

WCIT Watch Day 11: We Cannot Compromise on the Internet

December 13, 2012

The World Conference on International Telecommunications (WCIT) in Dubai failed to reach consensus today, leaving many delegates frustrated after nearly two weeks of intense deliberations.

The United States, joined by a growing list of countries, has declared that it will not sign the revised International Telecommunication Regulations (ITRs). Many of those rejecting the treaty text, which included the United Kingdom, Canada, Denmark, Australia, and the Czech Republic, cited concern about treaty provisions on the Internet-related issues of security and spam, as well as a Resolution explicitly addressing future ITU involvement in Internet policy. These nations expressed a commitment to open, transparent, multistakeholder models of Internet governance and frustration about the government-centric, top-down decision-making approach of the ITU. They were joined by an increasing group of treaty skeptics, including Sweden, Kenya, Costa Rica, Japan, and the Philippines, who announced that they must engage in further consultations with stakeholders back home and were unlikely to sign on by Friday.

The final text includes articles on the “security and robustness of networks” and “unsolicited bulk electronic communications” (i.e., spam) – contentious issues that delegates have spent the past two weeks, if not the past year or longer, debating extensively. The worst versions of these proposals could have been used to legitimize the censorship and surveillance practices of some Member States. While these were rejected during deliberations, the final versions of these articles were never opened to public debate in the plenary sessions, even as some States continued to oppose their very existence. Instead, the Chair continued to call on the “spirit of compromise” and reminded all delegates that those provisions were part of a package deal that had been struck through multiple closed-door sessions.

The last straw for those opposing the treaty was the “Resolution to foster an enabling environment for the continued growth of the Internet.” As we discussed [yesterday](#) [1], this Resolution to enhance the role of the ITU in Internet governance was incorporated into the final text through a confusing non-vote “temperature taking” by the Chair in the wee hours Thursday morning. This was a completely illegitimate process for adopting any proposal, much less a controversial statement calling for a stronger role for governments and the ITU in directing Internet policy. Some nations were not willing to just let it slide in the “spirit of compromise”. As the UK concluded, “My delegation came to work for revised ITRs. But not at any cost. We're not able to sign a bad agreement that does nobody any favors and makes nobody happy.”

For months, the Secretariat of the ITU has insisted that the WCIT was not about Internet governance – in his final statement of the day, ITU Secretary General Hamadoun Toure continued to push this message:

I have been saying in the run up to this conference that this conference is not about governing the Internet. I repeat that the conference did NOT include provisions on the Internet in the treaty text. Annexed to the treaty is a non-binding Resolution which aims at fostering the development and growth of the internet – a task that ITU has contributed significantly to since the beginning of the Internet era...

Yet from the months of leaked proposals, to the opening proceedings of the conference last week, through today's bitter final votes, it has been clear that most delegates came to the WCIT prepared to set forth and defend their vision for Internet policy article by article, line by line. This was an historic opportunity for all governments to come together and lay their cards on the table, and they revealed a wide variety of interests, concerns, and motivations. The many conversations that happened at this conference will have a powerful influence on Internet governance debates for years to come.

The conference also showed the world that the approach of an inter-governmental regulatory body, where a huge range of issues are put in play all at once, wrangled over through weeks of horse-trading driven by governments, with no standing for independent civil society and technical experts, is not the way to reach successful outcomes on these important issues.

Looking ahead, Internet stakeholders must take up the challenges raised: ICT access in developing countries, proliferation of infrastructure, legitimate cybersecurity threats, and a host of other Internet policy topics were raised at the WCIT and do need the attention of the world's experts. Stakeholders must commit to tackling these issues in open venues that promote equal deliberation among technical experts, human rights advocates, industry, and governments, with a true commitment to incorporating stakeholders from developing countries as equal partners. A treaty conference was never going to be able to reach answers to these kinds of questions. Now we must continue this work through processes that will.

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