



A primer for ccTLDs on Internet governance and the ITU

Introduction

In the history of Internet governance discussions, 2014 will be remembered as a big year. Part of those discussions includes debate over the role of the International Telecommunications Union (ITU) in Internet governance. ITU's role is not only being debated within ITU's membership, but also at other venues, such as the United Nations Commission on Science and Technology for Development (CSTD) [Working Group on Enhanced Cooperation](#) (WGEC). Currently, the ITU has a fairly limited mandate in the Internet sphere, but decisions taken at the ITU's Plenipotentiary (PP-14) meeting at the end of 2014, as well as recommendations by the CSTD WGEC and the final United Nations (UN)-wide review of the tenth anniversary World Summit of the Information Society (WSIS+10) in 2015, may result in an expanded mandate for the ITU.

The ITU has been discussing matters related to the Internet for well over a decade.¹ However, it was not until the [World Conference on International Telecommunications](#) (WCIT) in 2012 that the attention of many in the wider Internet community and the public at large² became aware of the breadth of the ITU's interest in Internet-related activities. ITU meetings and Study Groups have long been discussing issues of interest to the country code top-level domain (ccTLD) community, such as ccTLD redelegation and domain name internationalization.³ This paper aims to assist ccTLD managers in deciding whether and how to engage in Internet-related discussions with the ITU community by giving an overview of how the ITU functions and the ITU's activities in the Internet sphere.

Contextualizing ITU's discussions on Internet issues

Although there was a lot of consternation at the time of WCIT, and in its wake, about the potential for ITU to "control" the Internet, in reality, WCIT, like the decade of Internet-related discussions at the ITU before it, has not resulted in any definitive decisions about the ITU's, or its Member States', roles in Internet governance. Instead, due to the breadth of opinions held by ITU Member States on Internet issues and the preference to have consensus-based resolutions, the Internet governance debate will continue in ITU discussions for some time to come.

¹ For example, ITU discussions about the appropriate form of regulation for the Internet began as early as 1998. See L. Männistö, 1999, [Regulating the Internet](#), CTO Event M128, Cyprus 18 November

² Reports of WCIT discussions appeared in a large variety of mainstream media. For example, L. Downes, 2012, [Requiem for Failed UN Telecom Treaty: No One Mourns the WCIT](#), Forbes.com, 17 December.

³ ITU has been discussing redelegation issues as far back as 2003 (see [Workshop on Member States' Experiences with ccTLDs](#)) and published a draft report, [Policy, Business, Technical and Operational Considerations for the Management of a country code Top Level Domain \(ccTLD\)](#), in 2008. Interest in IDNs began even earlier, with ITU publishing a briefing paper for its membership, [Multilingual Domain Names: Technology and Policy Aspects](#), as long ago as 2001.

In 2014, Internet governance features at two main ITU events: the [World Telecommunications Development Conference](#) (WTDC-14) in April and the [Plenipotentiary Conference 2014](#) (PP-14) in late October and early November. Like the WCIT in 2012, PP-14 will have the ability to make changes to the ITU's binding instruments. While WCIT updated the International Telecommunication Regulations (ITRs), PP-14 has the ability to update the ITU's international treaty binding Constitution and Convention documents.

The WTDC in April, on the other hand, produced resolutions that are non-binding on both ITU's Member States and Sector Members. While ITU resolutions may be non-binding, their value lies in normalizing particular ideas and goals, which can then be used to support more long-term changes in ITU's ITRs or the articles of its Constitution and Convention documents. For example, see Figure 1, which illustrates how a single Internet-related resolution from Plenipotentiary 2010 — which includes a reference to helping Member States with ccTLD issues — drew on previous ITU resolutions and in turn has been used to inform and shape subsequent ITU resolutions and documents.

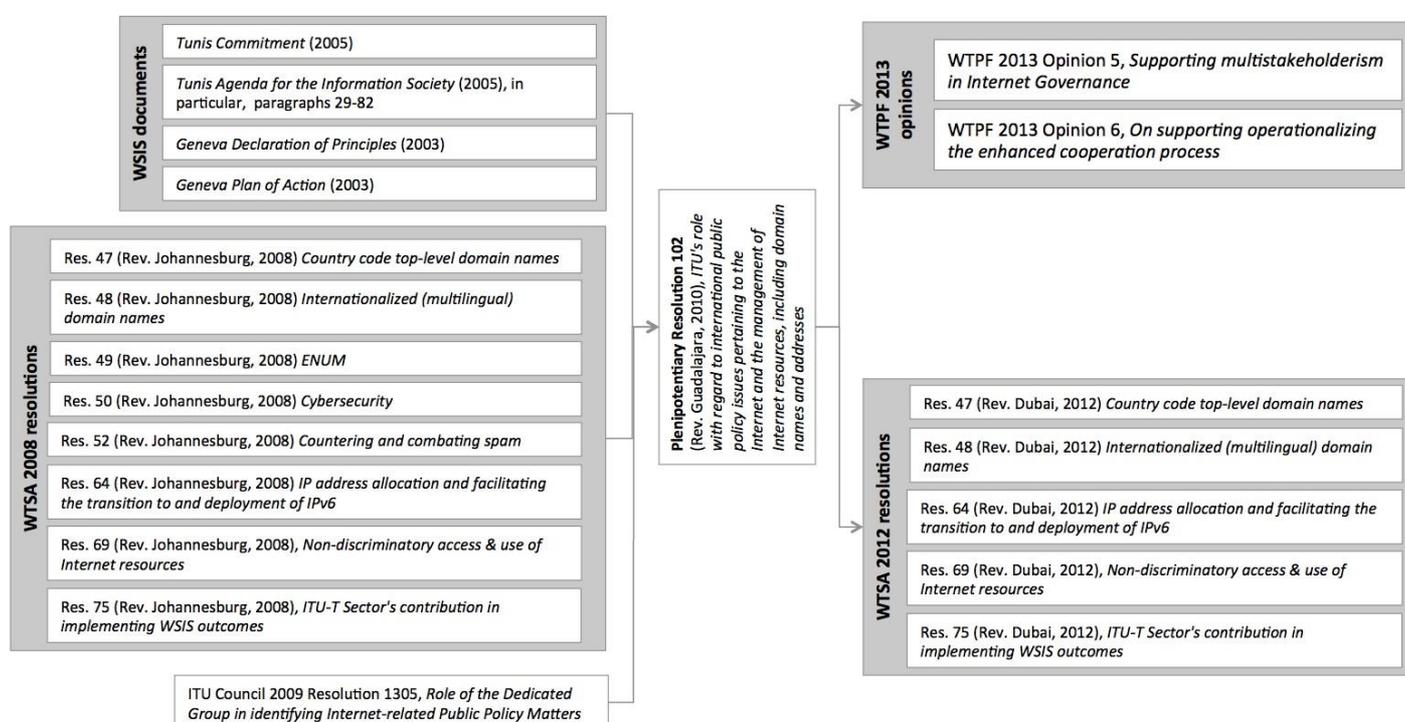


Figure 1: Illustration of how a single resolution, from Plenipotentiary 2010, built on a large number of previous resolutions, and in turn supports subsequent ITU resolutions and opinions.

Another significant event in the ITU calendar is the UN-wide [WSIS+10 High Level Event](#) to be hosted by ITU, 10-13 June 2014.

In parallel to these ITU activities, there are two other—multistakeholder—activities this year: the [1net](#) initiative and the [Panel on Global Internet Cooperation and Governance Mechanisms](#). 1net and the Panel both aim to support and improve the current multistakeholder model of Internet governance.⁴ NETmundial, held in April 2014, saw a subtle shift away from the multilateral model embodied by the UN toward the multistakeholder model embodied by the organizations that develop Internet technical policy and standards. At that meeting, many governments expressed support for multistakeholderism, while others remained steadfast and pointed supporters of multilateralism.

⁴ 1net is an open process, but currently does not have any active participants from government. In contrast, the High Level Panel is chaired by Estonia's President, Toomas Hendrik.

Why ITU's activities are relevant to ccTLD managers

Although the majority of discussions at ITU may seem to be unrelated to the ccTLD sphere of interest, when looked at more holistically, the debates about controlling spam, allocating Internet Protocol (IP) addresses and bridging the digital divide all have a common issue at their core: the appropriate model of international governance for Internet technical matters and policy issues arising from such technologies.

Some ITU Member States argue that the multistakeholder model that has seen the Internet's technologies and technical resources develop over the past couple of decades should remain in place. In contrast, some Member States believe that multilateralism is the best way forward for Internet governance. These Member States believe that the governance of Internet technical matters is part of an ongoing evolution of the ITU's role from its original management of international telegraphic issues to telecommunications and, now, the Internet. Nor are ITU discussions about Internet governance limited to international coordination; in its November 2013 meeting, the [Council Working Group on International Internet-related Public Policy Issues](#) (CWG-Internet) decided to establish a repository of national Internet governance best practices submitted by its Member States.

Given the interaction between national and international Internet governance discussions in the ITU sphere, it would benefit members of the ccTLD community to pay attention to discussions in the ITU space and engage where issues of interest to ccTLDs — and the wider Internet governance ecosystem ccTLDs operate in — arise. One way to participate in this space is to engage with relevant government ministries that participate in ITU activities. This has dual benefits:

1. ccTLD operators can gain insights into government perspectives and receive regular updates on Internet-related discussions at the ITU.
2. ccTLD operators can provide input and support for governments preparing their Internet-related positions for upcoming ITU meetings.

Officials in government ministries who participate in ITU meetings often only have a cursory knowledge of how ICANN and the multistakeholder model function. Given the increasing international attention given to ICANN and other multistakeholder Internet governance processes, Member State representatives to the ITU may welcome an opportunity to discuss these issues with someone from their own country.

Overview of ITU

The ITU is a United Nations specialized agency. Its primary purpose, according to the Basic Provisions of the [ITU Constitution](#) is to “maintain and extend international cooperation among all its Member States for the improvement and rational use of telecommunications of all kinds.”

The ITU allocates global radio spectrum and satellite orbits, facilitates the worldwide standardization of telecommunications, and assists in the delivery of telecommunications technical assistance to the developing countries. As with all UN agencies, the ITU recognizes the sovereign rights of nations to control activities within their own borders and instead has a mandate to work with the trans-border, or international, dimensions of telecommunications.

Although the ITU is primarily an intergovernmental organization, it also allows the private sector and academic institutions to become members. The private sector and academic institutions can participate in ITU's study groups and meetings such as the World Telecommunications/ICT Policy Forum. All binding decisions at the ITU, however, are made solely by Member States via the ITU Council or its conferences (such as the upcoming PP-14).

ITU and Internet governance discussions

Internet-related discussions have taken place, or are taking place, in a number of ITU venues:

- 1. Council Working Group on International Internet-related Public Policy Issues (CWG-Internet):**
[CWG-Internet](#) meetings are open to Member State delegations only. However, a number of Member States are now including non-government participants on their delegations.
- 2. World Telecommunication/ICT Policy Forum (WTPF):**
The last two WTPFs have drafted Opinions on Internet issues. The last [WTPF](#), in 2013, was dedicated entirely to Internet issues.
- 3. World Telecommunications Standardization Assemblies (WTSA):**
The last [WTSA](#), in 2012, adopted a [standard on deep packet inspection](#) developed by Study Group 13.
- 4. World Telecommunication Development Conferences (WTDC):**
The WTDC is held every four years to develop the four-year activity plan for the International Telecommunication Development Sector (ITU-D).⁵ WTDC outcomes are non-binding; however, like all ITU events, its resolutions can be used as input to discussions at future ITU conferences – in particular, the Plenipotentiary conference, which has the power to adjust the ITU Constitution and Convention. The latest WTDC, held in April 2014, resulted in resolutions that, for the first time, refer to “Internet governance” and included Internet governance as a topic for capacity building initiatives.
- 5. Plenipotentiary Conferences (PP) (see “Upcoming ITU meetings” below)**

Upcoming ITU meetings

Tenth anniversary review of the World Summit on the Information Society (WSIS+10)

At the end of the 20th century, it was recognized that advances in telecommunications and information technologies were increasingly linked with issues of economic, social and cultural development. The WSIS process emerged from a [1998 ITU Plenipotentiary resolution](#), which was [endorsed](#) by the UN General Assembly in 2001 as a UN-wide two-phase summit to be held in 2003 and 2005. The stated aims of the WSIS process were to develop an understanding of what the information society should be, create a strategic plan of action and suitable roles for all partners to ensure the information society was established in all Member States.

Although the word “Internet” did not appear in either the ITU or UN General Assembly resolutions that created the WSIS process, Internet-related issues quickly became the hot topic of WSIS discussions. To break the impasse on Internet issues, a Working Group on Internet Governance (WGIG) was convened by the UN Secretary General. The report of the WGIG formed the major input into the discussions on Internet issues at WSIS Phase II, in Tunis, 2005, and led to the creation of the Internet Governance Forum (IGF) via the WSIS outcome document, [Tunis Agenda for the Information Society](#).

Since the WSIS Phase II ended, the ITU has hosted an annual WSIS-related event (since 2009, this has been called the WSIS Forum) to further the implementation of the [Geneva Plan of Action](#).⁶ To mark the tenth anniversary of the WSIS process, a series of reviews and events have been taking place. UNESCO hosted the [first review](#) in February 2013, with the ITU to host the [WSIS+10 High Level Event](#) in June 2014. The [multistakeholder preparatory](#)

⁵ ITU-D’s four-year plan includes cybersecurity, capacity building and network development among its [activities](#).

⁶ The Commission for Science and Technology for Development (CSTD), however, has been designated the focal point overseeing the UN-wide follow-up of the Geneva and Tunis outcomes of the Summit. UN General Assembly [Resolution 60/252](#) tasked the Economic and Social Council (ECOSOC) with the task of coordinating the overall follow-up. ECOSOC [Resolution 2006/46](#) subsequently decided to have its sub-agency, CSTD, as the focal point for this activity.

[process](#) for the High Level Event is currently finalizing the text for the two outcome documents to be signed at the end of year event:

- Draft WSIS+10 Statement on the Implementation of WSIS Outcomes
- Draft WSIS+10 Vision for WSIS Beyond 2015 under mandates of participating agencies

The WSIS+10 process will culminate in a [UN-wide review](#) in 2015 and may lead to either a renewed commitment to the outputs of the original WSIS process or a new vision of the information society, including Internet governance, for the next decade or longer.

Many of the elements of the plan of action from the first WSIS process remain unimplemented. Partially, this is due to the fact that the goals of WSIS were not legally binding on Member States. Additionally, this was because the first WSIS process was almost entirely an intergovernmental affair, with very little input from other stakeholders. As a result, some of the aspirations expressed in the WSIS documents did not reflect the real world difficulties in achieving such goals.⁷ There has been recognition since the first WSIS process of the need to involve the expertise of other stakeholders. For example, the ITU-hosted WSIS Forums have become multistakeholder in composition.

Heads of state and government ministers attended the first WSIS process and many are expected to attend the WSIS High Level Event in of 2014 as well as the final review event in 2015. The original WSIS goals and ideas being developed via the current review process are important not only in shaping the future international context of Internet governance, but also in shaping the thinking of national governments.

ITU Plenipotentiary Conference 2014 (PP-14)

Every four years, Member States set ITU's organizational priorities and activities for the upcoming four years. Internet governance was a particularly difficult topic at the last Plenipotentiary in 2010, and with the anniversary of WSIS+10 approaching, the upcoming Plenipotentiary will be a key event in framing the next 10 years of Internet governance discussions and goals. In particular, PP-14 will revise the following Internet-related resolutions:

- [Resolution 101: Internet Protocol-based networks](#)
- [Resolution 102: ITU's role with regard to international public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses](#)
- [Resolution 133: Role of administrations of Member States in the management of internationalized \(multilingual\) domain names](#)
- [Resolution 178: ITU role in organizing the work on technical aspects of telecommunication networks to support the Internet](#)
- [Resolution 180: Facilitating the transition from IPv4 to IPv6](#)

Regional preparatory meetings are held in the year or two leading up to the Plenipotentiary with the aim of developing regionally supported proposals. Member States are also free to submit individual proposals that have not reached consensus at regional preparatory events. Although there are theoretically deadlines to submit proposals to make changes to ITU's Constitution and Convention (eight months before PP-14) and other non-binding resolutions (four months before PP-14), in practice, proposals will continue to be made and modified up to and including during the meeting itself. Many in the Internet community expect that proposals will be tabled prior to, or even at, PP-14 to explicitly expand the mandate of the ITU into Internet-related areas. For more information on PP-14, see the Internet Society's [2014 ITU Plenipotentiary background paper](#)

⁷ For example, it has been difficult to find sources willing to contribute the funds needed to help developing countries achieve WSIS goals.

Why ccTLD operators should contribute to ITU discussions

The current multistakeholder model of Internet governance has evolved substantially over the last 10 to 15 years. Many attribute the rapid development of new IP-based technologies and applications — as well as the rapid proliferation and success of the Internet itself — to the speed with which the multistakeholder model enables the Internet community to understand, address and move forward on Internet issues as they arise.

During the same time period, in the intergovernmental space, ITU's Secretariat and Member States have also been engaging in a vast array of Internet-related issues. While the ITU's initial engagement in Internet-related issues was minimal, engagement levels have increased substantially in the last decade, with interest likely to continue to grow well into the future. However, many people view the decision-making processes of UN-based agencies — not just the ITU — as prone to influence by unrelated political factors and bureaucratization. People with such views are therefore concerned that were ITU to become involved in Internet standard setting, the pace of innovation and approval of new standards may slow down.

There are similar concerns about how a 'government centric' body such as ITU could deal with issues such as ccTLD redelegations, given not all ccTLDs are managed by government-related bodies. Without engaging in too much conjecture, it appears that were ITU to become more involved in Internet governance, processes would change. The discussions at NETmundial in April 2014 have shown that there is a new trend to recognize multilateralism as an equally legitimate a process as multistakeholderism for conducting Internet governance. For some ITU Member States, the ITU is the ideal forum from which to house multilateral Internet governance. To date, however, proponents of a larger role of ITU in Internet-related issues have not established a clear argument that making the ITU the centre of multilateral Internet governance would be beneficial for the Internet's future.

How ccTLD operators can contribute to discussions at ITU

ITU Member States have already agreed to resolutions specifically on ccTLDs⁸ and internationalized domain names⁹ and, as demonstrated by the decision to discuss only Internet issues at the WTPF in 2013, Member States are increasingly spending more time discussing a wide array of Internet governance issues at the ITU. These

⁸ [WTS Resolution 47](#) (Rev. Dubai, 2012) states "that ITU has a record of successfully handling similar issues, *instructs ITU-T Study Group 2* to continue studies, and to work with Member States and Sector Members, in their respective roles, recognizing the activities of other appropriate entities, to review Member States' ccTLD experiences, *instructs the Director of the Telecommunication Standardization Bureau* to take appropriate action to facilitate the above and to report to the ITU Council annually regarding the progress achieved in this area, *invites Member States* to contribute to these activities, *further invites Member States* to take appropriate steps within their national legal frameworks to ensure that issues related to delegation of country code top-level domains are resolved". Plenipotentiary Resolution 102 (Rev. Guadalajara, 2010) *recognizing further c)* states "significant effort has been put in by ITU on ENUM, ".int", internationalized domain name (IDN), and country code top-level domain (ccTLD) issues through workshops and standardization activities"; *recognizing further f)* states "that countries should not be involved in decisions regarding another country's ccTLD"; *instructs the Director of the Telecommunication Standardization Bureau 3* states that the Bureau is "to work with Member States and Sector Members, recognizing the activities of other appropriate entities, on issues concerning Member States' ccTLDs and related experiences".

⁹ [WTS Resolution 48](#) (Rev. Dubai, 2012) "*resolves to instruct ITU-T Study Group 16 and other relevant study groups* to continue to study internationalized (multilingual) domain names, and to continue to liaise and cooperate with appropriate entities, whether intergovernmental or non-governmental, in this area, *instructs the Director of the Telecommunication Standardization Bureau* to take appropriate action to facilitate the above and to report to the ITU Council annually regarding the progress achieved in this area, *invites Member States, Sector Members and concerned regional groups* to contribute to these activities". Plenipotentiary Resolution 133 (Rev. Guadalajara, 2010) "*instructs the Secretary-General and the Directors of the Bureaux 1* to take an active part in all international discussions, initiatives and activities on the deployment and management of internationalized Internet domain names, in cooperation with relevant organizations, including WIPO and UNESCO" and "*invites Member States and Sector Members 1* to take an active part in all international discussions and initiatives on the development and deployment of internationalized Internet domain names, including the initiatives of relevant language groups, and to submit written contributions to ITU-T in order to help implement this resolution".

decisions and resolutions that arise from these discussions have the potential to influence the future direction of Internet governance. However, it is problematic that at the formal ITU events like PP-14, discussions and decision-making is limited to government representatives. Many of the Member States are still represented by the same government departments that have long dealt with the ITU's traditional telecom sphere. For example, telecom regulators, or some of the remaining monopoly telecom providers may represent their Member State, even in Internet-related issues. This can cause disconnects when such representatives with wide expertise in the telecom environment attempt to apply the traditional telecom model to Internet-related issues under discussion.

Increasingly, Member States are encouraging those with Internet expertise outside government to help provide informed contributions to issues under discussion at the ITU. ccTLD operators, due to the geographic nature of their operations, are in a unique position to establish and sustain engagement with national governments in ways not available to Internet technical bodies that operate on a regional or international basis. ccTLD operators can help Member States serve the needs of not only the ccTLD community, but also the wider national and international Internet communities. In particular, ccTLD operators can:

1. Develop channels of communication with officials from the relevant Ministry or Ministries who attend ITU meetings.¹⁰ Develop a rapport so that they will seek out your views when they have questions.
2. Ask relevant Ministries to provide you with copies of ITU proposals and resolutions that are restricted to Member States only.¹¹
3. If Ministries have planned public consultations on upcoming ITU meetings, reach out to the Internet community in your country and encourage them to attend.
4. If relevant Ministries have not planned any public consultations to help develop their positions before any of the major ITU meetings, encourage them to do so.
5. Meet your country's ICANN GAC representative and ask if they need any support or advice. In many cases, the government representative on the GAC will not be the same as the representative sent to ITU meetings. ccTLD operators have experience bridging different communities and may be able to help remove some of the bureaucratic hurdles that can prevent ICANN GAC representatives and ITU representatives from engaging in regular discussions on Internet issues that span ICANN and ITU environments.
6. Ask your relevant Ministry if you can attend upcoming ITU meetings as part of their official delegation. Even if you can't attend in person, the Ministry may be able to give you the link to the webcast so you can follow the discussions and provide remote support to your Ministry as needed.

¹⁰ A list of ITU Member State contacts is [available](#).

¹¹ ITU Secretary General, Hamadoun Touré, has stated on more than one occasion that Member States are free to distribute Member States-only documents to whomever they feel appropriate.