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His Excellency Mr Ban Ki-moon
United Nations Secretary-General
UN Headquarters
First Avenue at 46th Street
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Email: sgcentral@un.org

27 November 2012

Re: Follow-up to Our Letter of 9 November 2012

Dear Mr Secretary-General,

I wrote, jointly with Greenpeace International Executive Director Kumi Naidoo, to you on 9 November about the preparations for the World Conference on International Telecommunications (WCIT), which begins in Dubai on 3 December. We sought to draw your attention to the lack of the appropriate multi-stakeholder input to the preparatory process; to the insufficiently-transparent arrangements in regard to decision-making at the conference; and to the generally non-transparent way in which the event has been prepared and organised.

While we await your own response to our concerns, we were sent the comments contained in the Annex to ITU Secretary General Dr Touré's letter to you of 14 November. A detailed response to those comments is attached.

The ITUC accepted at short notice Dr Touré's invitation to meet with him and his team in Geneva on 15 November. I am writing to you pursuant to that meeting, and to the ITU's written comments thereon. I understand that Greenpeace, which was not represented at the 15 November meeting, will be writing to you separately.

I shall not burden you with another detailed set of arguments. Suffice it to say that notwithstanding a full elaboration by us of our concerns, the meeting with Dr Touré did nothing to assuage them. Indeed in some ways it served to exacerbate them. Among other things, Dr Touré explicitly denied that the International Telecommunication Regulations (ITRs), which will be reviewed at the WCIT, would be extended to cover the Internet, which is, as you know, currently managed effectively via a series of transparent multi-stakeholder mechanisms. Indeed the ITU has stated publicly that "WCIT-12 cannot empower governments to exercise greater regulation of the Internet."

Leaving aside what we knew to be already on the table, we learned shortly after the meeting with Dr Touré that the Russian Federation had in fact, two days earlier on 13 November, made just such a proposal. I attach what I understand to be a genuine copy of a latterly slightly revised version of this proposal. Unfortunately I cannot be absolutely sure

of its veracity as access to this, and indeed any other such proposal, is restricted to Member Governments, and the predominantly Telecommunications Industry community which can afford to pay the significant costs associated with becoming an ITU Sector Member. In an effort to demonstrate its openness, the ITU has published the following on its website: “Governments are encouraged to include both private sector and civil society representatives on their national delegations. [The preliminary list of registered participants already clearly reflects this](#)”, with an internet link to the participant list. That link, however, is password-protected, and thus cannot be read by any except governments and Sector Members – hardly the degree of transparency we would expect from a UN body in this day and age.

Mr Secretary-General, it seems extraordinary, given the growing number of organisations within the UN system which have genuine experience of operating in a truly multi-stakeholder political environment (for example UNEP, UNESCO, WFP, the IMF and the World Bank, etc., plus sister organisations such as the WTO), that a technical organisation with a limited mandate such as the ITU should be allowed to stray into such politically and economically important areas.

We are now less than a week away from the WCIT. Our own efforts to draw the attention of our constituency, and through them their governments, to the risks involved to their broader interests are gathering pace. We all know that issues related to such an intersecting range of vital interests as world trade, freedom of information, workers’ and other human rights, the environment and sustainability, investment and infrastructure are often not well coordinated in capitals. But these are the very foundations of future social and economic development and would all be adversely impacted by the imposition of uniquely governmental regulation upon the Internet. I am particularly concerned that some countries may be drawn into supporting superficially attractive proposals to impose a price mechanism which would slow down the growth of internet access and use in poorer countries in particular.

As you know we have only recently been made aware of the broad range of very serious issues which are about to be addressed at this UN conference, from which many of the most interested parties are excluded. We were not prepared to accept Dr Touré’s last-minute invitation for us to observe the proceedings given the lack of an appropriate process for engagement before and during the event. It is clear to the ITUC that we and others in civil society need more time to properly consider the issues, and that we need to do this in a framework which gives all the appropriate stakeholders a chance to fully consider and participate in the decision-making process. While the ITU does not meet these criteria, we wish to be both pragmatic and constructive. Clearly there are a number of very important issues related to how the Internet is governed which need to be debated in an open and transparent way. We have become acquainted with the work of the Internet Governance Forum (IGF), another product of the 2005 World Summit on the Information Society, which would appear to provide an avenue to meet our concerns.

The IGF has met every year since 2005, most recently in Baku, Azerbaijan earlier this month. It is a forum that brings together all interested parties to discuss the full range of issues relating to the Internet and its governance. The IGF agenda is set annually by a Multi-stakeholder Advisory Group (MAG). Civil Society is already well represented in both the MAG and the IGF proper, but in making the following two suggestions

to you, Mr Secretary-General, we are prepared to commit to taking on an active role in the work of the IGF, including examining the possibility of providing organisational and funding support, as well as actively participating in Civil Society preparations for future IGF meetings. The IGF operates under the auspices of UN DESA, and so all of the following is we believe within your own purview. The ITUC represents “Workers and Trade Unions” as one of the nine Major Groups in the Agenda 21 framework.

I urge you to re-invigorate the IGF, an important multi-stakeholder forum, by:

- a) Encouraging the debate of all issues related to Internet Governance at future meetings of the IGF, with a particular emphasis upon making a genuinely multi-stakeholder input to the 10-year review of the 2005 WSIS outcomes, which is due in 2014; and
- b) Moving quickly to fill the vacancies left by the departure of your Special Adviser, Mr Nitin Desai, who very ably chaired both the preparatory MAG, and the IGF proper. Mr Desai left over two years ago, along with the then IGF Executive Secretary, Mr Markus Kumer. For reasons which we fail to understand, and despite a series of representations from governments and civil society, no action has been taken to replace these two individuals whose absence has led to a serious lack of senior leadership at the IGF.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary