Internet Governance

WCIT 'Internet Governance' Hype Distracts Attention From Serious Issues, ITU Head Says

The World Conference on International Telecommunications (WCIT-12) "has nothing to do with [internet] Governance," International Telecommunication Union Secretary-General Dr. Hamadoun I. Touré told BNA Sept. 5 during email and telephone interviews.

Touré reiterated and expanded upon previously voiced criticisms of what he called "over-dramatic" characterizations of the WCIT-12 process as a push by some governments to wrest control over the internet and place it in the ITU.

Touré also took the opportunity to try to refocus the debate surrounding WCIT-12 onto what he argued were serious issues that require urgent attention by ITU member states—such as data security and exorbitant roaming charges.

WCIT Draws Near. The ITU, the United Nations's agency for information and communication technologies, is hosting WCIT-12 in Dubai, United Arab Emirates, from Dec. 3-14. The aim of the event is to revise the "International Telecommunication Regulations," established by treaty in 1988 and widely credited with liberalizing the international telecom market, and enabling the growth that followed. The ITRs did not address the internet, however, which did not generate such a huge global impact until years later.

WCIT-12 has garnered increasing criticism on substantive claims that it involves overreach by implicating the internet (17 ECLR 805, 5/2/12), and on transparency claims that the process is shrouded in secrecy (17 ECLR 915, 5/23/12).

Touré has challenged the notion that either the United Nations or the ITU has designs on internet control (17 ECLR 894, 5/16/12), and has attempted, with some limited success, to pry the WCIT-12 process open for all stakeholders rather than just for ITU members (17 ECLR 1265, 7/18/12).

Serious Issues on Agenda. Touré told BNA, "Internet Governance as we know it today" is about "Domain Names and addresses." Internet governance, according to Touré, consists of:

■ the Internet Assigned Numbers Authority (IANA) functions;

■ the Internet Corporation for Assigned Names and Numbers (ICANN) functions; and

■ the ICANN-Verisign Corp. agreement on the root zone file and domain names.

"These are issues that we're not talking about at all," he said. "We're not pushing that, we don't need to."

Discussions on those internet governance topics are addressed by the Internet Governance Forum and the World Summit on the Information Society, Touré said. "WCIT is not going to duplicate this."

Touré stressed that the concern over internet governance should not drown out the opportunity for WCIT to take on matters of real import. "Why don't we talk about security, you cannot have freedom or privacy without security. If anyone can steal your identity you are not a free person."

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HAMADOUN I. TOURÉ
SECRETARY GENERAL, INTERNATIONAL TELECOMMUNICATION UNION

Roaming, the application of sometimes steep charges to maintain mobile device network-connectivity while the user travels from one country to another, is another WCIT topic that he said needs attention, calling it a very real issue for developing countries. There are others, he added, "We cannot talk about energy efficiency, we cannot talk about accessibility, we cannot talk about security for children?"

"These are real issues we are talking about," Touré said. "There's so much on our plate. Why [would] I have to take over internet governance?"

Impact of Definitional Changes. ITR Article 3 deals with international telecommunications networks. A summary of the existing proposals made public by the ITU, known as the "Draft of the Future ITRs," shows a number of proposals for a new Article 3.5 that would touch upon naming, numbering, addressing, and identification (17 ECLR 1307, 7/25/12).

Touré disagreed with the suggestion that numerous proposals to add a new section 3.5 to the ITRs might have the effect of expanding the treaty to internet governance.

"That is telecommunication numbering," he said, something that preceded the internet. Some people, Touré added, will hijack a country code and open a phone line for pornography. "These are the types of things we are talking about, and they came before the internet."

Some have argued that proposals to revise certain treaty definitions might nevertheless have the effect of bringing internet naming and numbering into treaty coverage. For example, there are proposals to change the term "Telecommunication" to "Telecommunication/ICT," and to change the definition of that term from covering "Any transmission, emission, or reception" of signals of any nature, to covering "Any transmission, emission, or reception, including processing" of such signals.

Touré, in an email to BNA, challenged the idea that the proposed changes made a difference:

It is important to note that transmission and reception of communications over IP-based networks is included in the present ITU definition of "telecommunications," *in the view of a number of ITU Member States*. In fact, although there have been many discussions in the past regarding whether to change the formal wording of the definition, an argument advanced in favour of not doing so was precisely because technologies such as the Internet are already included, so there is no reason to change the definition.

Touré, expanding on his emailed remarks, told BNA that the proposals that appear to involve the ITU in internet numbering and addressing were preliminary and subject to change.

"These are preliminary proposals," he said, "and I suspect that someone else will bring another counter-proposal to this, we will analyze it and say yes, this is going beyond, and we'll stop it."

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What is important, Touré said, is that people are bringing up problems and proposing solutions, there is nothing behind the scene beyond that. "At the end of the day, we'll find the solution that is . . . workable for everybody . . . in the true tradition of the ITU."

Touré also expressed confidence that the WCIT meeting will successfully resolve controversy around another proposal that might implicate internet governance, this one involving a suggested change to Article 3.3 that would allow a member state to know how its traffic is routed, and to impose routing regulations for purposes of security and countering fraud.

"Issues like that may have a real implication [leading possibly to] some impasse on the perception of freedom or privacy," Touré said. But there will be counterproposals and we will find a middle ground, he said.

Broadband Investment. What WCIT-12 will do, Touré said, is "open up new opportunities for more investment in Broadband infrastructure to match . . . exponential growth in Data traffic."

Broadband capability must be made available for every community around the world, he said. That will take investment, and member states will discuss that in good faith and reach creative solutions to enable every person to exercise "his or her right to access, use, create and share information in an affordable and safe manner," Touré said.

The key, he added, will be to do this with "a sound regulatory system that is not heavy handed," leaving the ICT sector with the right environment to flourish and prosper.

Roads and Cars. "This is like roads and cars," Touré said. Traffic is growing exponentially, so governments need to make sure that highway infrastructure keeps pace with increased traffic on the roads. The highway engineer needs to make sure that the roads and bridges are correctly built. The highway engineer should be able to ask for details about the height and weight of cars and trucks without facing an objection that what the engineer really wants is to own the vehicles, Touré said. That makes no sense, Touré said, that is not what the engineer is asking for, and we should all instead work together for sound traffic management.

"There is a misunderstanding in the debate, I am trying to refocus it, but some people don't want to listen to it," Touré said. "When you buy a car you're not buying a road."

Settlement and Funding. Touré said that WCIT will also focus on the settlement mechanism for the future of broadband traffic. "The old WCIT was based on simple voice telephony back in 1988 and that set the stage for the information society," he said. Measurement metrics for international settlements were the time and location of the call, now the traffic is in bits and bytes, and time is irrelevant. There is a need to change the settlement process for combined voice, video, and data today, Touré said.

He also said that "the flow of funds for Internet traffic" will be addressed at WCIT-12, but that cannot be considered to be a part of internet governance:

> There is nothing new about ITU discussing such flow of funds: it has been the topic of much discussion in ITU since 1998 and is the subject of Recommendation ITU-T D.50, which has been unanimously approved by all ITU Member States. . . . The Recommendation says that the value of traffic flow is one element, among others, to be taken into account in bilateral commercial arrangements by parties that provide international Internet connections.

One suggestion for tackling funding has been put forward by the European Telecommunications Network Operators' Association (ETNO), a Brussels-based group representing companies in 35 countries. It calls for "fair compensation for carried traffic," and floated the idea of "the principle of sending party network pays" (17 ECLR 1562, 8/29/12).

"It is easy to criticize, but ETNO has the merit of putting its view on the table," Touré said. Others should come up with counter proposals, debate will ensue, he added. "I am convinced we will find a common ground."

Participation, Consensus, and Transparency. Details about how WCIT is arranged and who will participate are available on the ITU's WCIT Background Briefs website, Touré told BNA. Basically, he said, it will be members states that participate as WCIT is a treaty-making conference.

Sector members, whom Touré described as "mainly private companies in the industry and other relevant organizations," can participate as observers, and may be invited to speak.

He said it is a common practice among member states to include individuals from sector members and private companies in their WCIT delegations.

Each member state will have one vote, Touré said. But a vote is unlikely, he quickly added. "I believe it is not necessary, this is not what our Members want, it can and should be avoided in the true tradition of ITU."

ITU member states have come through two world wars and a cold war without a vote, and WCIT-12 should be no exception, Touré said. The organization has been particularly adept at achieving consensus, he said.

Touré said that no decision has yet been made regarding press coverage of WCIT. The decision regarding press attendance will be formally made by the WCIT conference itself at the opening, which is normal ITU practice, he added.

Touré appeared to support greater press access to the WCIT talks. "By giving opportunity to Press to attend and report we will improve understanding and reduce speculation."

BY DAVID MCAULEY

The ITU website, containing links to WCIT Background Briefs and FAQs, as well to the ITRs, is at http://www.itu.int/en/wcit-12/Pages/WCIT-

backgroundbriefs.aspx.