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The following document contains a personal interpretation by the author of the events that led to and took place at the World Conference on International Telecommunications ("WCIT") in Dubai, United Arab Emirates in December 2012. All views expressed in this document are my own, although I admit that they have been biased by years of belief in multi-stakeholderism. The reader is therefore encouraged to read accounts from other independent sources to reduce bias.

There are two parts to this document. The first part provides a recollection of the events at WCIT. The Second part provides suggestions for avenues that the Internet community and the ICANN At-Large Advisory Committee in particular should explore with ICANN's support to take proactive steps to promote the Multi-Stakeholder Internet Governance Model and improve its reach to the edges. The suggestions stem from deep needs that were made apparent during WCIT – including but not limited to outreach, education, capacity building and proactive engagement.

Part 1: What happened at WCIT?

1.1 Setting the Scene and build-up

Most Nation States below to a geographic group with which they discuss their position in order to reach a common position. There are several such sub-groups forming blocks.

The main blocks are listed here:
APT – Asia Pacific Telecommunity
ATU – African Telecommunication Union
CANTO - Caribbean Association of National Telecommunication Organizations
CEPT - European Conference of Postal and Telecommunications Administrations led by Portugal
CITEL - Inter-American Telecommunication Commission
CTU – Caribbean Telecommunications Union
LAS – League of Arab States
RCC – Regional Commonwealth in the Field of Communications
Unaligned – some Nation States are not specifically part of a region and remain fully independent in their decisions. Thus these countries also take part in small meetings arranged by the Chair.

There was also a European Union ("EU") group, a sub-set of CEPT incorporating only the European countries that are part of the European Union and which operated under Cyprus (current EU Presidency).

1.2 Opening Day

The first day of the conference included opening speeches. Without doubt the key speech, both by its message and by its symbolism was the speech from Mr. Fadi Chehadé, President and CEO of the International Corporation for Assigned Names and Numbers (ICANN). It was a keystone due to two reasons:
1. the invitation from Dr. Hamadoun Touré, Secretary General of the ITU to come to Dubai and address the conference. This held Dr. Touré to his word on Internet and addressing and numbering issues;

2. the message that Mr. Chehadé conveyed in Dubai, which was one of appeasement and dialogue. This was very well received by many delegates.

Furthermore, the number of bilateral meetings which Mr. Chehadé and Dr. Steve Crocker, ICANN Board Chair, held with several official delegations including the meeting of some ministers might have ultimately swayed the opinions of some countries, without naming them. The informal feedback that I received from back-channels was that it was a pity Mr. Chehadé & Dr. Crocker did not spend an additional day in Dubai to meet with more delegations.
In addition to the above, the visit by ICANN leaders to the conference also opened the avenue for future discussions on bringing more actors to the multi-stakeholder ecosystem that the Internet is build on. Bridging to non-ICANN communities is key to preserving the model and growing it. More in the "Next Steps" of this report.

Had ICANN Leadership chosen not to attend the conference altogether, this would have reinforced the point of view of the majority of countries at ITU that ICANN was a US-controlled ivory tower of domain industry insiders having no interest in the wider internet nor the global public interest when it came to managing its resources. Mr. Chehadé's visit countered this point of view. Was he convincing? Back-channel feedback appears to point that some country delegates really appreciated the visit, especially since Mr. Chehadé was accompanied by Dr. Tarek Kamel, a respected figure in the African and Middle East regions.

1.3 Working Methods

The working method of the Chair was pretty straight forward. Documents could be downloaded one by one from the ITU database, or for Windows users, it was possible to use a program to synchronize one's own data library with all published documents.
The main working document was divided among several sub-working groups. Some like "*Com 5*" were further sub-divided into two sub working groups, Com 5-1 and Com 5-2.
The main working document would be read by the Chair, line by line, and proposals from member countries would then be made by each member country during the session, even though those proposals had also been recorded in special working document showing all member country contributions, line by line. In some cases, there were dozens of proposals. In some cases, regions had consolidated proposals. After reading through each line of the document, the Chair would open the floor for comment.
Four types of response were heard from member countries:
   a. an actual lack of response hence showing consent for this paragraph
   b. a positive response from all interventions
   c. a mixed response from the floor
   d. a negative response from all interventions

In (a) and (b) the Chair would record the consensus and never come back to this line.
In (d) the Chair would ask whether any country would object to the removal of the line.
In (c) the Chair would put ask for the text and its replacements to be put in [square brackets] showing all options, sometimes all in the same line and the text forwarded to [Com 2] [Com 5] [an ad-hoc working group under Com 5] [another process] to be created with a Chair nominated by the Board for each of the sub-groups and working groups.

The Chair then proceeded to the next line in the Treaty text. The procedure was nested so for example, the Com 5 Chair was also allowed to ask for ad-hoc working groups to be created if no consensus was achievable during the Com 5 meeting.

As a result, many ad-hoc working groups were created. However, only the Plenary Meetings were transcribed and open to the public. Working groups themselves were open to the State delegates only, with Cerberuses filtering physical entry into the meeting rooms and physically escorting any non delegates out of the room. Therefore: no Press, no Civil Society, no Sector members.

Some working groups made good progress. For example, the working group tasked with working on Article 6 had many lengthy sessions but managed to progress through intense negotiation. Other working groups quickly ground to a standstill because either sides of the argument had reached their red line and were not able to cross it.

When a working group was not able to reach consensus after a couple of hours of sometimes heated arguments akin to a tug of war, the Chair of the Working Group would take stock and close the working group. It would then report to the wider Communication group, whether Com 5-1, Com 5-2, Com 2, etc. That matter would then be discussed in the wider Com group, often yielding the same stalemate results as the working group but with more "firepower" being employed by all stakeholder states. If no consensus was found there, the matter would go to plenary unresolved. And so did tempers rise since sometimes a subject was discussed twice, three times, four times or more, with the same arguments being presented across the negotiation tables but in different fora. It really felt like being in the film Groundhog Day and as observed, irritability of individuals rises in recurring "déjà-vu".

On the other hand, any consensus at working group level, and it is fair to say that most of the articles in the ITRs reached consensus, was carried up to the respective Com group and swiftly up to Plenary. This would provide the Conference Chair with much needed air to breathe and a means to soften the atmosphere then tension rose in the room. After a few days, the Chair could choose a mix of hard subjects but also easy wins in order to show progress to Web streaming viewers and observers.

1.4 First Week-end

The last session on Friday evening appeared to be its usual turnaround of reports from ad-hoc working groups and failure to reach consensus on many points. Five minutes before the end of the evening's plenary session, the United Arab Emirates announced that they intended to present a new document which consolidated the proposals from several countries in the African and Arab region.

This immediately raised the temperature by several notches:

First, the announcement of new documents was controversial since according to ITU constitution, all conference documents need to have been received at least a month before the start of the conference.

Second, this document was described as making a significant number of demands regarding the management of the Internet.

Third, it was presented by the United Arab Emirates, the host country, and the Chair of the conference Mr. Mohamed Al-Ghanem, appeared surprised about the document's existence.

The UAE proposals were immediately supported by Algeria, Iran, Russia, China, Cameroon… and opposed by the US, UK, Sweden, Portugal and understandably caused quite a stir.

The session closed shortly afterwards with a lot of confused faces in the plenary room, looking forward to read this proposal as soon as possible – would it be accepted by the ITU (since there were doubts about it being submitted in time) and when would it be presented?

1.5 Hide and Seek with a proposal

Barely 24 hours after the end of the first Friday plenary, a leaked version of an unauthenticated document purporting to be the proposal in question appeared on the WCITLeaks Web Site. The proposal reiterated the strongest proposals from the African and Arabic delegations, ratified and turned out to be a Russian proposal, ratified by UAE, China, Saudi Arabia, Algeria, Sudan and Egypt. Then a few hours later, more drama, with Dina Kabeel, PR person for Egypt, refuting the statement in a Tweet, announcing that Egypt had never even heard of this document and did not want to be associated with it.

In the meantime, consensus among EU delegates was to completely ignore the document over the week-end until it appeared officially in the ITU document archive, so as not to give it any consideration or importance. This proved to be a good tactic since on the Monday 10 December, instead of announcing the document, the United Arab Emirates announced that it was withdrawn. For the sake of the story and in order to convey the level of confusion but also political maneuvering at play, the document then appeared in the ITU Database on Tuesday 11 December with an assigned document number, without any consideration as to whether it was eligible to include as a temporary document, and its paternity being Russia. Such was the political play of always having a Damocles Sword up in the air, ready to strike if the countries opposed to the Internet being part of the ITRs kept on resisting any kind of text inclusion referring to the Internet, whether in the Regulations or the Resolutions. The threat of opening discussion on this document was waived several times during the rest of the conference so as to put pressure on the EU. It was used as a counterbalance to having a *resolution* concerning the Internet to be included in the ITRs – paraphrased as "*either you agree to this resolution about the Internet or we will insist on discussing this document which means a return to our hardcore position, from the friendly compromise position we are in now*."

The tactic was clear: many new proposals flourished, were then discussed and one by one, tradable points were conceded to the "Western Democracies" front in return for the "other side" having to make concessions too.

Tongue in cheek personal comment: this is like printing monopoly money, exchanging it for hard currency, like for like. After a while, the exchange bureau started complaining and so half of all monopoly money was given to the exchange bureau in compensation… much to the disapproval of the exchange. As a result, the exchange bureau looked like the *bad people* rejecting monopoly money even though it already had received so much monopoly money. In effect, supporters of the current Internet ecosystem only had bits of that ecosystem to trade off, brick by brick, while supporters of bilateralism created proposals in order to trade of them off for bricks of the multi-stakeholder edifice.

1.6 Main Sticky Points

The proposed treaty document contained over 20 articles, some with several regulations under each article. Had it contained only a couple of disagreements, perhaps was a week going to be

enough to work around those disagreements. Alas, by the end of the week-end, it was clear that there were some very strong points of disagreement between all parties and that 4 days were going to be very tight to find consensus on all of these points especially since not all delegations were as large as the UK delegation (25+ people) thus allowing us to both attend several parallel workshop sessions and also take turns to rest, do background research and network. Indeed, the conference Chair was reminded on several occasions over the week-end to restrict the number of ad-hoc working groups it launched. Two simultaneous parallel workshops (rarely three) appeared to be the limit. Two sets of workshops per day was another limit. Generally a typical day would include a workshop slot, a Communication WG slot and a plenary, thus letting unresolved issues float up to the plenary.

Issues of Charging appeared to work well in the working group. However, some issues would simply not get resolved at workshop level, nor at Com 5 level and ended up in the plenary… again… and again… and again, each time the conference Chair being mindful of the Live Webcast and punting the issue until a later date or sending it back to a workshop.

Indeed, by Sunday, it was clear that since ad-hoc workshops were neither webcast nor did they allow non-government delegates, all dissent was kept behind closed doors and the seriousness of the situation and lack of progress was hidden from the outside world.

Main sticky points were as follows:
- Preamble: Human Rights
- Article 1.1a: Telecommunications / ICTs
- Article 1.2: OA/ROA
- Article 3.7: Access to Telecommunications networks (Cuba Proposal)
- Article 3.8: Management of Internet Resources (Russia; then Arab group; then Russia)
- Article 5A - Security
- Article 5B – Unsolicited communications
- Article 6: Charging and Accounting
- Resolution: To Foster an enabling environment for the greater growth of the Internet

1.6.1 Preamble: Human Rights

The proposal for inclusion of language referring to Human Rights was made by Tunisia as soon as the conference began. Originally the proposal was to have this language as part of article 1 of the ITRs. This was refused by many countries. Later in the week, Tunisia proposed instead that the language about Human Rights be included in the preamble, thus applying to the whole document but not being a "*regulation*".

It is worth noting that Tunisia proposed this language partly due to an unstable political situation at home. Tunisia, as the leader in the Arab Spring events, is determined to show the way as a thought leader that new regimes can be built on values such as the respect for human rights – and that respect for human rights applies to all activities. It is therefore worth noting that for Tunisia, the inclusion of its proposal for human rights language in the preamble is more than just a wish – it is a key element for its future. This became known as the days went by. The Western opinion which might have been to initially think that Human Rights language was out of the question in a technical document for fear it would lead to politics and governance matter, softened and the European Union (EU) in particular, thanks to its strong record on human rights, championed the idea.

Ironically, it is this subject, having entered the arena through the small door, which led to the crumbling of consensus and a vote being held at the end of the conference. The issue led to bizarre exchanges where all countries agreed to respect human rights in principle and

absolutely swore to respect all aspects of human rights, yet some resisted ferociously to avoid language about human rights being included.

1.6.2 Article 1.1a: Telecommunications / ICTs

This was a redline issue for many countries. According to the ITU glossary, the term "*Telecommunication*" is defined in the ITU constitution and convention:

1012   Telecommunication: Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

However the Term "*Information and Communication Technology*" (ICT) is not defined. Rather it has been used for several years in the WSIS (World Summit on the Information Society) process and other ITU publications such as in ITU-D etc. The problem that many governments have with regards of using the term ICT in the ITRs is that ICTs relate not only to telecommunication infrastructure but also to the end user terminal as well as to data, otherwise known as content. Replacing the term "Telecommunications" with "ICTs" throughout the document would greatly extend the scope of the ITRs beyond the scope of the ITU. After all, this is the "International Telecommunications Union" and not the "International Information and Communication Technology Union".

This battle was hard fought but eventually conceded by those in favour of ICTs to keep the status quo in "Telecommunications", since they had no convincing argument why the ITU's mandate would need to be expanded. Several European countries made it clear that this was a redline issue and they would be ready to walk away if the term changed to ICTs. ITU Secretary General Dr. Touré, when seeing tension rise very early on in the first week of the conference and clearly concerned that there was potential for early derailment of the conference informed everybody that nothing in the ITRs would relate to content. Whilst many documents in the ITU and United Nations world referred to ICTs, the regulations would keep Telecommunications.

This early discussion was seen as a major compromise conceded by the African, Arab and Russian group and only served to harden positions for other disagreements.

1.6.3 Article 1.2: OA / ROA

The terms Operating Agency (OA) and Recognized Operating Agency (ROA) are both defined in the ITU constitution:

1007   Operating Agency: Any individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service.

1008
PP-98   Recognized Operating Agency: Any operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 of this Constitution are imposed by the Member State in whose territory the head office of the agency is situated, or by the Member State which has authorized this operating agency to establish and operate a

telecommunication service on its territory.

North American and Europe wanted the term ROA which was used in the 1988 Regulations to remain in the new ITRs. Some other countries were adamant that this had to change. Russia, for example, had a serious problem with the use of ROA since some of its operating agencies are not recognised and they therefore escape any kind of regulation, thus having the potential to destabilise the Russian telecommunication market. Other countries in Africa have a similar problem. Some in European countries understood this problem, although it was generally felt that this problem was internal to countries that had to fix it internally rather than resort to International Regulations fixing broken things at home.

A mid-way proposal by the week-end was to use the term "Operating Agency" in the main text, each time asterisked with a footnote saying "*authorised or recognised by a Member State to establish, operate and engage in international telecommunications services to the public*"

This idea did not fly when there was a question whether any footnotes and asterisks would be binding or non binding and ITU legal staff was elusive on the matter. Discussion then focussed on having this text included in the main text, and finally on having it defined as "Authorised Operating Agency", as suggested by the EU. The United States insisted on a tighter term for this definition where "Public Correspondence" was used as defined in the ITU constitution:

1004 Public Correspondence: Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

OA supporters wanted the term "services to the public" avoiding "correspondence" so as not to restrict the definition according to the ITU definition. Clearly things were going around in circles.

The final version of the ITRs settled for "authorised agencies" in Regulation 1.1abis and the United States was going to object to this but as we know the discussion did not even reach this point since the final discussion collapsed during the preamble. The EU, whilst not entirely satisfied with "authorised agencies" was more inclined to trade this in its current form.

1.6.4 Article 3.7: Access to Telecommunications networks (Cuba Proposal)

This proposal was re-iterated late by Cuba in Document 26, based on Resolution 69 of the World Telecommunications Standards Assembly ("WTSA") conference that preceded the WCIT just a week earlier in Dubai. This was a reiteration of the Cuba proposal outlined in Temporary Document 25 published in early December.

ADD   CUB/26/4

31D   3.8   Member States shall refrain from taking unilateral and/or discriminatory actions that could impede another Member State's access to public Internet sites.

The discussion in the Ad-Hoc working group that met early in the conference was confused without any clear understanding of what Cuba (supported by Iran, Sudan, China and Russia

and interventions from Brazil & Uruguay) really wanted. Any time it was pointed to Internet sites as content, we were assured that it was not. In the discussion the idea of using resources was also added. But no consensus could be found to avoid the use of the term "Internet" and to avoid touching on content although some work was done to transform "access to public Internet sites" to "access to Telecommunication networks".

As no consensus was found in the ad-hoc working group, this was sent back to Com 5. Again no consensus was found so it ended up being discussed in Plenary. Those opposing this proposal cited the fact that it contradicted the ability of a State being cut off from telecommunication networks if it was under sanctions. There was also a question as to the applicability of such a regulation since it was unconceivable that if one kept content out, a member state would be able to cut off physical connections to a country, such is the extensive networking mesh in today's telecommunications.

With no consensus on this article 3.8, Cuba then asked for it to be included in the Preamble. This caused the major conflict in the Wednesday Evening Plenary when talks broke down since it was the "non-discriminatory access to telecommunication networks" which became equated by some countries to human rights. More on this later.

1.6.5 Article 3.8: Management of Internet Resources (Russia; then Arab group; then Russia)

This proposal caused quite a stir when it was introduced by Russia before the start of the conference, as Document 37, on 17 November 2012. ITU Secretary General Dr. Touré kept on mentioning that none of the regulations were about the Internet and that the ITU was not trying to "take over the Internet", yet this proposal based its demands on the outcomes of the Tunis Agenda for the Information Society, WSIS in Geneva 2003 – Tunis 2005.

--- Quoting Document 37 ---

ADD   RUS/27/8
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.

Reasons: §§ 38, 52 and 53 of the Tunis Agenda for the Information Society, WSIS, Geneva 2003 – Tunis 2005.

ADD   RUS/27/9
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.

Reasons: Preamble to the ITU Constitution and §§ 35a, 58, 64, 65, 68 and 69 of the Tunis Agenda for the Information Society, WSIS, Geneva 2003 – Tunis 2005.

--- End quote ---

These two articles alone stood to dramatically shakedown the current Internet Ecosystem based on multi-stakeholder interaction at various fora and replace it with multi-lateralism between countries. They use a sub-selection of points made in the WSIS agendas, taken out of their context.

This proposal was the basis of the elusive UAE, then Russian proposal which ended up being the subject of a game of hide and seek as described earlier.

It is interesting to note that the document itself was never discussed in any working group or plenary, but rather held by its authors as a threat. Since the US and EU opposition to the contents of this document were known well in advance, this could be called the "nuclear paper" – a deterrent that would be used only in desperate cases but that could be brandished in order to keep the opposition at bay.

While any mention of this document did raise the heat in the room on several occasions and imposed stress on delegates trying to negotiate a consensus, it was clear that any use of this document would see the conference collapse altogether.

Remember the illustrious words: "this conference is not about the Internet".

As a result, the Conference Chair, Mr. Al-Ghanem, never put this document into any WCIT agenda for it to be discussed.

1.6.6 Article 5A – Security and Robustness of Networks

Articles 5A and 5B both come following the rather grand header of Article 5, "*Safety of life and priority of telecommunications*". The 1988 regulations only have Article 5 and therefore do not incorporate articles 5A and 5B.
Article 5A was discussed under various angles, some of which could be dubbed "*All paths lead to Rome*", initially within a context, as a follow-up to a mix proposed articles address quality of service (QoS) issues.
Article 5A is about "Security and Robustness of networks". Others called it "**Network Security**", "**Robustness**", "**Resilience**" etc. Some countries, mainly in RCC, Arab States, APT and Africa regions insisted on the use of the word "**security**".
The problem with the use of such word is that it is very broad and can cover many aspects of running a network. It can include security at the physical level (locking of cabinets and telecom rooms) but also at network level and all the way to the application and access to content itself on a network. "**Security**" can open the door to eavesdropping, scanning of networks, blocking of content, control of information and general interference with the content of the network. It raises serious freedom of speech issues. One could say that due to "**security issues**", the Egyptian Telecommunication network could have been turned off legitimately during the Arab Spring. Abuses of the word "**security**" to signify complete control of information and oppression are widespread.
Security of data networks could include customer point equipment, i.e. computers, needing to be secured with a government controlled identity scheme (using SIM cards or RFID cards to access the network). It opens the door to legislation whereas a license/passport could be required to use any network, including the Internet.

Hence the UK proposed to use the word "**robustness**" which is a more technical term meaning the resilience, stability and availability of a network that is under attack or under stress. This was completely and vigorously **refused** by proponents of the word "**security**".

This discussion also completely ignored the ITU resolution of the recent Guadalajara Plenipotentiary conference. Indeed, Resolve 3 of Resolution 130 (Rev. Guadalajara 2010) resolves that the ITU should not get involved in drafting laws, and that issues around content, cybercrime, national defence and security is a national matter, and would fall outside the scope of the ITRs.

Negotiations on the subject were very hard from the start. Initially, it took 35 minutes of discussion to reach a point where the title could still not be chosen hence there were initially 10 proposals just for the title of the section. Then each paragraph took 20 minutes to reach **no consensus** & end up with a medley of words all in brackets to show permutations of proposals. Some countries actually **insisted that content be included in security** – when it was made clear that **nothing in the regulations was about content**. Europe made several suggestions that were all negated.

Clearly this was a redline issue for many countries – in each direction. **For RCC and its allies, "security" was the redline. For others, avoiding "security" was the redline.**
With one block saying "*white*" with the other saying "*black*" there was no way to find any "*grey*" and any attempt to find attempt to find "*grey*" was unfortunately shot down. Attempts were made to restrict the scope of "security" but to no avail.

No consensus.

1.6.7 Article 5B - Unsolicited bulk electronic communications

This article was suggested by several groups, namely Africa, Arab States and RCC.

This is again one of the most significant disagreements of the ITRs, with the proponents of the new article completely defying logic by negating the obvious. From the outset, it was obvious that the two sides of the argument were not going to reach any kind of consensus.

The European view was that Spam is content. In order to classify a message, whether an Internet message or email, or whether an SMS message as Spam, it was necessary to scan it . This involves reading it, whether by a human or by a machine. You cannot categorise any information as Spam if it is unread. This is as obvious as water being wet. For several hours, participants turned around the subject, with proponents ending up renaming this "*Unsolicited bulk electronic communications*". The problem is two-fold: what constitutes bulk electronic communications has never been defined. Would a mailing list be bulk communications? Would a Twitter that is re-tweeted constitute bulk communications? Would an RSS feed be bulk communications? Would someone emailing 100 people out of their GMAIL account be bulk communications? How about 20 people at a time? How about emailing each person separately?
The second problem is that in order to find out if a message is solicited or unsolicited, the recipient needs to **read its contents**. It is impossible to find out whether a communication is

solicited or unsolicited at network level. Or perhaps **is any mass distribution of data assumed to be unsolicited?**

This is a green light to practising censorship.

The argument for the inclusion of such Article in the ITRs was made very eloquently by developing countries that their very expensive international Telecommunication bandwidth was being eaten up by Spam. Several representatives made strong statements that 80 to 90 percent of emails were spam, quoting legitimate studies from Western companies. Whilst those figures for the percentage of email being spam are not disputed, the major flaw in this argument is that email only constitutes 5 to 8% of all Internet traffic.
A number of reports analyse this:
[EN11] Envisional Technical report: an Estimate of Infringing Use of the Internet, January 2011
[SAND12] Sandvine Intelligent Broadband Networks: Global Internet Phenomena Report, 2H 2012
Cisco Visual Networking Index: Forecast and Methodology, 2011-2016
Source:
http://www.cisco.com/en/US/solutions/collateral/ns341/ns525/ns537/ns705/ns827/white_paper_c11-481360.pdf

These confirm other sources that the largest four (4) services on the Internet in terms of bandwidth are, in no particular order, Peer-to-Peer File-sharing, Web Browsing, Real Time Entertainment, Storage & Backup by far. A typical email is small in size; while a typical Web Page is more than 20 times larger and video is 20 000 times larger. If the Internet is also only a subset of all Telecommunications traffic in and out of a country, perhaps 50%, which is again an over-estimate, then Spam constitutes 2.5% of traffic.
Maintaining that Spam is a major source of telecommunication network congestion as a whole, is therefore false.

In isolation, both articles 5A and 5B do cultivate ambiguity in making it possible that both do not apply to content nor to the Internet. However another event which took place a week earlier at the WTSA heightens the danger of eavesdropping on communications by default.

The WTSA ratified ITU Standard Y.2770.

This standard, drafted by a working group led by China, makes it mandatory to use **Deep Packet Inspection (DPI)** in next generation networks. This is a process by which the information flowing through the network is parsed, decrypted and analyzed for content. The Standard makes is clear to link Spam, Network Security and Quality of Service. Of particular interest is the section on "Security", quoted here:

--- Start quote ---

I.2.3   Security

DPI may be deployed to provide the capabilities to identify malicious traffic that may degrade user performance, drain network resources, impair infrastructure, and finally make the network unavailable to its subscribers. Most of the malicious traffic disguises itself as normal traffic and is extremely bandwidth consuming, such as: Outgoing spam (NOTE 1), IP

scanning and port scanning, etc. Figure I.3 shows a typical application scenario that when malicious traffic is identified, it will be removed by the DPI component from the traffic thus preventing it from spreading into the network.

NOTE 1 – E.g., a DPI function may be a component of an *interactive gateway system for countering spam* according to [b-ITU-T X.1243]. Clause 6 of [b-ITU-T X.1243] illustrates possible methods and policy conditions for DPI-based spam identification (i.e., 'spam' represents here the "DPI application traffic").

--- End quote ---

DPI is filtering of content. A standard by itself is just a standard which can be used optionally. It does not become mandatory if the WTSA ratified it – it just makes is a preferred means of handling "security". On the other hand, when using the very words contained in "Security" in articles 5A and 5B in the ITRs, this is a step further into making this standard mandatory or at least making it a default to practice DPI on networks.

As a result, both Articles 5A and 5B became a **redline** issue for many countries and **no consensus was found**. It is likely that short of scrapping Article 5B on spam and short of using the word "Resilience" or "Robustness" instead of "Security" in article 5A, some countries are likely to never sign the ITRs.

1.6.8 Article 6: Charging and Accounting

The 1988 version of the regulations contained in article 6 had several out of date concepts.
For example, the concept of Administrations, effectively member states, setting the pricing models for telecommunications and the concept of charging being a national matter was out of date. In 1988 most of the international telecommunication services were provided by government-owned monopolies. In 2012 the whole activity had gone commercial, hence the embracement of market-based prices. Western Europe and North America wanted to include a level of free market. This was refused by some countries in the developing world through the explanation that a totally liberalised market actually killed smaller local players in favour of world multi-nationals taking over their telecommunication services.
A consensus was found by adding wording which would have the concept of free market take into account National issues:

--- Start quote ---

42B 6.1 Subject to applicable national law, the terms and conditions for international telecommunication service arrangements may be established through commercial agreements or through accounting-rate principles established pursuant to national regulation.

--- End quote ---

Europe wanted any mention of fiscal issues to be removed since it considered them as not being within the scope of the ITRs. Europe also wanted to add the inclusion of a clause

encouraging competition in the provision of international roaming. Of course, other regions also had their requests and points of view.

The hard work performed by the working group hammering out article 6 led to a consensus for a text which was finally agreed. This covered international telecommunication arrangements, some basic rate principles including the definition of the monetary unit to be used in the composition of accounting rates, collection charges and even an article on taxation as well as two on service communications.

1.6.9 Other contentious sections

Several other proposals made it to the conference discussion table from all regions. The proposals about Roaming, for example, were watered down and included in the ITRs.
For example:

--- Start quote ---

38A 4.4 Member States shall foster measures to ensure that authorized operating agencies provide free-of-charge, transparent, up-to-date and accurate information to end users on international telecommunication services, including international roaming prices and the associated relevant conditions, in a timely manner.

--- End quote ---

Such a practice has been in place in Europe for a while. Until now, it was left to the discretion of the supplier to give such details. Other clauses in Article 4 also mention the guarantee of a quality of service for roaming users that did not differ from local users as well as competitive roaming prices.

A set of proposals inspired by the European Telecommunication Networks Organisation (ETNO) had gathered a lot of Press prior to the start of the WCIT. One such proposal read as follows:

--- Start quote ---

3.2 Operating Agencies shall endeavour to provide sufficient telecommunication facilities to meet the requirements of and demand for international telecommunication services. For this purpose, and to ensure an adequate return on investment in high bandwidth infrastructures, operating agencies shall negotiate commercial agreements to achieve a sustainable system of fair compensation for telecommunications services and, where appropriate, respecting the principle of sending party network pays. Source C 109 (ETNO)

--- End quote ---

This had raised a **lot of reaction on the Internet:** that the flat pricing Internet model was under attack with a suggested replacement of "*sending party network pays*". Interestingly, the WCIT received a lot more media attention partly due to this proposal, thanks to several

campaigns that Google and other organisations launched to counter the "sending party pays" proposal. Whilst prior to the WCIT there still was significant support from developing countries for this proposal, since their connectivity to the Internet came at a higher cost, it was made clear that following free market bases, the information provider might actually decide to stop sending information altogether, thus blacklisting rows of IP addresses, if those were operated under a "sender pays" regime. To cut a long story short, the seriously hyped up proposal was abandoned and ended up not being a deal breaker. The final clause read as:

--- Start quote ---

29 3.2 Member States shall endeavour to ensure the provision of sufficient telecommunication facilities to meet the demand for international telecommunication services.

--- End quote ---

The rest of Article 3 was cause for a serious disagreement about routing. Some countries pressed for the ability to determine which international telecommunication routes were used by traffic originating at their end. This proved to raise a lot of discussion. On the one side, the partisans of a free market, explaining that routing information was often company confidential and that upstream providers would not necessarily share their own routing information. On the other side, a group of countries requiring the knowledge of end to end routing insisted on their demands. Analysis of this disagreement yielded the fact that both camps had legitimate concerns. It became clear that there was no technical way a telecommunication company could find out the exact routing of its upstream providers, hence this was up to the goodwill of the upstream, the upstream's upstream and so on and so forth. In today's telecommunication networks, there can be many third parties involved and the tracking let alone the managing of this tracking was both technically and administratively impossible. That said, countries with a legitimate concern over their telecommunication traffic's privacy would have decided they wanted their traffic to avoid specific countries due to political turmoil.

As a result, a compromise was finally extracted (at the expense of a lot of discussion) to relate as: "the origin authorized operating agency has the choice to determine the routing of its outgoing telecommunication traffic,"

This did not please all parties but it was the best that could be achieved to break the deadlock.

An agreement was found in the first part of Article 5, Safety of Life and Priority of Communications, prioritising communications such as distress communications as well as publicising the emergency number to be used in a particular telecommunication territory. The conference did not reach agreement on the supply of a single emergency number to be used worldwide due to the high costs of implementation in some countries having less modern infrastructure.

Some Articles were uncontested and after finding no objection in the plenary, were forwarded to the Editorial Committee. But the concern was that discussion about some of the other articles had come to a stall.

1.7 In search of Consensus

With one week gone by, it was clear that no consensus could be found on many subjects. As a result, the Conference Chair, Mr. Al-Ghanem, seeing that no results were obtained by sending

issues to small working groups, decided to make up his own small working group by inviting the Chairs of all Regions, plus a handful of selected representatives chosen by each region as well as the heads of delegations which are not aligned with any region, into a small, closed door evening meeting that would go on into the Monday (10 December 2012) night. This was dubbed the "*Chairman's Restricted Meeting*" and lasted until 1:30am.
The results of this meeting were mitigated.

On the positive side:
- The working group managed to find consensus on several articles which were undisputed or where the gap in point of views was narrow;
- The fact that the work took place face to face made progress faster;
- The meeting provided the Conference Chair with a clearer overall picture of the disputed and the undisputed articles;
- Exchanges between delegates were very frank.

On the negative side:
- The meeting took place late into the night, behind closed doors, thus isolating the participants from their delegation and therefore increasing the pressure on them to agree to consensus there and then;
   - Complete failure to keep any kind of transparency to the meeting
   - It is unknown whether there are any recordings of this meeting
   - Undue pressure on delegates needing to relate back to their region, playing in favour of delegates making up their own mind (this relates to the way delegates work)
      - In the case of CEPT, 4 representatives from a region of 48 members could not guarantee that any position could be acceptable to all members
- A certain amount of posturing took place during the meeting, with psychological pressure being applied thanks to the isolation of delegated resisting changes
- The meeting taking place late into the night took advantage of the tiredness of delegates thus raising the possibility of erroneous judgment calls under pressure. In the commercial world, this could amount to "acting under duress".

I was told by participants accustomed to international treaty negotiations that this mode of operation, **isolating heads of regions together in a room to agree with each other was common practice**. Yet, rather than considering each article in turn and considering its merits, some countries tried to change the process into bartering, agreeing to give up on some demands if others were upheld. This process is completely flawed: you cannot make right two wrong laws by only accepting one and refusing the other. This type of bartering might have a place in international diplomacy with regards to wars and territory but just cannot apply to regulations which would affect international telecommunications.
Regardless of what it was called, a "package deal" or "bartering" or "give and take" or "compromise", the meeting failed to reach immediate consensus on the above points. Delegation leaders then came back to their respective delegations on Tuesday morning, asking whether there was any way to change a position to reach consensus. This not being the case, the working group meetings, **Com 5 meetings and plenary made no progress the next day.**

The refusal by the European Union countries to go into bartering (although open to some sort of package deal) was actually used against Europe: some members of the Arabic and Africa regions put it on record on several occasions during the rest of the meeting that they had come

to the table and made many concessions and compromises whilst Europe had not. Europe was unfairly pointed out as the "bad boy" of the conference.

Throughout Tuesday 11 December, delegations were split into smaller groups since more time was spent with more closed meetings for Regional Leaders. While little official information permeated out of those meetings, some delegations were clearly briefed internally. Some working groups also met to continue discussing less contentious parts of the Treaty although one session, about non discriminatory access to the Internet, a resurfacing of Article 3.7 proposed by Cuba, ended up in a stalemate, thus the working group sent it back to the Plenary as:

[ADD

> **31D**   3.8   Member States shall refrain from taking [unilateral and/or] discriminatory actions that could impede another Member State's access to public [international telecommunications networks & services]/[Internet sites and using resources].]

(Note the whole proposal in square brackets)

This and many other proposals were incorporated into a Chair's consensus text which was then released by the ITU late into the night. The high quantity of bracketed text throughout the document let it percolate that **the document was still far from having reached consensus**.

Again, the same subjects were treated, one by one, by Com 5 working group and then Plenary on Wednesday. Progress in the tricky issues was slow since working groups returned the same text as the text sent to them, some with more square brackets than at the beginning.

1.8 Showdown Part I

One could say that there was some tension in the main meeting room by midday Wednesday, when it became known that little progress had been achieved in the past 24 hours. By then, it became clear which articles would find consensus and which would be deal-breakers. Several observers believed that there was still a possibility to strike a deal, if the status quo was accepted on the remaining articles and a treaty was signed, only to update those articles which had found a compromise or consensus.
As a reminder, the negotiations in Dubai were meant to update the 1988 ITRs, so a default position if no deal was struck to sign the new ITRs, was a fallback to the 1988 ITRs. For some countries, this was a perfectly acceptable position to be in.
Nonetheless, whilst the Chair of the conference Mr. Al-Ghanem, in agreement with Dr. Touré, the ITU Secretary General, could have proposed the postponing of the really tricky issues to a future work by the ITU, thus paving the way for future work of the ITU, this was not explicitly described in the sessions. The Chair alluded to such a solution at some point, perhaps informally, but there appeared to be some pushback from some countries which wanted to deal with the issues there and then, making the accusation that after having waited 24 years, it was time to deal with **all** of the issues immediately – deal or no deal. This was seen again as a rather heavy handed tactic.
In the late afternoon/early evening of Wednesday 12 December 2012, a new version of the ITRs started being discussed, based on the progress, or lack of progress made during the day.

Since the issues being discussed had already been discussed on several prior occasions, namely **all** of the "tricky points" which I listed above, tempers flared. Several delegates asked for the microphone and made increasingly emotional statements, some being personal comments on the behaviour and ability of other delegates. The Chair Mr. Al-Ghanem had an increasingly hard time to get delegates to stick to their 3 or 2 minute time limit and to get work to progress due to a huge list of countries asking for the floor responding to each other in a tit-for-tat manner. With tension rising, the Chair asked for a 15 minute coffee break, with the Chairs of Regions being convened next to the stage to discuss things face to face. The hope was to release some steam and let tensions calm down. This was especially important since plenary sessions were all broadcast live and the image of the ITU might be dented through the debates taking place losing their courteous element.

What happened off the microphone and somehow off-camera, although a wide angle view would show a congregation of people in the distance next to the stage, was nothing short of a brawl, although remaining purely verbal but involving the tumultuous waving of hands and its associated body language, at close range. Two groups formed, along with two camps in each group, with the delegate from Portugal (representing CEPT) along with the representative from the European Union facing mainly Iran and Bahrain with Mr. Al-Ghanem trying to calm things down but also taking sides, asking the Europeans to come to the table and compromise instead of staying entrenched on their own positions. The other group involved a representative for the United States, disagreeing with the United Arab Emirates, and Dr. Touré being rather upset that there were accusations that the ITU was trying to take over the Internet but others could also say that the Internet was trying to take over Telecommunications. With the fracas, as in each time such a situation takes place, it was hard for anyone to really understand all of the points being made by all taking part since people were speaking loudly over each other. As dozens of people crowded around to catch a glimpse of the argument and verbally supporting the point of view of "their camp", it was clear that this was not a pretty sight. A number of ushers asked the "meeting" to move to a more private room confined only to heads of Regions, both to calm people down but also to avoid an embarrassing pictures or filming of the dispute. The ITU's official storyline to the Press was that great progress was being made and they were convinced the conference would be a success. At the time, information published in the news appeared to have believed this line, so the ITU had done a good job in sending their message out, although ITU Secretary General Dr. Touré did use the opportunity during some sessions to criticise the anti-ITU hype and smear campaign that had been waged by the Press and on the Internet to try to get this conference to fail. In his view, the ITU was a victim of disinformation.

The ushers moved the crowd outside the plenary hall and into a smaller room, filtering who was allowed to attend. Heads of regions took a while to come out of the room but it was clear from body language that no progress had been made.

This was going to be a long night.

1.9 The broad consensus that was not a vote

(**Resolution: To Foster an enabling environment for the greater growth of the Internet**)

On Wednesday 12 December, the time having passed midnight, well into the Thursday morning at 00:30am the **inclusion of a Resolution about the Internet was announced**. This was the first time the text had appeared on everybody's file system, unannounced and not reviewed by all states, in any formal process.

Several countries immediately asked for the floor and the Chair's screen filled up with requests. A handful of countries spoke for or against the resolution. Before any serious debate could take place and before alternative proposals for wording of this resolution could take place, the Chair announced that he wanted to take the "*temperature of the room*" using a show of Country Code cards, akin to a general *show of hands*, on the issue. **Was there support for this resolution to be included?**

The room was very tired already. Indeed, the explanation as to what the Chairman wanted was confusing for many non English speakers and this yielded a lot of countries not expressing themselves at all due to confusion.

Since **this was not a vote**, there was no exact count of the level of support for the motion. The author evaluated a ballpark figure that around 50 countries were in favour of including the Resolution in the document while half of that number were against its inclusion. The **rough two third majority** was enough for the Chair to declare that **the Resolution was ratified and would be part of the ITRs.** *Points of Order* were raised by the UK and Sweden in turn where each time the Chair was asked to explain his decision – **was that a vote**? The response was that it was ***not*** *a vote* and that the Chair had taken the decision to include the Resolution in the ITRs based on the temperature of the room.

As the session was adjourned many countries still did not know what had happened. An air of bewilderment filled the room from some benches whilst the feeling of distrust had permanently set in the minds of other delegates.

This loss of trust in the ITU process and in the Chair was the first clear crack in the ITRs, a crack that would widen as the ITRs were pulled into more shapes in successive sessions on Thursday. A few hours earlier on Wednesday, the ITU Secretary General Dr. Touré had re-affirmed once more that none of the document would make allusions to the Internet and that **no vote was going to take place**. With the "*temperature in the room*" having been used to include a resolution in the Treaty document, as the time approached 1:00am and delegates made their way back to their hotel room, it appeared as though both promises were made of straw.

1.10 The European Position

From a very early stage, European Union (EU) countries had kept coordination at a high level and its representatives spoke under the Cyprus banner. Prior to the Conference, member country delegation had received a consolidated document including all issues which member countries had identified. These were clearly defined although the level of flexibility shown from country to country might vary. For some countries several points were redline issues.

In particular, a common redline issue was the issue of the term "Telecommunications" versus "ICT" which, as mentioned earlier, would include not only the telecommunication medium but also all of the computing and services associated with telecommunications.

Throughout the conference the common EU position was kept thanks to morning daily briefings and discussions which were closed to non EU delegates. As negotiations carried on into the second week, some EU member countries became quite satisfied that the Articles which they had most strongly opposed were now either watered down, neutralised by other Treaty content, or simply removed from the Treaty document. As a result some countries might have felt more inclined to sign the end Treaty than others. There was a real concern that by being intransigent on so many points**, the EU members were accused of being the "bad people"** of the conference. Several delegates reported strong criticism from other regions that

the EU was the only region which had not come to the table to talk but instead to **impose** its positions. **The EU was accused of not being ready to negotiate; being arrogant; being colonialist; of not being fair and of having come to Dubai solely for the purpose of derailing the Treaty process.** This put a lot of psychological pressure on many delegates too. As a result, when looking at the latest version of the ITRs, some delegates were more inclined to see the glass half-full whilst others saw the glass half-empty. The common understanding was that Europe had come to the conference with a full glass and that it had made many concessions, none of which had been acknowledged as all by those asking for those concessions. A matter of irritation was that those countries asking for concessions were asking for more and more daily and this did bring a measure of reality to those countries that were ready to sign.

The last EU meeting was one where the importance of European Unity was reaffirmed. The EU would possibly be okay with the latest Chairman version of the ITRs, provided a number of small edits were included (and for some a fresh look at the language on Spam) and provided nothing else was conceded. As a result, European Countries could sign the ITRs, clearly adding a reservation under their signature to reject several articles – exactly the articles which were described earlier in this document. One positive factor was that several Articles in the ITRs were a product of excellent dialogue and fully supported. As a result, some felt that would be a pity to have all of this work go to waste.

It was therefore decided to take a *wait and see* attitude in the next Plenary Session. There was a time for consensus and it was recognised that the Conference Chair had done a lot of work to find that consensus.

That said, if other countries were going to continue pushing for more changes that went against the EU position, the EU would fall back to a position to **not** sign, which would have the 1988 regulations still stand and this was seen as an acceptable last resort position too.

It is worth noting that the EU position prevailed in the CEPT position even though CEPT included more countries than EU only. With Portugal speaking on behalf of CEPT, there was a lot of pressure on the shoulders of the Portuguese delegate.

1.11 Showdown Part II

Back channel work had yielded the information that the Arabic region and the African region in particular were not happy about the Chair's compromise document. Furthermore, it appeared that some in the Arabic region were going to push their points very strongly in the final plenary session. This started on Thursday evening. It was clear that the Chair felt "his" compromise document was something he felt he could pass by the European countries and the feedback from these countries to the Chair was complimentary. But to keep its fragile balance, the document needed absolutely no more changes in the other direction. The preamble of the document was a minefield, touching immediately on **Human Rights**. Several countries in the Arab region and in Africa had voiced their opposition to the text as proposed. They immediately took to the floor, with very little intervention from the EU or Americas. Their tactic remained the same: to hammer the floor with the same rhetoric against the text and to engage in a wrestling match with the Chair Mr. Al-Ghanem.

As soon as a piece of text proposed appeared too hot to handle especially in the face of EU and US position which was by now clear to be a redline issue, the Chair of the conference retreated and decided to keep the text out. This infuriated delegates from the Middle East.

A proposal about the inclusion of names, addresses and numbering (regulation 3.8 now proposed as 3.5) which would put member states in charge of the functions that ICANN and the Regional Internet Registries currently assume surfaced again, after having been turned down repeatedly in prior workshop, Com 5 and plenary sessions. Tanzania having been the promoter of this proposal felt the heat and withdrew the proposition. For a minute, the tension eased with the Chair laughing: "*If we would have started this conference with this spirit, I think we would have finished in three days.*"

This was the calm before the storm.

A few minutes later, after reviewing the consensus that had been found on many articles, the Chair turned back to the preamble and the struggle over inclusion of human rights suddenly intensified and metamorphosed itself into the inclusion of the proposal by Cuba, already previously rejected in an earlier ad-hoc working group session, then later reaching no consensus in a Com 5 session and now back at plenary. In an effort to find a compromise, the Chair suggested including a sentence to the preamble's text: "*And recognize the right of access to international telecommunication services.*"

Iran insisted on having the rights of **member states**. Tensions rose further when the USA and several European countries their **disagreement to mixing the individual rights of human rights, with the right of states non-discriminatory access to telecommunications which had nothing to do with individual rights.**

As a result, the speaking list queue length rose dramatically. In turn, it was Iran (on behalf of APT), China (emphasizing its support for the previously discussed African proposals), Cuba, Russia, Algeria, Botswana (although they tried to bridge the gap), United Arab Emirates, Jordan, With the opposite point of view: Sweden, United States, United Kingdom, Poland, Costa Rica and the list kept on getting longer. Some member States like Lebanon tried to bridge the gap too… but to no avail. The text kept on getting cut and pasted, it became clear that there was a deeper a cultural problem: on one side, the culture of a State having the responsibility for its citizens thus needed "*member states non-discriminatory rights*" in order to **provide** its citizen with "*individual non-discriminatory access*" whilst on the other, the culture of "*individual human rights*" which includes non discrimination on an **individual** basis.

Switzerland explained this problem rather well (from the transcript):
"*We would like to add something, and that is this: If you would allow us to put individual rights on an equal footing, individual rights are human rights of course, put them on an equal footing with Member States. This doesn't seem appropriate to us. Indeed, it shocks us from a legal point of view and from a philosophical point of view. It's not at all the same thing.*
Human rights are applied to citizens. Member States are something else entirely.
We understand the problems raised by many of the States present here with regard to non-discriminatory access. And we think the -- and we don't think that we could go in this direction. We have the impression that one is trying to create a new human right. So we should really try to find another solution to resolve the problem before us and the problem raised by a certain number of countries with regard to non-discriminatory access."

This position was supported by Denmark, Czech Republic, and Canada but opposed by Bahrain and Indonesia. There then was an attempt by Dr. Touré, ITU Secretary General to calm things down by asking the Chair to keep the text out of the ITRs altogether. The problem

was that his message was ambiguous. The Chair of the Conference, Mr. Al-Ghanem felt keeping his original text including human rights but excluding state rights was the safer way to go. He asked again, if he could have consensus on this.

This triggered renewed pressure from Lebanon, Iran, South Africa (individually and then representing the African group), China (with a long lecture about human rights), Sudan… until **Iran abruptly invoked ITU rule number 100.03 moving the motion of "closure of the debate" and "putting the African proposal to a vote".**

The tension had reached a maximum: as ITU Secretary General Dr. Touré had said on several times since the beginning of the conference, it was clear that if this conference came to a vote, it would be a **failure**. This abrupt final demand which had broken the carefully crafted balance of the Chair's final proposal document immediately froze the room, with European countries turning firmly to a position **against** signature of the Treaty. The call for a vote was viewed as full power play breaking consensus and harmony altogether, which immediately yielded raising shields. **Blame for the breakdown of the conference would be attributed to those who absolutely wished it most to yield results.**

There then followed a very messy vote with countries raising several Points of Order due to their misunderstanding of what was asked of them. First vote was about the closure of debate. 93 in favour, 0 against, 16 abstained.
Next was the vote on the inclusion of the following sentence in the preamble:
"*These Regulations recognize the right of access of Member States to international telecommunication services.*"
Required majority was 56. Results were 77 in favour, 33 against and 8 abstentions. As a result, the text was adopted as read. The Chair immediately announced that since the motion had been carried to close the debate, it could not be re-opened for the rest of the ITRs. However, having done his best to bring consensus, this vote made the document of the full text of the ITRs, DT/55, *adopted as amended*.

This dramatic end to the two weeks of conference was a logical end to two weeks where it was increasingly clear that what had ended up as two distinct sides did not speak to each other, but past each other.

The United States, followed by the United Kingdom, Sweden and others immediately declared that their country would not be signing the ITRs and asked that their declaration be kept on record. After a few closing remarks the plenary session ended at 22:30 for a break. The next session was kept short and did not include any debate. The vote was game, set and match – only it was not clear which side was the winner or indeed whether there had been any winner at all.

1.12 Epilogue on ITRs

Finally, of the 144 countries having a right to sign, 89 countries signed the ITRs and 55 countries did not sign them. It may well be that some countries which have not signed the Treaty, will do so before it comes in effect in January 2015. This is the case of countries where the local delegation needed to consult with its government or national assembly.
Of the countries that have signed, many countries have drafted comments and reservations of a type similar to:

"In signing the Final Acts of the World Conference on International Telecommunications (WCIT-12), the [Country] delegation reserves the right for [Country] not to apply any provisions thereof which may be contrary to its laws or to the international agreements to which it is party.
In addition, it reserves the right for [Country] not to apply the provisions of those Acts in respect of States and organizations that fail to abide by them or to apply them."

The ITU Calendar is full of follow-up conferences and meetings that are more of less related to the WCIT's results: World Technology Policy Forum Informal Experts Group (WTPF13-IEG) in February 2013; World Summit on Information Society (WSIS-13) open consultations process in February 2013; meetings of the various Study Groups including SG/WP13 on next generation networks as well as coordinating meetings on Internet of Things; WSIS Forum in May 2013; WTPF13 in May 2013; Plenipotentiary Conference in October 2014 etc.

A multi-pronged approach might set the ITU up for a very energetic Plenipotentiary conference, a few months before the ITRs are set to come in force. Of particular interest is the resolution of an awkward problem: the International Telecommunication Regulations (ITRs) having not been signed by 50+ countries, how is the Treaty implementable? Would this bring two separate worlds of telecommunications? Some have asked about the "splitting" of the Internet into several chunks but the question goes deeper since the Internet is only but a subset of the world's telecommunications networks.
Unresolved questions remain: are the ITRs binding or non-binding? If currently non-binding, could they be made binding in the Plenipotentiary? If they become binding on members that have signed the ITRs, how would interconnection be possible with members who have **not** signed, remembering that for a communication, one needs a device at both ends of the communications link. Has the ITU got the ability to make the ITRs binding on **all** members, including those who have NOT signed? Bearing in mind the ITRs needs to be ratified at local level, are we faced with a scenario in with countries are refusing to implement the recommendations for reasons of sovereignty?
Clearly, there is much potential turmoil on the horizon. However, instead of ignoring it so that it catches the world off its feet, rather than being reactive to this turmoil, it would be wise to prepare for the future. Many governments are already working with their Teams on the subject. The WCIT is past and its result cannot be changed, but it was an important event namely because it helped focus on issues which bring a deep disagreement depending on the type of governance proposed at governmental level. It is clear that the point of view of the world's Nations is fragmented. While some points of view originate in geopolitical positioning, some are brought on by the current failings of the multi-stakeholder model in explaining its own operation and in actively embracing new participants.
The second section of this report will provide suggestions about the work that needs to be undertaken by institutions supporting the multi-stakeholder model, to fill the voids that have been blamed for some countries legitimising the ITU as being the main, perhaps only "forum" in which to direct their attention for the future of International Telecommunications whether for technical or policy issues. Some of these suggestions will be aimed a ICANN in particular and at supporting the ICANN At-Large community as an example of a managed, world-wide policy network supporting bottom-up input from the grass roots into the policy of the world's assigned names and numbers.

2. Suggested Next Steps

This section of the report takes into account lessons learnt and the author's suggestions for next steps to be taken as a result of findings that came to light in the course of the two weeks of World Conference on International Telecommunications (WCIT).

2.1   Setting the record straight

- It is incorrect to say that some countries walked out.
- It is also incorrect to say that some countries plotted to make the conference fail.
- It is incorrect to say that the conference was an outright success. In fact, it failed in many respects.
- Regardless of failure or success, it is not the last conference of this type that will be organised by the ITU.
- There are many more elements of this conference which will be discussed in other components of the ITU's working groups and activities.
- The big losers are the countries who really needed some ITRs with regards to land-locked countries, roaming, charging and other regulatory needs. As a result of the "all or nothing" approach, many countries did not sign to ITRs that would have been useful for them.
- There are no overall winners as such.

Lessons learnt from such a conference are very important for several reasons: this is the first conference of its type in 24 years, it enabled discussions of all countries regarding the future of telecommunications and it brought issues which had previously been simmering under the carpet, out in the open. It is now a lot clearer where every country stands with regards to International Telecommunications, than before the Conference.

One major lesson learnt in being able to attend all of the formal meetings thanks to my accreditation as a full UK Delegate, was experiencing the lack of understanding regarding the current multi-stakeholder model that the Internet was built on. There is also a lack of understanding of the use of "bottom-up", a lack of understanding on how to take part in this multi-stakeholder work and no roadmap to provide comfort to governments as to where the Internet is going, leading to a deep distrust of the model itself. It is generally believed by many countries from the "South" that the Internet is actually run and controlled by the United States and its allies – and that the network is used as a spearhead to weaken their own economies by bringing enormous social and political change at a pace that is disruptive, with no ability for those affected to control this. It is felt that the Internet is *governed* by the world's strongest economies and multi-nationals for their own purposes. These are real concerns, not only by the government delegates present at WCIT, but felt by the average citizen in many of these countries.

In fact, very little is understood in many countries, about the **vector for social and societal improvement** that the Internet could bring if Governments, Politicians, the Private Sector and Civil Society (with Internet End Users) participated in the Internet's development model as **equal** stakeholders. This change is already having a positive influence in North America and Western Europe (commonly known as the North & West) – even though some in the some

might admit the model is a constant struggle. Clearly, a lot of capacity building and education of the multi-stakeholder model within the Internet eco-system is needed across the world for all countries to benefit.

2.2 General Suggestions

2.2.1 Taking proactive steps to promote the current multi-stakeholder Internet governance environment in general

The current multi-stakeholder Internet governance model ecosystem includes the Internet Engineering Task Force (IETF), the World Wide Web Consortium (W3C) and the International Corporation for Assigned Named and Numbers (ICANN). There are also similar organisations for open source software, anti-spam consortia and many aspects of the Internet, whether technical, legal or other. These organisations purport to use an open model whereas newcomers are encouraged to take part and have their point of view included in the multi-stakeholder process.

In reality, there are several barriers to such seamless integration:
- A lack of knowledge in newcomers:
  - Environmental knowledge: what is the wider strategic point?
  - Historical and Institutional knowledge: when a possible solution/path has been used in the past and succeeded/failed;
  - Political knowledge: no knowledge of the forces at play in the discussion – which might have taken a long time to reach the compromise on the table.
  - Where is knowledge management?
- A lack of openness from communities/entrance barriers:
  - The very nature of a community is the "belonging" to the community. Anyone not belonging to a community finds it hard to take part spontaneously;
  - Invisible threshold to be able to engage meaningfully in the discussion: there is no "license" or method to assert the legitimacy or experience of a participant other than their online recognition from peers, something which often spontaneously promotes the unfortunate practice of closing the discussion to outsiders. There is sadly a natural tendency from community members to doubt the *usefulness* of newcomers if their credentials are not known.
  - The Tower of Babel: it is very challenging to engage a multi-lingual community without a significant investment in interpretation and translation
- An occasional capture of some governance processes by commercial interests:
  - Time is money: participation in these processes is time consuming. Corporations whose business is directly related to the work taking place can pay employees to spend full time on tasks. Others might not be able to fun their employees for travel to face to face meetings;
  - Lobbying by large firms to push for their point of view by also using other channels – thus the bottom-up multi-stakeholder scenario is accused of being nothing more than lip service short-circuited by multi-national corporations.
- An unknown financing model:
  - Participation fees; travel; calls – who pays for all of this?
  - Volunteer sustenance: funded or unfunded? If funded, are they still volunteers?

- An unknown licensing model:
  - Although a lot of work is done, it is increasingly hard to define intellectual property on work undertaken by a multi-stakeholder model;
  - Legal frameworks differ from country to country.

Clearly there needs to be answers to many of these questions. Not all multi-stakeholder forums are for everybody. There exists no "instructions" akin to an introduction course to the multi-stakeholder Internet.

For the multi-stakeholder model of governance to succeed and since the Internet itself is such a vast field, promotion must take place at several levels and in each organisation whose scope covers a segment activity of the model. Furthermore, it is worth recognising that a one size fits all scenario is not possible. There are deep differences and socio-political perspectives between developing and developed countries which make the task of promoting the multi-stakeholder model more complex than with a single audience.

2.2.1.1 Promotion of the current Internet multi-stakeholder model in developed world

- Engaging the population (the Internet End User)

Without detailed study of various knowledge models which are widely described elsewhere on the Internet and which could be sub-categorised into many additional levels from ignorance to expert, there are three basic levels of knowledge on a subject: ignorance, knowledge acquisition (learning) and practise. It is unfortunate that at the present time, the majority of interested parties in the developed world are still at the "ignorance" level with regards to the multi-stakeholder governance and development of the Internet. This void needs to be filled because the Internet is a strong vector for change in the developed world, yet more actors see this vector as an imposition on them, an *episode* that they have no control of, hence a certain amount of pushback against the changes.

Engaging the population to learn about the Internet multi-stakeholder model is vital. This should be taught in schools just like any other major subject like Mathematics, Art or Classics. The subject should also be taught at University – its complexity, when expanded, spans Politics, Law, as well as Engineering. Computers and other electronic equipment, hitherto relegated to be used by geeks are now part of everyone's life and taking part in the multi-stakeholder processes described in this paper can only take place with a certain level of computer literacy. The Internet is both the very tool that enables the multi-stakeholder model to govern it and its largest beneficiary.

- Engaging politicians

How the Internet model develops will be directly impacted by public policy. Governments constitute a key part of the multi-stakeholder system. It is therefore vital that decision-making politicians understand the Internet multi-stakeholder model both by understanding the role of governments in the model, their relationship with other stakeholders and by making use of the model to promote a synergy towards economic recovery. It also needs to be understood that any new law introducing an incidence on content should be considered with the backdrop of whether it would have consequences on human rights but also whether it would be

detrimental in the wider economic sense. Clearly a large capacity building programme aimed at politicians should be developed.

- Engaging the Media

The Media is a vector for informing and educating large segments of the population. It should therefore be engaged as much as possible to perform part of the awareness of the population to these issues. Whilst the Internet's social networking can be used to sensitize seasoned Internet users, the wider Media has the knowledge and reach to mobilize crowds.

- Engaging the Private Sector

The Private Sector is possibly the largest beneficiary of the Internet model of multi-stakeholder governance thanks to a competitive and deregulated open international market allowing for instant global reach. First mover advantage has favoured a number of corporations, generating huge profits and allowing for a healthy gross margin. It would be in the interests of the Private Sector worldwide to allow for such a healthy competitive environment free of heavy regulation and potential corruption, to thrive. The balanced multi-stakeholder model of Internet Governance needs to be supported – especially those stakeholders having much more limited resources. This matter is not a matter of choice anymore. It is not solely a matter of sponsorship. Rather, it is a matter of ethics to actively support the Internet's multi-stakeholder model.

2.2.1.2 Promotion of the current Internet multi-stakeholder model in the developing world

Many countries which have supported the ITRs concerning the Internet at the WCIT did so because they did not feel included in the current Internet multi-stakeholder model.

- Participation by governments

The problem of participation and engagement found in the developed world are exacerbated in the developing world due to telecommunication technology often being placed on a lower priority than basic infrastructure needs such as electricity, access to water and sanitation.
Although telecommunication network development has lower priority, the very challenge of physical infrastructure installation in a hard environment has had a positive effect on mobile telecommunications, essentially triggering its surprising growth. As a result of this catch-up, developing countries have ended up being faced with issues which are very similar to the issues faced by developed countries. However, the involvement of developing countries being more as a client than as a supplier of telecommunications complicates matters – telecommunications and services offered across telecommunications are primarily seen as a cost and not as means of revenue. Telecommunications to the rest of the world are expensive due to more limited bandwidth. Mobile telecommunications are more impacted by bandwidth restrictions too. Furthermore, government resources which can be devoted to participation in the multi-stakeholder model are even scarcer than in developed countries. It is therefore important that this participation is sustained through a two-pronged approach:
  - Capacity building at government level
  - Funding of government members to travel to international multi-stakeholder meetings

Both initiatives are linked to each other. It is not enough to keep discussions open to developing country participation. There should be a concerted attempt to actively **invite** developing countries to the discussion table, with the ability to cover their expenses as part of a development package to help the country help itself. Only through such capacity building at government level would it be possible for the government to design and implement development schemes that will help local communities and businesses to take full advantage of the opportunities that Telecommunications would bring to the country. Education of government officials in the multi-stakeholder format is equally as important as making governments welcome and at ease into the process.

That said – it also needs to be recognised that certain governments also actively prevent participation and engagement from their citizens for political reasons. With miniaturization of technology and constant technological progress to make communications ubiquitous and more easily accessible to neophytes, this is a losing battle. Easy access to encryption is another nail in the coffin of dictatorships… but this debate is one which probably needs its own chapter, if not its own (virtual) library.

- Participation by Business

It would be impossible to turn a net cost into a net profit without the effective establishment of local Information and Communication Technologies (ICTs). The term "ICT for development" is well known to Internet Governance Forum (IGF) participants since it was understood early enough that IT and Telecommunication can catalyse development. In order to keep the balance in the equal multi-stakeholder model, it is important that businesses in the developing world are equally as concerned with matters of Internet and Telecommunications governance, especially as innovation is often the key to creation of wealth. We have seen that simple ideas could turn to an application running on a mobile device, which in turn could turn into the basic capital for the creation of an application development company.

- Participation by Internet Users

The Internet user is the primary end user of telecommunications today. Trends in mobile phone use are changing so fast that it would be futile to keep such an important stakeholder out of Internet governance. While at first glance, it would be tempting to think that there is a major difference between telecommunication business models in the developed and developing worlds, facts point to quite the contrary. Aspirations of connectivity and content are similar – only budgets and technical details change. Furthermore, the changes brought by the use of telecommunications in everyday life are equally as earth shaking whether in the developed or in the developing world. Whilst in developed countries, laws have to be amended to take telecommunication services into account, a brand new policy framework altogether might need to be built in developing countries. It is therefore vitally important to support individuals having attained the right level of knowledge, to become local leaders who will take part in the world's multi-stakeholder governance environment – if only to be able to provide them an enabling environment and to allow them to engage with other users around the world at an equal level so that they can defend the rights of Internet users in their part of the world.

It is also important that the Internet end users are aware how the bottom-up multi-stakeholder Internet governance model operates so as to ask their own government officials and industry to engage effectively with this process.

2.2.1.3 Promotion of the current Internet multi-stakeholder model at ITU forums

The current ITU model is not a multi-stakeholder model. Instead, it relies on multi-lateralism, where Nation States hold the sole right for making decisions. Some would like to put this complete structure into question and this paper will not comment on such plans.

Another way to instil more multi-stakeholderism is one which has actually been supported openly by ITU leadership during the WCIT: the involvement of other non-government stakeholders in government delegations.

Several delegations pursued this model. It had several advantages:
- The ability to have a larger delegation in the field:
  - Spreading the workload among more members
  - Keeping of costs low through delegates funding their own involvement
- Having more in-house knowledge and expertise that can be mobilised locally
- Ability to bring in the point of view of multiple stakeholders / civil society; business etc.
- A more legitimate decision model than with a concentration of power

As seen at the WCIT, non-government members of a government delegation often used other resources for their participation. In the case of businesses, such involvement could be paid as sponsoring costs promoting the implementation of a better governance environment – exactly the type of interest which the private sector would have in a multi-stakeholder meeting. This is also valid for non commercial entities having funded their delegates. However, there is still a long way to go to find a funding model that will be able to sustain unattached participants or participants from less well funded civil society organisations and/or from the developing world.

As a result, the majority of multi-stakeholder delegations at the WCIT were from developed economies. This imbalance needs to be studied and a response found. It is the responsibility of the other stakeholders (government and private sectors) to find a solution together to keep the sense of **equal stakeholders** at the negotiating table.

Of course, there will be countries that will **resist** the multi-stakeholder nature as being a challenge to their sovereignty, not understanding that the two are inherently different. A State is sovereign. Helping a government make the right decision bears no challenge to sovereignty.

Therefore, is the current model leaving it optional for country states to build a multi-stakeholder model in their own delegation suitable in the long run? Probably not.

2.2.2 Improving the multi-stakeholder model to reach the edges

How can the multi-stakeholder model reach the "edges" – people located sometimes the furthest from the subject discussed, yet sometimes the most affected?

On the one hand, the production of information for the purpose of capacity building in the grassroots is a valid step. But without a process by which information flow goes bi-directionally from the top to the grassroots and vice versa, the only voices that will benefit from the multi-stakeholder system are the dominant voices.

Therefore, there needs to be active empowerment of the edges.

- o Empowerment of the grassroots
  - How-to – basic texts
  - Information sharing / lessons learnt between participants
  - Best practice documents – with increasing expertise
  - Funding – a core part of development
  - Reduction of entrance barriers
- o Process enhancements for two-way information flow
- o Capacity Building and Teaching

All of these processes need to be carried out in parallel. It has been shown that on occasions, the Internet and social networking has been a fantastic vector for the flow of information and for decentralised participation. This may well be one of the channels to use for enhancing the multi-stakeholder model, but it is not the only channel.

It all starts with teaching an understanding of the history: how did we get to the point where we are at today?

2.2.2.1   Documenting multi-stakeholder discussion models
- o WSIS (not ICANN business to promote this but might be something our At-Large Structures might wish to do in their own space)

The World Summit on Information Society (WSIS) is a UN endorsed conference which took place in two phases. The first phase in Geneva in December 2003 and the second phase in Tunis in November 2005. The objective of the first phase was to develop and foster a clear statement of political will and take concrete steps to establish the foundations for an Information Society for all, reflecting all the different interests at stake. The objective of the second phase was to put Geneva's Plan of Action into motion as well as to find solutions and reach agreements in the fields of Internet governance, financing mechanisms, and follow-up and implementation of the Geneva and Tunis documents.

WSIS+10 is taking place in 2013. Whilst there have been many publications on the subject, the information is not publicised as well as it should have been – and to our knowledge, a history of WSIS is not readily available in the UN's 6 main languages. It is not in ICANN's purview to help draft such a document but many At-Large Structures might be interested in contributing their experience and work externally. Several are travelling to WSIS+10 and were present in Geneva and in Tunis.

- o IGF (not ICANN business to promote this but might be something our At-Large Structures might wish to do in their own space)

The UN-led Internet Governance Forum (IGF) is a yearly worldwide multi-stakeholder forum to discuss Internet Governance Issues. It is policy shaping, but not policy making. There are

yearly publications of the IGF but a clear history of the IGF and explaining how it works, its importance and its future development may be something which the At-Large Structures could be interested in contributing, especially since many of them have been directly involved in the running of the IGF, the organisation of workshops and plenary meetings and the dissemination of the IGF message at the end to their respective stakeholders around the world. Collaboration between this force of ALSes could also establish some basic bottom-up collaboration such as, for example, establishing a coordinated effort that will offer a single location for information about IGF efforts around the world, including country and regional IGFs.

2.3 Suggested steps for ICANN

2.3.1 All Supporting Organisations and Advisory Committees (SO/ACs)

As seen from inside the ICANN community which encompasses all stakeholders engaged in the ICANN processes, ICANN is a model of openness, with free and open entry to ICANN meetings, both online and offline. The organisation is structured into **Supporting Organizations** (SOs) where policy development takes place and **Advisory Committees** (ACs) which are able to provide advice on specific subjects. As every newcomer would testify, this complex organisation is challenging to understand.

One of the main challenges to understanding ICANN is the bottom-up nature of the SO/AC volunteer force with a top-down staff structure and a Board that does more than a usual corporate Board and which is selected differently. This makes ICANN a very peculiar animal indeed. Adding the seriousness of the matters being decided by ICANN, with a potential to affect the 2+ billion Internet users around the world, and you end up with an organisation which is supposed to be welcoming to newcomers, yet requires a confident level of knowledge for a "newcomer" to take part – a knowledge of history, processes, vocabulary, forces at play, the bottom-up process, public consultations, constant reviews etc. The ICANN community can be demanding and critical so as to make any error turn a friendly welcome into a hostile environment.

This is no environment for the faint hearted: very serious decisions are made at ICANN, decisions which require multiple skills for many participants in the bottom-up multi-stakeholder process.

For a multi-stakeholder process to be an "equal multi-stakeholder" process, a significant amount of capacity building needs initiation at several levels:

- Leadership Capacity Building/Training/Orientation, so that ICANN's next volunteer leaders are fully aware of all facts which will enable them to make informed decisions in the future, especially in a bottom-up environment;
- Stakeholder Capacity Building – so that ICANN's many Stakeholders (both in SOs, ACs and also in Generic Name Supporting Organization (GNSO) Stakeholder Groups (SGs) all have active informed participants who will be able to sustain the organisation's growth. This is vital in an organisation which relies on its volunteers, if volunteer burn-out is to be avoided;
- Newcomer Capacity Building, already undertaken at the Fellowship level, but which needs to go further by actively searching for good candidates worldwide. This is the difference between receiving applications for fellows and processing them in a passive

manner and actively looking for the Best candidates in Universities and Colleges. There also needs to be "newcomer capacity building" with targeted industry leaders and politicians.

- Local Outreach and Capacity Building – which involves firstly the outreach to new potential community members and secondly capacity building of Internet end users worldwide: what are their rights; what are their responsibilities; how do they influence the policies taken by ICANN which will affect them in the future? After all, in a bottom-up process, aren't the Internet's end users, at the bottom of the pyramid? Again, it is easy to say "anyone can have a say" but how many are aware of this right and how many are aware how to get involved? This is a key task that could be achieved locally using the ALAC's vast network of local At-Large Structures (ALSes)
- More Local Capacity building – this time with business, with the Press, with Governments. It is vital that all stakeholders are able to participate in the ICANN multi-stakeholder process. Again, what has been done so far is far from satisfactory. All current stakeholders should be provided with the means to convey the message locally, on a global scale.

It is relatively easy to list the types of Capacity Building needed for a fully inclusive multi-stakeholder bottom-up process to operate at ICANN: the above list which is non-exhaustive, took me less than a minute to draft. The problem is that all of this Capacity Building is expensive to set-up and operate. A great deal of it could be done using modern distance Internet learning tools and using courses with curricula that are designed and run by volunteers – but every serious curriculum program still requires professional involvement and time means money. Moreover, telecommunications might have been helped by the Internet but some countries around the world still have very poor telecommunications and participants in those countries face a **real challenge** in attending remote courses. An essential element of Capacity Building at all levels is therefore the ability for participants to regularly **meet face to face**, whether at an ICANN meeting or elsewhere. A single shot being unsatisfactory, this face to face meeting should be recurrent but occasional. Establishing the right intervals between face to face meetings is yet to be determined, with the targeted participants of Capacity Building sessions needing to provide feedback on impact maximisation.

The main problem is that travel, hotels and sustenance all translate to costs. And in the case of ICANN, all of these costs translate into increases in the ICANN Budget.

Some might say that with its de-facto "tax" on the millions of domain names sold worldwide and thanks to the fee collected for the creation of many new generic Top Level Domains (gTLDs), ICANN faces no funding problems. It has amassed a "small fortune" and would be able to sustain *any* amount of capacity building needed to promote its bottom-up equal multi-stakeholder model.

To think so would be very short minded indeed, for several reasons:
- Domain names are no cash cows. Tomorrow, domain names might be replaced by another technology and the cash might dry up;
- There are no guarantees that the introduction of new gTLDs will not change the domain name market to one where costs are decreased dramatically, hence squashing the potential revenue from domain names;
- In the long term, is it fair to ask a small subset of all Internet users, whether corporate or non corporate, who are domain name registrants to sustain a brand new system of governance?

- The ICANN budget is not infinite. In fact, in terms of a wider worldwide effort to continue developing a multi-stakeholder Internet Governance system, the need for international capacity building is so large that it is **impossible** for ICANN to finance in its entirety.

It is therefore important for stakeholders including governments and the private sector benefiting from the multi-stakeholder governance system that has made the Internet what it is today, to consider a significant increase in funding parts of this multi-stakeholder governance system by several orders of magnitude.

The alternative top-down governance scenarios that we have seen presented elsewhere, WCIT included, are laden with obsolete 20th Century political baggage that would simply kill Internet innovation – which would translate in economic trade losses by even larger orders of magnitude. External supporters are therefore needed. I avoid the use of the word "sponsor" because this is akin to a subsidy.

The action of financing the multi-stakeholder process by governments and the private sector is an investment, not a charitable handout.

The funding of the multi-stakeholder model should be directed specifically towards capacity building, with ICANN's own core funds used in making ICANN, the organisation itself grow. This cash-flow is required for its increased activities to provide the safest and most stable environment for the Internet to operate in, both technically and politically. This includes investment in ICANN's immediate internationalisation and its potential future growth into an international framework accountable to every citizen worldwide.

2.3.2 Suggested steps for the At-Large Community and the At-Large Advisory Committee (ALAC)

2.3.2.1   Capacity Building

After having listed what needs to be done as a long term view, it is worth looking at making use of the capacity that the At-Large community and its 15 member At-Large Advisory Committee (ALAC), which represents the perspective of the Internet end-user within the ICANN community, already has for capacity building. The ALAC has already started its work several years ago. Currently its in-reach/outreach and capacity building program is divided into several working groups:

- At-Large Outreach Working Group
- At-Large Capacity Building Working Group
- RALO working groups (LACRALO capacity building, AFRALO capacity building…)

These working groups design capacity building programmes that will serve our At-Large community. Some are at the stage of evaluating the needs of the community. Others are expanding programs which have already been started at a face to face ICANN meeting. The working groups are developing programmes which could be implemented both on-line and off-line (in person). It is important to note that at the design stage, those groups made up of volunteers do not require funding. However, some of the programs which they will build will

need funding. For example, "on-line capacity building" needs tools to make the online learning effective. Face to face capacity building, by bringing people in a location such as an ICANN meeting, is costly. Recently, the ALAC has been able to bring one representative from each of its over 150 At-Large Structures to meet at an ICANN meeting, on a regional basis and as a one-off event. Some participants believe that a one-off face to face meeting is not enough. Indeed, it takes more than one ICANN meeting to understand the complex ecosystem in which ICANN operates. A newcomer is faced with a complete paradigm shift – there is so much to learn!

It is therefore very important to factor capacity building of our RALOs as an ongoing item rather than a one off event. Whether off-line or on-line, budget items for capacity building need to be ongoing if any benefit should be gained in the long term.

2.3.2.2　Taking proactive steps to reach out to our current membership
  - Promoting their ability to relate to their communities
    - Information sharing / lessons learnt
    - In-reach

It is important to assist our member At-Large Structures (now over 150 in number) in building the capacity of their community to take part in the multi-stakeholder process. For this purpose, ICANN and At-Large should distribute material to Internet end-users, on all aspects of the ICANN multi-stakeholder model, strategic issues, promotional material, issues currently under discussion as well as how all of this is important to the community. It is a great first step to talk about gTLDs to communities, but it is not obvious that policy development of the Internet's identifier system is of such importance to Internet users. Clear, plain language should be used. The Beginner's Guides series, originating within the At-Large community, which are drafted by ICANN staff with input from the community, are an excellent start. They need to be promoted with the channels to distribute them. Just making material available is not enough: a proactive approach is needed.

It is also very important to support At-Large Structures to share information and lessons learnt. This could be done through online methods, but should also include the ability for members of an ALS to attend an event organised by another ALS if this event is related to ICANN. It is only by **making cross-ALS cooperation systemic** that a real synergy can be created. As reported earlier, this also includes bringing ALSes together at ICANN meetings – but also sending them to other for forums such as IGF, WSIS and so forth. They are the best Ambassadors that ICANN could have because they *are* the stakeholders making up the multi-stakeholder process. Many already have a lot of influence and have gained a lot of respect in the community. Many already have the right connections to build more bridges for the organisation.

Whilst recently improving in this respect, today ICANN still falls well short of such support for At-Large communities. Once again, the critical problem with this process is funding.

However, there are encouraging developments in this area: the upcoming plans for an ICANN-wide online education platform are a very useful initiative. The At-Large community has already committed to helping with its development both at ALAC and RALO level. Both

the At-Large Capacity Building WG and the ICANN Academy WG will work closely with ICANN staff and contractors on the development of the ICANN online education platform.

2.3.2.3 Promoting the ability for At-Large Structures to relate to their government

- Information sharing / lessons learnt
- Regional synergy
- Leveraging of local/regional IGFs and other forum to reach governments

Many At-Large Structures have had a significant influence over their government's input at the WCIT. Some have had delegates embedded in country delegations. Some delegates have attended the conference since their organisation is an ITU Sector member. Some have acted as direct advisors for their government at home base, shaping the outcomes remotely without being a member of the delegation itself. This engagement does not come without costs. For example, many of the delegates that were embedded in their country's delegation were self-supported, meaning they had to find a way to sustain their travel and living expenses. Some ALSes are financially able to sustain such expenses for their members. However, many are not, especially since the defence of the Internet model might not be core to their activities. The local reach is present; the knowledge is there and the contacts are established but participation is a financial strain.

Two suggestions come to mind: Cross-ICANN collaboration can open the door to collaboration between At-Large Structures and their Government thanks to introductions from other stakeholders in ICANN. The Government Advisory Committee (GAC), for example can be a good introduction point.

2.3.2.4 Better Support – both ways

There also needs to be an in-depth study of the need for At-Large Structures to be supported in their work with their local stakeholders, especially when it comes to counselling and capacity building which will ultimately benefit their communities.

The first At-Large Review cycle focussed primarily on the ALAC. The next Review cycle could also focus on ICANN's better support of At-Large Structures, bearing in mind this would be bidirectional: RALOs would also show "Return on Investment" if they were to be supported for their local work. Of course, this would all be subject to case by case basis, depending on RALO willingness to act and on local legislation.

It is suggested that one of the main subjects for the At-Large Summit (ATLAS2) proposal would engage At-Large Structures, RALOs and the ALAC to work in a smarter way to optimize this "Return on Investment". A Face to Face meeting would indeed be very conducive to act as a catalyst to this enablement at the grassroots.

2.3.3 At-Large Assets / a historical perspective

- How did At-Large evolve into what it is today?

The first "version" of ICANN was to be accountable to At-Large, with a significant portion of the Board's directors being directly selected by an international electorate of Internet users. This failed for the main reason that we know: an undefined electorate.

Version 2.0, which also saw the introduction of At-Large 2.0 with the birth of the At-Large Advisory Committee (ALAC) as well as the worldwide structure of 5 Regional At-Large Organisations (RALOs) and their At-Large Structure members, local organisations geared to bring the input of their local Internet users into the ICANN processes, has flourished with in excess of 150 At-Large Structures worldwide. This point was reached thanks to a lot of hardship, turmoil, ups and downs and a certain dose of stubbornness. With an incredible diversity of volunteers, the input brought into At-Large has been surprising at times, both on the positive and the negative sense of the term. However, from instability, the At-Large community has settled into a stable bottom-up policy input body which has yielded quite remarkable results. The question remains whether it is both sustainable and scalable. In essence, if ICANN is an experiment, the At-Large portion of ICANN with its Advisory Committee able to comment on anything and everything ICANN-related, is an experiment nested within the ICANN experiment, an "experiment squared" which goes to the heart of the multi-stakeholder bottom-up input process. If At-Large fails, is the whole Internet multi-stakeholder model a failure too, since At-Large is a significant stakeholder in the multi-stakeholder system?

- What was the original function of At-Large in ICANN?

ICANN bylaws mandate it to bring the point of view of Internet users in the ICANN model. Its task is a mammoth task, with an Internet grown to 2 billion users, a number which is still rising. At-Large's main challenge is how best to effectively gather this input from Internet users and ensure that their perspective is reflected in the ALAC's policy advice statements. At-Large might never be able to bring this input in its entirety to the ICANN table; instead, it brings a representative sample and the current structure makes for a scalable model for the time being. The future scalability might come through introducing more layers to the At-Large layered model or adding capacity to the regional models that the RALOs run on. The question is crucial to the development not only of At-Large but of the multi-stakeholder governance model if it is retain its attractiveness.

- What is the scope of At-Large? Is this scope respected?

The scope of At-Large is defined in the ICANN bylaws. It is possible to imagine that it could be extended to Internet Governance in general including freedom of speech, human rights and matters unrelated to the Internet's system of identifiers. **However, this would actually require a change in the ICANN bylaws or strategy.**
If this is the wish of Internet users worldwide, the ALAC could formally ask ICANN to consider this development, but the ALAC would not be able to perform such change by itself. Furthermore, "asking ICANN to consider this development" is not solely a request to the Board of ICANN. It would translate to several rounds of public comments collected from all stakeholders in ICANN's multi-stakeholder model and require consensus. Any other route would break the very multi-stakeholder system that ICANN is built on and that the ALAC supports.

The scope of At-Large has been interpreted on several occasions. For example, the ALAC has been given the ability to file objections to new gTLD applications. This took it one step further than as a purveyor of Advice, into an operational role. It is pleasing to see that this dipping of the toes into "operations" is proving to be approached by the community with great cautiousness thanks to the designing of clear guidelines by which the New gTLD Review Group operates. In some way, the strength of the globally diverse At-Large community stems from its combined extensive experience in running a bottom-up multi-stakeholder governance system based on frequent communication and the constant search for consensus thanks to a mix of experienced Chairs and participants as well as able newcomers who steadily reach an operational level thanks to the help provided by their peers.

With a mix of so many volunteers, recent and experienced, there will always be voices reminding others of mission creep when the scope of At-Large risks being exceeded.

- Using At-Large's assets

Unfortunately, the amazing potential of At-Large has hitherto been not utilised by other parts of ICANN (Supporting Organizations, Advisory Committees, Staff, Board) to its full potential. This is partly owing to a lingering lack of trust in At-Large due to its unstable early history, but also partly due to concerns over the strength that At-Large could garner if it were to thrive further. After all, it has the largest potential reservoir of participants of any ICANN Supporting Organization or Advisory Committee. At-Large would be a concern to many if it were to become too powerful since as a bottom-up system based on consensus, its actions are harder to control, unpredictable, perhaps even unreliable in some eyes. However, this is the nature of the game – if one is serious about multi-stakeholderism, there is a part of "unknown" that needs to be accepted. Key Performance Indicators (KPIs) need to be developed, based both on results but also on process – with the twist that these apply to volunteers. Thankfully, the At-Large community is already working on these subjects. However, the challenges of in-reach (keeping our volunteers interested, involved and enabling them for personal growth into the ICANN structure) and outreach (proactively reaching out to the edges, otherwise known as the grassroots) do need much attention and **a shoestring budget, botched solution will just not suffice**.

At-Large is not a "cost centre" – quite the contrary: it is an incredibly cost effective **resource** that is an asset. For anyone not understanding the "value" of At-Large, they may as well close the book on the multi-stakeholder system that the Internet is built on because without *end users*, the multi-stakeholder model does not work, since ultimately, it is *end users* that fund the whole ecosystem.

- Could the At-Large model be replicated in non-ICANN environments? Could the ICANN multi-stakeholder model be replicated in non-ICANN environments?

Some organisations and participants believe that the At-Large model could be replicated in non-ICANN environments. Certainly the structure for global reach and the several layers of safeguards with committees at several levels and an inherent recursive review process has its attractions. But it may be too early to tell. At-Large has been around since the inception of ICANN in 1998. The At-Large Advisory Committee (ALAC) is only 10 years old. Regional At-Large Organisations (RALOs) are only 5 years old. The whole community has travelled a long way to reach where it is today. There is still a long way to go regarding scalability. However, it is worth studying the At-Large and ALAC model. Without trying it elsewhere, it might be impossible to know if it is applicable in any other ecosystem.

Concerning the ICANN multi-stakeholder model, it is also premature to form a judgement. So far, ICANN has had its ups and downs. The system is not perfect but has held together and is a great deal better than any other alternative. It has a leadership team that has greatly improved over the years. The organisation has had plenty of chances to learn from its past mistakes – but mistakes were to be expected as part of the package since this is, after all, a very innovative and pioneering experiment. The great news about ICANN is that its community keeps on getting stronger and has attracted some real talent (staff and volunteers) over the years, thus bringing an incredible international talent pool into its ecosystem.

2.4   Conclusion

ICANN has tuned into, in effect, a microcosmic reflection of the very network whose identifiers (names and numbers) it was designed to coordinate.

The Internet's worth is not a measure of the sum of all of its computers and telecommunications equipment;
It is not a measure of the costs of all services implemented on-line;
It is not a measure of the GDP points generated in each country around the world from direct and indirect business thanks to its use;
The Internet's worth is its users.
Without this critical mass of users, some being consumers, some being suppliers, the Internet would have no attraction whatsoever.

ICANN, thanks to a unique mix of staff and volunteers translates this critical mass into a bottom-up multi-stakeholder model of governance which has much to offer to the Internet ecosystem. Let's all work together to continue improving it. This needs support and collaboration.

If you are serious about multi-stakeholder Internet governance, then get serious in learning more about it, in shaping it, and in providing the resources it needs to grow and thrive.