovative services to consumers; such reforms may include changing the structure of the industry, the access regime, strengthening of consumer safeguards, and functional separation of parts on the incumbent,

*recognizing further*

the provisions of Resolutions 101 and 102 (Rev. Guadalajara, 2010) on ITU’s role with regard to international public policy issues pertaining to the Internet, and the provisions of Resolutions 3 and 5 (Dubai, 2012),

*noting*

1. that progress has been made in access to information and communication technologies, including the steady increase in Internet access to the world’s population, and the availability of multilingual content, as well as Internet addresses, and that the international community affirmed its commitment to turning the digital divide into digital opportunity, and to ensuring harmonious and equitable development for all, in § 49 of the Tunis Agenda;
2. the establishment of the Broadband Commission for Digital Development at the invitation of the Secretary-General of the ITU and the Director General of UNESCO, and taking note of the Commission Report entitled “A 2010 Leadership Imperative: The Future Built on Broadband”, which calls for broadband-friendly practice and policies towards the attainment of the internationally agreed development goals, including the UN Millennium Development Goals,

*is of the view*

that Member States, Sector Members and other interested stakeholders should undertake all efforts to foster an enabling environment for the greater growth and development of broadband connectivity,

*invites Member States,*

1. to create and promote widespread affordable access to telecommunication infrastructure, in particular for broadband access, by enabling legal and regulatory environments, and develop policies that are fair, transparent, stable, predictable and non-discriminatory; and that promote competition, foster continued technological and service innovation, and encourage private sector investment incentives; regulatory measures may be imposed to the extent that the desired goals cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition;

*invites Member States, Sector Members and all interested stakeholders,*

to continue to work, as appropriate, in the activities of ITU, and in all international, regional and national forums considering the subject of broadband connectivity, to share best practices in this area, in particular regarding the implementation of policy frameworks, business models and financing arrangements that facilitate growth in access to broadband,

*requests the Secretary-General*

to ensure the effective implementation of the relevant ITU programmes and activities, including the WSIS outcomes, through the promotion and strengthening of cooperation in the development of broadband connectivity.

**Proposal
Revisions to Draft Opinion 5**
*The original is found in document WTPF13-IEG3/C 42*

**DRAFT OPINION 5: SUPPORTING MULTI-STAKEHOLDERISM IN INTERNET GOVERNANCE**

The fifth World Telecommunication/ICT Policy Forum (Geneva, 2013),

*noting*

a) that some take the view that national and international laws do not, or should not, apply to the Internet or to online activities;

b) but that courts of law have generally applied established law to Internet and to online activities;

c) and that national and international laws have been adapted, as necessary, to cover Internet and online activities,

*recalling*

Paragraph 34 of the Tunis Agenda for the Information Society (Tunis Agenda) which provides a working definition of Internet Governance as the development and application by Governments, the Private Sector and Civil Society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet,

*recognizing*

a) that, as per paragraph 37 of the Tunis Agenda, a multi-stakeholder approach should be adopted as far as possible, at all levels, to improve the coordination of the activities of international and intergovernmental organizations and other institutions concerned with Internet Governance and the exchange of information among themselves;

b) that, as per paragraph article 35 of the Tunis Agenda, that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations. In this respect, it is recognized that:

i) Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet- related public policy issues;

ii) The Private Sector has had, and should continue to have, an important role in the development of the Internet, both in the technical and economic fields;

iii) Civil Society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;

iv) Intergovernmental organizations have had, and should continue to have, a facilitating role in the coordination of Internet-related public policy issues; and

v) International organizations have also had, and should continue to have, an important role in the development of Internet-related technical standards and relevant policies.

c) that, as per paragraph 55 of the Tunis Agenda, existing arrangements for Internet Governance have worked effectively to make the Internet the highly robust, dynamic and geographically diverse medium that it is today, with the Private Sector taking the lead in day-to-day operations, and with innovation and value creation at the edges;

d) that, as per paragraph 69 of the Tunis Agenda, there is a need for enhanced cooperation to enable Governments, on an equal footing, to carry out their roles and responsibilities in international public policy issues related to the Internet, but not in the day-to-day technical and operational matters that do not impact on international public policy issues,

*considering*

a) Resolution 101 (Rev. Guadalajara, 2010), Resolution 102 (Rev. Guadalajara, 2010) and Resolution 133 (Rev. Guadalajara, 2010) each of which resolves to explore ways and means for greater collaboration and coordination between ITU and relevant organizations (including, but not limited, to ICANN, IETF, RIRs, ISOC, W3C) on the basis of reciprocity, through cooperation agreements, as appropriate, in order to increase the role of ITU in Internet governance so as to ensure maximum benefits to the global community;

b) Resolution 3 of the World Conference on International Telecommunications (Dubai, 2012);

c) that while the ITU membership has agreed that ITU is an appropriate forum in which to discuss certain Internet-related public policy issues, such discussions have been difficult because, on the one hand non-ITU members have challenged that agreement; and, on the other hand some ITU members take the view that such discussions in ITU should only take place if they are opened to non-ITU members;

d) that many countries conduct open and inclusive consultations at the national level, involving all stakeholders, and encourage all stakeholders to participate in ITU as members of national delegations,

*emphasizing*

a) the constructive role played by the ITU in fostering the continuing development of the Internet, in particular through activities of its three Sectors;

b) that ITU is a multistakeholder organization, open to the private sector and to civil society, which can participate both as members in their own right and as members of national delegations;

c) the important and constructive role of open and inclusive multistakeholder consultations at the national level,

*is of the view*

1 that it is important to further implement multi-stakeholder practices as outlined in the relevant paragraphs of the Tunis agenda;

2 that all parties should continue to cooperate in good faith in accordance with their respective roles and mandates;

3 that the ITU, within its mandate, must continue to contribute to the development of the Internet and to facilitate intergovernmental discussions on Internet governance;

4 that ITU should further develop mechanisms to consult as widely as possible, including by making documents publicly available on the ITU’s web site and by accepting comments from non-members,

*invites Member States and other stakeholders*

1. to explore ways and means for greater collaboration and coordination between governments; the private sector, international and intergovernmental organizations, and civil society, as well as greater participation in multistakeholder processes, with a view to ensure that the governance of the Internet is a multi-stakeholder process that enables all parties to continue to benefit from the Internet;
2. to contribute based on their roles and responsibilities as stated in paragraph 35 of the Tunis Agenda;
3. to ensure that all stakeholders are appropriately consulted at the national level and that their views are appropriately represented during discussions in ITU, for example by including them in national delegations as appropriate;
4. to focus in particular on how to improve the participation of developing country stakeholders in the initiatives, entities, and institutions involved in various aspects of Internet Governance.

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1. “Broadband: A Platform for Progress”. A Report by the Broadband Commission for Digital Development, September 2010. (Available at <http://www.broadbandcommission.org/Reports/Report> 2.pdf). [↑](#footnote-ref-1)
2. “The State of Broadband 2012: Achieving Digital Inclusion for All”. A Report by the Broadband Commission for Digital Development, September, 2012. (Available at <http://www.broadbandcommission.org/Documents/bb-annual> report2012.pdf). [↑](#footnote-ref-2)