



## Brief report on WCIT, 3-14 December, Dubai, United Arab Emirates

### A week into WCIT – few compromises, very fragile

More broadband rollout and better access to networks everywhere – certainly that is a position shared by everybody at the World Conference on International Telecommunication (WCIT) that started last Monday in Dubai. And according to a more sceptic reading about progress made in negotiations to review the future International Telecommunication Regulations (ITR) there is not much, one might even say, that's about it.

In fact, on Friday afternoon the conference stood at the brink of failure with the United Arab Emirates announcing a new „substantive“ and „complete“ proposal on the new ITR. While the UAE representative said was just a compilation of existing proposals (with no surprises, according to Russia), the unexpected move certainly questioned the ongoing tough and so far slow work of the ad hoc groups – according to the EU.

Would the UAE try to table the proposal (that might looked cooked up in one kitchen – as the Secretary General, Hamadoun Touré noted in an effort to ease the tensions arising during the Friday plenary) the „other kitchen“ quite obviously stands ready to reject it on formal grounds. Dick Beard, Vice-Head of the US Delegation from the State Department, immediately pointed to standard ITU procedures why the proposal was too late in the game, certainly only to be countered by Iran's representative who said, the conference had not made any decision on a deadline for contributions from member states.

### The scope – what is the treaty about

The UAE proposal was certainly triggered by the slow progress, which was even noted by the Chair of the WCIT meeting, UAE Head of the regulatory body TRA, Mohamed Al Ghanim. A week into the meeting there was not even an agreement about the scope, the delegations supporting the UAE proposal (including Bahrein, Jordan, beside Russia) said.

One proposal in particular, filed by the US and Canada and supported by Europe and others, had asked to first agree on who would be bound by the future ITRs – recognized operating agencies or (more broadly) operating agencies which according to US concerns could include also Internet providers, cloud providers or private or government networks.

Will the future ITRs cover the Internet or not? Also can they not cover the Internet and still be relevant? The effect of the „old telecom“ treaty on the Internet have sparked (for ITU standards) unprecedented debates already the weeks before the meeting and resulted in a real mud-wrestling between Google, most prominently (see their take-action campaign and Vint Cerfs not so polite description of WCIT) and the ITU Secretary General, Hamadoun Touré who while welcoming even the WCITleaks founder during his opening speech, spoke of the Google's campaigning as „dishonest“, yet strategically flawed, because „too early“ allowing the ITU to react.

Both sides, but also the US delegation as a whole, have taken their blows in media coverage over the week (for examples see the Forbes anti-ITU piece).

During a press call the US delegation defended that there was in fact progress this week. „We've seen a couple of good elements of progress in our work“, Ambassador Terry Kramer, Head of the nearly 130 people strong US delegation said in a press briefing on Thursday evening. Kramer listed agreement on the „**overall wording of the preamble**“ and also „on the **definition of telecommunications**“ both with a US view that the compromises here were a first step to ensure that we're not confusing the ICT sector, companies that are involved in processing, et cetera“. Yet Kramer had to acknowledge that there still could be people „talking about ICT“ as a term for the text. Plus the proposal on Operating Agencies vs Recognized Operating Agencies is still under discussion.

WCIT nevertheless certainly has moved to discussing a long list of issues over the week including a lot of new topics to possibly be put into the future treaty text, from eWaste (no agreement) and energy efficiency (no agreement) and accessibility for disabled persons (not agreed yet even for a resolution by the conference only) to landlocked countries (agreement on a resolution). In addition to that, the two major topics the conference tries hard to come to consensus, but has nearly not moved at all are security and the financial chapter of the ITR.

An additional „scope“ related debate is the change of the reference of the Comité Consultatif International Téléphonique et Télégraphique (CCITT), responsible for standards before the existence of the ITU-T. To replace CCITT with ITU-T in the text would be too narrow for those who want a rich ITR, to replace it with ITU would make it too broad for the ITR minimalists.

## Scope – What about Internet Governance and critical Internet Resources?

With regard to the anticipated discussion on Internet Governance - in the narrow sense of the management of names and numbers – there is not a lot to report so far. Hamadoun Touré made a big bow to the (old arch-rival) ICANN during the opening session, and ICANN President and CEO, Fadi Chehadi bowed back politely – two organizations out and about to demonstrate they are interested in nothing more than peaceful cooperation.

WCIT Chair Mohamed Al Ghanim in the opening press conference rejected claims that the Arab countries would try once more to install ITU as an IP address registry beside the RIRs. Work on Routing provisions also are not yet solved, and will not be solved by Monday.

With regard to the nitty-gritty negotiations on „numbering misuse“ the Italian Chair of the respective WG of Committee 5, Fabio Bigi, announced „agreement“, according to observers based on „ITU-defined resources only“ (which would for the time being not include names and numbers). Yet final decision has still to be made – and Egypt made a quick reservation during Com 5 to announce its intention to include „origin identification“ in addition to „calling line identification“.

Certainly the most far reaching proposal with regard to Internet Governance which got perhaps the most press coverage over the week was the Russian proposal. While toned down and politely acknowledging the multi-stakeholder model it re-opens the old discussion equal say on Internet governance (i.e. root zone oversight) issues, but also rights of governments to pass public policy not only on national, but also international aspects. The proposal has sparked a fierce debate during the Friday plenary, not the least because many delegations, including countries from Europe and Asia, said they felt the work on that proposal was intransparent. It is handled in an informal debate led by the WCIT-Chair. Once more there were a lot of complaints, that a week into the conference the Russian „Internet Chapter“ has not been really addressed. Al Ghanim promised to bring it to the plenary. During the discussion of the new UAE ITRs the Russian delegate said „The last century was the last Century. We are now on the verge of a completely different era. And we therefore have to express new features of that new era in our documents.“

## Charging and Accounting and Security

Another yet undecided issue is related to the chapter on charging and accounting. There still are extreme positions to drop the existing mechanisms as they only covers 2-10 percent of traffic today. A new adhoc group has combined from article 6 old text and new proposals under Canadian-Indian chairmanship.

Security again is rejected as an addition very much by the ITR minimalists (especially the US) out of the fear that it would open the door to government intervention to a much higher degree.

## Cyberattacks on the Conference

The reported cyber attacks on one of the ITU website which led to the disruption of one of the working groups Wednesday were taken by some, like the Chair of Com 5 Joshua Peprah or US head of delegation Kramer, as an important reminder about the importance of cybersecurity. Certainly while Peprah saw it as a hint that cybersecurity was important for the treaty, Kramer said it was a reminder about the necessity of cooperation between many partners.

Touré said that the ITU expected another attack on Saturday. And he also said during a second debate on referencing article 19 of the Universal Declaration of Human Rights (UDHR) in the treaty that the lack of agreement in this issue was a reason for this. A first proposal by Tunisia to have article 16 in the treaty failed in the first plenary, now Poland has proposed to have it in some very light form.

Civil Society which is courted by the ITU (with a meeting between civil society groups and Hamadoun Touré on Monday) published a declaration to call on the „potential hackers“ to not disrupt the medium needed for participation.

## Where is this going?

After the first week compromise looks very far away and failure of the conference seems a possibility. The US has asked to change to plenary work only to carve out the consensus. Given the differences, success at least will require some solid diplomatic work..