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Abstract: A number of ITU Member States are opening up their national delegations to include stakeholders from industry, academia and civil society. This paper considers the opportunities and benefits this approach can bring and it describes the experience of the UK. We hope that other countries will also share their experience of opening up their national delegations to stakeholders and that the discussion will provide an opportunity for all Member States to learn from one another as they consider their own preparatory processes.

Introduction

1. A number of ITU Member States are opening up their national delegations to include stakeholders from industry, academia and civil society. Although the ITU membership includes sector members, associates and academia, the most significant ITU events are driven by Member States. Most Member State delegations are made up of people from relevant government departments and regulatory bodies. But opening up delegations to other stakeholders can bring significant benefits.
2. This paper sets out some of the opportunities and benefits. It considers some of the challenges, and how they can be addressed, and it describes the experience of the UK. We hope that other countries will also share their experience of opening up their national delegations to stakeholders and that making this contribution to TSAG will provide an opportunity for Member States to learn from one another as they begin their own preparatory processes for WTSA-20.
3. In line with the theme of this paper, we do not only consider this from a government perspective. Drawing on input from our own stakeholders, we also identify some of the challenges from their perspective in joining a government delegation, and describe some of the ways in which we have addressed them.

Opportunities

4. During the preparatory process for major ITU conferences and events, many countries consult stakeholders on national policy positions. Others go further, however, and actively involve stakeholders first as partners in the policy development process and then as members of the national delegation.
5. Opening up national delegations to stakeholders increases the overall capacity of the delegation. Many ITU conferences and events last for several days or weeks, with long working days and overlapping or parallel meetings taking place. This can be challenging, particularly for smaller delegations. Member States who open up their delegations find it easier to participate in the key discussions and have access to a wider overall range of skills within the delegation, which can then be deployed more effectively.
6. Telecommunications/ICTs are rapidly evolving and the issues that are raised are becoming increasingly complex. This requires new expertise that may not always exist within government. Stakeholders can contribute up to date information and expertise on new technologies, understanding of the impacts of policy positions on different groups, and knowledge of the approaches that have been taken in different parts of the world. Having access to this expertise and experience during ITU meetings increases the ability of Member States to participate meaningfully and knowledgeably in relevant discussions.
7. Even where a government does have sufficient expertise in a particular policy area, it might not necessarily be able to understand the different impacts that different positions might have on affected stakeholders and groups. This is particularly true for telecommunications/ICTs-related issues where different positions will have differing impacts on a range of actors within and beyond the government, including telecommunications service providers, internet service providers, the private sector and users. There may even be differential impacts upon different user groups, particularly vulnerable or at-risk groups. By bringing in representatives of these stakeholders and groups, or those who work with them, the government will have a better understanding of the likely impacts of different policy positions, and be better placed to make an informed judgement.
8. Bringing stakeholders into the preparatory process can help the government to understand the differences of view that exist and the reasons for those differences. That deeper awareness of the issues and of stakeholders' points of view can help to overcome misunderstandings and establish greater consensus. It can provide a clearer picture of the competing interests involved and help the government develop an effective response. It also means that stakeholders are more likely to support government positions because they have seen the other points of view that government needs to take into account and they have been involved in the policy-making process.
9. Finally, all the benefits described above can also provide benefits for the ITU and its Member States. We believe that the ITU has a valuable role to play in the modern global landscape of telecommunications/ICTs. If more national delegations at ITU meetings have access to the expertise, experience and perspectives of a range of different stakeholders, it means that discussion at the ITU can be even more relevant,

informed and up to date and therefore more effective. It also means that more stakeholders from the broader telecommunications/ICT environment can better understand the work of the ITU and how we can work more collaboratively to achieve our common goals.

Challenges and solutions

10. While there are many benefits and opportunities arising from opening up delegations to non-governmental stakeholders, the process might not be straightforward, and it can raise difficulties that need to be considered. There are three common challenges and concerns that a government might have:
 - (i) **Loss of control:** A government may have concerns that individuals from outside government may take different positions and it will lose control of the delegation in some way. It may be concerned that members of the delegation could take a different position to the government during the meeting or different members could put forward positions that are inconsistent.
 - (ii) **Potential for conflict:** A government may be concerned that different stakeholders are likely to have different positions and this might mean a degree of unhelpful conflict within the delegation. This could make it more difficult for positions on a particular issue to be reached, or make it longer to arrive at a national position.
 - (iii) **Lack of capacity:** There may be a concern that different stakeholders are likely to have different levels of capacity, and different demands on their resources, meaning that some stakeholders may not be able to undertake all of the preparatory work necessary to engage in all aspects of a particular conference.

These are all legitimate concerns, but there are steps that governments can take to mitigate or even eliminate these difficulties.

11. Governments can make it clear at the beginning that all members of the delegation should not oppose the agreed positions of the government during their participation at the conference. This can be made clear in writing when individuals express an interest in joining the delegation (or any preparatory processes) and then again by requiring individuals to confirm that they accept this as a pre-condition to their membership of the delegation. Failure to comply with this requirement could then result in expulsion from the delegation.
12. Governments can make clear at the initial stage of any preparatory processes that the government is ultimately accountable for the positions that the delegation will take. While members of the delegation from non-governmental stakeholders can and should be encouraged to share their own positions in preparatory meetings, the positions that will be taken by the delegation will ultimately be those determined by the government.
13. The steps above can also help address the potential for conflict within a delegation when different individuals have different positions. By making clear, at the beginning, that the ultimate positions taken by the delegation will be determined by the government, and making this a pre-condition for membership of the delegation, expectations of how the delegation's positions will be reached will be clear from the

start. Making sure that the preparatory meetings are a ‘safe space’ where disagreements can be discussed openly can also help ensure that any potential conflict is addressed at an early stage.

14. Finally, it is important that governments are clear at the beginning about the levels of time commitment required in order to address the challenge of different levels of capacity and resources among different stakeholders. Meaningful participation in a delegation, and the preparatory processes, requires time and commitment. Expectations and estimates of requirements in terms of time can be set by the government at the start of the process, so all potential members are fully aware of what will be required from them. Starting the process as early as possible helps ensure that new members can become sufficiently familiar with the issues and procedures involved in the conference, and this can be complemented by inductions or advice sessions for new members.

The United Kingdom’s experience

15. For many years, the UK has opened up our delegations to ITU conferences to non-governmental stakeholders, including Plenipotentiary Conferences and sectoral conferences. The eligibility criteria for membership of the UK delegation are flexible. The government retains an element of judgment in each case and needs to bear in mind the overall balance of the delegation. As a rough guide, decisions on who can join the UK delegation are informed by factors such as whether the individual:
 - represents a company or non-governmental organisation with a significant, relevant and legitimate presence in the UK. In addition, on a case by case basis, membership may be extended to individuals (such as retired experts) with relevant specialist knowledge or experience
 - has an established relationship with the UK Government or the regulator
 - has experience and/or understanding of the work of the ITU
 - brings clear value to the UK delegation in terms of expertise, experience or capacity to act on behalf of the delegation
 - will not undermine, or be seen by other delegations to undermine, the integrity of the UK delegation

These are not strict eligibility criteria, but they are important factors in the decision-making. It is also important also to note that non-government stakeholders may not have the necessary skills and experience at first but may be able to develop them through active engagement in the preparatory process.

16. In addition, members of the UK delegation are expected to agree to a set of delegation rules, which cover a wide range of issues such as protecting information and confidentiality, attending coordination meetings, speaking to the press, and supporting UK positions. Having these expectations written down is helpful in providing certainty and clarity for everyone on the delegation.
17. Approximately a year before each conference, stakeholders are invited to join a Preparatory Group for the conference. The Group is chaired by the government and it includes relevant government departments, the telecoms regulator and other interested

stakeholders. The Preparatory Group meets every two or three months to provide input into the UK preparation, including the development of proposals. The meetings are confidential, as are all documents circulated. At this stage, all members of the Group can promote their own views and ideas – they are not expected to uphold a government position. The Preparatory Group discusses and helps to develop a UK Brief that sets out the UK’s proposals and positions. The UK Brief is drafted by the government, taking into account contributions and views from the Preparatory Group.

18. A few months before the conference, members of the Preparatory Group are invited to indicate their interest in participating as part of the UK’s delegation at the conference. Stakeholders from outside government are required to confirm that they will only act and speak in accordance with the UK Brief and that they accept the delegation rules. The government then decides who can join the UK delegation.
19. In our experience so far, we have never refused a stakeholder. This is because the Preparatory Group provides a valuable process during which government and other stakeholders learn from one another, understand one another’s views and build trust. Some stakeholders chose not to join the delegation because they want to retain the right to promote their own views and speak in their own voice. Other stakeholders may disagree with some UK positions, but they are willing to accept them because as members of the national delegation they are able to help promote the issues they care most about.
20. Stakeholders are usually assigned particular areas of policy where they make an active contribution to the work of the delegation. They are not required actively to promote every aspect of the UK Brief outside their area, but are required to refrain from acting inconsistently with the UK Brief in any way. This distinction allows for the possibility that stakeholders may disagree silently with aspects that they are not involved in, so long as such dissent is not visible to others. They can say “This is not my area”, and direct any enquiries to the appropriate authorised person.
21. The government also invites members of the delegation to indicate their particular areas of interest (such as specific topics or specific Resolutions). The UK Brief sets out who is the lead UK representative for each topic or Resolutions and who is providing support. In this way, the UK is able to ensure that all issues are covered at the conference, and, where possible, that at least one person is available at all meetings to be present on behalf of the UK.
22. The UK lead is usually a government official, with support from non-government stakeholders. This is not always the case, however, and it is not unusual for non-government stakeholders to speak on behalf of the UK at ITU conferences. The UK government is able to do this with confidence because we have built up a relationship of trust and understanding during the preparatory process.
23. During the conference, regular delegation meetings provide further opportunities for the government and other stakeholders to discuss how to respond to emerging issues. Again, it is clear that the government ultimately takes the decision, but it is very useful to the government to have immediate access to information, advice, knowledge and ideas from stakeholders who are members of the delegation.

Challenges for stakeholders

24. Stakeholders may also have concerns when considering whether to join a government delegation. Joining a government delegation involves accepting the delegation's rules and agreeing to follow the agreed government position at the conference. Stakeholders may feel this could compromise their independence and limit their freedom to make representations to government outside of, or inconsistent with, that position.
25. Individuals representing stakeholders may also be concerned that in joining a government delegation they are becoming answerable to two authorities: the authority of their employer, and that of the delegation. This could give rise to a conflict of obligations.
26. A clear written brief of the agreed negotiating objectives can be very helpful to stakeholders in satisfying these concerns. With a written brief, stakeholders know what they are agreeing to support, and can make an informed decision as to whether they wish to join the delegation. A clear written brief of both the negotiating position and the obligations that come with membership of the delegation can also be very helpful to the individuals concerned in obtaining appropriate authorisation from their employer to take on those obligations.
27. It is useful to establish a clear distinction between a consultation or preparatory group that is invited to discuss the development of the government's negotiating position, before it becomes fixed, and the delegation itself.
28. The benefit to stakeholders of participating in the preparatory group is the opportunity to influence policy and government positions. As the preparatory group is confidential, and held in private prior to the conference, stakeholders can join that group without accepting an obligation to support the government position. Indeed, stakeholders' aims in joining a preparatory group may be to persuade the government to adopt their view as one of its negotiating aims.
29. The benefit to stakeholders of participating in the delegation itself should not be seen as the opportunity to influence the government's policy position, but as the opportunity to assist in promoting the agreed position. Accordingly, stakeholders will be willing to volunteer for the delegation if their goals are sufficiently aligned with the government. Joining the delegation itself means that the stakeholder agrees to be bound by the agreed negotiating aims during the Conference.
30. Stakeholders who are invited to join the delegation will nearly always be drawn from the preparatory group. Having a clear transition from "preparation" to "delegation" at the point when the government's aims for the conference become fixed provides the opportunity for stakeholders to take part in the preparatory group but then not take part in the delegation, should they feel unable, for any reason, to participate.
31. If it is intended that particular stakeholders will be involved only in certain policy areas and not others, setting that out clearly in writing will both help avoid inadvertent mis-speaking, and can relieve the stakeholder of any worry that they have compromised their independence after the conference: they need not feel responsible for an aspect of the delegation's work in which they did not participate.

Conclusion

32. The UK experience shows that opening up our delegation to non-government stakeholders has meant that:
- Our positions going in to the conference are better informed and tested
 - We have a clearer idea of the full range of issues involved
 - We have greater access to information from different networks
 - We have more capacity to effectively cover the many meetings of the conference more effectively
 - Our positions are better understood and accepted by our stakeholders.

Although it is not always easy to manage, and there are challenges when there are differences of view, opening up our delegation brings enormous benefits.

33. This paper focuses on the UK experience, but we understand that other countries have also included non-government stakeholders in their delegations to recent conferences. We are interested to learn more about the benefits, challenges and solutions from other countries' experience.
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