WCIT POSTMORTEM: THE LESSONS LEARNED

*Sally Wentworth speech Feb. 4, 2013-- at NANOG conference in Orlando, Florida*

Good afternoon everybody. It’s great to be here today, especially since there’s snow on the ground and the temperature has been in the low teens where I live in Ohio. Orlando seems awfully nice.

Last year, Steve Feldman described NANOG as a “a whole bunch of people who work together and spend a lot of time arguing about stuff.” That seems like a good jumping off point for my talk today, which is about the recent World Conference on International Telecommunications, or WCIT—another place where a whole bunch of people came together to argue about stuff. The stuff people were arguing about at WCIT was pretty different than what you might see on a NANOG mailing list, but it’s important to all of us, so please bear with me as I tell you what happened—and why you should care.

The main agenda item for WCIT, which took place in December in Dubai, was revising an international treaty governing telecommunications—things like the interconnection of telephony networks and roaming for mobile phones. These days, policymakers in many countries are increasingly apt to put the Internet in the same category as telephony and telecommunications. International treaty negotiation is Layer 9 stuff, but believe me, it has a lot of practical implications.

To jump into the details of what happened at WCIT without any context might create a narrative that’s not that interesting and hard to follow, so perhaps I should start with the conclusion, like someone jumping ahead to the end of a chapter in a book. And if you see how this chapter ends you might worry a little bit, because WCIT did not go well. I say this not as a citizen of one of the countries that chose not sign the revised treaty—more on the politics of all that in a few minutes—but as a representative of a global organization whose mission is to advocate for the things about the Internet that make it great.

I’ll add just one other point, which I hope will resonate with many in this audience. And that is that the things that happened in Dubai, though carried out as part of an intergovernmental process—all Layer 9 stuff, as I said before—these things could potentially have a lasting impact on the Internet’s infrastructure and operations, and on the content that’s so fundamental to its value. The Internet has flourished as a result of the collaborative efforts of engineers willing to set politics aside and put a borderless technology ahead of any national interest—people like those of you here today. If it wasn’t clear before WCIT, it should be clear now that it’s unrealistic, maybe even irresponsible, to assume that the Internet can remain untouched by politics.

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For those in the Internet community with their ears to the ground, WCIT had long been a concern. An early sign of what was brewing came in 2011, when China, Russia, Tajikistan and Uzbekistan approached the U.N. with a proposal for an International Code of Conduct for Information Security. The proposal included a line about “curbing the dissemination of information” that undermines other countries’ “political, economic and social stability,” and that wording set off alarms among the Internet’s many free speech advocates. The China-Russia proposal wasn’t the first indication that countries have differing perspectives about the Internet; those differences had been evident as far back as 2003, at the U.N. World Summit on the Information Society in Geneva. Here we were eight or nine years later, facing similar issues of Internet regulation.

At the Internet Society, we felt a responsibility to weigh in on the debate. We had a pretty high profile in the 18 months leading up to WCIT, and used media, one-on-one meetings and public appearances to encourage policymakers to pay attention to what was happening. We did our advocacy wherever we thought it would make a difference, from the scientific centers in Europe where the Web had been invented to developing nations that are at the heart of the Internet’s future growth. And of course, we brought our concerns to Washington. Last May, we testified before a House Committee on Capitol Hill about the risks the Internet was facing from WCIT.

All of this activity gave us a chance to reinforce the things that are enduringly great about the Internet. Many of our chapters (the Internet Society has 90 around the world) got involved in informing local communities and policymakers about the importance of the multi-stakeholder process. This is the idea that the Internet’s future path should be based on the input of individual citizens, industry, civil society and policymakers. That’s how the Internet has always grown, as opposed to its course being determined primarily or entirely by policymakers.

Two-thousand-and-twelve (2012) was also the year of SOPA and ACTA, two other Internet regulatory efforts that faced tremendous public opposition. WCIT followed these, and was another threat that needed our attention.

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WCIT came at an incredibly important moment in the Internet’s evolution. I’m not talking about the political gaps that became increasingly evident at the conference-- East vs. West, new vs. old, one system of political philosophy versus another. To some extent, all of that was noise. A far more substantive change is the rate at which Internet use is starting to grow in the developing world. There are 4.5 billion people who don’t yet have Internet access, versus the 2 billion who do. As people in places like Lesotho, Uruguay and India come online, the Internet will be transformed in ways that are hard to imagine but that will keep on making it richer—provided these new users have the chance.

The Internet already accounts for more than $2.3 trillion of GDP in the world’s 20 biggest economies. If it were its own economy, the Internet would be the fifth biggest in the world,
behind only the U.S., China, Japan and India. And that growth is dwarfed by what will happen in some less-mature economies, where many people are just getting online for the first time. In Russia, the dollar volume of online retail will rise by a factor of more than 3 between 2010 and 2016, BCG predicts. Online retail will quintuple in Indonesia, Mexico and Saudi Arabia. It will rise by a factor of almost 6 in China, and by a factor of 11 in India. A lot of this growth will come from new users.

WCIT, which started on December 3, was the venue chosen by the International Telecommunications Union for updating its international telecommunications regulations, or ITRs. Since 1988, the ITRs had governed international phone calls and set guidelines for relationships between international carriers.

Traditional telecommunications in 1988 was largely dominated by state-owned operators, and there was some logic to a treaty that spelled out the responsibilities and rights of each country, down to who paid for what, and what was permissible. But extending a telecom treaty to the Internet is a little bit like putting a steel base around the roots of a tree and then telling the tree to go ahead and flourish. It isn’t the environment that’s needed.

I mentioned before that Internet development is a multi-stakeholder process. Many of you here know this firsthand and have been part of it, contributing to technical work that has taken place in various open forums like this one.

By contrast, treaty-making is a closed-door activity. Few outsiders or regular citizens have a chance to influence it; none has a vote. Instead, treaties are negotiated between nations, and advance through committees, with disputes being handed off to other committees with different areas of authority. Sometimes like-minded countries insert new text into a treaty, and that’s the first time that other countries get wind of a proposed change.
This is what happened during the very tense 2-weeks at the WCIT in Dubai. Many of us, already wary about the nature of proposals we’d seen prior the conference, were faced with a host of last-minute proposals for either treaty-text or Resolutions that removed any hope that countries might tread lightly when it came to the Internet, or leave the Internet out of the amended ITRs altogether.

Though a strong coalition of countries from around the world made it clear that they would not accept such a sweeping revision of the treaty, a new Resolution related to the Internet was finally adopted over the objections of countries like Sweden, Canada, the US and the UK. This Resolution proposed a much more prominent role for governments and the ITU on Internet matters, with only a passing reference to the value and promise of multi-stakeholder policy development. From our perspective, the resolution shifted the emphasis from community and consensus to centralization through government action. Then, as the conference was nearing an end, something else happened to highlight the rifts between delegations: countries became entangled in a highly political debate over human rights that resulted in a contentious vote.
When the conference ended on December 14, 89 countries signed the revised treaty, including China and Russia, the Commonwealth of Independent States, most of Africa and virtually all of the Arab League. Fifty five countries decided not to sign the amended treaty, including the U.S., most of Europe, the Philippines, Japan, Kenya, Chile, India and Costa Rica. It’s important to note that some of the 55 countries that voted “no” may, in the end, decide to sign the Final Acts.

On the screen is a list of how different countries voted:

Signatories of the Final Acts: 89 (in green)

So, WCIT was over. The various delegations returned to their home countries to figure out what had just happened, what it meant, and what to do next.

That brings us to the present—and to the postmortem we’re doing today.

For those of us who spent months preparing for WCIT and were in Dubai, it’s important to look at the bigger picture. At face value, the treaty text does not “break” the Internet. Indeed, most of the worst proposals about routing and IP addressing and mandatory standards do not appear in the Final Acts. The new treaty does provide for greater transparency regarding mobile roaming rates and recognizes the fact that interconnection and traffic routes should be determined by private operators. However, these are comparatively small steps forward. Looming bigger are concerns that the scope of the treaty—language on security or spam, for instance—will ultimately place restrictions or limitations on the Internet. And questions remain about which companies or operators will ultimately be covered by the text.

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What happens next? The new treaty doesn’t go into effect until January 2015—compliance with new regulations takes a while. So all countries—those that have signed the treaty and those that haven’t—have a couple of years to figure out exactly what changes they are going to make.

Unfortunately, the desire by some to give the ITU an operational role in the Internet has not abated so it is important to pay attention to the upcoming calendar of International policy meetings. It’s still possible that governments are going to seek to give the ITU operational governance of things like IP addressing or standards or domain names or interconnection agreements. Among the countries that attended WCIT, there are some that clearly think, “Hey, what crosses our border should be nationally managed and regulated.” Of course, the Internet has never worked that way. With the Internet, a person using Skype or downloading music or paying bills online or sending an email doesn’t know the path the data is taking to get between two points.

Nor do they have to. Any part of the network that draws attention to itself, or creates friction in the movement of Internet traffic, raises costs and interferes with the experience.

In some ways, the debate at the WCIT helped to clarify the risk: That the global Internet may give way to a set of national internets with their own rules and gatekeepers, and with higher costs for all. If that happens, the platform will become more fragmented and fewer people will use it. I’m not even sure it would be the Internet anymore.

From the point of view of a timeline, the next major event is the ITU’s Plenipotentiary Conference in Busan, South Korea in October 2014. This will be when the ITU will firm up the policies it outlined in the acrimonious last days of Dubai. But those of us trying to defend the
idea of an open, decentralized, global medium can’t sit on our hands and wait for Busan. There will be an important number of touch points between now and then, including the ITU World Telecommunication Policy Forum this coming May on Internet policy issues, and the ITU World Telecommunications Development Conference in March of 2014. More important, perhaps, are the efforts we can all make, including in communities like NANOG, to reach out and work with governments. Where we have opportunities to be involved, we need to take those opportunities because the alternative is a Dubai-like environment.

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On the plus side, WCIT provided a great deal of insight into developing country priorities with respect to the Internet. Make no mistake, many of these countries want to become part of the information economy. At the same time, they have important questions and, in many cases, legitimate concerns. They have concerns about the high cost of connectivity. They have concerns about privacy and consumer protection. They have a hunger for education in the areas of IP addressing and numbering—no country wants to be victimized by number misuse or fraud. These countries have a desire to make smart infrastructure investments; to get answers to weighty questions surrounding censorship and human rights; and to have their experts represented in technical standards processes.

Finally, these countries do appreciate the fact that the Internet is different from the telephone system—though the push to bend the ITRs to accommodate the Internet suggests they don’t understand the differences in detail. From our perspective at the Internet Society, that is what is darkening the skies, post-WCIT.

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As we think about how we might influence what happens from here, it’s important to start with a realistic picture of what’s possible. We’re not going to solve the tectonic rifts that in some cases exist between governments—those are real, they are often geopolitical, they probably are not going away. But what we can do is work with some of the countries in the middle.

These countries have hard questions about how to take the core elements of the Internet model – bottom-up, consensus-based decision making and apply that approach to hard issues like combating malware and spam and botnets or bringing down connectivity costs. On the screen you can see a list of issues that many countries newer to the Internet brought up at WCIT, in one way or another.
The concern is that there is a vision of the Internet, one we heard at WCIT, that would subject these areas to greater government oversight. Most of the things on this list (the first four or five of them, anyway) could be viewed as the nuts and bolts of the Internet; they have traditionally been handled by engineers.

The risk, and in some cases the current reality, is that countries will look *only* to the ITU for guidance on these technical issues. The network operating community—including organizations like the IETF, many of the organizations you work for, and many of you individually—have the credibility, knowledge and, I think, motivation to offer these policymakers another way of thinking about these problems. It’s critical that we do this.

Indeed, these dialogues are already starting to happen. Last year, ISOC arranged for policymakers from a number of countries including Senegal, the Ivory Coast, Guatemala, Papua New Guinea, Thailand, Paraguay, and Lesotho to come to IETF meetings that were taking place around the world.
The policymakers in these countries face unique challenges. Their countries may have a single dominant telecommunications provider—an incumbent that owns much of the country’s communications infrastructure, employs tens of thousands of people, and represents a significant source of revenue for the country. Whether or not these incumbent telecom providers are protected by legislation—and they often are—they have an enormous amount of power. In theory, they might like the added revenues that would come from building up the Internet part of their businesses, but they aren’t in a rush to do so if it means increasing the competition they face.

This puts the policymakers in a tough position. They often have to persuade the incumbent telecom company to open the door to new entrants and new services. In Kenya, for example, the government had to take a very tough stand vis-à-vis the national telecom operator in order to launch the local Internet Exchange Points. We know now that this act of courage was critical – the KIXP has transformed the Internet ecosystem in Kenya and the spillover effects of more investment, local content and higher quality of service are quantifiable.
By coming to multistakeholder events like the IETF or the Internet Governance Forum or the African Peering Forum and engaging with the Internet community, these policymakers have started to become more fluent in matters like how Internet traffic is routed, how the domain name system works, or the economics of setting up Internet Exchange Points. They are starting to use the Internet technical community—the source of deep expertise and great problem-solving skills—as go-to sources of information.

We have been pleasantly surprised at the receptivity of policymakers to attend IETF meetings and similar events. We expect 10 or more developing country policymakers to attend the upcoming IETF meeting this March in Orlando and others are set to join us at IETF Berlin and Vancouver.

I hope some of you will be in a position to participate in the give-and-take with countries newer to the Internet—it’s a fascinating experience for those on both sides of the conversation. The bottom line is: figure out where you can provide information and play a role. And then go ahead and do it. Remember, we are not home free by any means. If we don’t step forward, there is still a risk that many countries will turn to sources of information that don’t support the Internet’s multi-stakeholder model and will make critical decisions on the basis of that information.

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So far, the Internet has been impervious to just about everything—regulatory threats like WCIT and those that preceded it, a meltdown that nearly toppled the world’s financial systems. Through it all, the Internet has just kept growing and evolving. And the expectations are for more growth. Between 2005 and 2015, the Boston Consulting Group expects global Internet traffic to grow by a factor of more than 30. Forecasts show that 3 billion people will be online by 2016. That’s 500 million more people than are online today.

It’s exciting to think about the new energy, the new ideas, and the increased richness the Internet will have as a result of these new users, many of whom will be in developing countries. But these benefits will only accrue if the Internet retains the qualities it has today, including the qualities of global reach, easy access, collaboration, and innovation not requiring approval from any authority.

My personal hope is that we will one day look back on WCIT as a troubling chapter in a longer story that ultimately came out well—as opposed to signaling a sustained negative turning point in the narrative of the Internet. However, this is not a case where we can flip forward to see how the story ends. The story is ongoing – it did not actually begin at WCIT and it certainly doesn’t end there – and we all have an obligation to shape where the story goes next. This collective good is dependent on the contributions, ideas and efforts of people and countries everywhere, including you. In short, the stuff worth arguing about is happening in some new places.

Thanks for listening and have a great conference.