



PLENIPOTENTIARY CONFERENCE REPORT 3

FINAL CONFERENCE WRAP-UP

This is a final wrap-up report on the ITU Plenipotentiary Conference of 2010. The negotiations on Internet resolutions were among the most difficult of the Conference. Ultimately, they were only resolved when the elected officials, particularly Secretary-General Hamadoun Touré, brought to bear his weight to pressure several administrations to agree to compromise language in Resolutions 101, 102, and 133, as well as a new Resolution on the transition from IPv4 to IPv6. From the Internet Society's point of view, the outcome is mostly an improvement, with one possibly large exception. Here is a brief summary of the resolutions:

Resolution 101 (Internet Protocol-based networks) sets out the ITU's view of the importance of working to ensure interoperability in IP networks. Delegates itemized a few new reasons to think IP networks are important, while nodding in the direction of some governments' concerns:

“the increased use of the Internet introduces new additional applications in telecommunication/ information and communication technology (ICT) services based on its highly advanced technology, e.g. the utilization of e-mail and text messaging, voice over IP, video, and real time TV (IPTV) over the Internet, has become commonplace, even though there are challenges regarding quality of service, uncertainty of origin, and the high cost of international connectivity”

But the resolution recognizes the need to continue working with “ISOC/IETF and other relevant recognized organizations, in respect of interconnectivity with existing telecommunication networks and migration to NGN and future networks,” which had been specified in the 2006 version of Res. 101. But this Resolution also contained the most clause that proved among the most difficult to negotiate, in which it:

“resolves to explore ways and means for greater collaboration and coordination between ITU and relevant organizations(2) involved in the development of IP-based networks and the future Internet, through cooperation agreements, as appropriate, in order to increase the role of

ITU in Internet governance so as to ensure maximum benefits to the global community.

“Footnote 2 = Including, but not limited to, ICANN, the RIRs, IETF, ISOC and W3C, on the basis of a reciprocity.”

This clause is repeated verbatim in Res. 101, 102, 133, and the new IPv6 Resolution. The language shows that the ITU membership increasingly recognizes the need to work with the native Internet organizations, if they hope to be influential. It wasn't an easy recognition to achieve, and only came about with agreement to add the tail “on the basis of reciprocity” to the sentence. Given that the named organizations are all very open, and that most are ITU Sector Members, there was no give-away involved, but its inclusion was important to many countries who continue to see the ITU as the most important body for telecommunication and ICT discussions.

Resolution 102 (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), in addition to including the paragraph and footnote above, makes one significant change to the way the ITU deals with Internet-related public policy issues. The Resolution “instructs the Council to revise its appropriate resolutions to make the Dedicated Group into a Council working group (CWG), limited to Member States, with open consultation to all stakeholders.” The Dedicated Group was created after the 2008 World Telecommunication Standardization Assembly (WTSA) as a government-only group reporting to Council through the Working Group on WSIS (WGWSIS). That Working Group's meetings have been open to Sector Members, who then could comment on the Dedicated Group's reports, although in practical terms that made little difference. This change takes the Dedicated Group out of the WGWSIS and allows it to report directly into the government-only Council. But even here, there is a nod to the need to consult with all stakeholders, consistent with the WSIS texts on Internet governance.

The Resolution also:

“invites the Dedicated Group on international Internet-related public policy issues, as an integral part of the Council Working Group on the World Summit on the Information Society,

“1 to consider and discuss the activities of the Secretary-General and Directors of the Bureaux in relation to the implementation of this resolution;

“2 to prepare ITU inputs into the above-mentioned activities as appropriate”

These clauses specific the work of the Dedicated Group. It is possible that the ITU's inputs may take a different tone than if they had been developed with more

active participation by Sector Members, but that remains to be seen. There seems to be an inconsistency in the phrase “as an integral part of the Council WGWSIS” but it seems likely to be an error due to speed of drafting, and is likely to be corrected once the Council decides on the name of the Dedicate Group.

Resolution 133 (Role of administrations of Member States in the management of internationalized (multilingual) domain names) includes the same reference to Internet organizations as the previous two. The remainder of the Resolution is unsurprising. Some member states are reluctant to acknowledge the progress made since the last Plenipot to introduce IDN ccTLDs, but text that had been very controversial in negotiations has been removed. The rejected text included a reference to the on-going issues over ITU’s management of the .int domain, and a call for the GAC to be restructured along the same regional lines as the ITU Council and to oversee or supervise ICANN.

New Resolution (Facilitating the transition from IPv4 to IPv6) brings together elements from Common Proposals submitted by the European and Americas regions with minor elements from a Syrian proposal on the same topic. In addition to repeating the clause resolving to “explore ways and means for greater collaboration and coordination between ITU and relevant organizations...” this Resolution further resolves:

to collaborate closely with the relevant international recognized partners, including the Internet community (e.g. regional Internet registries (RIRs), the Internet Engineering Task Force (IETF) and others), in order to encourage the deployment of IPv6 by raising awareness and through capacity building.

These clauses clearly show the ITU Member States recognize they need to work with the Internet organizations to implement IPv6. However, there is a counter instruction that may prove to be a problem for the ITU’s relations with the RIRs, when the Resolution:

“instructs the Director of the Telecommunication Development Bureau, in coordination with the Director of Telecommunication Standardization Bureau...

“2 while assisting those Member States that require support in the management and allocation of IPv6 resources, to monitor the current allocation mechanisms (including the equitable distribution of addresses) for ITU Member States or Sector Members, and to identify and point out any underlying flaws in the current allocation mechanisms;

“3 to communicate proposals for changes to existing policies, if identified under the studies above, in accordance with the existing policy development process”

It is not clear what is meant by “monitoring,” or why the ITU should be monitoring the mechanisms and policies of outside independent organizations, such as the RIRs, what will be the basis for identifying “underlying flaws” or what mechanism will be used to point those out. Fortunately, paragraph 3 says that any proposals for changes should be communicated in accordance with the existing policy development process, but it remains to be seen how aggressive the Member States or the Bureaus will be in the implementation of these instructions. The rest of this new Resolution seems benign, promoting studies, assistance to Member States, exchange of experience with implementation, etc. It also helpfully invites Member States to develop national initiatives and to plan to implement IPv6 in government systems. However, because of the monitoring language, the RIRs in particular likely will have to be prepared to involve themselves in the implementation of this Resolution.

New Resolution (ITU role in organizing the work on technical aspects of telecommunication networks to support the Internet) was introduced by Brazil. In its original form, it recommended that the ITU-T be restructured around telecommunication networks to Internet. That phrasing struck many Member States and observers as having the potential to greatly increase the potential for duplication, overlap and perhaps conflict with Internet standards bodies. The inclusion of language from the WSIS about “enhanced cooperation” and the ITU’s role as a “moderator/facilitator” of WSIS action lines did nothing to increase comfort. However, after several days of negotiation, the Resolution:

“resolves that ITU shall continue to adapt, working in a coordinated and transparent manner on development of the technical aspects of telecommunication networks for supporting the Internet, in order to help advance network evolution, capacity, continuity, interoperability and security, through contribution-based work”

To achieve that goal, the Resolution instructs the Director of the Telecommunication Standardization Bureau, in consultation with the Telecommunication Standardization Advisory Group (TSAG):

- “1 to convene open consultations about contributions that ITU-T could provide to the implementation of WSIS;
- “2 to evaluate and present a proposal on adjustments to the current structure of ITU-T, in order to fulfill the directive set forth in resolves above, by possibly suggesting the creation of a specific study group or other group on these matters;
- “3 to submit, for WTSA-12, the conclusion of the evaluation mentioned in item 2 above”

and then invites the WTSA to take appropriate action to create a new Study Group in the ITU-T to achieve the results recommended by the TSB and TSAG. Here again, the phrasing is sufficiently vague that it is difficult to guess in

advance what the impact of the new Resolution will be. The text is sufficiently broad that the Internet standards organizations will need to pay attention to the consultations and possible studies proposed to ensure that duplication and overlap are avoided.

New Resolution (Preparations for the 2012 World Conference on International Telecommunications) moves the ITU another step closer to a review of the International Telecommunication Regulations (ITRs), now scheduled for November 2012, as an immediate follow-up to the WTSA. Member States are no closer to agreeing how the ITRs should be revised, or if they should be eliminated, and this uncertainty shows in the Resolution. But one thing is clear: the WCIT will be a conference about the Internet. The Resolution authorizes the ITU to organize a preparatory process for the WCIT, including a series of regional meetings, to conclude four months ahead of the Conference, to allow Member States time to prepare. Because the WCIT will be a treaty conference like the Plenipotentiary, Sector Members and others will have very little opportunity to participate directly, so if they want to have any impact on the Conference, they should plan to participate actively in the preparatory process to the extent possible. Because of the timelines and the difficulty of the issues, it would be advisable to have any documentation ready nearly a year in advance, so that papers and opinions can be worked in the regional context.

New Resolution (Definitions and terminology relating to building confidence and security in the use of information and communication technologies) and **new Resolution (ITU's role with regard to international public policy issues relating to the risk of illicit use of information and communication technologies)** and **Resolution 139 (Strengthening the role of ITU in building confidence and security in the use of information and communication technologies)** are a suite of resolutions on the ITU's role in the area of cybersecurity, negotiated in a coordinated manner. The language used in these resolutions is extremely dense and laden with "insider" references, which made the negotiations hard to follow. It is safe to say that the result is a classic compromise, with all sides pretty much equally unhappy. The texts recognize that the ITU has ongoing work in the area of cybersecurity, and settled on the following definition, as expressed in Recommendation ITU-T X.1205:

"Cybersecurity: Cybersecurity is the collection of tools, policies, security concepts, security safeguards, guidelines, risk management approaches, actions, training, best practices, assurance and technologies that can be used to protect the cyber environment and organization and user's assets. Organization and user's assets include connected computing devices, personnel, infrastructure, applications, services, telecommunications systems, and the totality of transmitted and/or stored information in the cyber environment. Cybersecurity strives to ensure the attainment and maintenance of the security properties of the organization and user's assets against relevant security risks in the cyber environment. The

general security objectives comprise the following:

- Availability
- Integrity, which may include authenticity and non-repudiation
- Confidentiality"

As to the future work to be done in the ITU, the Resolutions try to carefully constrain it within the ITU's mandate and existing resources, with many references to work done in other international organizations, and clear lines drawn around areas that are matters of national jurisdiction, for example:

"ITU shall focus resources and programmes on those areas of cybersecurity within its core mandate and expertise, notably the technical and development spheres, and not including areas related to Member States' application of legal or policy principles related to national defence, national security, content, and cybercrime, which are within their sovereign rights, although, this does not however exclude ITU from carrying out its mandate to develop technical recommendations designed to reduce vulnerabilities in the ICT infrastructure, nor from providing all the assistance that was agreed upon at WTDC-10, including Programme 2 activities such as "assisting Member States, in particular developing countries, in the elaboration of appropriate and workable legal measures relating to protection against cyberthreats"

New Resolution (Overall review of implementation of the outcomes of the World Summit on the Information Society) deals with the United Nations General Assembly's Resolution 60/252, calling for an overall review of the implementation of the Summit outcomes in 2015. Some Member States had been pushing for the ITU to seek agreement from the UN to host WSIS III in 2015, but they were not successful. Instead, this resolution calls for the ITU to work with other UN agencies to conduct a review, involving all stakeholders. The Resolution contains language that could be read as permitting the Council to consider a greater role for the ITU, including holding an event, but it is carefully fenced in by requirements to avoid creating any financial burdens for the Union.

Those are the major points of the Plenipotentiary Conference for Internet organizations. The Conference agreed to many other resolutions that will be interesting for some, including resolutions such as:

- Telecommunication/information and communication technology accessibility for persons with disabilities, including age-related disabilities;
- The role of telecommunications/information and communication technologies on climate change and the protection of the environment;
- Admission of academia, universities and their associated research establishments to participate in the work of the three Sectors of the Union [by setting much-reduced fees for Sector Membership]; etc.

None of those have text that is specifically directed at the Internet or its institutions. Unfortunately the texts of the Final Acts of the Conference are not yet public, although there have been public calls to release them. The text of the full Constitution and Convention and of the new and revised resolutions will be published soon, and that may be made available for a time, following the precedent set after the 2006 Conference. If interested, please check the ITU web site to find out if they have been released:
<<http://www.itu.int/plenipotentiary/2010/index.html>>

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>.