September 23, 2014
930am

History of IG Reform
Anja & Deborah

Who runs the Internet:

- **Anja says** that the multi stakeholder model emerged in the IG space because goverments were less involved with the Internet at the beginning of its
- India at the 68th session: UN-CIRP – proposed a new body to govern the Internet, with other stakeholder groups
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What does IG mean to you:

- Lea & Andrew: Who, what, why, where, when. ☺
- Gabriel & me: Decentralised nature, HR, MSH model, IP, CIRs
- Faou: Oversight, accountability
- Shai: Participation, leadership, pioneering, discussion
- Victor: Multi-stakeholder, policy, accountable, transparent

The WGIG working definition of IG: "*A working definition of Internet governance is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet*." (¶34, Tunis Agenda)

How do you justify civil society participation in IG? What should the role of civil society be?

- Lea: Civil society is a watchdog, where there's democratic deficit. Exceptionalist arg: special needs of civil society – Internet is instrumental to achieve rights.
- Catherine: Accountability mechanism and the "voice of the people"; evidence-based positions.
- Donny: Equal role; symmetric (substantive) opportunities with other stakeholders.
- Andrew: Functional development by private companies and techies; if we don't want human rights violations on the Internet. More functional to have them at the table.
- Gene: Business is at the table because they're powerful; and civil society should be at the table to equalize the power. (?)

Commented [GH1]: Ask Gene to clarify.

WSIS:

- ICANN control over some forms of Internet policy became an issue, and you must read the Tunis texts in that light.
- WGIG rejected US unilateral control over certain forms of Internet policy (CIRs), and proposed the IGF.
- The Tunis Agenda had no financial mechanisms or commitments.

- Para 35, Tunis Agenda: There is an interpretation that "sovereign policy authority" of states extends only within their territory/state, and not at the global level.
- Technical and public policy issues are split in the Tunis Agenda:
    - But that's not true. DNS and gTLD debates - .amazon, .patagonia, etc.

Commented [GH2]: Explore.

Deborah

- Tunis Agenda set two mechanisms in place: IGF and Enhanced Cooperation.
- IGF: new form of policy dialogue, discuss and facilitate dialogue on Internet policy at the international level. Enhance capacity of stakeholders from the developing world to have dialogue. Identify emerging issues.
- IGF shortcomings: no outcome orientation; no decision-making; no leadership – the MAG is a programme-coordinating committee; lack of funding. Best Practices Forum.
- Enhanced Cooperation:
    - Proposals for a UN body to govern the Internet were made at the WGEC.
    - Mandate to evaluate the proposals – evaluate proposals and go to CSTD, ECOSOC, and then to the UNGA. Summarise the report and then go to the Secy Gen. **Deborah says** it was a confusing document to read – find it.
    - **Anja says** there was no systematic discussion of proposals in the room – people in the room were speaking in support of their own proposals (WGEC).
- NETmundial:
    - Principles – Human rights – FOE, privacy, access to information, etc.; IG principles – multi-stakeholder principles, democratic, transparent.
    - **Andrew says** that NETmundial outcome document just reiterated the Tunis documents, and many governments were strongly opposed to it; but it was an open and transparent process. It showed us the "glimpse of the future", but also showed us all those forces that would stand in the way of a "genuinely participatory model".
    - **Deborah says** that at the WGEC meeting, governments refused to speak of or acknowledge NETmundial. **Andrew adds** that the Russian rep said that NETmundial was the more un-transparent and closed meeting he'd ever been to, which might mean that the rep didn't know what levers to pull.
    - **Joana says** that logistics decisions were last-minute; "let's put governments to the queue!"
    - **Gene says**: We began with geopolitical mapping, and goals and strategies. And had a conversation about privacy and surveillance issues. Clear goals and aspirations came around 2005 with WSIS, and then 10 years of nothing, and then came NETmundial, but no one was clear of strategy then, and goverments are unwilling to acknowledge it. What *is* our strategy? Do we have one at all? Is "being at the table" the strategy? Or is there a substantive outcome that we know of and are looking towards?
    - **Anja says** NETmundial will give us what we make of it. ICANN sought to hijack it with the NMI.

1130am

The ITU
Matthew McDermott, Access Partnership

The ITU conferences (WCIT, WTPF) are a tiny part of what the ITU does. Most of its work is done in Geneva (Montbrilliant and buildings close by). Matthew first began working on radio spectrum at the ITU (7 years ago). ITU created the WSIS Forum, and created the space, *de facto*, where WSIS is discussed. They may have provided only the space, but with the space came the rules.

Because the ITU is a trusted institution, many states feel that the ITU ought to have a greater role in advising states and being the forum where IG and digital rights are discussed. The ITU began as a telegraph union in 1865, and converted into a telecom union. **Matthew gives** the example the ITU printing press and dedicated treaty doc servers to exemplify that the ITU can "move on", it's not "stick-in-the-mud".

Structure:
Plenipot Conference
ITU Council (split to Council working groups)
Secy-Gen & Deputy Secy-Gen
General Secretariat; ITU-D; ITU-R; ITU-T (each bureau has study groups, split into working parties, split into [-])

Plenipot
Function to review Constitution and Convention, and to elect the five officials. No other UN specialized agency has five elected officials – takes a lot of money to keep them going. Why? Each of the three bureaus (ITU-R, ITU-D, ITU-T) is more or less independent, and bureau chiefs can work independently. And elect Secy Gen and Deputy Secy Gen. Plenipot also elects the RRB (Radio Regulations Board) and the ITU Council. So there's a lot of politicking. The ITU people care about the process and the voting.

The Council votes on annual budgets. The Secy-Gen and the Deputy Secy-Gen carry on day-to-day operations. Deputy Secy-Gen

Council working groups: controversies are who can attend and gain access to meetings. At the moment, closed only to member states and the decision-making.

ITU membership: Only states are members of the ITU. All UN members are now
ITU Sector members: companies and NGOs can be members, if they pay a fee. Each bureau has separate fees. Sector members have access to rooms and documents, but for a large fee.

Plenipot: You've got to pay to attend, if you're a sector member. Limited access. And if it's a treaty-making conference, then sector members have much fewer and more limited

access. You can go to a meeting if any country is willing to give you a badge – they don't check who's on a country delegation.

Blocs: Increasingly, countries have begun working amongst themselves prior to the conferences, and have created *ad hoc* regional groups. Began as a radio-spectrum conference method, and because of the economic impact, blocs were efficient. Extended to WCIT, plenipot, etc. Regional blocs like the ATU (African Telecom Union) have begun to seek sector members to join as associate members. APT (Asia Pcific Telecommunity, Bangkok) has a hard job – includes all of Asia, Pacific and Oceania, and the non-homogeneity is difficult to create consensus opinions. ASMG (Arab Spectrum Management Group) – least organized, but met last week in Dubai and finalized positions on ITU Plenipot.
Sub-regional groups – Southern Africa, Western Africa, all have sub-regional groups. Beneath sub-regional groups are the individual states.

ITU Plenipot: Engaging with regional organisations is very important to both understand what's going to come up and to influence, if you want to.

Lea's question on Sector membership: ~5000 CHF average. Country contributions make up a great deal of the ITU's budget – Council members have to pay more, unofficially.

Treaty conferences:

- These are *functionally* important, because of, say, interconnection. This is why, **Matthew says**, ITU focuses on consensus.
- When it comes to Internet governance, ITU members are in shallow water – **Matthew says** they're not used to "policy".
- Geopolitics:
    - Palestine speaks at every conference and "connectivity for people of the world" is a big deal.
    - Ukraine put in a proposal to vice-chair at Plenipot as a CPT member – big political move, **Matthew says**.
    - What countries have the most power depends on GDP, at the end. US, now Brazil. The delegate from Iran can control the whole meeting because he speaks with passion and makes himself heard – at previous Plenipot, included HR references and then sought to include "governments on equal footing", and when this was not accepted, he withdrew all inputs. This is quite exceptional, **Matthew says**.
- Actors outside the conference: Media, etc.

WCIT 2012

The 1988 ITRs – telecom providers followed the ITRs. Began using special provisions in developed countries, so they didn't pay attention to ITRs. In the policy process in the lead-up to the WCIT, the ITRs proposals began to include definition of the Internet, spam, etc. as part of interconnection and network efficiency. **Matthew says** the trouble

with Western Europe was that they came to the WCIT forgetting that it was a treaty conference with geopolitics, and sought to ignore the developing country proposals.

Hamadoun Toure sought to move the Internet-related text out of the treaty and to move it into a resolution. Russia tried to put definition of the Internet into the treaty, but they were marginalized. The Chairman called for the temperature of the room, sought to pass it.

The next day, the Chair sought to move the issues without a vote. But industry and civil society were, for instance, saying that it's impossible to get to signature. But backrooms, people were trying to get to a consensus text. But – Cuba sought to create a "human rights" inclusion in the text ["access to communications"], and this was a geopolitical move to argue for a US violation by their non-access to Cuba (sanctions-busting). But this became a binding vote, and once the text was included in the ITRs, US couldn't sign the ITRs – a geopolitical non-consensus nightmare. And after that, there was no point negotiating Internet-related text. But the truth was that the Iranian delegate who called for a vote on the "access" text *could not* have called a vote on that (ITU process/ bye-laws), but no one knew enough about ITU procedure to stop that.

Andrew says this "access to communication" text is also a reason why UK-US had disagreement with UNESCO [UK-US left UNESCO?] and this is a policy-orphan doing the rounds in different forums. This is a "rules of a game" orphan – some issues you don't touch – that Cuba brought it and didn't abide by the rules of the game.

Gene says the ITU Secretariat could've changed that. Can't let process take over power politics, and don't believe it ever does. **Andrew says** you can't ignore process. **Anja wonders** what Iran's stake was, in calling for a vote there. **Andrew** doesn't know, but might've been that Iran wanted to align with Cuba (and against the US), but cannot say conclusively.

ITU Mission creep

ITU mission creep can happen by something like the 'definition of ICT' in the ITU-D study groups, which slowly and quietly makes it way up to treaty conferences or plenipot. Or issues such as "communications as human right" or gender/youth issues in ICT.

ITU-D has a working definition of ICT, which has gone up to the Council. Some countries want to amend the ITU Constitution, but not much widespread support for this yet.

First week of Plenipot will be about votes and elections – proposals begin to be discussed only in weeks 2 & 3.

At the Plenipot:
ITU Access:

- Access to meetings for other stakeholders is one thing we might be able to push at PP-14.

ITU transparency on documents:

- In Europe, the idea is that all documents should be open, except for reasons of security, internal operations.
- Arab groups want to be more cautious about this. For instance, preparatory documents to not be made public, etc.

WCIT:

- Potential resolution calling for a WCIT in 2018 or so, and every 8 years after that. They also want WCIT Reviews.

Edet on an ITU WG on human rights:

Do we want the ITU to work on human rights issues? For instance, a WG on human rights?

- **Andrew says** remember that if you make the committee, you can't unmake it. And if the wrong people go to meetings, and agree on documents, then those positions become ITU positions. And that can be dangerous.

Take note:
ITU-T group on security
Resolutions on transparency of documents
Role of the ITU – 101/102 debate – whether ITU ought to do big data, etc.

Lobbying
Matthew

Why lobby:
Is media coverage or government engagement your primary goal? – This may not move issues. But people know who you are and what your position is. But if policy shift/change is the primary goal, then compromises are necessary.

How:

- Clear message: goal/achievement; fall-backs.
    - Have mission statements.
    - The timing of deployment of fall-backs matters. In some meetings, you want to be unshakeable, to make a noise. But if you're looking to move policy just a little, you want to show willingness to move, compromise.
- Know your environment:
    - Who's your decision-maker: in international meetings, normally deputy directors do the actual work. How do you identify decision-makers? If Minister, go down the chain – secretaries, assistant secys, etc. What Ministry goes to the ITU.

- If the plan is to go the regional or sub-regional group in the ITU, and they don't like/listen to you, persist.

In the meeting:

- To make your message interesting to them.
  - Find that point that'll help both. Constituency, election, etc.
- When you meet a Minister, you need an action prepared – an output. To get that done, identify the Staff person, who actually does the Minister's work. The secretary, PA, etc.
- Don't attack the minister you've just had a meeting with in your next press release. ☺
- Be sensitive/careful with the media.
- When lobbying goes wrong :
  - No aggression. Don't scare the minister off – get an action.
  - Do your research about their positions on the issue.
- **You may have less than 5 minutes in your meeting, so say all of this in the first minute or 5**.

ITU Plenipot Strategy – FCO Project
Lea, Gene, Grace, Anja, Victor, Deborah, Joana & I

[This meeting and its contents are confidential]

Resolution 102 – Internet-related public policy issues. Europe will be leading on that – UK within EU will lead. ITU's role in naming and numbering was an issue in WCIT-2012 – see Resolution 102 for this.

Gene says a bigger policy thing to think about is whether ITU is the place we want policy issues of (say) privacy, surveillance, and human rights to be debated? For technical governance like interconnection, spectrum, etc., ITU might be a good place, but for these policy issues, it may not.

ITU:
Effective competition, net neutrality, privacy, affordable access.

The US has ongoing prep meetings: Argentina had a separate proposal on peering, interconnection, backbone networks.

Potential big issues:
Definition of ICT

Travel dates: October 25-November 6
September 28 – touch with delegations