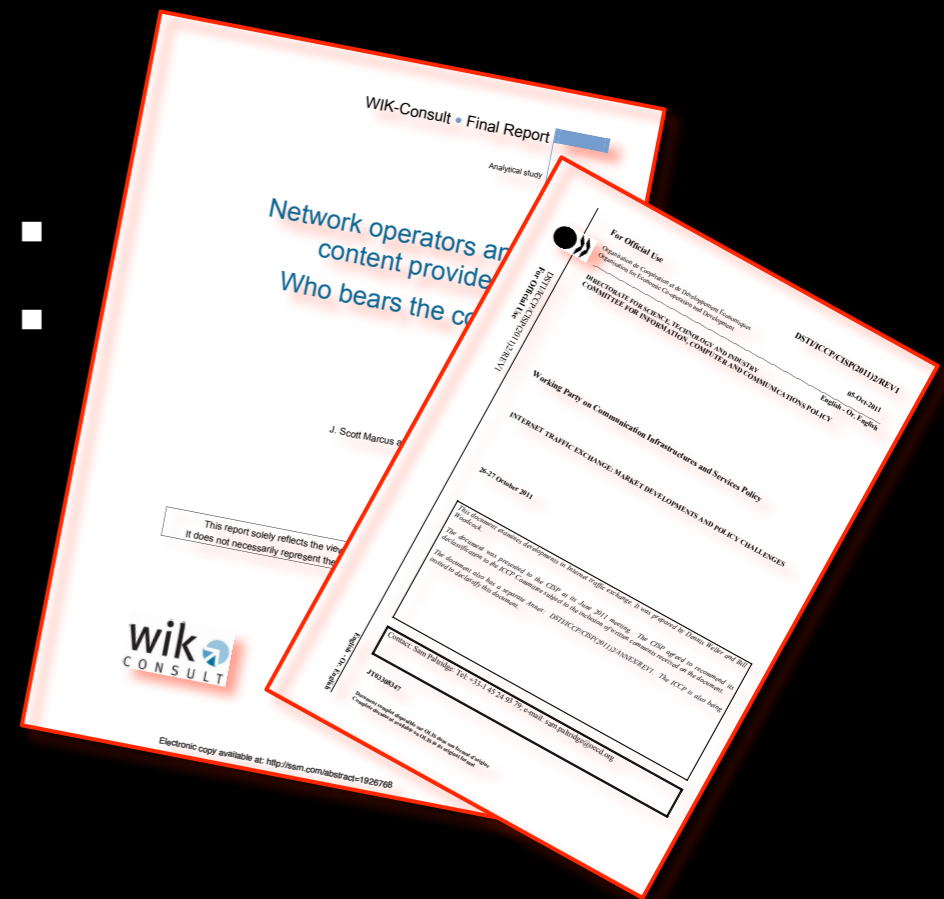




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QUESTION:



DOES THE AUDIENCE WANT MORE GOVERNMENT AND REGULATORY INVOLVEMENT IN PEERING AND INTERCONNECTION WORLD?

Intro question by Martin Levy

A View of Top-Down Internet Governance

Jesse Sowell
MIT ESD PhD Candidate



Explorations in Cyber
International Relations

Massachusetts Institute of Technology Harvard University



A View of Top-Down Internet Governance

My primary research focuses on understanding how the bottom-up communities (that's you) act as a form of "governance." **This talk** gives an idea of how some of the top-down institutions think about governance.

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Overview

- Take-away
- Definitions of (Internet) Governance
 - WGIG
 - Academic/Operational
- Evolution of “governance” issue areas
- ITU and global regulation
 - Historical telecomm treaty facilitator
 - Aspiring global regulator
- Discuss!

Overview

- Take-away
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No really, please do come up with questions at the end.

Take-away first

- ITU is renegotiating ITRs
 - Under current ITR, Internet is exempt (Art. 9)
- Proposals include
 - IPv6 Internet Registry independent of RIRs
 - Regulation of peering arrangements
- **“Legitimacy” based on WSIS-IGF but bottom-up community addresses many of the same substantive issues**
- How should the community:
 - Convey these positive outcomes to regulators?
 - Construct mechanisms for engaging with top-down governance organizations?

Take-away first

- ITU is renegotiating ITRs
 - Under current ITR, Internet is exempt (Art. 9)
 - Proposals include
 - IPv6 Internet Registry independent of RIRs
 - Regulation of
 - **“Legitimacy bottom-up the same success”**
 - How should the
 - Convey these positive outcomes to regulators?
 - Construct mechanisms for engaging with top-down governance organizations?
- The “g” word. I am going to try to convince you that it isn't all that **out** evil and that you may be **many of** doing some of it already...

Internet Governance

Internet governance is the development and application by Governments, the private sector and civil society, in their **respective roles**, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

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as per the WGIG

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Governments retain a privileged role (that capital "G" isn't a typo)

Internet Governance

Doesn't really mention who is doing development and application, lots of contention here on how

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Standard definition of a regime, but who creates these? What contributes to legitimacy and authority? We will see lots of contenders...

<http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>, Art. 34

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How? What mechanisms are effective? What evidence do we have they are effective?

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This is a broad definition that tells us *what*, but not *how*.

<http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>, Art. 34

Governance (How)

governance is the means by which a community effects its image of order

O. E. Williamson, *The Mechanisms of Governance*. New York, NY: Oxford University Press, 1996.

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What is it that the community has found reifies its goals? What does the community value? Given context, why are these effective?

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Governance (How)

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governance is the **means by which a community** effects its **image of order**

What is it that the community has found reifies its goals? What does the community value? Given this context, why are these effective?

Should read **images** of order, there are lots of communities, each of which operates more or less differently

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Governance (Unpacking means)

governance is the means by which *order* is accomplished in a relation in which potential *conflict* threatens to undo or upset opportunities to realize *mutual gains*

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Governance (Mechanisms)

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This is one way to describe (very abstractly) what the operator communities do. It is informal, but there are well-known norms

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As we walk through the ways UN bodies have framed governance, please consider how compare. Re conflict, there's also a nice conversation about dispute resolution in our future...

J. E. Williamson, *The Mechanisms of Governance*. New York, NY: Oxford University Press, 1996.

Brief WSIS-IGF Timeline

- Millennium Development Goals
- WSIS Geneva
 - Principles
- WGIG
 - Map principles to implementation options
- WSIS Tunis
 - Ratify elements of WGIG Report
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- ITU's aspirations, based on WSIS-IGF "consensus"

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- This is where we got the "fun" top-down definition
- Forthcoming treaty renegotiation based on underlying principles

WSIS Principles Origins

- Millennium Development Goals (2000)
 - Peace, security, disarmament
 - Development and poverty eradication
 - Protecting our common environment
 - Human rights, democracy and good governance
 - Protecting the vulnerable
 - Meeting the special needs of Africa
 - Strengthening the United Nations

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 - ICT infrastructure -> e-government -> more efficient and efficacious governance
 - ICT infrastructure -> greater mechanisms for expression -> democracy
 - Protecting the vulnerable
 - **Meeting the special needs of Africa**
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 - **Strengthening the United Nations**
 - ITU gets more authority -> ITU remains relevant

<http://www.un.org/millennium/declaration/ares552e.pdf>,

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WSIS Principles (2003)

- Multi-stakeholder
- Development of ICT foundation
- Access to information and knowledge
- Capacity building
- Building confidence and security in the use of ICTs
- Enabling environment (for e-government, economy)
- ICT enabling empowerment
- Cultural diversity and local content
- Media
- Ethical dimensions
- International and regional cooperation

The community is already doing some of this. How can these efforts be conveyed to actors attempting to develop new processes?

Drawn from:

D. MacLean, ed., *Internet Governance: A Grand Collaboration*. New York, NY: The United Nations Information and Communications Technologies Task Force, 2004. and <http://www.itu.int/wsis/docs/geneva/official/dop.html>

WGIG Issue Areas

- Administration of DNS (root zone and servers)
- IP addressing (IPv6 deployment!)
- Interconnection costs
- Internet stability, security, and cybercrime
- Spam
- Freedom of expression
- Meaningful participation in global policy development
- Data protection and privacy rights
- Consumer rights
- Multilingualism

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“institutional responsibilities...to guarantee continuity of a stable and secure functioning of the root server system of the DNS”

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equitable access to address resources, back to this later”

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studies by international agencies, development of regional and local access points, financing IXPs, building on current international agreements

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opportunity for all, especially developing countries, to participate

- Data protection and privacy rights

- Consumer rights

- Multilingualism

WSIS Tunis Agenda

- Refined “respective roles”
 - “Policy authority...is the sovereign right of States.”
 - “Private sector...important role in development..in the technical and economic fields”
 - Civil society as important role in community
 - IGOs have a role as:
 - facilitators and coordinators of Internet-related public policy issues
 - role in the development of technical standards and relevant policies
- Development
 - National, sub-regional, and regional IXPs
 - Encouraging fair and balanced interconnectivity costs
- Created the Internet Governance Forum...

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IGF as Mandated

- Governance characteristics
 - Lightweight, decentralized structure
 - Transparent, democratic, and multilateral
- Mandate
 - Discuss policy issues
 - Foster discourse
 - Interface between institutions
 - Exchange of information and best practices
 - Advise stakeholders on Internet development
 - Identify emerging issues
 - Contribute to capacity building
 - Promote and assess WSIS principles

<http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>, Art. 72.

IGF as Mandated

- Governance characteristics
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Recently, there has been a push for more than just a discussion forum, (re)enter the ITU

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ITU

- Originally International Telegraph Union
 - Created 1865, oldest IGO
 - Primary telecomm standards and coordination body until early 1990's
- Organization
 - ITU-R: allocates radio spectrum and satellite orbits
 - ITU-T: technical standards and telecomm interconnection
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At the moment the ITU does not have regulatory power but that may change


<http://www.itu.int/net/about/>

ITRs in a Nutshell

- ITR is a treaty, signed by ITU *member states*
- Baseline definitions
 - international telecommunication
 - international route
- Operational issues
 - safety of life and priority of telecommunications
 - calculation of charges and accounting
 - binding of ITU-T recommendations
- **Currently Article 9 special arrangements exempts Internet communication**


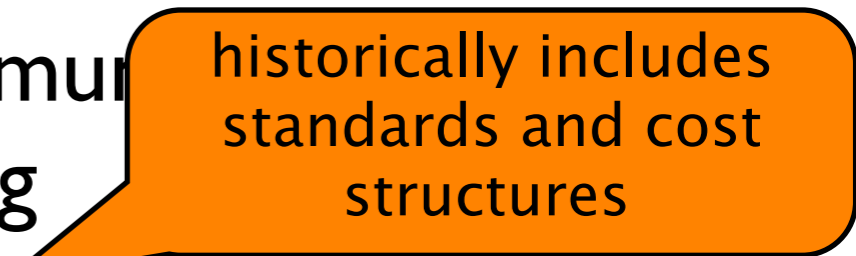
<http://www.itu.int/oth/T3F01000001>, Art. 2, 5, 6, 9, App. I, Res. No. 3, Rec. No. 3.

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A Dig at Bottom-up

- “The most powerful actors are able to exercise a significant degree of policy and regulatory control **‘from the bottom up’** by pursuing national and regional interests across a **wide range of forums**, while the most powerful private actors are able to exercise an equally significant degree of market control by **coordinating their activities through private forums**, or through the exercise of raw market power. But what is often missing are **opportunities for the less powerful to be engaged in discussion of global governance issues, to participate in decision-making processes, to understand the consequences** of these decisions, and to adapt their policies, regulations, and practices accordingly.”

ITU Perspective

- Quotes from ITU Secretary General Hamadoun Touré
 - “[w]e need updated ITRs because without them we risk the collapse of the ICT networks which underpin all communications technologies, including the internet.”
 - thinking of recent regulatory failures in finance and banking, Touré is looking for “a framework that will avoid any catastrophe”

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Enter new proposals for the ITRs, coming in
December 2012!

ITR Proposals

- Mandated application of ITU-T recommendations
- Countermeasures against spam and malware
- Dispute settlement
- Interconnection
 - Peering arrangements
 - Impact of costs of international traffic
- Misuse of numbering, naming, addressing and subscriber identification
- Cybersecurity (signaling, traffic, and billing info)
- “Appropriate” use of billing models
- “New technologies” regulation
- Address allocation/distribution

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- Comments or request for presentation references:
jsowell@mit.edu