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| Note by the Secretary-General |
| CONTRIBUTION FROM THE FEDERATIVE REPUBLIC OF BRAZILPARTICIPATION OF ITU SECTOR MEMBERS IN CWG-INTERNET |

I have the honour to transmit to the Member States of the Council a contribution submitted by the **Federative Republic of Brazil.**

 Houlin ZHAO
 Secretary-General

CONTRIBUTION FROM THE FEDERATIVE REPUBLIC OF BRAZIL

PARTICIPATION OF ITU SECTOR MEMBERS IN CWG-INTERNET

**INTRODUCTION**

According to Resolution 102 (Rev. Busan, 2014), participation in the ITU Council Working Group on international Internet-related public policy issues (CWG-Internet) is limited to Member States. Resolution 102 allows the participation of non-governmental stakeholders from the ITU and outside in the open consultations held both online and physically at the ITU headquarters in Geneva.

Brazil is interested in discussing the benefits and challenges involving the approval of the participation of ITU Sector Members in CWG-Internet meetings.

**DISCUSSION**

Paragraph 35 of the Tunis Agenda for the Information Society (2005) establishes that

*“****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.****”*

This competency and sovereignty of States is reaffirmed in paragraphs 35d, 68 and 69. These provisions have been the first reason behind maintaining CWG-Internet restricted to Member States ever since its creation in 2008.[[1]](#footnote-1) WSIS+10 Resolution A/70/L.33 approved by the UNGA in 2015 also confirmed these competencies.

However, upon further examination, several paragraphs of the Tunis Agenda (e.g., 35, 36, 37, 52, 68, 69) also recognize the need to involve all stakeholders in policymaking related to Internet governance. Even WTSA-08 Resolution 75 and ITU Council Resolution 1282 (mod. 2008) that established the Group restricted to Member States make references to these paragraphs and recognize the need for multistakeholder collaboration.

There is no disagreement among supporters of the Tunis Agenda that Internet-related policymaking, while a sovereign competency of governments, is a comprehensive, multistakeholder effort. Thus, why is this notion not reflected in CWG-Internet? Why is the group restricted to Member States? These are fundamental questions to discuss at PP-18 in the amendments to Resolution 102.

One fact to consider is that the vast majority of Internet-related private sector and civil society organizations is based in developed countries, as are the majority of ITU Sector Members and Associates. These, added to the fact that most countries participating in CWG-Internet are developed countries, could lead to an imbalance among developed and developing countries’ interests and strengths of opinion had ITU Sector Members been allowed to participate in CWG meetings. This imbalance has been the second reason behind maintaining CWG-Internet restricted to Member States.

The third reason has been the location of meetings. Being held in Geneva (as they should), physical attendance in these meetings is perhaps too expensive for the few existing private sector and civil society organizations from developing countries, particularly from Latin America, Africa and Asia/Oceania. The location greatly favours stakeholders from developed countries, thus creating another potential for more imbalance among participants.

Nevertheless, these are not strong enough reasons to refute the Tunis Agenda’s commitment for multistakeholder policymaking, particularly with regards to the participation of ITU Sector Members. While it is true that most private sector and civil society organizations stem from developed countries, it would not be an issue if they fulfilled their role in the technical and economic development of the Internet without any bias for their country of origin. This is not what happens currently in CWG-Internet meetings. Most of these organizations are indeed partial for their countries, but that is expected because they can only participate from within Member States’ delegations, and therefore should actually defend these Member States’ interests.

Global society also cannot wait for developing countries to develop their own private sector and civil society institutions before engaging in multistakeholder collaboration. In fact, multistakeholder collaboration is meant to facilitate the transfer of technology and expertise and create synergies that speed up the bridging of the developmental, technical and knowledge gaps among developed and developing countries, and that is a role that could be fulfilled by ITU Sector Members.

Other factors contribute to the idea of allowing the participation of ITU Sector Members in CWG-Internet:

* The creation of CWG-Internet was first discussed in the ITU-T sector (WTSA-08), which is heavily influenced by ITU Sector Members;
* CWG-Internet was created under CWG-WSIS, which has always been open to Member States and Sector Members;
* CWG-Internet is not mandated to take any decisions on public policy matters, but to identify, study and develop issues related to Internet policy and advise the ITU Council, an intergovernmental policymaking body, and its 48 elected Member States on these issues;
* Such participation increases the attendance, broadens the viewpoints and enriches the technical contributions and inputs presented at CWG-Internet;
* It may encourage more organizations to join the ITU as members, particularly Internet-based organizations.

Finally, opening CWG-Internet to any stakeholder regardless of their membership status is not logically or logistically feasible for the following reasons:

* Each additional participant increases the costs and duration of a CWG-Internet meeting. If a meeting is open for anyone, there is no way to determine the expected costs of a meeting, and therefore no way to plan appropriately for the meeting;
* CWG-Internet meetings are encumbered in a full two-week cluster of CWG meetings. There is not much space for it to increase its duration, thus there is a limit in the number of participants allowed;
* The open consultations already provide opportunities for any and every stakeholder to participate in the works of CWG-Internet;
* Meetings gain productivity if delegates are familiar to ITU procedures. If anyone is permitted to participate, the meeting will slow down due to the learning curve of new participants;
* The meetings may have more external participants than ITU members, and therefore produce unfair cost burdens to ITU Members;
* Member States and Sector Members are bound by rights and obligations determined in the ITU Constitution, while non-members are not.

**PROPOSAL**

Article 2 of the ITU Constitution on the Composition of the Union determines that

***“The International Telecommunication Union is an intergovernmental organization in which Member States and Sector Members, having well-defined rights and obligations, cooperate for the fulfilment of the purposes of the Union.”***

ITU Sector Members are well within their rights to participate in CWG-Internet, but their participation has been denied due to the reasons expressed in this document. To advance the work of CWG-Internet and make it more compliant with the WSIS process, it is time to allow ITU Sector Members to participate in CWG-Internet meetings.

If allowed to participate, ITU Sector Members should contribute with their impartial expertise in the technical and economic development of the Internet to the discussions and the mandate of CWG-Internet, namely to *“Identify, study and develop matters related to international Internet-related public policy issues, and including those issues identified in Council Resolution 1305 (2009).”*

Brazil observes that the mandate as is does not preclude the participation of ITU Sector Members. In fact, Sector Members’ technical expertise could be particularly valuable in the discussions around the issues identified in Resolution 1305.

Brazil would appreciate an open discussion with reasonable arguments on the issue at Council and at PP-18. Brazil will present specific amendments to Resolution 102 further on.

1. WTSA-08 Resolution 75 requested the ITU Council to create a Dedicated Group on Internet-related public policy issues inside CWG-WSIS. The 2008 Session of Council amended Resolution 1282 (mod. 2008) to create the group. The Dedicated Group would later become the independent CWG-Internet with amendments to Resolution 102 at PP-10. [↑](#footnote-ref-1)