



## **SYNOPSIS OF INTERNET ORGANIZATION VIEWS OF KEY RESOLUTIONS BEING DEBATED AT THE ITU PLENIPOTENTIARY CONFERENCE, 2010**

The following document was prepared by ISOC in cooperation with other Internet community representatives (AfriNIC, APNIC, ARIN, LACNIC) attending the ITU Plenipotentiary Conference in Guadalajara, Mexico. The text was intended for use with Member States' delegates to the Plenipotentiary, to explain issues and the views of the organizations.

### **RESOLUTION 21 Special measures concerning alternative calling procedures on international telecommunication networks**

### **RESOLUTION 22 (Rev. Antalya, 2006) Apportionment of revenues in providing international telecommunication services**

These resolutions deal primarily with telecommunications accounting issues such as alternative calling procedures and network externalities.

#### **Internet Organizations Perspective**

Models for financing and tariffing network traffic for the Internet have been very different than those for the telephony network. The different model found in the Internet environment has provided the basis for the Internet's explosive growth and penetration around the world.

The organizations of the Internet community are concerned that the discussions of Res. 21 and 22 may not reflect an adequate recognition of the difference of the Internet from the telecommunications network (for which it was originally written), or the past and current efforts to ensure network efficiencies. It is key that the ITU not work in isolation on these issues, but instead reach out to the community to take advantage of their knowledge and expertise. It is important to recognize the realities of the new Internet-based communications environment.

The Internet today is the product of an open, bottom-up, multistakeholder process that encourages involvement by all governments, technical experts, civil society and anyone who wants to help improve how it works or to deal with problems. Those processes have proven to work well, and have also been open to working with the ITU and other intergovernmental organizations.

It would be best to use the process to revise these Resolutions to help create the conditions to enable greater access to the Internet and other forms of communication, especially in developing countries, recognizing the contributions of the private sector and the Internet organizations. Many Internet organizations have been working in partnership in developing countries to help establish effective and efficient Internet networks, including helping to develop appropriate mechanisms for interconnecting to reduce costs and improve performance.

**RESOLUTION 101 (Rev. Antalya, 2006) Internet Protocol-based networks**

**RESOLUTION 102 (Rev. Antalya, 2006) ITU's role with regard to international public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses**

**RESOLUTION 133 (Rev. Antalya, 2006) Role of administrations of Member States in the management of internationalized (multilingual) domain names**

These three resolutions have been grouped together as a package in PP '10. While they are becoming controversial, and even contentious, at their hearts the resolutions reflect real, practical concerns. For example, turning to Resolution 133: at the time it was written, many member states believed there was a real problem in creating and managing IDNs. But in the intervening period, a host of IDNs have been introduced or soon will be, using several different scripts (Syria, India, Singapore, Jordan, China, Korea, Russia, Egypt, UAE, among others). The private sector, operators of ccTLDs and governments (through the GAC) have worked together to develop a global policy, to put a structure in place, and to actually introduce IDNs into the root. The discussion here at PP '10 is about how the multi-stakeholder process already underway serves as an example of the way Res. 133 has been overtaken by the achievements of the past four years and therefore is no longer needed.

Similarly Resolutions 101 and 102 served a purpose in the past, but they seem to be less and less relevant in the four years since Antalya. Much of the text in the existing resolutions and even in the new proposals refers to conditions that are now more than four years old. In Guadalajara, some delegations say they believe those resolutions have become dated, and continuing to work on them could lead to a dispersion of the ITU's already scarce resources. In terms of recognizing the importance of the IP-based network called the Internet, one has to ask whether the best use of ITU resources would now be to focus more clearly on defined ITU expertise and activities that would help expedite achievement of the Millennium Development Goals by 2015.

### ***Internet Organizations' Perspective***

We believe that, for the ITU, the highest focus should be on helping remove obstacles to expansion of the world-wide infrastructure needed to deliver Internet services to everyone. Internet infrastructure needs to be more accessible for developing countries, people with disabilities, and for vulnerable populations – in short those who are not well-served today. In fact, many believe the value of ITU will be judged in future on their ability to address these needs before 2015, or its failure to do so.

Consistent with the way the Internet has developed since its creation, we believe the greatest chance for success is if the ITU and the administrations of Member States become willing and collaborative participants in the multistakeholder environment known as the Internet model. In that environment, the ITU is an important player but one player amongst many. Joining with partners, the Union can focus on those areas where it can bring the greatest value, confident in knowing that other partners are playing their parts.

At minimum, the Internet organizations would like to see Member States refocus these three resolutions to direct the ITU's work into the areas of its greatest strength, being careful not to extend itself to duplicate efforts already handled by other stakeholders. That will further encourage all expert entities and stakeholders to focus on what they do best in their areas of expertise, while collaborating with others to overcome the challenges identified by the WSIS and the Millennium Development Goals.

### **RESOLUTION 130 (Rev. Antalya, 2006) Strengthening the role of ITU in building confidence and security in the use of information and communication technologies**

This resolution is about cybersecurity. It was perhaps the most controversial Internet-related issue discussed in Antalya in 2006, and it continues to be extremely controversial at PP '10. Much of the controversy centers around the role of the ITU in building confidence and security in ICTs, and the need for a new intergovernmental instrument (MOU or Treaty) on cybersecurity based in the ITU.

### ***Internet Organizations' Perspective***

The Internet community is active in promoting a wide range of initiatives to build confidence and security in the use of ICTs generally, and the Internet in particular. But the Internet is not like the traditional telecommunication network. It is a network of networks, so to be effective, measures to build confidence and security must reach out to both operators and users. Efforts are already underway in organizations such as the Internet Engineering Task Force, Regional

Internet Registries, the Internet Society, the Root Server Operators, ICANN and others. Obviously many other organizations are also active regionally and internationally in a range of initiatives. The extensive experience of the Internet organizations has shown that, to be effective, there is a strong need for coordination and cooperation amongst all stakeholders. It is vital to separate the ITU's role and functions from those roles and functions already being performed elsewhere in other organizations, such as cyber-crime, cyber-warfare and content (the role of individual national administrations). If everyone is not clear about their appropriate role, it can lead to confusion and potentially even duplication. A new treaty would not serve that need, although a broad agreement among responsible governmental and non-governmental organizations, respecting the expertise and mandate of each, could prove useful. The ITU could reach out to others to collaborate in such a non-binding agreement on how best to collaborate.

### **RESOLUTION 140 (Antalya, 2006) ITU's role in implementing the outcomes of the World Summit on the Information Society (WSIS)**

The WSIS was a significant event for the ITU, which was the lead agency organizing the Summit. The Tunis Agenda created a mechanism through the United Nations Committee for Science and Technology for Development (CSTD) to monitor the implementation of WSIS, and the UN Secretary-General was charged with creating the Internet Governance Forum, and to work with others to create a process for Enhanced Cooperation.

The Tunis Agenda recognized the clear role the ITU has in the information society by assigning it a role in moderating and facilitating three of the eleven WSIS Action Lines, and helping to moderate or facilitate another five of the Action Lines. In Antalya at PP '06, Resolution 140 defined the role the ITU should play in implementation. The ITU staff and Member States have worked effectively since then to implement the clauses.

Several Contributions to PP '10 seek to alter and in some cases expand the role of the ITU, particularly in the field of Internet governance. In addition, one Member State advocated that the ITU should organize a third WSIS to be held in 2015.

### ***Internet Organizations' Perspective***

The WSIS was also very influential in the United Nations system and all international organizations by expanding and enshrining the principle of multistakeholder participation in processes related to the information society. It was important because it drew the attention of world leaders, at the level of a Summit, to the importance of ensuring that all the world's peoples are able to

participate in the creation of the information society. The Tunis Agenda is a statement by those leaders that emphasizes the importance of the Internet, development and capacity building to ensure that outcome.

It is also important to remember that the WSIS was not an ITU Conference; the UN General Assembly authorized it, as we were reminded by the delegation of Egypt in the Working Group of Plenary. That is an important fact to keep in mind at PP '10. For example, the ITU has not got the authority to change the decisions of the WSIS by instructing the IGF on how it should work, or by advocating a role for the ITU that is not consistent with the Tunis Agenda action lines.

We believe it is important for the ITU to play a key role in implementing the outcomes of WSIS. But in doing so, we also believe it is important to respect and take advantage of the multistakeholder processes that were proven to be valuable in the WSIS. The Internet community is willing and anxious to share our expertise and to work collaboratively with others to advance the development agenda of the WSIS around the Internet.

#### **RESOLUTION 146 (Antalya, 2006) Review of the International Telecommunication Regulations**

The International Telecommunication Regulations (ITRs) are a treaty document of the ITU that came into force in 1990. The purpose of the ITRs is to “facilitate “global interconnection and interoperability” of telecommunications traffic between borders. In 2006, Plenipot decided to hold a World Conference on International Telecommunication to consider revising the ITRs. That will be in November 2012, immediately following the next WTSa. At PP '10 in Guadalajara, there are two competing and opposed points of view about how the WCIT should approach the task. The first says that the ITRs should be examined to see what is still relevant, and any relevant items moved into Resolutions of Plenipotentiary or the Constitution and Convention, then the ITRs eliminated. The other point of view is that the ITRs authority needs to be expanded, and many new topics need to be added, including many affecting the Internet (such as spam).

In 1988, the international telecommunication environment was very different. It was characterized by a large number of state-owned monopoly companies, who exchanged traffic among themselves on the basis of negotiated bilateral agreements. By 2010, everyone recognizes that the international telecommunication environment is no longer like that. Many or most countries have liberalized their regulations, and privatization has meant that states no longer control the carriers. In most cases, there is competition among private

carriers, and their international inter-carrier negotiations are no longer within the control of member states, much less of the ITU. At the same time, the rise of the Internet has made it harder to measure the way traffic is carried, or even what networks are used. These two developments have reduced the breadth of topics the ITRs can influence. This is the background for the discussions in Committee 5 at PP '10.

### ***Internet Organizations' Perspective***

The organizations of the Internet community are concerned that the discussion of the ITRs may turn into a discussion about control of the Internet. The Internet today is the product of an open, bottom-up, multistakeholder process that is open to all governments, technical experts, civil society and anyone who wants to help improve how it works or to deal with problems. Those processes have proven to work well, and have also been open to working with the ITU and other intergovernmental organizations. The Internet technical community has also gained a great deal of experience as they worked together to evolve the Internet. Our experience leads us to emphasize that some of the concern from the Internet community perspective is that regulations made without taking into account technical perspectives about the functioning of the Internet could lead governments to accidentally create legally binding conditions that are technically difficult, or impossible, to meet.

It is important that the planning for the WCIT and discussions of the ITRs recognize the realities of the new Internet-based communications environment, and that governments individually and through the ITU avoid duplication of efforts. It would be best to use the WCIT to create a regulatory environment that creates the conditions to enable greater access to the Internet and other forms of communication, especially in developing countries, recognizing the contributions of the private sector and the Internet organizations.

### **RESOLUTION 149 (Antalya, 2006) Study of definitions and terminology relating to building confidence and security in the use of information and communication technologies**

This resolution has its roots in debates that took place in previous Plenipotentiary Conferences. It proposes to define terms indicated in the title, but has come down to a debate over how to define cybersecurity. The discussions in Guadalajara have been difficult, and also touch on the ITU's role in Internet governance in some important areas. There is also a lot of controversy about where any definition should go. Some Member States would prefer to see it in the Constitution, while others think that gives it too much weight. The second group would prefer to see the definition in a Resolution.

***Internet Organizations' Perspective:***

The Internet community is concerned that the revision of the Resolution might unintentionally call on the ITU to do work on cybersecurity that would duplicate efforts that are being made by the Internet Engineering Task Force, Regional Internet Registries (such as AfriNIC), the Root Server Operators, ICANN and others. Cybersecurity is an important topic, and a concern of everyone involved in the Internet community. Because it is a serious concern, we must all work together in a coordinated approach.

Any resolution about the definition of cybersecurity should acknowledge the need for coordination and cooperation amongst all stakeholders.

The definition created by ITU-T SG 17 is very broad and inclusive and does not separate the ITU's role and functions from those roles and functions already being done elsewhere in other organizations, such as cyber-crime, cyber-warfare and content (the role of individual national administrations). That can lead to confusion and potentially even duplication. On the other hand, it is important to recognize that many governments need to receive credible and knowledgeable information about these other areas outside of ITU's specific competencies. To meet that need, it may be possible to define a neutral and transparent role for ITU that could, for example, develop a dedicated specialist knowledge-portal that would offer ITU members links and contacts to other relevant organizations, their key meetings, the work that they are undertaking, and key reports, agreements, and other official documents.

**About the Internet Society**

The Internet Society (ISOC) is a non-profit organization founded in 1992 to provide leadership in Internet related standards, education, and policy. The Internet Society is the organizational home of the Internet Engineering Task Force, the Internet's premier technical standards body. With offices in Washington, D.C., and Geneva, Switzerland, it is dedicated to ensuring the open development, evolution, and use of the Internet for the benefit of people throughout the world. For more information see <http://InternetSociety.org>.