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WCIT Meeting Retrospective

Jesse Sowell
MIT ESD PhD Candidate

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My primary research focuses on understanding how bottom-up communities solve problems. **This talk** focuses on a recent attempt at **regulatory intervention** from a top-down governance body.

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Explorations in Cyber
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Last Episode Take-Aways

- ITRs are being renegotiated
 - ITRs regulate traditional interconnection costs
 - Under current ITRs, Internet is exempt (Art. 9)
 - Internet is cutting into international telecom revenue streams
- Proposals (state responses) include
 - Route and origin identification
 - Regulation of peering arrangements
- How should the community:
 - Convey positive economic outcomes of the existing Internet industry to regulators?
 - Engage with top-down governance/regulatory organizations?

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A variant of both of these are in the new ITRs, applied to telecommunications services. Additional items to be discussed...

WCIT-12 Key Events Roadmap

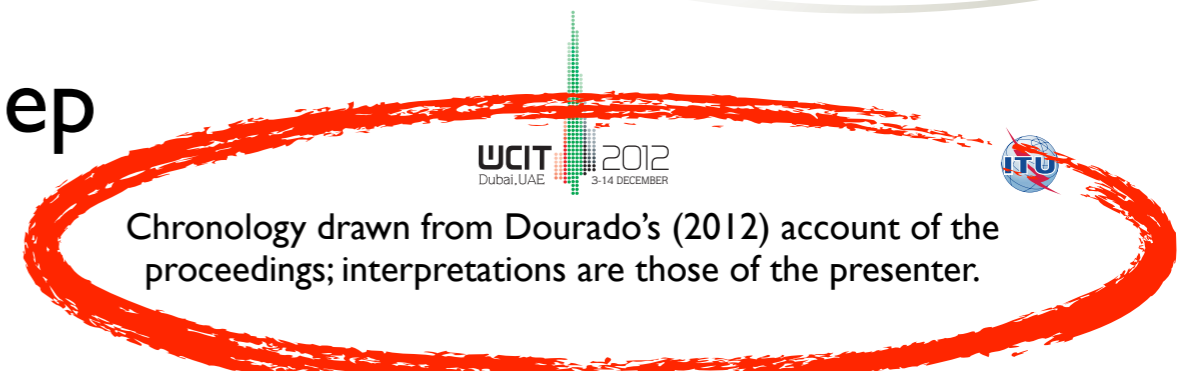
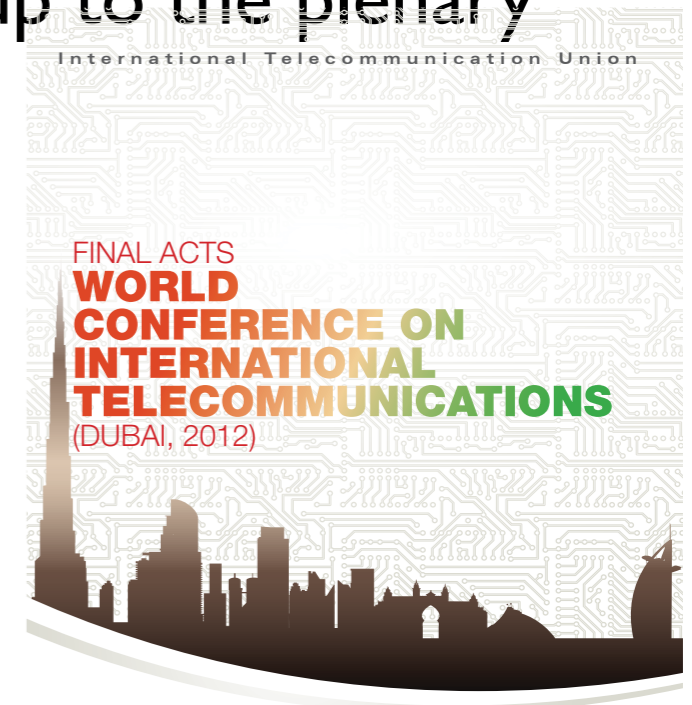
- Discussion leading up to WCIT-12
- Start of week: commitments to
 - Consensus
 - Internet off the table
- Negotiations proceed “ITU working group style”
 - Little progress here, everything is propagated up to the plenary
- Multi-regional proposal
- Consensus fail: Closed group is formed
 - Failure of “large group” consensus
 - New document emerges with compromises
- Taking the temperature of the room
 - Iran’s request for a vote
 - Violation of consensus
- Africa: human rights, scope creep



Chronology drawn from Dourado's (2012) account of the proceedings; interpretations are those of the presenter.

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ITU Perspectives: Risk

- Early discussion from ITU Secretary General Hamadoun Touré
 - “[w]e need updated ITRs because without them we risk the collapse of the ICT networks which underpin all communications technologies, including the internet.”
 - thinking of recent regulatory failures in finance and banking, Touré is looking for “a framework that will avoid any catastrophe”



<http://www.whoswholegal.com/news/features/article/29378/the>

ITU: “WCIT *will be by consensus*”

- Touré’s description of WCIT-12 decision-making in June
- *Voting means winners and losers, and this is not simply acceptable. And we believe that we’ll come to an agreement on all of the issues. The issues where we will not come to an agreement, of course **will not** be incorporated in the agreement, and they will continue to be discussed, of course, for official improvements if that comes.*



ITU: “WCIT *is not* about the Internet”

- Touré’s WCIT-12 opening
 - *Let me be very clear one more time:*
 - *WCIT is not about taking over the Internet.*
 - *And WCIT is not about Internet governance.*
 - *WCIT is about making sure that we connect the billion people without access to mobile telephony. And that we connect the 4.5 billion people who are still offline.*



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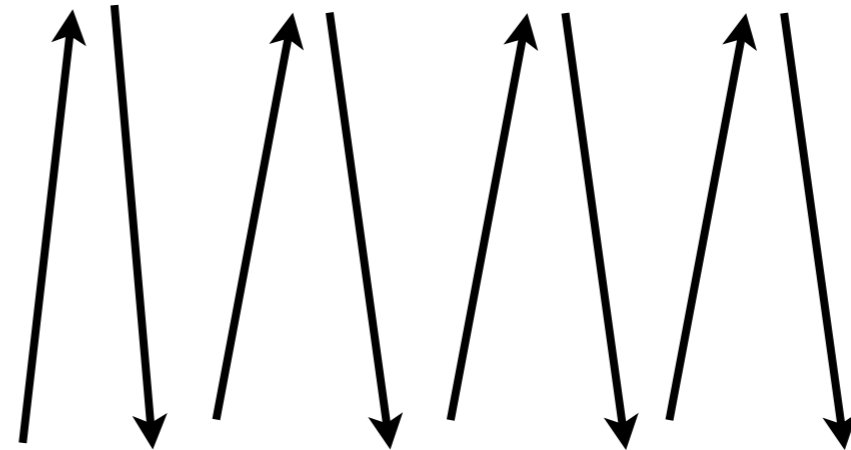
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Now that we have those two issues settled, how did the first few days go?

Thrashing in the WG Negotiations

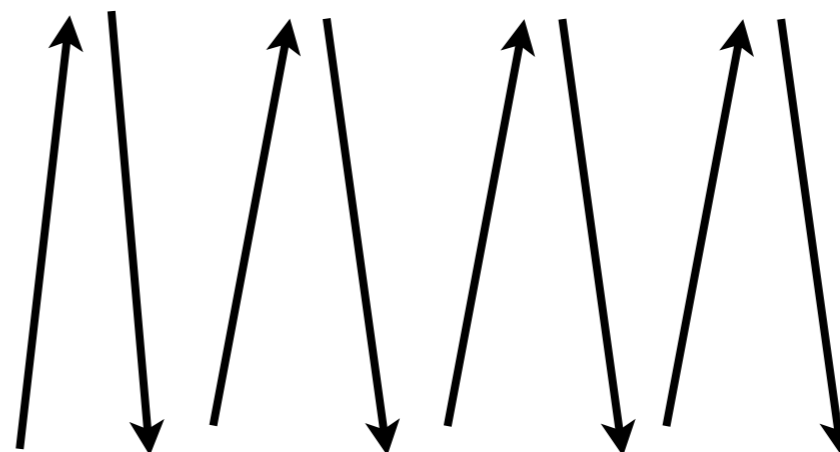
- Working group hierarchy
 - Plenary
 - Committee 5
 - Working groups
 - Specific ad hoc group
- Process
 - Document divided by topic or issue area
 - Handled by individual working groups
 - Ad hoc groups attempt consensus pass contentious issues up the chain (in [])
- Political thrashing
 - Very little progress in the working groups
 - Large number of changes pushed up the chain
 - Lots of text still in brackets



Thrashing in the WG Negotiations

- Working group hierarchy

- Plenary
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- Process

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Delegates I spoke to indicated this was going nowhere fast and was quite painful

- Political thrashing

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Multi-regional Common Proposal over Weekend

- **Day 5**
- Multi-region coalition
 - Russia, UAE, China, Saudi Arabia, Algeria, Sudan, Egypt*
 - Egypt officially ejected later in the weekend
- Issues:
 - Internet *included*
 - Names and addresses under state control
 - “National segment” from earlier Russian proposal
- Withdrawn Sunday afternoon

22
WCIT12/27(Rev.1)-E

ARTICLE 3A

Internet

(collaborative approach)

31A 3A.1 Internet governance shall be effected through the development and application by governments, the private sector and civil society of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.

(management of Identification resources)

31B 3A.2 Member States shall have equal rights to manage the Internet, including in regard to the allotment, assignment and reclamation of Internet numbering, naming, addressing and identification resources and to support for the operation and development of basic Internet infrastructure.

(local regulation)

31C 3A.3 Member States shall have the sovereign right to establish and implement public policy, including international policy, on matters of Internet governance, and to regulate the national Internet segment, as well as the activities within their territory of operating agencies providing Internet access or carrying Internet traffic.

(policy on use and operation)

31D 3A.4 Member States should endeavour to establish policies aimed at meeting public requirements with respect to Internet access and use, and at assisting, including through international cooperation, administrations and operating agencies in supporting the operation and development of the Internet.

(protection and security)

31E 3A.5 Member States should ensure that administrations and operating agencies cooperate in ensuring the integrity, reliable operation and security of the national Internet segment, direct relations for the carrying of Internet traffic and the basic Internet infrastructure.

ADD

ARTICLE 3B

Numbering, naming, addressing, and identification resources

(Fundamental Right)

31F 3B.1 Member states have the right to manage all naming, numbering, addressing and identification resources used for international telecommunications/ICT services within their territories.

(Preventing Misuse)

PA/ENG/SG/CONF-SG/WCIT12/000/027REV1E.DOCX (335819)

08.12.12

19.11.12

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The image shows a screenshot of a document with several sections highlighted by callouts. The document is titled 'WCT12/27 (Rev.1)' and contains articles 3A and 3B. The callouts are as follows:

- ARTICLE 3A: Internet** (top callout)
- Article 3A: Internet** (middle callout)
- Article 3B: Numbering, naming, addressing and identification resources** (large middle callout)
- ARTICLE 3B: Numbering, naming, addressing, and identification resources** (bottom callout)

The document text includes the following sections:

- (collaborative approach)**
31A 3A.1 Internet governance shall be effected through the application by governments, the private sector and civil society of decision-making procedures and programmes that...
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Page number: 9
Page footer: PA/ENG/SG/CONF-SG/WCT12/000/027REV1E.DOCX (335819) 08.12.12 19.11.12

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Referred to as the “nuclear option” by a few commentators. **Potentially** to feign compromise from an extreme position

22
WCP-12/27 (Rev.1)

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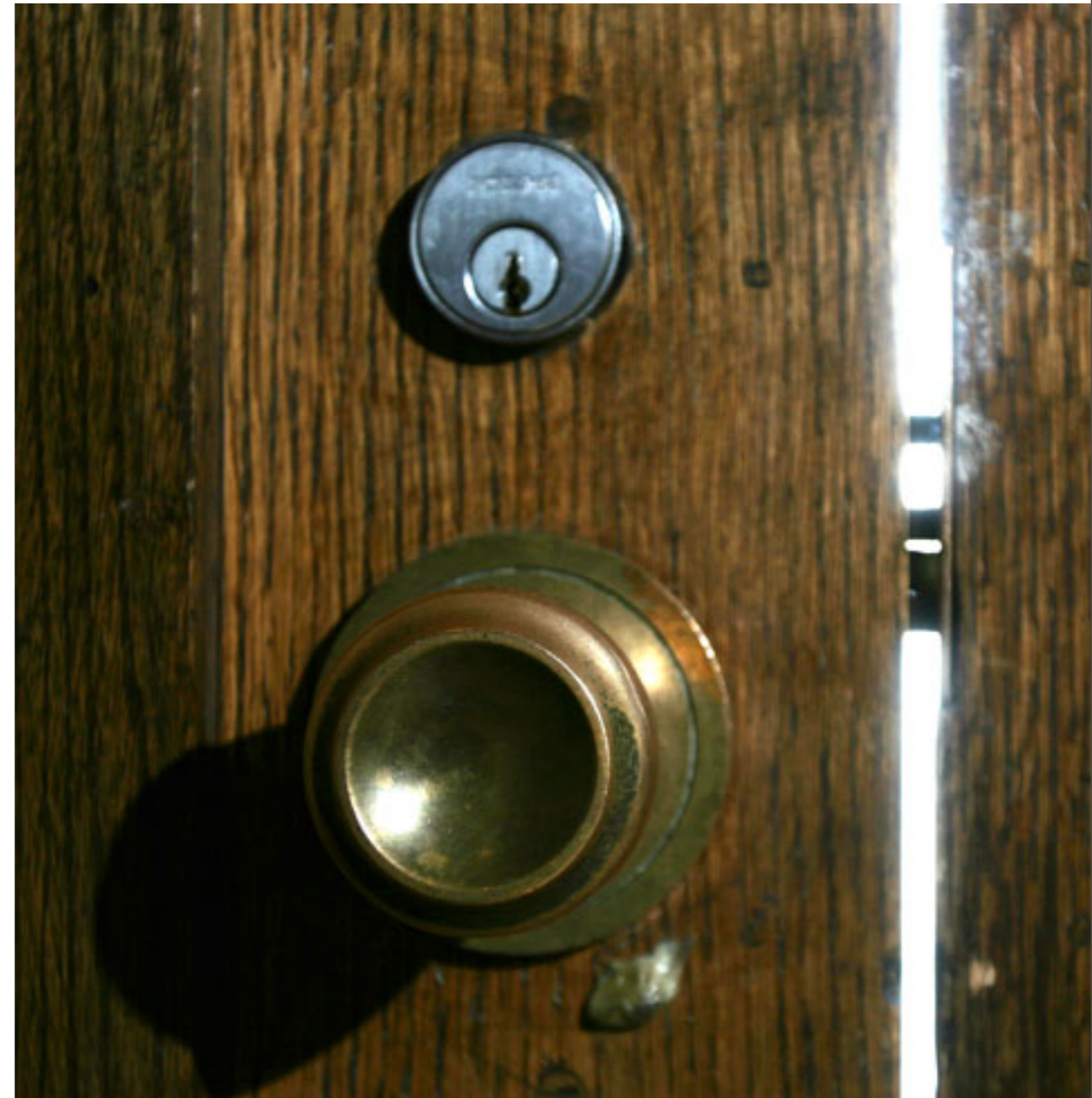
ADDITIONAL PROVISIONS

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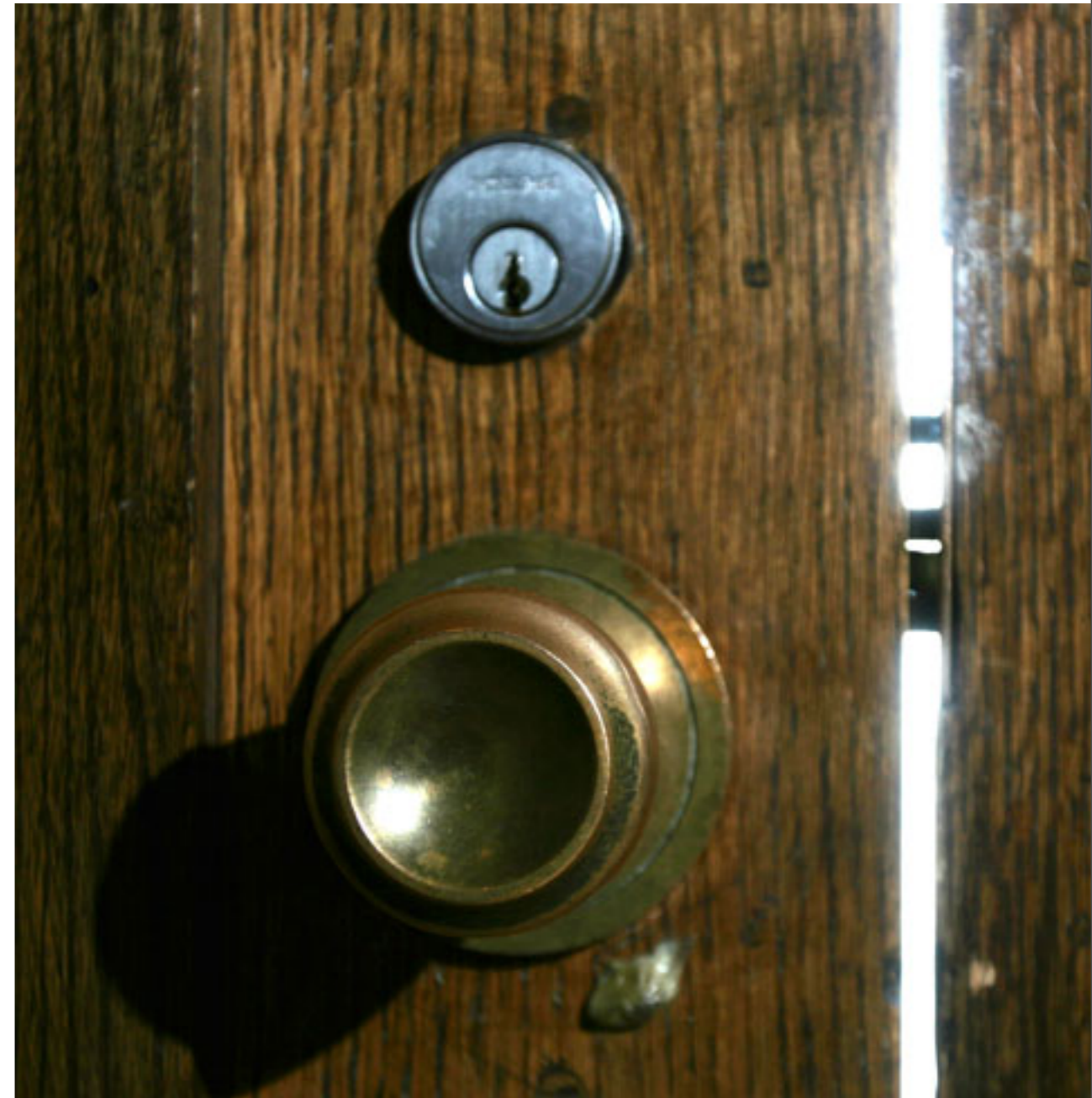
Chairman's Draft



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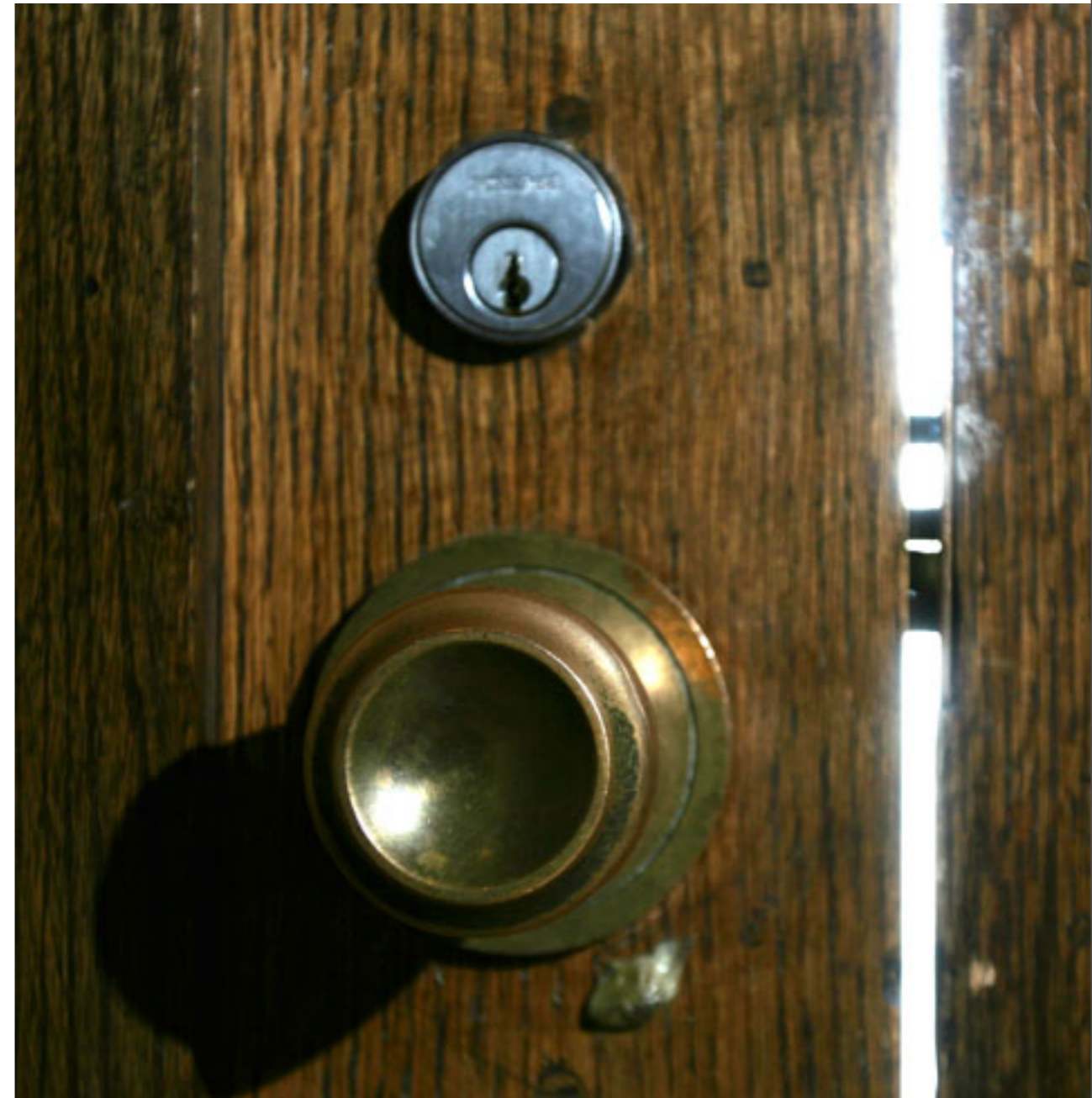
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- Still thrashing
- Too much in brackets
- Looking for a faster route to progress
- Regional reps selected for **closed-door** meetings



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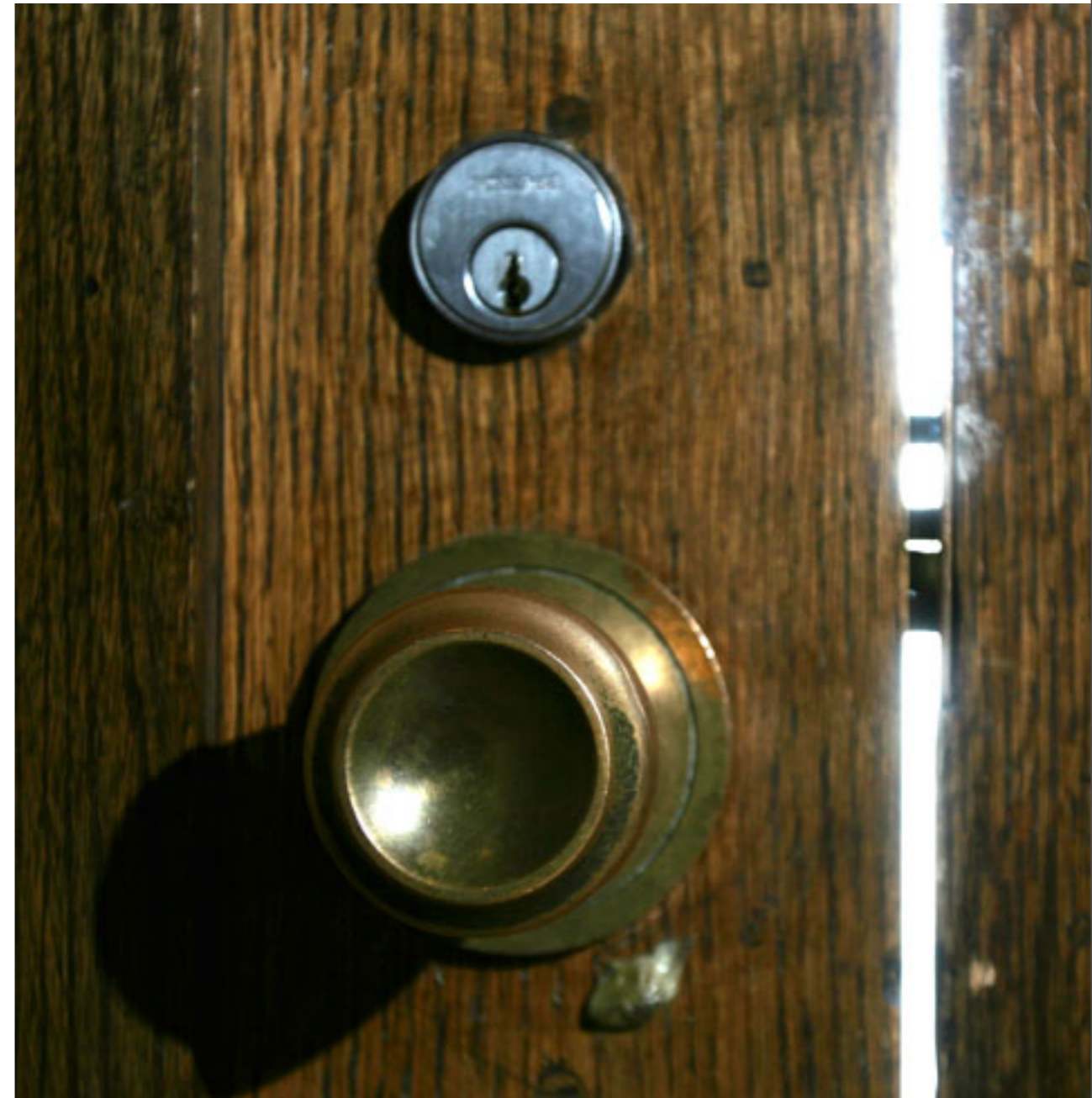
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3.8 [Member states shall, if they so elect, be able to manage the naming, numbering, addressing and identification resources used within their territories for international telecommunications.]*

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potenti


operato

- naming

- Internet

engager

governa



Res. 3 ...resolves to invite Member States to elaborate on their respective positions on international Internet-related technical, development and public-policy issues **within the mandate of ITU at various ITU forums including**, inter alia, the World Telecommunication/ICT Policy Forum, the Broadband Commission for Digital Development and ITU study groups;

Temperature of the Room



Temperature of the Room

- **Late on Day 10...**



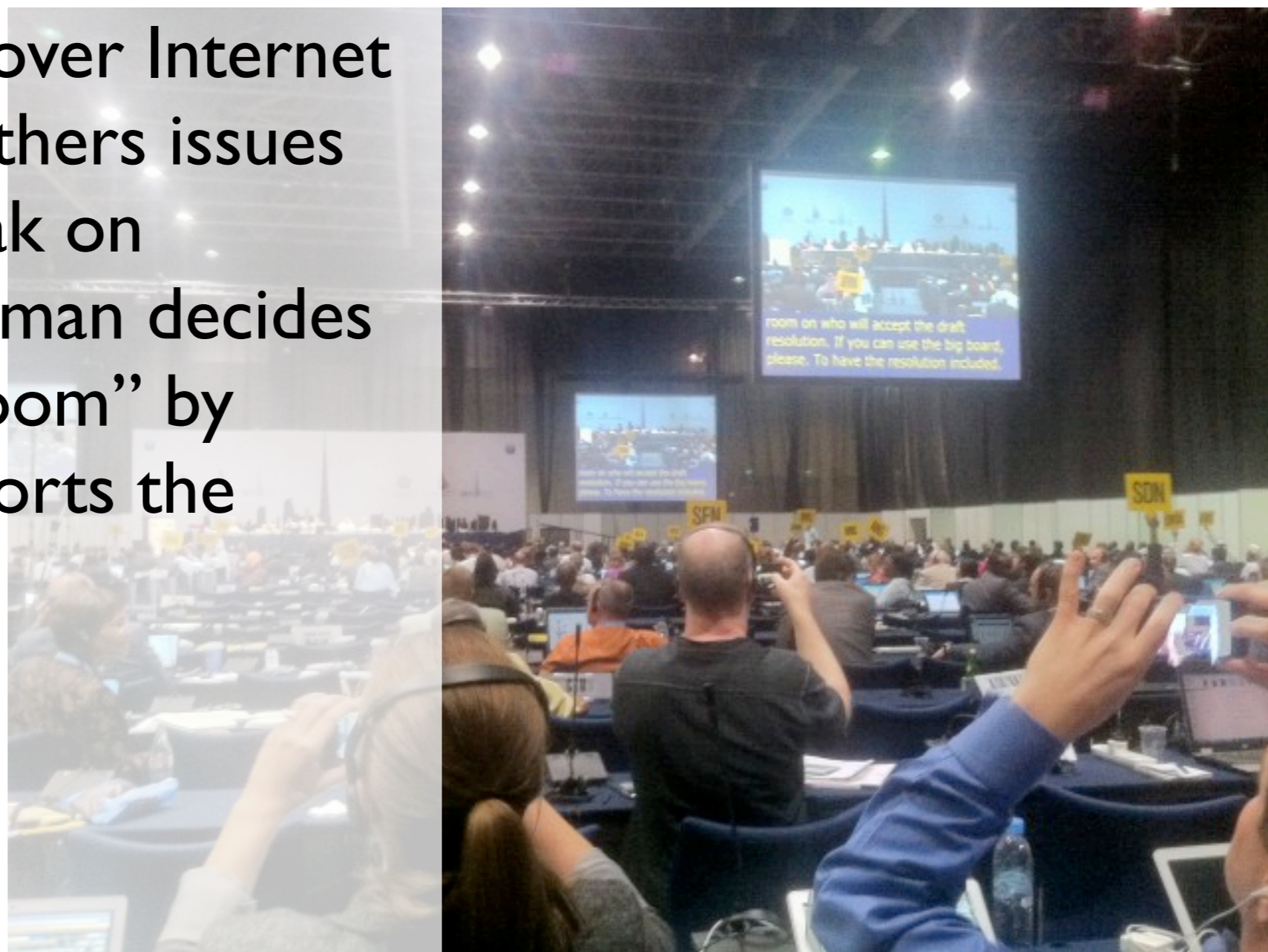
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Temperature of the Room

- **Late on Day 10...**
- Continued fight over Internet resolution and others issues
- Long line to speak on resolution, Chairman decides on “feel of the room” by asking who supports the resolution
- UK and Spain: Was this a vote?
 - To the UK, Chairman: *The majority to adopt the resolution as amended.*
 - To Spain, Chairman: *No, it was not a vote, and I was clear about it.*



Human Rights



Human Rights

- **Day II**



Human Rights

- **Day II**
- African group introduces language on human rights



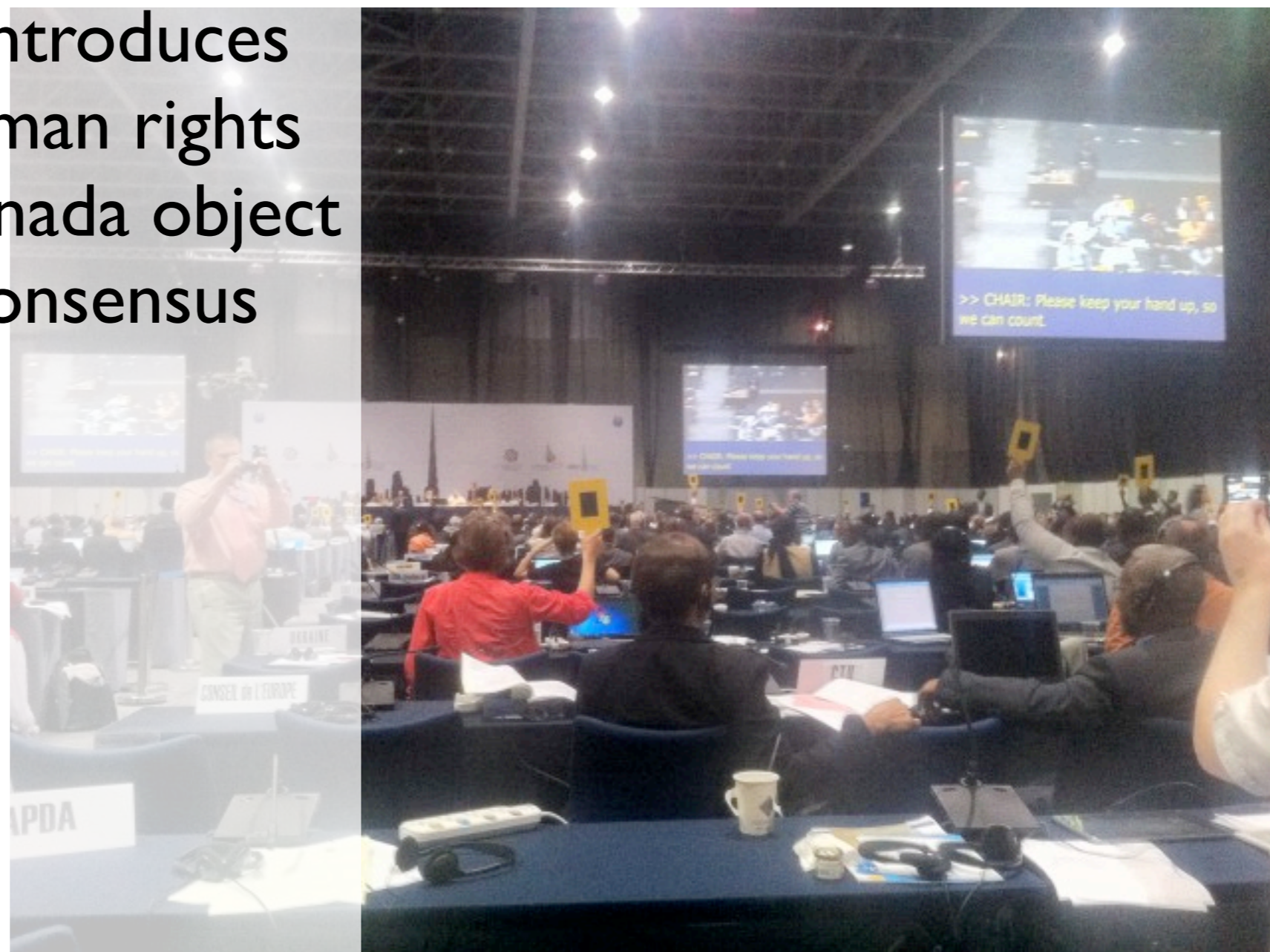
Human Rights

- **Day II**
- African group introduces language on human rights
- Mexico and Canada object



Human Rights

- **Day 11**
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- Debate ensues...



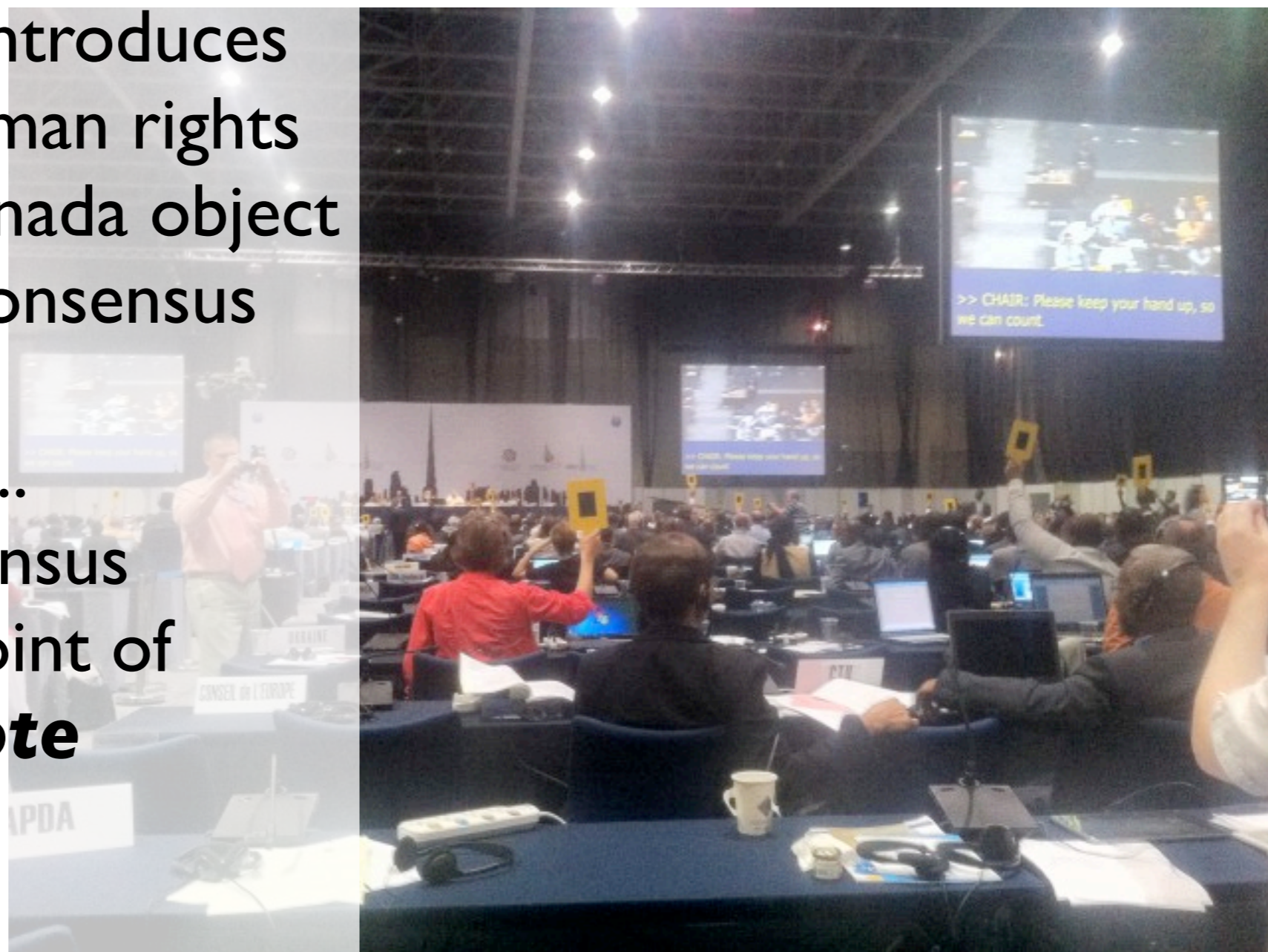
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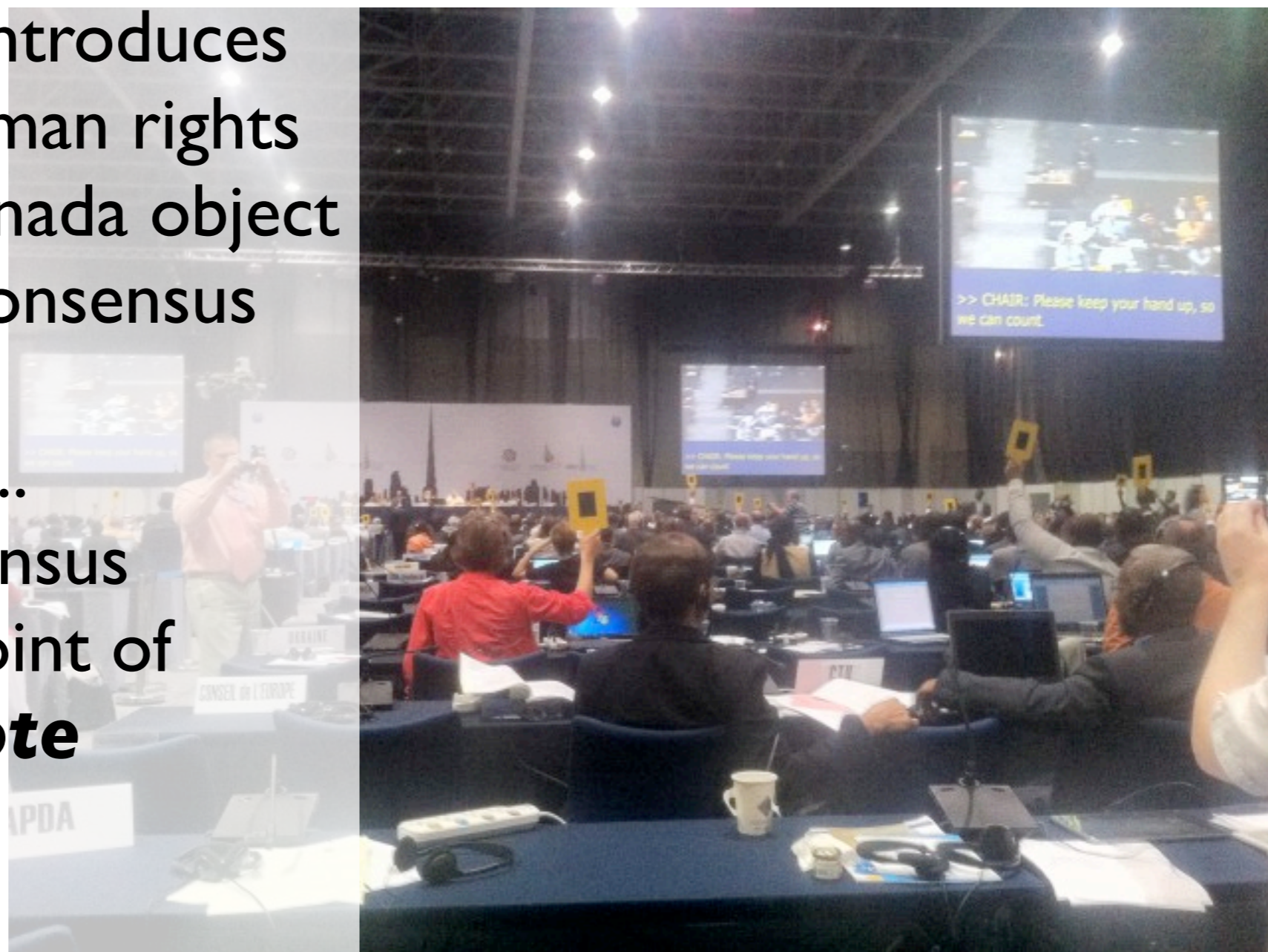
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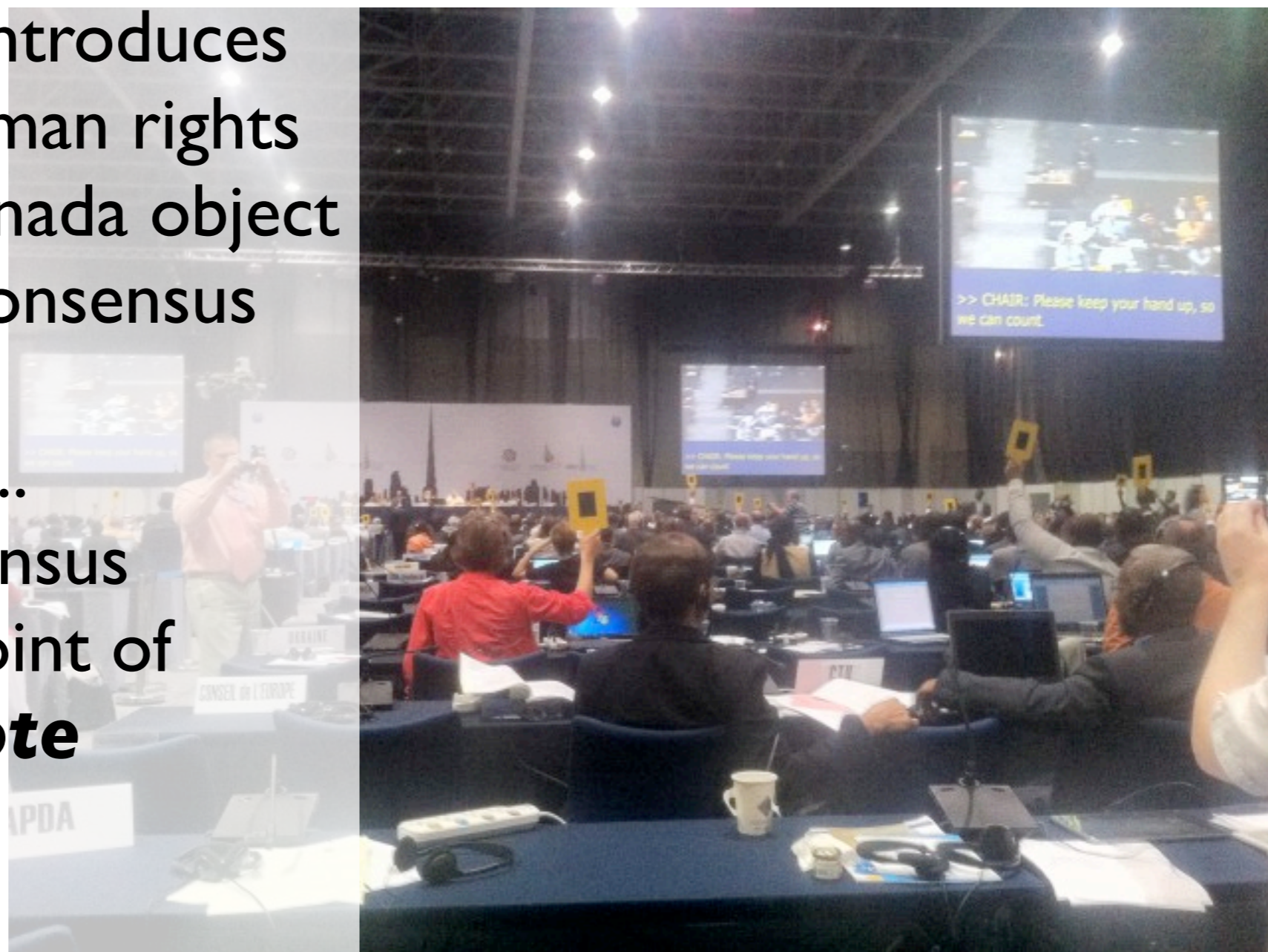
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Human Rights

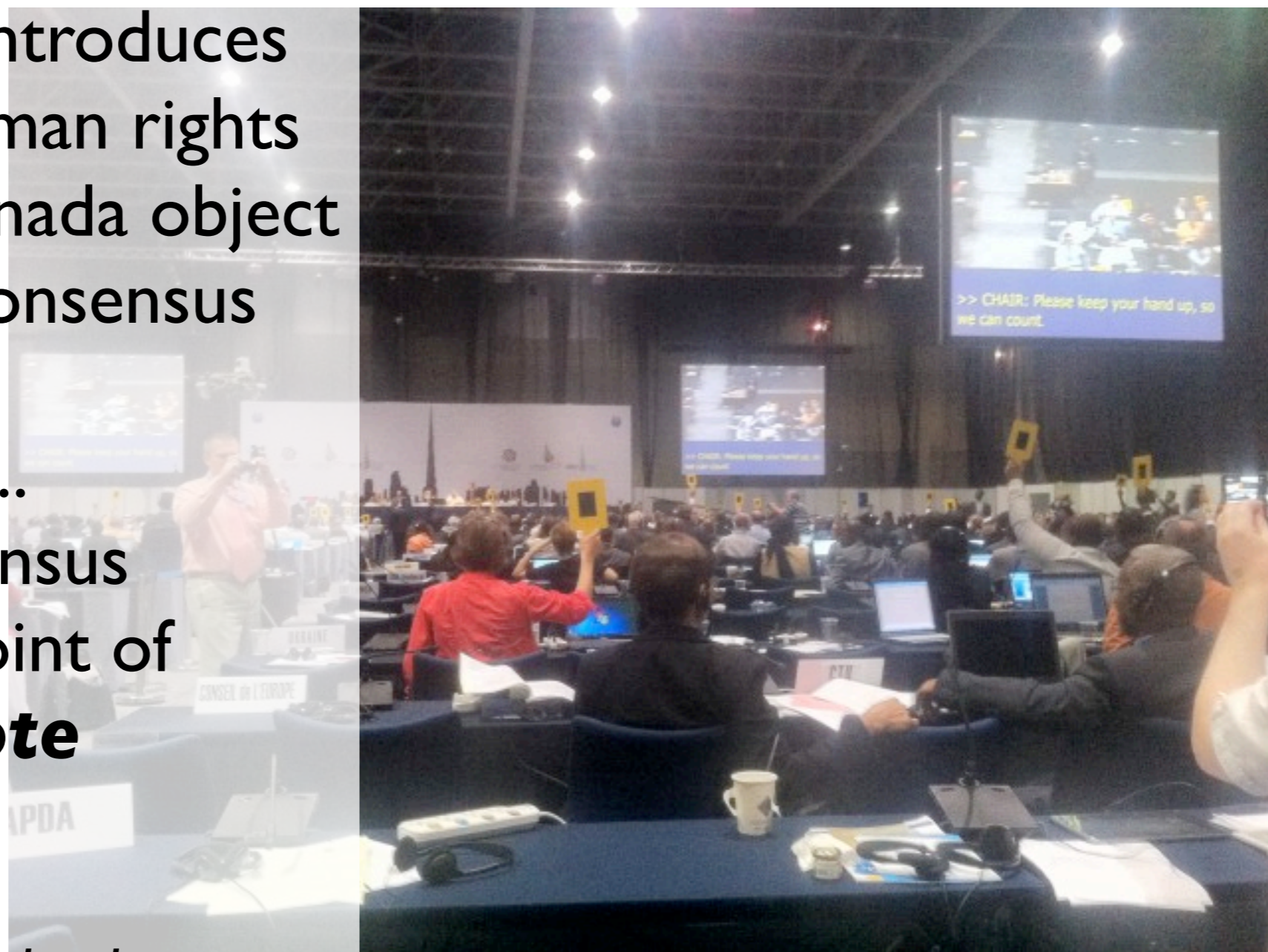
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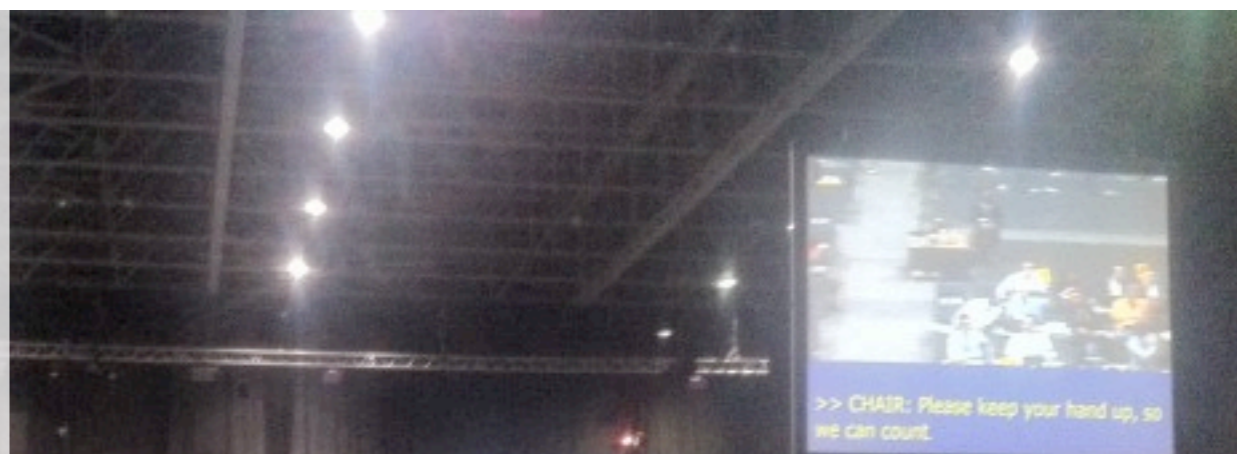


“CHAIR: Please hold your hand up so we can count.”

Human Rights

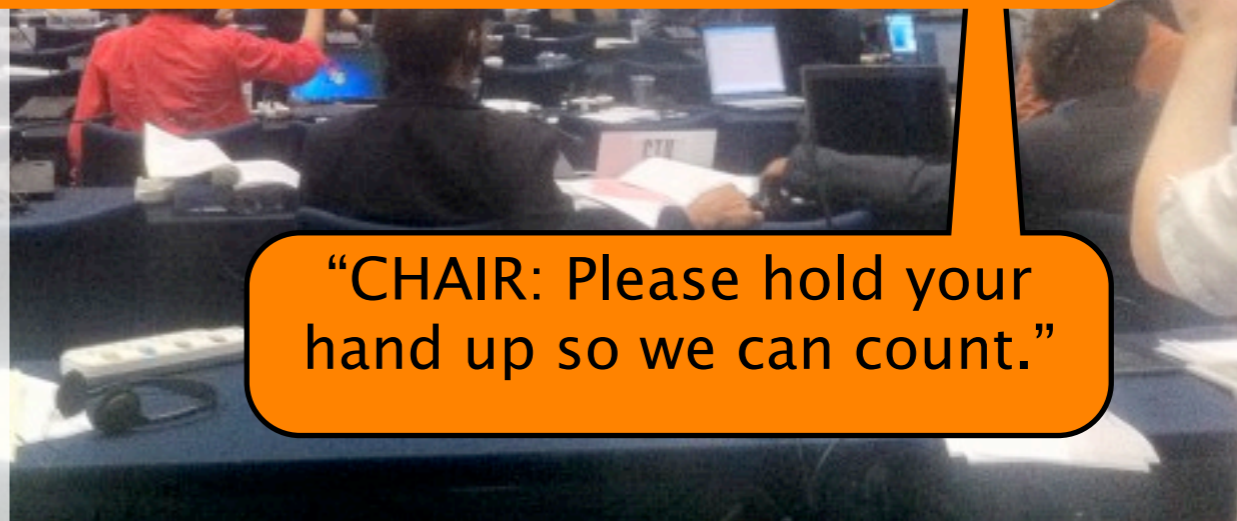
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After all this fun, what were the outcomes?

- Again no consensus
- Iran makes a point of order **for a vote**
- *Vote is taken to:*
 - *Close discussion*
 - *Accept human rights language*



“CHAIR: Please hold your hand up so we can count.”

Final Vote

AFGHANISTAN	ALBANIE	ALGÉRIE	ALLEMAGNE	ANDORRE	ANGOLA	ARABIE SAOUDITE	ARGENTINE	ARMÉNIE	AUSTRALIE
AUTRICHE	AZERBAÏDJAN	BAHREÏN	BANGLADESH	BARBADE	BÉLARUS	BELGIQUE	BELIZE	BÉNIN	BHOUTAN
BOTSWANA	BRÉSIL	BRUNÉI DARUSSALAM	BULGARIE	BURKINA FASO	BURUNDI	CAMBODGE	CANADA	CAP-VERT	RÉPUBLIQUE CENTRAFRICAINE
CHILI	CHINE	CHYPRE	COLOMBIE	COMORES	RÉPUBLIQUE DU CONGO	RÉPUBLIQUE DE CORÉE	COSTA RICA	CÔTE D'IVOIRE	CROATIE
CUBA	DANEMARK	DJIBOUTI	RÉPUBLIQUE DOMINICAINE	EGYPTE	EL SALVADOR	EMIRATS ARABES UNIS	ESPAGNE	ESTONIE	ETATS-UNIS
FÉDÉRATION DE RUSSIE	FINLANDE	FRANCE	GABON	GAMBIE	GÉORGIE	GHANA	GRÈCE	GUATEMALA	GUYANA
HAÏTI	HONGRIE	INDE	INDONÉSIE	RÉPUBLIQUE ISLAMIQUE D'IRAN	IRAQ	IRLANDE	ISRAËL	ITALIE	JAMAÏQUE
JAPON	JORDANIE	KAZAKHSTAN	KENYA	KOWEÏT	LESOTHO	LETTONIE	LIBAN	LIBÉRIA	LIBYE
LIECHTENSTEIN	LITUANIE	LUXEMBOURG	MALAISIE	MALAWI	MALI	MALTE	MAROC	ILES MARSHALL	MAURICE
MEXIQUE	MOLDOVA	MONGOLIE	MONTÉNÉGRE	MOZAMBIQUE	NAMIBIE	NEPAL	NIGER	NIGÉRIA	NORVÈGE
NOUVELLE-ZÉLANDE	OMAN	OUGANDA	OUZBÉKISTAN	PANAMA	PAPOUASIE-NOUVELLE-GUINÉE	PARAGUAY	PAYS-BAS	PÉROU	PHILIPPINES
POLOGNE	PORTUGAL	QATAR	KIRGHIZISTAN	SLOVAQUIE	RÉPUBLIQUE TCHÈQUE	ROYAUME-UNI	RWANDA	SAINTE-LUCIE	SÉNÉGAL
SERBIE	SIERRA LEONE	SINGAPOUR	SLOVÉNIE	SOMALIE	SOUDAN	SOUDAN DU SUD	SRI LANKA	RÉPUBLIQUE SUDAFRICAINNE	SUÈDE
SUISSE	SWAZILAND	TANZANIE	THAÏLANDE	TOGO	TRINITÉ-ET-TOBAGO	TUNISIE	TURQUIE	UKRAINE	URUGUAY
VENEZUELA	VIET NAM	YÉMEN	ZIMBABWE						

Red signed, green declined

Colors modified from original to be consonant with color coding of subsequent graphs. Belated Merry Christmas.

Final Vote

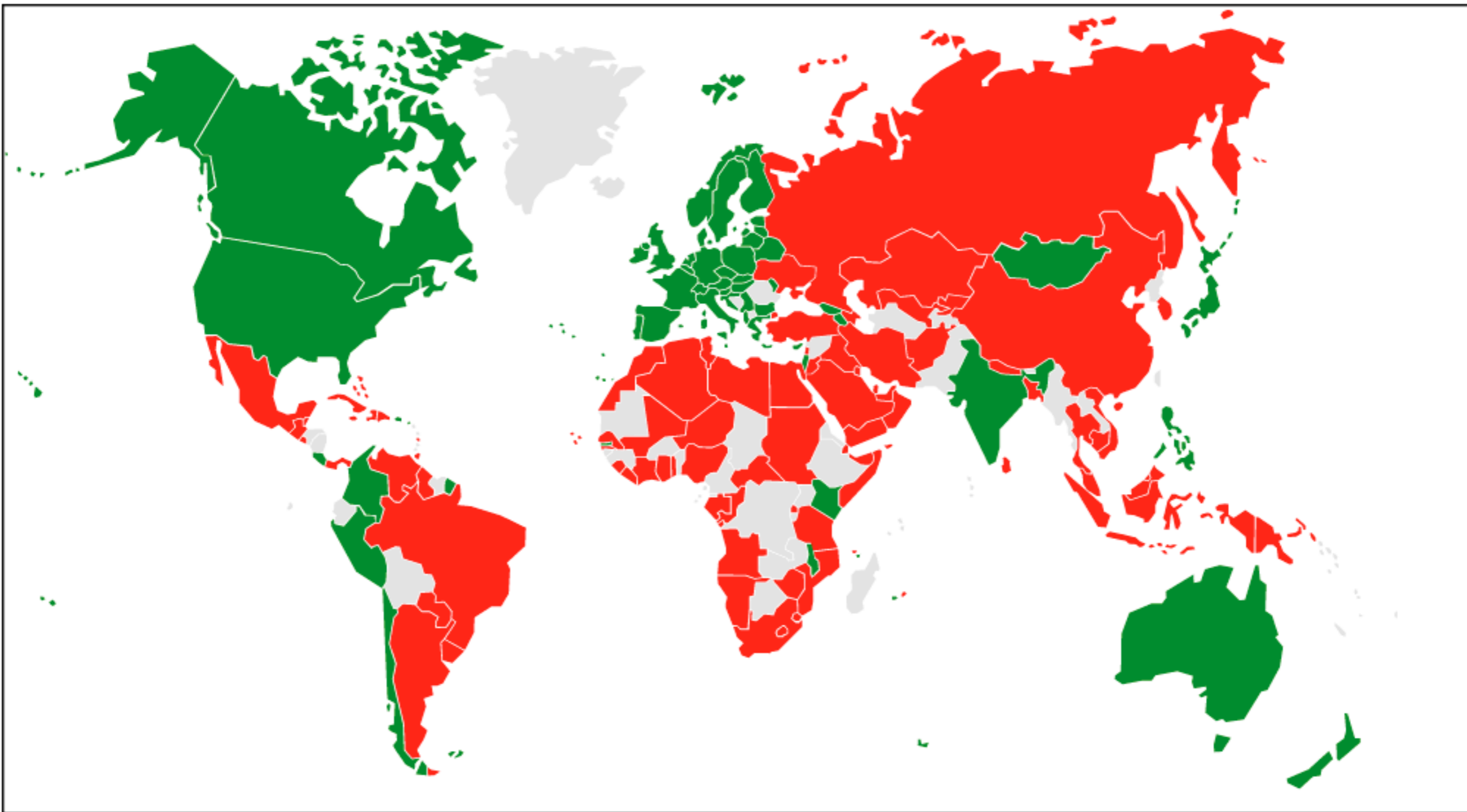
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NOUVELLE-ZÉLANDE	OMAN	OUGANDA	OUZBÉKISTAN	PANAMA	PAPOUASIE-NOUVELLE-GUINÉE	PARAGUAY	PAYS-BAS	PÉROU	PHILIPPINES
POLOGNE	PORTUGAL	QATAR	KIRGHIZISTAN	SLOVAQUIE	RÉPUBLIQUE TCHÈQUE	ROYAUME-UNI	RWANDA	SAINTE-LUCIE	SÉNÉGAL
SERBIE	SIERRA LEONE	SINGAPOUR	SLOVÉNIE	SOMALIE	SOUDAN	SOUDAN DU SUD	SRI LANKA	RÉPUBLIQUE SUDAFRICAINE	SUÈDE
SUISSE	SWAZILAND	TANZANIE	THAÏLANDE	TOGO	TRINITÉ-ET-TOBAGO	TUNISIE	TURQUIE	UKRAINE	URUGUAY
VENEZUELA	VIET NAM	YÉMEN	ZIMBABWE						

Not very compelling as a table, a pain to parse out.

Red signed, green declined

Colors modified from original to be consonant with color coding of subsequent graphs. Belated Merry Christmas.

Final Vote: Geographic Distribution

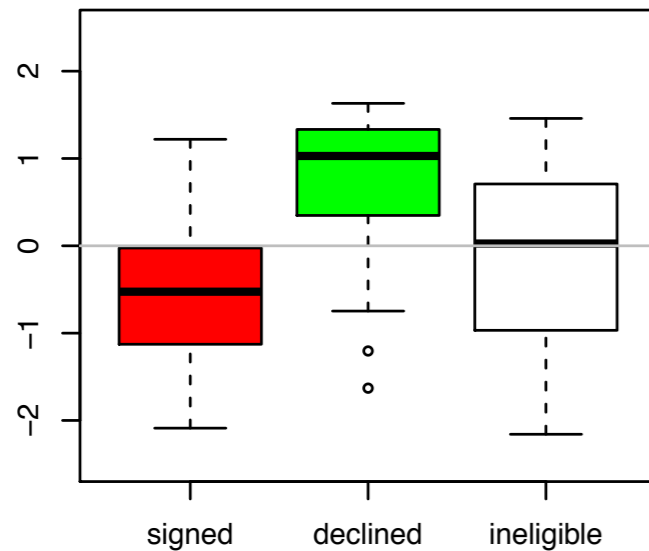


- This map is intended to reflect the [official list of signatories](#). If you see errors, please let me know.
- **Signatories are in red**
- **Non-signatories (declined) are in green**
- **Grey** countries are not included in the ITU list.

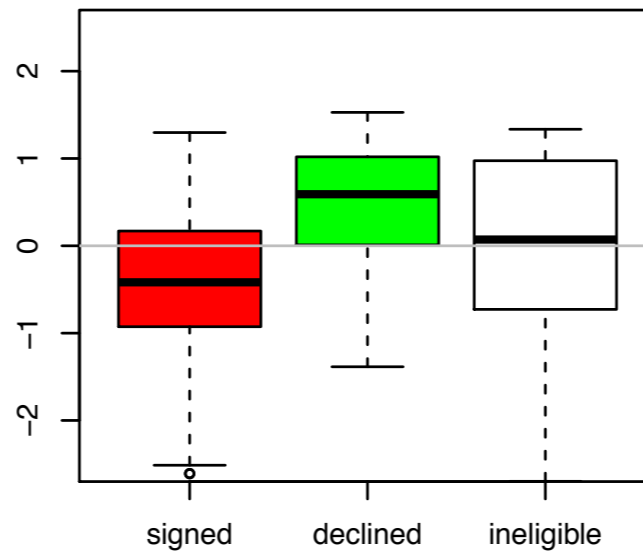
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Final Vote: Governance Indicators

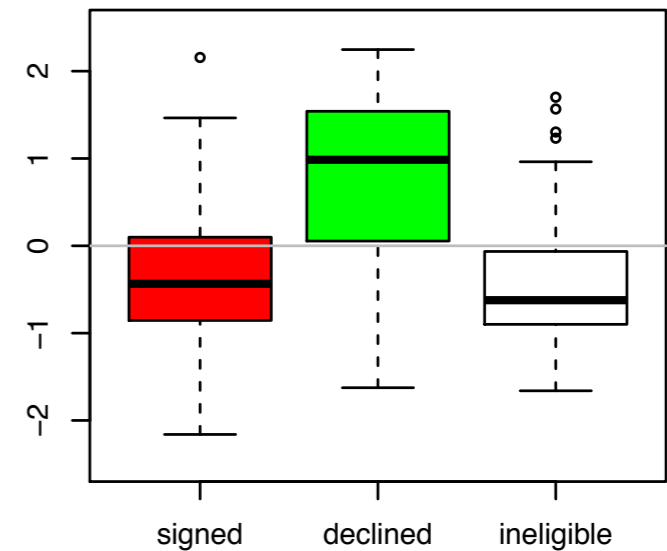
Voice and Accountability



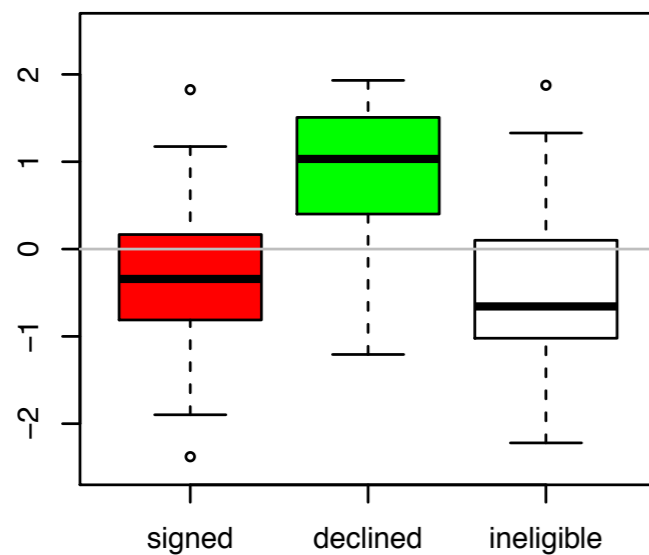
Political Stability



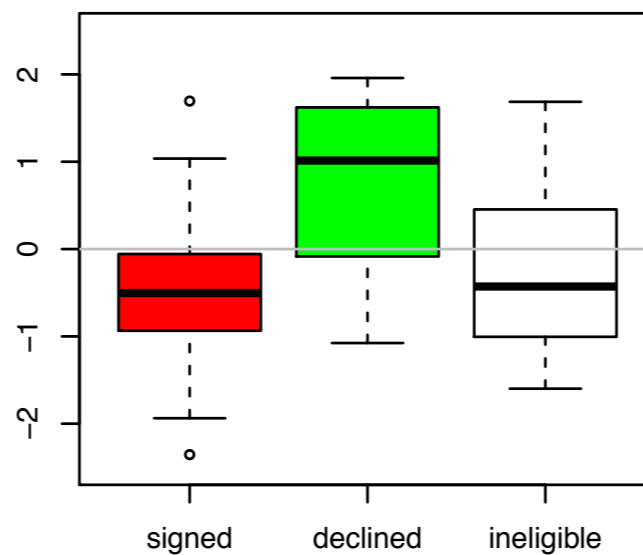
Government effectiveness



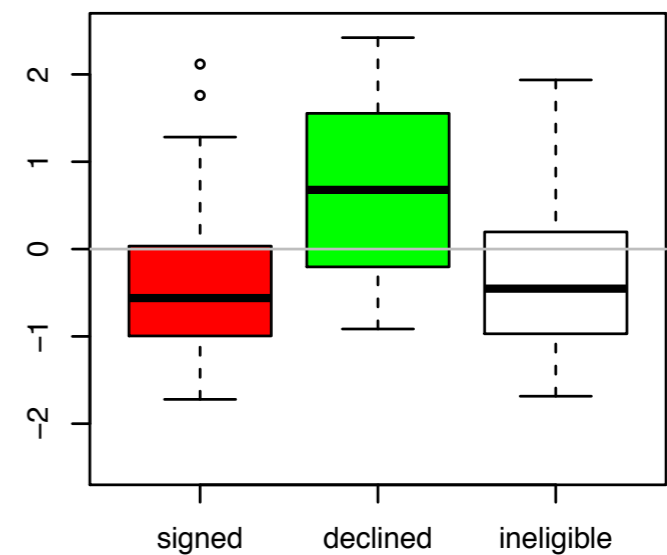
Regulatory Quality



Rule of Law



Control of Corruption



Created by author from list of signatories merged with the World Bank's openly available dataset Worldwide Governance Indicators.

Analyses

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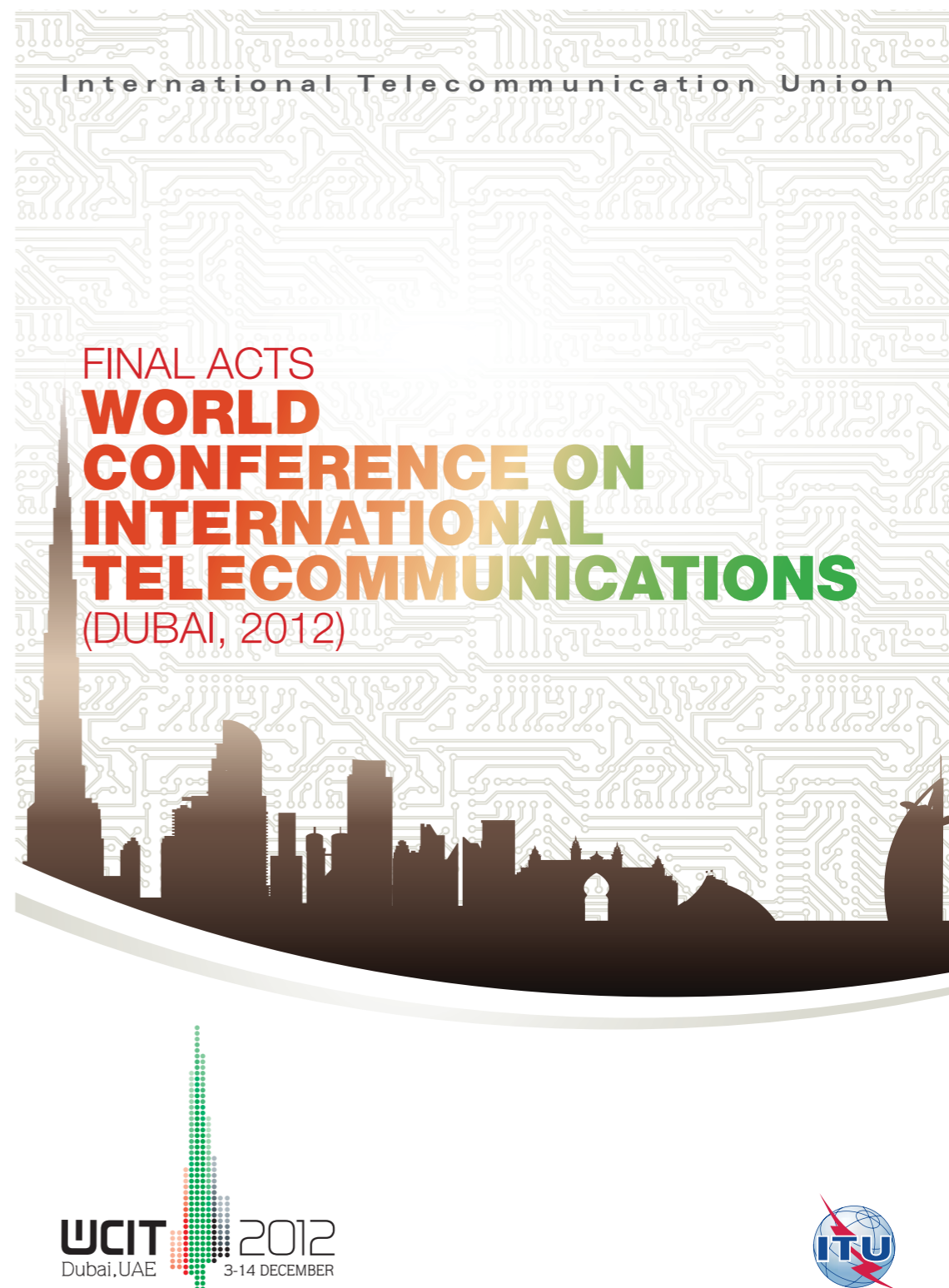
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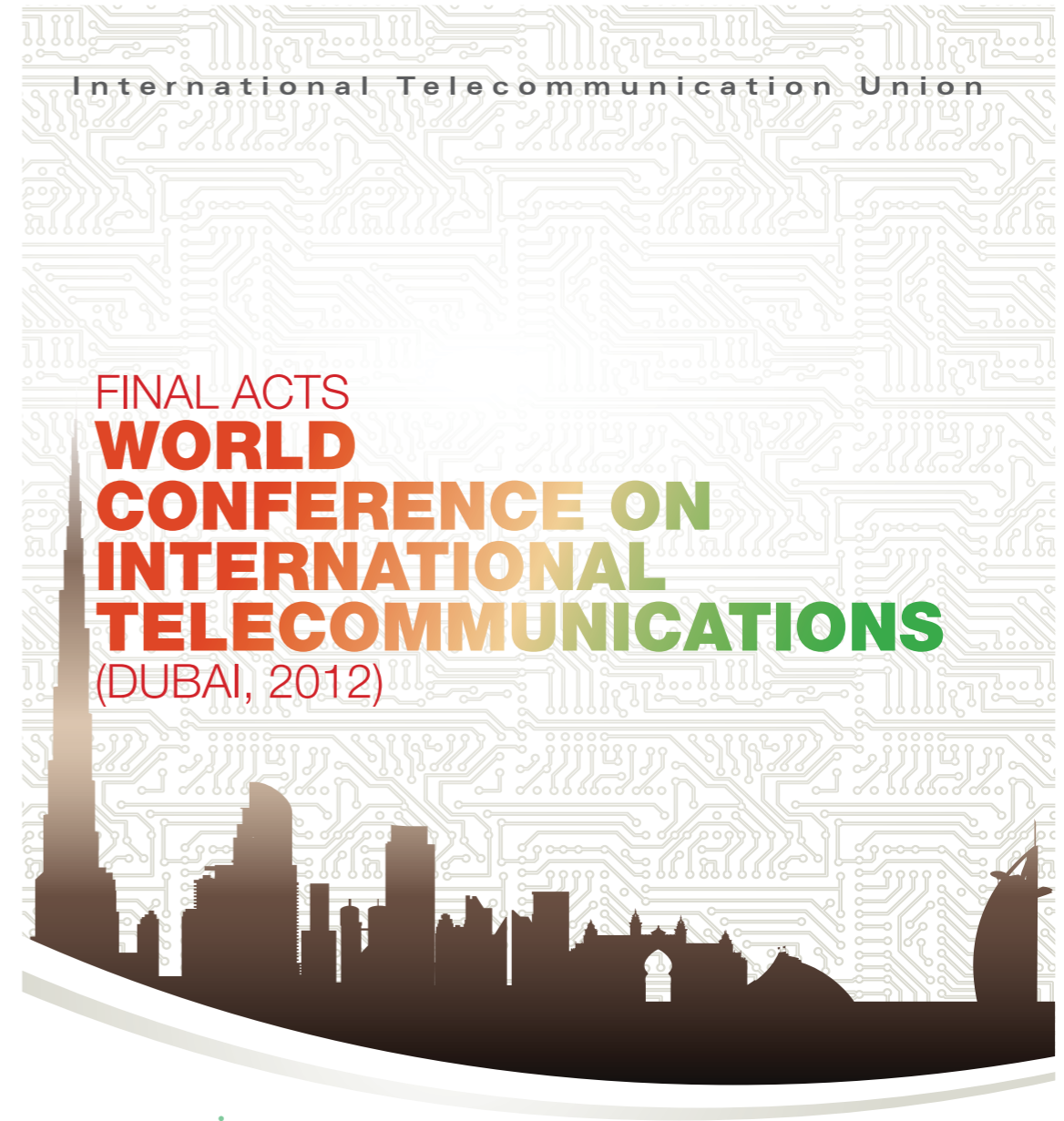
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- Jesse
 - Agenda setting and forum building
 - Scope of regulation via actors
 - Scope violation in human rights
 - Legitimacy, legitimacy, legitimacy...the name of the game is controlling the dialogue/forum

Outcomes: First Volley

- End of the Day
 - No mention of Internet in binding sections of treaty
 - Resolution 3 on engaging in Internet governance
 - Definition of operators vague
 - Control routes (2.6,3.3)
 - Security and robustness of networks (5A)
 - Unsolicited bulk electronic messages (5B)
 - Right of users to access international network

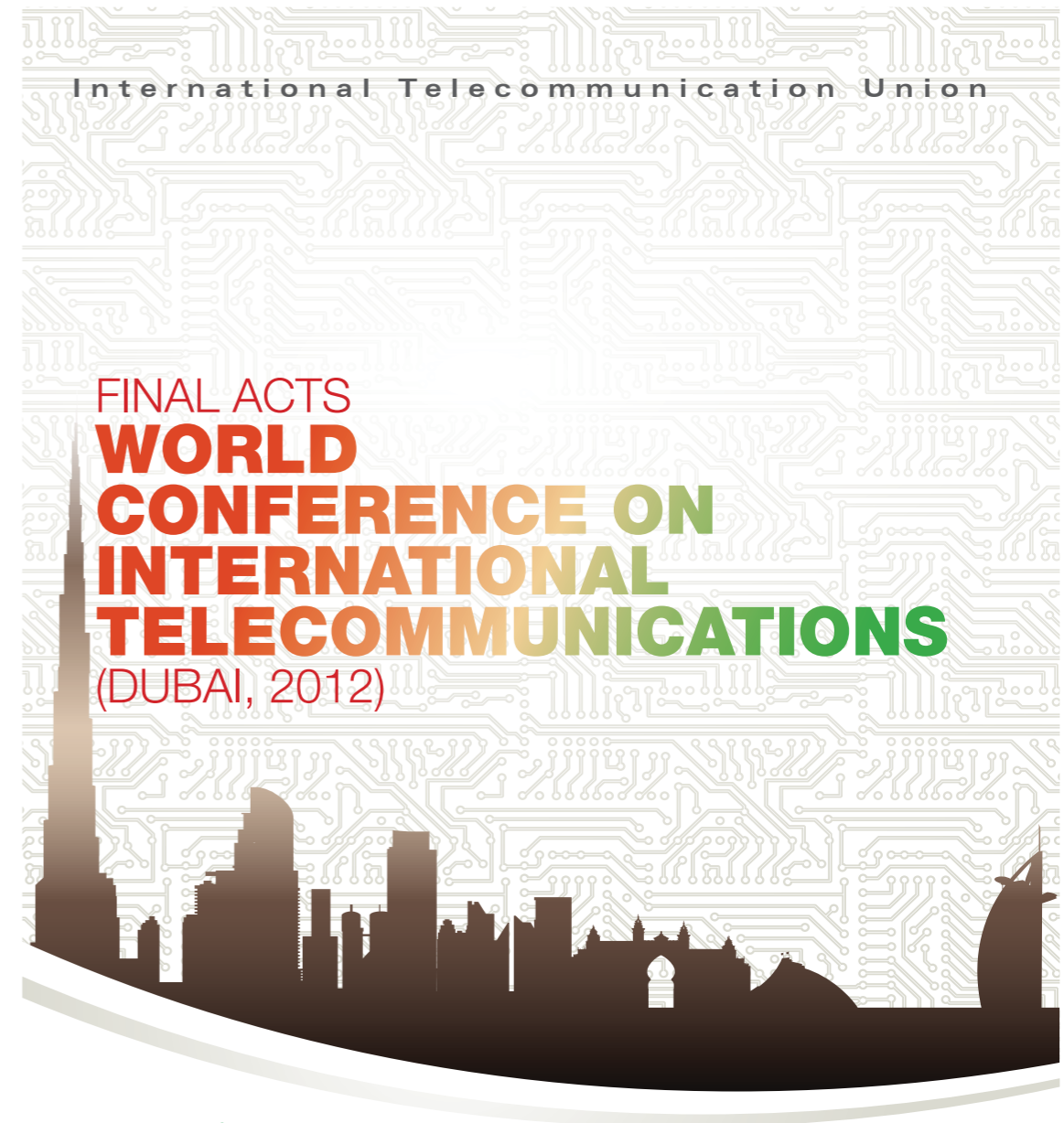


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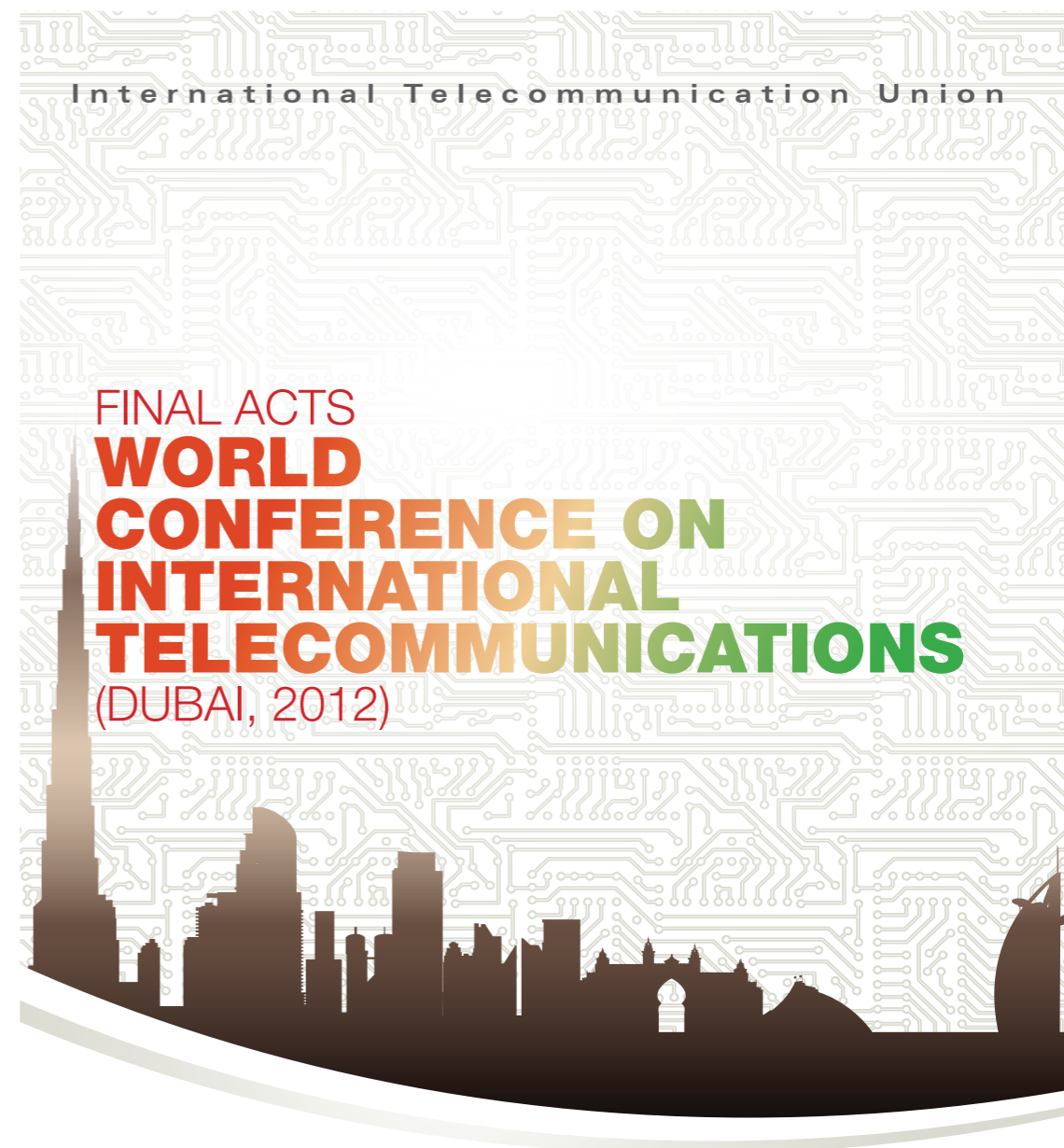
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 - Fragmented market
 - Telecommunications model
 - Potential for fragmented Internet
 - Talk of “digital cold war”



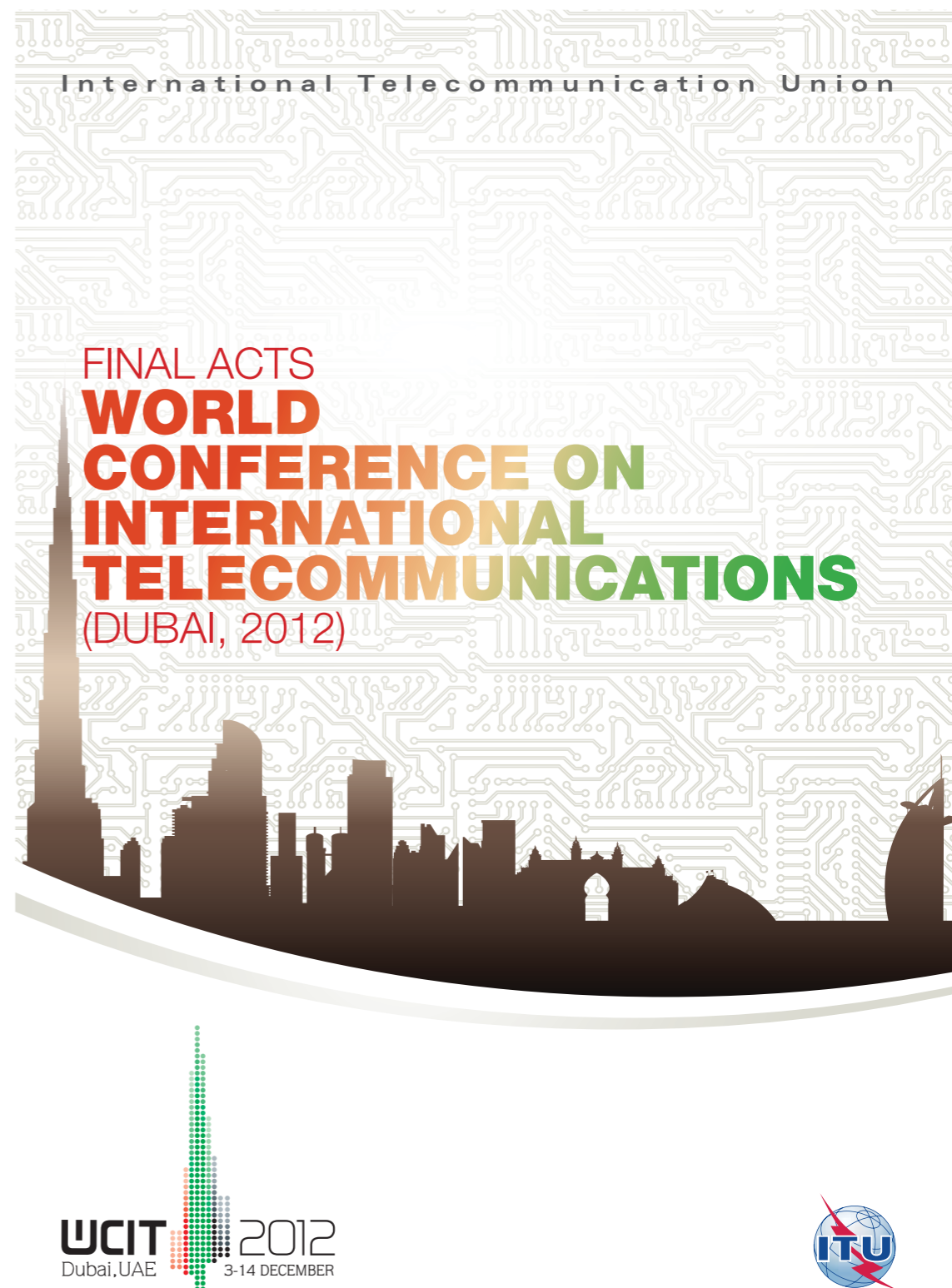
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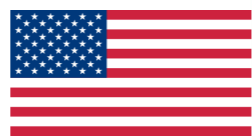
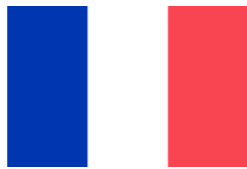
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- **Good: ITU preferences**
 - “Dedication” to consensus
 - Willingness to close door
 - Where to focus efforts

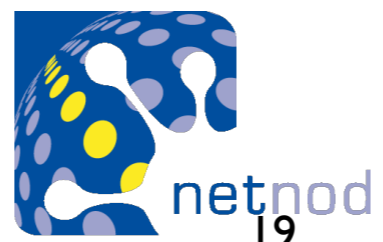




Motivated regulator peddling "what should"

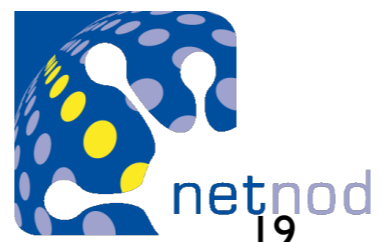
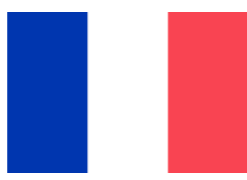


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Motivated regulator peddling "what should"

Communities with operational capacity to inform and provide the "how"





How should feedback between these work?

Motivated regulator peddling "what should"

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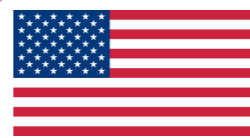




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Legitimacy issues: competition for the role of the forum of choice will continue

Thank you!

Comments or questions: **jsowell@mit.edu**