CR - ICANN and the Internet Governance Landscape
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Bill Graham:	I think we should get started, I'm very pleased to see such a large group here for this interesting, I hope, I'm sure will be an interesting session. I want to congratulate all of you who found the place, because I know there's been confusion about the time and the room, and I truly apologize for that. But some last minute changes were required and that has been the result. But anyway you're here and I'm very pleased to see you.
	I am Bill Graham; I am a Director on the ICANN Board. Markus Kummer beside me is the Vice President of Public Policy for the Internet Society, and we will be co-chairing this event.
	As you all know, ICANN is one of the key organizations in the internet community because of its role, but also because its three meetings every year are an ad hoc gathering place for many different constituencies and many different people from different backgrounds. It's got a very important role as the steward of the DNS, and that's attracted some attention.
Male:	For the Board participants, they're requesting if you could speak louder into the mic.
Bill Graham:	Good, thank you. ICANN also has an important role as the steward of the internet DNS and that's attracted some attention in government circles, starting in 2002 particularly with the first world summit on the information society where internet governance came to the fore. Since then internet governance has continued to be an area of active interest and also of innovation in governance

overall. The well-known bottom-up multi-stakeholder model of the internet organizations has proven to be both a model and a challenge in the field of internet governance.

For some years now, there have been workshops and discussions about ICANN and the internet governance forum for example at ICANN meetings, and this session will be in some ways a continuation of that. By 2012 and 2013, we'll see a series of other global forums where internet governance will be a topic or the topic.

Besides the internet governance forum, the United Nations system through the Committee on Science and Technology for Development, also will decide whether and what improvements there should be to the IGF. That may end up as a topic in the United Nations General Assembly itself.

And finally the International Telecommunication Union or ITU will convene three global conferences in 2012, 2013 that touch on Internet Governance. The World Telecommunication Standards Assembly will talk about technical standards obviously and how those are handled at the World Conference on International Telecommunications, we'll talk about international telecommunication regulations at the treaty level, and the world telecommunication policy forum will be designed to look specifically at internet governance issues.

We've invited quite a large number of participants to be with us today to ensure we have people who are involved in all these things and who can talk knowledge about these different events. I think I will just go through the names of our participants first, maybe you can just wave your hands as I name you and then we will, Markus and I, we'll be calling on people to speak at different times.

So we have Ana Neves from the government of Portugal, Ana?

Ana Neves: Yes, I am here.

Bill Graham:	Chengetai Masango from the IGF Secretariat; Oscar Robles from NIC Mexico I believe – oh, I'm sorry, he's had to leave. Theresa Swinehart from Verizon; Wolfgang Kleinwachter from the University of Aarhus; Bill Drake from the NCUC and University of Zurich I believe; Sally Wentworth from Internet Society; Romulo Neves from government of Brazil; Carlos Gutierrez from the government of Costa Rica; Chris Disspain who is an ICANN Board Director and from the Australian domain name registry [AUDA]; Jeff Brueggeman from AT&T and also from the International Chamber of Commerce Basis Initiative; Alejandro Pissanty from the National University of Mexico.

So we've decided to cut the session into three parts. Part A, we'll talk about the internet governance forum. Part B talk about the improvements exercise for the IGF. And Part C to talk about the activities at the ITU, primarily the World Conference on International Telecommunications. So I'd like to start by inviting Chengetai Masango, head of the Secretariat at the moment for the IGF to talk about preparations and next steps, and then we'll take questions and discussion on that. Chengetai please. |
| Chengetai Masango: | Thank you very much Bill. I'll be brief since we have a large panel with us. The IGF had its open consultations and MAG meeting on the 14th to 16th February, and it was announced that the next annual IGF meeting will be held from 6th to 9th November in Baku, Azerbaijan.

The MAG meeting also came up with a proposed main theme before the meeting which is internet governance for sustainable human economic and social development. It was also agree to maintain the six main sessions that we had from last year which are emerging issues, managing critical internet resources, security, openness and privacy, access and diversity, internet governance for development and taking stock and the way forward. |

The MAG also decided to organize the main themes around questions as happened last year. And at the end of the meeting they broke up into groups and they took the work online and reported back to the Secretariat with a set of questions for each of the main themes which are published on the Secretariat's website and also in the program paper, which is there.

We have issued a call for workshop proposals and the deadline for proposals for anybody who is interested in holding a workshop for the Baku meeting is 12th of April, so you just go to our website and there is instructions, there is the criteria there, the workshops will be graded according to that criteria and they will be chosen by the MAG in the May meeting.

We are looking for two types of workshops which are feeder workshops which will feed into their main sessions and these will be based or should be based on the main questions. And the other type of workshop is those that are not based on feeder workshops, but can be anything that is also of relevance to internet governance, and we'll reserve a couple of slots for those workshops as well.

There is the MAG renewal, and the deadline for names was the 24th of February and these names have been collated and sent to New York and we are quite confident that we'll hear back from New York soon well in time for the next MAG meeting, and I think the new MAG will be in place for the next meeting in May.

The next meeting in May will be 15th to 17th and it's going to be during the [WSYS] Forum Week in Geneva, Switzerland and I encourage all of you to come. And if you can't come, there is of course going to be remote participation, much like here in ICANN and I encourage you to do that if you cannot make it to Geneva. Thank you, that's short and sweet.

Bill Graham: Thank you very Chengetai. Are there questions or comments? Wolfgang.

Wolfgang Kleinwachter: Okay, thank you very much. As you know the internet governance forum works under a mandate of the United Nations. And the first mandate was under the year 2010, and when the mandate has to be extended, there was a conflict among governments, while there was a consensus that the IGF should continue. There was a dissent how it should continue and how it should be improved.

To make it simple, there were two different models. One was that a group of governments expected that the IGF becomes a more formal organization similar to the inter-governmented body which makes decisions. And the other group wanted to have the IGF more as a continuation of the multi-stakeholder bottom up model which is not a decision-making body. And so to settle this conflict the IGF improvement working group under the CSTD was established in the first year.

So primarily a conflict dominated by this conflicted governmented positions and the non-governmental stakeholder, which we are invited to join the group at a later stage, so originally it designed only as an inter-governmented body, you know made a number of proposals but the conflict among governments dominated the first phase of the work of the group. So the mandate was renewed in July last year by the [Eco SOC].

And in the second phase, the nature of the discussion changed dramatically because under the new Chair, a new spirit you know was more or less in the whole group and a basic decision was made by the General Assembly also, because the decision was made to have this critical element of enhanced cooperation decoupled from the process of the improvement of the IGF, and to have a special consultation on enhanced cooperation in the main meeting of the CSTD in the year 2012.

So while in the first phase, governments you know tried to combine the IGF with the issues of enhanced cooperation. In the second phase, you know this conflict disappeared and enabled a much more constructive approach and interestingly it was to see that the non-governmental stakeholders took in many

parts of the discussion to lead, and we are treated as equals in their respective roles.

And it's very important to recognize that if you see now the final report of this group, that the language which was produced came not only from governments, but it came from all stakeholders and the Chair invited the non-governmental stakeholders to produce language which made in its way directly in these final set of recommendation.

I think this is remarkable, because it demonstrated that the multi-stakeholder model works if all partners are treated equally in their respective roles. And if you leave it in the hands of governments then you know it's rather complicated, you know to reach a consensus because then very often you know, very specific political ideas dominate the debate and block a consensus.

Coming to the outcome; you know the report has now I think a main message, and the main message is that the IGF should continue as a nonbinding, nondecision-making forum. So I think this is the main message from the report. That means not to "improve it" to how it's more formalized in the governmental body but to continue as a nonbinding, nondecision-making body, but to make some improvements in very concrete areas and so we have five areas for improvement.

The first area is related to the outcomes and here also you know the decision was really clear in the consensus of the group, that while we reject the idea to start negotiations on recommendations within the IGF, we agreed that the outcome should be more concrete than just the transcripts, or let's say the proceedings of the conference.

And so you will find now in a paragraph 13, that the outcome should include all the messages that map out converging and diverging opinions on different questions. I think this is interesting so that the outcome should not be a consensus among the participants, but should send messages that on various issues we have consensus on various issues, there is no consensus. So this is a

much clearer outcome than it was probably in the past and it has to be seen you know how this will work.

A second arena relates to the status of the [marked] Secretariat and the open consultations. I think we realized that it's really a shame that the United Nations was not in the position to fill two vacancies. So since the end of the mandate of a meeting in [Desai] and Markus Kummer, there was no replacement for more than 15 or 16 months now, and certainly you know this undermines to a certain degree, also the reputation and efficiency of all this.

Remarkably, thanks also to Chengetai, the IGF Secretariat works, the stakeholders are engaged. This makes also clear that probably such decisions by the United Nations are becoming irrelevant, because the process as such has already developed a certain dynamics which does not need you know this mentorship from inter-governmental body, and I think this is an interesting conclusion.

However, the recommendation now include a number of very concrete recommendations how to improve the open consultations, the market to secretariat, I will not go into the details, but it is on the same line what Chengetai has just said.

You know the third issue refers to the finding of the IGF and here it was important that we continued with our approach; that while funding is needed, funding should not be used to create any dependency of the IGF. That means the IGF should remain and was an independent body and insofar mixed funding which allows voluntary contributions from all sides without any concrete conditions, I think was a rather important element and this is reflected now and the recommendation is that the IGF relies momentarily on voluntary funding including host country and other in kind contributions.

And then it continues saying while maintaining the present funding model, it is important to increase voluntary funding to enhance the long term palatability and stability of funding contributions and create continuity of funds for the IGF and IGF activities. So funding is important issues, but it should be voluntarily

and the interested stakeholders should mobilize resources to continue. I think this is important to guarantee the independence of the IGF.

And I think insofar you have a number of very concrete recommendations under funding now in this set of recommendations, but the main line is very clear; independence of the IGF should be secured.

The fourth aspect goes to broadening participation and capacity building. Here it was in particular important to look for new ways how to enhance the participation of people from developing countries, from under privileged stakeholders and not only enhance the possibilities for remote participation, but also to be innovative in having new linkages between the various aspects you know how to diversify participation or to link it probably to capacity building measures in the various countries.

But also linked to the IGF itself, the idea of an IGF academy was discussed of an IGF observatory, of an IGF laboratory where you could say new forum could be tested out, how to enhance participation and capacity building. So we have a number of very concrete proposals how this could be done. There is no time here to go into details.

And the last element is then how to link the IGF to other internet governance bodies and it was very clear that the IGF itself sees as an element in the proto process, as an element in the ecosystem. The IGF itself has now produced a number of regional IGFs and national IGFs, and this link would be first to strengthen but not be formalized in a certain way, because all this should remain independent entities, but they should enhance the communication, the collaboration and the coordination among the various activities.

So the IGF by strengthening itself strengthens the whole ecosystem which is now more or less the internet governance model.

So the next step will be that the CSTD in May has to accept the recommendation and to send it to the [Eco SOC] and then as Chris has said, it will go to the

General Assembly of the United Nations and hopefully we will have already the first impact visible in the IGF embargo. Thank you very much.

Bill Graham:

Thank you Wolfgang. I think that's very useful to tie the work at the CSTD in with the discussion of the IGF. I think before going to questions, I'd like to ask Theresa Swinehart representing the business community and also a member of the CSTD Working Group to provide another perspective. Theresa, please.

Theresa Swinehart:

Sure, thank you very much. I think I'll keep my remarks as brief as possible, because I think the most important part is actually to have the conversation with all the participants in the room. This is a new audience.

Let me just take a quick step back from a business perspective. Business has been involved in multi-stakeholder models for some time. And there has been, as you know very well, even during the ICANN process and formation, how does business become engaged, and I'm very pleased to see there is a business constituency. And we fortunately had Marilyn Cade who is the Chair of the business constituency here, who is also active on the CSTD working group.

Business has been involved on many fronts; in the ICANN process, in the OECD process as in other processes. On the international arena, and particularly in the IGF context, business is also engaged through the international chamber of commerce and the basis initiative, and from that point is what I'll be speaking to.

Business had five seats on the working group, and that was a very challenging initiative to achieve and I think it's a showing of the strength of the multi-stakeholder model that there was five seats for business, five seats for civil society, five seats for the technical community, plus the government participants. And it was an honor to be able to be seating and participating in this, and to bring also the business priorities to the discussions.

On the areas that we really felt were a priority was helping and finding ways to shape the outcomes of IGF but more importantly not from a perspective of coming out with recommendations, or coming out with final IGF reports, but rather how to find ways to capture the excellent work and outcomes that are actually happening.

So how does one improve the production and enhancing of current reports? How does one find ways to make the information more easily accessible and available to a wider range of audience?

In the areas of working modalities, and also ensuring that there were open consultations in the preparatory process, we felt quite strongly that there has to be the retaining of a multi-stakeholder process. And with that the concept of what the MAG is about, that there does have to be improvements in this process, improvements in the working methodologies of that, and also with regards to the selection process that we start moving into a systematic selection process. But it is really up to the stakeholder groups to do their selection process as appropriate for their stakeholder groups.

On the funding, from a business perspective, there are many companies that are providing contributions to the IGF Secretariat. There are many institutions and organizations from the technical community, ICANN contributes, ISOC contributes, many entities and obviously governments, but the important part is to retain the voluntary funding model of this. There was discussions around how does one ensure that there is a sustainable funding and the importance of increasing the funding and finding ways to do that.

In particular, also to ensure that the Secretariat has the resources to do a good job to make the outcomes available to the participants and afterwards, and also to find ways to ensure that there is the participation of developing economies, stakeholders from developing economies and strengthening that part of the work. So I would encourage everybody to go home and look at how we can help the voluntary funding model of the IGF, including business perspective.

The participation of all stakeholders was another area of priority that we really felt quite strongly about, including the expansion and diversification of participants from developing economies. From a business perspective how do we ensure that businesses from all regions of the world have the opportunity to participate in these processes and how do we do outreach in that space, so there was some emphasis on that area.

There was also the importance of linking to other initiatives that are going on ensuring the experiences as part of our cooperation in the internet ecosystem.

I'm happy to talk to further issues later, but I'll leave it at that for right now. We're very pleased with the direction the report has come to conclusion, and very welcoming to have had the opportunity to be a participant in that. Thank you.

Bill Graham: Thank you Theresa. So there we have a report on the preparations for the internet governance forum this year in Baku, and also what's going on in the United Nation system to talk about improving the IGF, it sounds to me like these two initiatives are both moving quite well in the same direction.

We can start with questions or maybe I will invite Chris Disspain to speak briefly on his perspective on the developments in the IGF and how he thinks this will come together.

I think I'd move to Ana Neves after Chris and ask her as another participant in the CSTD to speak about that. Let's start with Chris, please?

Chris Disspain: My apologies, it's just I'm having a slight fight with some dust. Good afternoon, everybody. I wanted to just very briefly talk about the IGF itself, rather than improvements, et cetera, just talk about the MAG, I've been on the multi-stakeholder advisory groups since the very beginning, and it's been a very interesting experience.

But I think we're about to enter into a new phase, because I'm not entire sure when and maybe Chengetai knows the answer to this question, but there will be a fairly large rotation on the MAG, is it going to be before May, Chengetai? And so we'd like for you see a significant change in people.

Chengetai Masango: Yes. The purpose of this –

Chris Disspain: This is now an interrogation of Chengetai by me.

Chengetai Masango: The purpose is retake the MAG by two-thirds, but we can have re-nominations of people who are there already.

Chris Disspain: Yes, so anyway what's interesting about this process I think is that it manages to get through getting an IGF organized and the IGFs are becoming more and more successful. Whilst seeing a rotation in the people who sit in the MAG. And people are learning by doing this about how the operation, how the operation works, because the MAG really is a multi-stakeholder body and governments attend the MAG and non-governments attend the MAG and it is a level playing field, where everyone has a say.

I think it's important not to lose sight of the – we concentrate a lot on what the IGF is going to do and what the IGF is all about. I think there are lessons for the multi-stakeholder model, there are lessons for the way to run things, not just from the way that the IGF runs, but from the way that the multi-stakeholder advisory group runs.

There are often complaints about the fact that the multi-stakeholder advisory group discusses things amongst itself, but to some extent that's a function of

trying to actually plan, it's very hard to plan anything with a completely open list that anybody can correspond to – or respond to rather.

But I think it's just really important to remember that the IGF is not just about the big day whenever it's going to be this year, I forget in Baku, but it's also about the way that it is actually planned, or the way that it's actually put together. I think that's a very significant thing for us to learn from. And I'm not going to say anything else on it, Bill because we should be giving other people a chance.

Bill Graham: Okay, thank you Chris. I don't know, we haven't from a government perspective about the developments on the improvements to the IGF. I wonder if you'd like to just comment briefly on government perspective and particularly Portugal, thank you.

Ana Neves: Thank you and in fact I would like to say a couple of comments, because a lot has already been said. So I would like to make two main comments I think on what I perceived from these negotiations.

So in 2011 when we started the negotiations of the working group on improvements to the IGF, it was interesting to see so many countries against the progressing of the work. Late in 2011 we had another meeting, and the spirit continued but it was a bit different. In 2012 it was a totally different spirit. I cannot say and I cannot feel as a government, and well it's not the Portuguese position that I'm stating here, it's my personal feeling that what I felt from what I saw is that some countries perceived or acknowledged in 2012 will be a very interesting year for inter-governmental events on internet governance.

So they tried to participate in this working group on improvements to the IGF in a damage control exercise. So I didn't feel that they were really engaged in doing something very positive regarding IGF. On the other hand, I felt that they were doing something like damage control.

So in a nutshell what I want to say is that in the beginning of 2011 the ecosystem of internet governance was totally different from the ecosystem of 2012. So if now we have reports that doesn't say a lot, it is interesting because it points and it underlines some lines where we can achieve some improvement and it's very good that IGF continue with this as nonbinding body et cetera.

But still I'm a bit afraid of this multi-stakeholder model and what these events that are really inter-governmental oriented will have – what will be their impact on the multi-stakeholder model.

My second and final comment is IGF 2012. So it will be the second IGF in the second five-year phase of its mandate, despite letting a replacement executive coordinator and a special advisor on internet governance to the Secretary General of the United Nations, it's very strange. It's very bizarre. And we are in these conditions now. So it will be a challenge as all eyes will be on whether the IGF can continue to be a successful venue for the discussion of internet governance issues by all stakeholders on an equal footing or not.

So we are in a position, in a very strange position that we have to do something without the real guidance that we were used to in the first phase of the internet governance. So these are my two main comments for the time being. Thank you.

Bill Graham: Thank you very much for those comments and feel free to intervene as we move into later topics. Any questions on the internet governance forum or the exercise about improvements from the floor? Mr. Boyle. I assume they're mikes, are there hand mikes that can be brought around.

Nelson Boyle: Nelson Boyle from Nominet. I've got two questions; the first one is what happens after the CSTD have discussed the review? Does that go back into the United Nations for further discussion as a report, or does it go straight into the IGF for implementation?

My second question is about budget, which obviously is quite critical for us all and I've got no real feeling of what sort of short fall there is in the budget between that which is given and that which you need to have to produce a successful IGF over the next few years. Thank you.

Bill Graham: Wolfgang, maybe get you or Theresa on the first question please?

Wolfgang Kleinwachter: It's very simple, the recommendations go both to the UN's CSTD and to the General Assembly, the UN CSTD can adopt and will adopt a resolution which goes to the [Eco SOC] and then the [Eco SOC] will send the whole package over to the General Assembly.

And then the General Assembly, it's the second committee will incorporate this into the annual resolutions they adopt under the ICT and development chapter, so this is the way – how it has worked the last years and will work also this year.

Bill Graham: Thank you Wolfgang and Chengetai would you like to comment on the budget?

Chengetai Masango: For the budget, we do have projected yearly budget of 1.5 million. That would be the budget we would like to have to complete everything that's in our budget document. We can operate at reduced level of course, $900,000, but of course we have to reduce what we do.

Bill Graham: Thank you, and Sala I think you had a question please.

Salanieta Tamanikaiwaimaro:	Thank you, Salanieta Tamanikaiwaimaro for the record. I'd like to speak in – my apologies, whilst I'm a member of ALAC, I do not speak for ALAC. And whilst I'm one of two co-coordinators of the civil society internet governance focus, in this instance I do not speak for the civil society internet governance focus, I speak for myself purely.

And I welcome the moves, the initiative by the MAG and also by the IGF Secretariat as well as the CSTD working group. And just a few brief comments on what's already been said.

Often we take for granted that freedom, justice and peace are cornerstones of a free society as woven within the international covenant of the civil and political rights. And in a time where there is so much diverse threats to an open and free internet, where we hear of national armies being created to hunt down dissidents and of course other pervasive threats, we hear over governments issuing requests for proposals in terms of filtering mechanisms and that sort of thing.

And so I believe the internet governments IGF model is eloquently articulated by Professor Wolfgang is essential in a time that we're in at the moment and there is a need for civil society for all stakeholders, civil society, for governments in private sector to engage in dialogue over the important issues like all the many important issues particularly in relation to the exceptions that are within Article 19 of the ICCPR. And take for example Korea in the 1960s Korea was poorer than Zimbabwe and today in 2011, according to the IDI ranks, it's ranked as the leading country.

And so the IGF is critically and juxtaposely placed I suppose, pardon me, English is not my first language, but I try. It's a critical forum and a critical place where these issues can be ironed in a democracy of the internet is being threatened. And I urge, and again I speak on behalf of myself, I urge the civil society private sector and governments to work together. Thank you.

COSTA RICA

Bill Graham: Thank you and I think one final comment or question in this session, Anne-Rachel please.

Anne-Rachel Inne: We have Robert Gara online and Robert is asking will there be a ministerial meeting again this year preceding the IGF?

Chengetai Masango: I will defer that question to the Azerbaijan delegation, because it's not part of the IGF main program.

Awas Alashof: Awas Alashof from the Minister of Communications and Information Technologies of Azerbaijan Republica. Of course, we going to also conduct a ministerial meeting before the hosting of IGF of 2012, and I estimate it will take place on (inaudible). Thank you.

Bill Graham: Thank you, thank you very much. I think in the interest of time, we will bring this session to a close now, and I will hand the microphone and the chair figuratively speaking to my friend Markus.

Markus Kummer: Thank you Bill, and good afternoon. Before turning to the other part of our session just two brief comments: Wolfgang mentioned enhanced cooperation. There will be a consultation on the 18th of May back to back with the CSTD meeting, so that will be a continuation of the meeting, and that took place in New York in the end of 2010.

We also mentioned the second committee which as the responsibility of business-related issues, but there is also a first committee of the UN General Assembly dealing with security issues. And there is a group of experts on

information security and they will meet sometime this summer and this will also produce a report that goes to the General Assembly that that has not yet been so much on the radar, but that can also have of course implication on broader internet issues.

Now to the third part of our session dealing with WCIT, world conference on international telecommunication, I turn over to Bill Drake who will give us a historical overview and introduction into what the international telecommunication regulations are.

Bill Drake: Thank you Markus, hello everybody. You all have noticed that there has been a lot of press coverage lately, some of it quite floral talking about the World Conference and International telecommunications implying that the sky was going to fall, the world was coming to an end, the internet would be completely taken over by the United Nations and so on.

This is a little bit of an exaggeration, there's not going to be black helicopters flying over the DNS come January. Nevertheless, there are some real risks associated with this conference that's coming up in the International Telecommunication Union. What you have is essentially a situation where a number of governments that have long standing grievances about the financial impact of global liberalization of telecom on their national telecom carriers, have been waiting for quite some time to try to find an opportunity to put back in place regulatory provisions that would strengthen their hand in controlling markets.

And layered on top of that, there has been a sort of new push by a number of other countries, sometimes the same countries to expand the scope of the international telecommunications regulations to the internet. And of course it's true that most of the industrialized countries I would imagine would not happily go along with really restrictive bad policies, and so one imagines that as they can under these arrangements, these governments would take reservations, sometimes quite sweeping perhaps, saying things like nothing in this agreement

is construed by us to mean that the internet services are covered by X, Y, Z provision and so on.

So it wouldn't necessarily be the case then that across the world everybody would suddenly be obliged to apply really restrictive and backward looking policies to the internet. But there be places in the world where governments do apply more rigid approaches and demand that those approaches be followed by other carriers from other countries with which they organize correspondence.

So you could have some increased cost and fragmentation of the internet which would be substantially damaging potentially. So this is a real concern and it is something that has to be looked at. My role here I guess, because I've done a lot of writing about the historical development of the international telecommunication regulations is to try to give you an overview in five minutes of the background and what they are, and then I will hand over to Sally who will run through what are some of the wonderful provisions that are being proposed in the current environment, some which will really I think drop your jaw pretty substantially. So let me just do that.

To start is the international telecommunication regulations, is this a new thing? No. The provisions can be traced back actually as far as the Treaty of Dresden which launched the Austro-German telegraph union of 1850. Those provisions were then incorporated into the West European Telegraph Union of 1855, and then into the Paris Treaty of 1865 that created the International Telegraph Union.

So essentially the same model has under grid international telecommunications for over 140 years and then they're suggesting now essentially that that model be applied to the internet as well. As you might guess there are some potential problems with doing that. The regulations have been periodically revised over the years. This is a binding treaty; they used to be appended to the convention, now they're separate activities. You had a split for a while, there were international telegraph regulations and international telephone regulations; since

1988 they've been unified as just the international telecommunication regulations.

What are the main focus of these things? Well, essentially they are core part of the broader international telecommunication regime that has helped to shape global telecommunications since the 1850s and 60s and there are some fundamental principles involved. One that is run throughout the document in various ways is the notion of national sovereignty being paramount, the internal dimension of that of course, that states can organize their telecom systems however they please.

In many cases this meant monopoly control, in most places it meant monopoly control and strict regulations on private sector entrants and so on. It also meant the ability and this remains in international telecommunications law for 150 years of governance to intercept, monitor and stop particular transmissions across their national frontiers that they deemed to be a threat to national security and public order. That's still the case.

The external side of sovereignty, and this is the really important part that comes out in the regulations is that essentially international regulations between members had to be based on mutual consent, that in organizing markets and connecting networks in passing off traffic and dividing up the revenues and so on, essentially everything had to be done by mutual agreement between states.

You didn't have parties from one side basically adopting policies or doing things that the other side didn't want to do. And this is something that I think it remains the core concern in a way, because what's happened in recent years of course is that with the spread of global liberalization international telecom markets have been opened up to all kinds of new modes of supply, new modes of entrance.

You've got companies now under the World Trade Organization Agreements, the GATZ Agreement and by virtue of national liberalization and technological change providing international services through things like international simple resale or re-file services, call back services, internet telephony, all these things

which essentially by pass the traditional model that is embedded in the telecommunications regulations which is that services are jointly provided that the two parties involved in telecommunications essentially draw an imaginary half way point between their national networks, and count up the minutes of traffic in each direction and then try to settle based on who owes who for more outbound minutes.

And that approach, which of course has been very important since the financing of national telecommunications agencies for many years has come under pressure then from many, many different sources. There was also the fact that in the late 1990s the United States Federal Communication Commission unilaterally came out with what was called the benchmark order which said that we're going to set the prices that we will allow American carriers to pay to foreign correspondents, because the charges were too high, they were far above cost. And this of course meant that there was extraordinary pressure put on this accounting and settlement system, from which many countries derived a great deal of revenue..

So the bottom line here is a big part of what the international telecommunications regulations have been about from the start has been organizing the money, organizing the financial aspects of international traffic. If you went back and looked at the telegraph and telephone regulations from 30, 40 years ago, they actually specifically down to the tontine, how much money would have to be paid to terminate or transit a particular country for a minute of traffic. This is the model that we had in place for a very long time.

Over the years that became more deformalized, a lot of these kinds of strict regulations that have been built into the treaties were taken out and moved into IT recommendations. But that was always what it was about was the money and ensuring that everything done on a cooperative basis between the parties. The last big rewrite of these regulations was in 1988 the World [Industrative] Telegraph and Telephone Conference of 1988 was like this conference, very, very controversial.

It happened at a time when the global market was going through a fundamental transformation with the spread of liberalization and these new ways of organizing markets under the WTO and so on, and it was essentially a clash between the dime monopoly order and the new emerging competitive order. And people thought at great length, for I think it was about a month long meeting over the precise wording that would be embodied in this telecommunications regulations.

And what they finally came out with was the framework that gave some scope to those countries that wanted to say well we still preserve our traditional monopoly control, we still have our rights of sovereigns to do what we want to do, but at the same time opened up the market for competitive new suppliers and new applications that were referred to as special arrangements, they were not of interest to all parties.

So in other words, under a special arrangement agreement any two countries can form a different kind of telecommunications connection between them, that's not of interest to all the parties involved. And that special arrangements provision actually goes back to 1865, but in the current context it became essentially a new vehicle for opening up global markets.

So to summarize… [laughter] Because I was asked to do 150 years in five minutes. Where we are now then is that in the post [WATSI] 88 context, a lot of these countries have seen the further erosion of their financial positions of their national carriers, and you've had the development of a new range of issues related to the internet as the kind of most important new application, environment and vehicle for service provisioning.

And so they're looking to take this old long-standing treaty and essentially expand it to apply to the internet and also to use it to try to get back some of the money that was lost in the process of global liberalization. So that's the quick and dirty [laughter] of 100 and something years of what's happened with the international telecom regulations. Now I turn to Sally who will tell you specifically what has been proposed by some of the country.

Markus Kummer: Well let me introduce Sally first [laughter]. Sally Wentworth is our specialist for the internet society, follows WCIT very closely, and we now have a second colleague who will be joining Sally in this work and she produces many background papers on this, and she will give us an overview of where we are in this preparation. Please Sally.

Sally Wentworth: Thank you and thanks to Bill for teeing this up. It's important I think to know that the conference that we're preparing for in December is not happening in a vacuum and that this has some deep roots and long history behind it. And as Bill said, the discussions about the international telecommunication regulations have been going on for some time.

Those of us who participated in the WCIT heard on a number of occasions that the discussions there demonstrated the need to update the ITRs and so the questions about how to update, whether to update, what to update were going on within the ITU context for a number of years.

That debate is over. The decision has been made that the ITRs need to be updated. In the words of the Secretary General of the ITU, we need updated ITRs because without them we risk the collapse of the ICT networks which under pen all communications technologies including the internet.

If we go a step further, the President, Vladimir Putin of Russian Federation, the goal of this effort is to establish international control over the internet using the monitoring and supervisory capabilities of the international telecommunication union. So this is a serious meeting, it's a treaty conference. It is what will ultimately be a negotiation among member states as you would expect of a treaty conference.

And sitting here in March, we are maybe a third of the way through the preparations. So where we are right now in the process is that there are basically two levels of engagement. There is a global preparatory processing being run

out of Geneva by the ITU, that's open to ITU member states and sector members. That process will essentially conclude in June with a report that will summarize and consolidate proposals by member states and sector members for ways to revise, update, modify the ITRs.

That report will then go to member states and to the WCIT itself in order to assist countries as they prepare their proposals. So in that process countries are making proposals now, and they're proposing different ways in which they want to update the treaty in line with a particular national or regional objective, some of which Bill has already outlined in terms of some of the motivations.

At the regional level there is a very important set of processes happening, whereby countries are trying to reach common proposals that serve to assist the negotiating process. If you can bring eight or ten countries into a common regional proposal, obviously you develop a certain amount of strength and momentum behind that particular point of view. And so those processes are happening around the world in all of the regions. Those are extremely important for this community I think to be aware of and to participate in.

And then finally what we hope is happening is at the national level, because ultimately this is a treaty of member states. If we want to see multi-stakeholder input into this process, the best way we're likely to see that is at the national level and it is the view, I think the very strong view of the internet society that one of the most important places to engage right now is with national governments as they prepare for this negotiation, as they prepare for a negotiation that could have considerable implications for aspects of the internet, architecture of the operations, et cetera, that those preparations are informed by multi-stakeholder input from the community.

So that's something that we feel very strongly about. I think business feels strongly about, the technical community, hopefully civil society and this is something I think we all need to come together to work towards.

Bill promised that I would give you a little sampling of some of the proposals, so just to make it interesting. I have a very long document here of all the

different proposals, trying to go through it, we have proposals to expand the scope of the treaty to include all existing, emerging and future telecommunications, facilities and services, whatever that might mean.

We have a proposal to modify the nature of IT recommendations, ITUT recommendations to make them mandatory. We have – I'm just sorry, I'm having to go through documents here, but proposals to address issues related to routing of traffic, regulation of routing of traffic. As any of you who are lawyers who have worked in the regulatory space, one of the key issues if you are looking to regulate something is to go directly to the definitions.

So the definitions in any sort of regulatory text including a treat like this are very important. We're seeing a number of proposals to change the definitions of the terms. So we might change the definition of telecommunication service to include the word "processing". We might change the definition of international telecommunication service to include termination of IP traffic.

There is a proposal to – I was trying to think of one of the other ones. Oh, we have hub and hubbing, might define what that means. A definition of spam put in the treaty. As far as I know, maybe someone can correct me, that this might be the first time that spam has been defined at the level of an international treaty, and that obviously raises issues of content.

There are proposals with respect to the accounting rates to apply the accounting rate regime or to ensure that it might apply to all entities. There are a number of proposals related to cyber security. We're trying to understand whether that goes to content or whether that's strictly related to the network, but obviously a lot of concern about those proposals.

Some discussion of transit and termination rates, or quite a bit of discussion, I should say. And issues related to compliance and dispute resolution. So there is just a whole menu to choose from here. But I think what's important is that the decisions of member states and these issues, these are very technical, very legal as Bill pointed out they have a long history behind them. And there are some real fundamental and even legitimate concerns that member states are trying to

address. And what we were trying to do and I know that I've spoken to many of you in the community is at least to help member states as they work through this very difficult treaty to make decisions that are informed by how the architecture actually works, what would be successful in achieving the ends, and obviously help work with member states to hopefully work toward a revision of the ITRs that maintains the open interoperable character of the internet based on a multi-stakeholder bottom up decision-making process.

That's what we're all about. And so that's where the internet society is coming from. I know many of you in this room are working towards that same end. The status just to bring it to a close is there will be two more meetings of the global group within the ITU in April and in June. And then that process will conclude. There were be a number of regional processes that will be ongoing, probably all the way up to the treaty conference itself in Dubai. And those processes will be extremely important in formulating again the regional comment – the common regional proposals that will help shape the negotiation in December. So I will stop there and turn it back to Markus.

Markus Kummer: Thank you Sally. One of the ironies is that basically under the auspices of the ITU we had [races] where we decided that internet governance would involve all stakeholders and be open and transparent. Now we have those negotiations which are in a very classical ITU framework. And officially it's not about the internet, but then when you look at it a lot of it about the internet and it touches on what the Tunis agenda defined as internet governance which just security for instance is clearly part of internet governance, but it is not done in the way properly agreed on in Tunis – in an open, transparent fashion.

The proposals made in the WCIT context are not public, they are only open to members or sector members, so it cannot be discussed by the general public and that's why we think it is important that we really ask at every national level that governments have an open discussion with their stakeholders.

Now I would like to round up this part with four more interventions, two by government representatives, and can I start with you Carlos, Carlos Gutierrez is the Chairman of the Costa Rican Regulatory Authority. Please Carlos.

Carlos Gutierrez: Thank you very much. I hope you are not scared that a regulator is sitting here. We have a huge base load that decides what to regulate and what not to regulate, but in our case internet is not in a competitive position, so I have to admit that we regulate internet at many levels.

But for that we need a new language. We cannot use the same language we use for the legacy networks. Transition from the legacy networks to the next generation networks, to the internet networks is happening at different speeds, and that's a source for worry.

In terms of the networks themselves, legacy networks are evolving to the next generation networks according to the demand. And it is happening without the approval or meetings of ICANN or ITU or whatever, they're just evolving independently, if the pipes remain done or not.

But the services is what has really changed very, very fast, we all know that voice is not the good that we're moving these networks. And the players who are moving the new goods through these networks are new players, ISP and content providers play a big role, and they were not foreseen in these old telecom regulations.

But where we have the slowest transition is on the political level. And I'm talking directly about the ministerial level of our countries. I mean we have ministers for the legacy networks; they're called telecom ministers and transportation ministers. And then we have the new ministers, the ministers for the information society, the minister of science and technology, and in some cases, I don't know if they talk to each other, but the problem is that some ministers, if telecom ministers go to the ITU meetings and the information

society ministers go or send their people to the GAC meetings to advise ICANN for example.

The question is do they talk to each other? Okay? And the problem assuming they talk to each other, then the next question is, do they use the same language? And as we have heard from Sally, when I heard the words IP termination, well, that's for anybody on the regulation side an oxymoron, I mean that's using one word from the old system with one word from the new system.

And I think that the problem that we face in the working group that Sally mentioned, mentioned to me two weeks and is meeting two more times until the end of the summer in June, and the regional meetings, the American continent has also a program meeting in May in Argentina is what language to use, and who is going to represent the governments and the user. Thank you very much.

Markus Kummer: Thank you Carlos, and can we ask another government representative, Romulo Neves from Brazil, please.

Romulo Neves: Do we have Portuguese translation?

Male: No.

Romulo Neves: Okay, don't worry. I was prepared an intervention, but that's a totally different issue. But okay we can talk a little bit about this, because it's part of our portfolio. But I'd like to start with a very strong statement.

The ITRs will be approved, and the scope will be increased. Just because of what Gutierrez has said, because in most countries the authorities responsible for the participation in the ITU are different from the authorities that participate in

this kind of meeting. What could we do to change a little bit this landscape? Well I would like to give you the example of Brazil. In Brazil we have the internet steering committee that put together not only all the stakeholders, but also all the governmental agencies. The one that goes to the ITU, that indicates of Brazil [Sonatel] and those that Gutierrez has called the new ministries, in our case Minister of Science and Technology. And part of the chancellery, my part of the chancellery that is the division of the information society. Well, this is a national solution.

But I think it would be useful if globally we could search for a kind of arrangement like that and someone can say well, we have it in the ICANN. And I would say maybe, but we need to go forward, and then I'd like to come back to part of my initial presentation. I would like to salute, give my greetings to the representative of Bolivia, Paraguay and Ecuador that just arrived in the GAC this year, this meeting.

This is the thing that Brazil has defended in a lot of meetings and a lot of discussions and conversations we think IGF and we think CSTD that governments must come to the IGF, must come the GAC meetings to understand what the multi-stakeholder model could be or should be. I have had some conversation with people that defend the increasing of the participation of the ITU within internet governance issues.

And one of their arguments is that in the ITU, they have also a multi-stakeholder participation, and they have an argument on that, because the national delegations that go to ITU meetings they have academics, they have civil society sometimes, they have companies, but they are leaded by the government, and the intervention in the ITU meetings are made in the name of the country. But they say we are multi-stakeholder, but is that the multi-stakeholder approach that we want? Probably not.

Is the multi-stakeholder approach that is viewed within ICANN is the perfect one that we search for? This is the question I think our meeting here would be useful to try to respond. In this sense, I'd like to put some views on the role of

the GAC that is part of the ICANN, but should it be an autonomous part or at least not autonomous but independent part in order to allow people that think that ITU's model is not enough, but they need an alternative.

What would be the alternative? I think the Brazilian response and I think the South American country's response is we need an autonomous GAC to attract these people to the GAC. Well, responding to that argument in the ITU we have multi-stakeholder delegations, some of the critics of the ITU's model say no, the governments with their technical specifications and costs and tax's specifications dominate this scenario.

In Brazil, we have some critics that say, no, the governments don't dominate the scenario, the companies dominate scenario in ITU. We have this kind of criticism and it's totally wrong maybe, but I'd like to bring to the discussion with this view, that ICANN and the multi-stakeholder approach is facing the same kind of criticism, so to offer an alternative to those governments that want an alternative, ICANN, IGF, other mechanisms need to be an alternative in facing the ITU alternative. Thank you.

Markus Kummer: Thank you we have two more discussants, a representative from private sector as well as from civil society, academic society, Jeff Brueggeman and Alejandro Pissanty can I ask in the interest of time to be as short as possible, and not longer than five minutes. Jeff, please.

Jeff Brueggeman: Thank you Markus and I will keep it brief. AT&T has been participating obviously in the IGF and the ICANN process, but also we do have a foot in the world of the ITU as well, and we are working with ICC and as ourselves are participating in that process.

And I do think a number of important points have been made here today, which is that the ITRs do serve an important purpose and communications is an important issue for countries around the world. So there is a foundation for

important work that's being done in this process. But that said, I think we do believe there are some clear lines that can be drawn about internet governance issues that are being addressed at ICANN and elsewhere. So I think there is a way to navigate some of the complexities that have been brought up here today, and I think that's an important thing to do.

At the same time, as we're all sitting here at the ICANN meeting, I think it's important to remember some of the concerns that are being raised about internet governance in this new world that we need to be conscious of as we do our work. And one is this idea of broad participation both inclusive of having a diverse and broad GAC within ICANN, as well as businesses from developing countries as we handle internet governance issues here at ICANN.

So we need to be thinking in terms of there are a set of concerns and issues that are being raised within this WCIT process that are instructive to us as we operate within ICANN and within the IGF as well. I think the other is that there are some very important economic issues as well as security and infrastructure issues that are arising in that context, and it's also helpful in my view to look at the proposals that are being advanced, and take them seriously as a sign that some countries or some interest groups have concerns.

And we won't always agree with them, but you know in many cases there are legitimate issues that are being raised about the transformational impact of the internet on economies and on society and on concerns like security. So the more we can do to take those concerns seriously and find ways to address them in what I firmly believe is a more effective environment of multi-stakeholder process the best way we can help to convince them is to show that the concerns can be addressed in a new different way that's going to be more adaptive and responsive to the rapidly changing environment.

So while we're all concerned about some of the things that are being proposed, I would also ask us to take them seriously as issues that are emerging out of these areas. So I think that given the time, I'll just leave my comments brief. Thanks.

Markus Kummer: Thank you very much for this. And in particular for keeping it down to three minutes, but that does not mean that I give two minutes more to Alejandro. Please, Alejandro. [laughing]

Alejandro Pissanty: Marcus, I can't promise you to be short, but I will promise you to be brief. [laughter] Age will take care of the first part.

I think that we will have to consider the nature of the upcoming ITU conferences. It may change in unplanned ways, the PP, the Planned Potentiary Conference of 2010 in Guadalajara changed by the fact that a few observers in the room who were able to use social media to let know what was going on, introduced the shame factor that became crucial even in the final negotiations, the speeches were actually being monitored globally, and there was pressure not to look bad before this global community. Things like that may be still happen in the upcoming conferences, especially looking through 2015. So it's very important for civil society and the technical community to assist the participants in preparing for a much more open and transparent and accountable environment that may actually hit by surprise.

There is assigned the last one in this list, I think it's important to notice that between the first and second part and several other things that are happening like the promotion of commercial intellectual property rights and so forth in the world, all these things are coming together for a small subset of the same people.

Integrating the internet governance responses and integrating civil society's capacity of setting the agenda, technical and civil society's capacity of educating people, making outreach of ideas should become a task for every one of us looking into this future.

We have proved, civil society and the technical sector have proved in the last year to an enormous capacity to react rapidly to things that can change the face of the internet and actually not let these forces reshape the internet any way, they have been able to stop or slow and alter the processes for local laws in the

states, like in the United States like SOPA, global agreements – or international agreements like ACTA and internally in many countries this has already happened. The power to stop has already been proven.

These same groups are seething, are boiling in the world to prove that they can also build; they can not only start things, but actually build them. And building positions from society for the shape of the internet with technical knowledge not only accounting for political or commercial interests is something that will all have to contribute in order for this to have a positive shape instead of being a tug of war zero-sum game.

Among the capacity building efforts that I think have been undertaken and can continue to happen beyond traditional universities, beyond traditional litigation work and institutions we have in our hands with minimal funding and lots of collective support things like, I would mention for this session that's still going on this week in ICANN, the LACRALO capacity-building program as other RALO organizations have already been, other than the At-Large and original organizations have already proven that we can build our own capacity building programs and make them useful and shape them in ways that can be way out in the ability also to intervene before government officials and as other speakers have said, shape their perception, their understanding what underlies the internet and reduce the capacity of damage at least the capacity of damage by not knowing what happens.

And finally, among other experiences, Shiva is here present and myself with great support from the internet society and many other stakeholders, I think we have also proven the importance of this deeper understanding of the internet through the works of some core values of the internet going all the way from the very limit of the design principles to the way these are reflected and processed as social constructs.

These thing has proven extremely useful, and I think every one of us, every stakeholder in our own countries, regional bodies and global have to pick up these kind of efforts and make sure that we proactively shape the way these new

commerce to the new world of internet governance will actually act and work. Thank you.

Markus Kummer: Thank you and just five minutes. It would have been nice to have a discussion and I'm sure there will be plenty of questions, but we didn't have much time for a very broad subject area, and I have two requests for the floor. One of them is from the representative of the United Nations, Mr. [Yajas Lovechechosov] who would like to answer some of the questions raised with regard to the IGF, Slava, please.

[Yajas Lovechechosov]: Thank you very much. I want to brief and shut so that I would like myself, I am from the United Nations, Department of Economic and Social Affairs, New York, and their department was entrusted by the Secretary General to supervise the internet governance technical [categorization] project and also the IGF Secretariat.

I would like to address these issues related to the recruitment of the executive coordinator and a special advisor to the Secretary General. From the outset I would like to say that as the United Nations, we are not only concerned, we are deeply worried about the current situation with the recruitment of the executive coordinator. So that please let me – we share this information with the internet community many times, and would like to redeem this information again, so that since the beginning of this new cycle, the last year of the IGF trust fund project, United Nations initiated through the worldwide recruitment system is called ISPIRA, their recruitment process for the executive coordinator.

And the announcement for the recruitment was posted in June last year, and it was open for the applicants around the world, so that we received over – around like 100 applications for this position.

On the other hand, I would to reiterate that the IGF trust fund is completely, completely funded from the voluntary contributions. I would like to express my

sincere appreciation and deep thanks to the donor community who contributed to the trust fund budget, and even more so that we just had the regular meetings and briefing the donor community for the very crucial and the critical situation of the fund situation of the project. So that we just received some support and the efforts from the donor community to provide the funds, however, the United National recruitment process is based on the rules and regulations established by the member states.

So therefore, the current balance of the project and the current available funds of the project would not allow and prevent us to violate such rules and to continue their recruitment process of the executive coordinator, because of the very clear, due to lack of funding.

So we just would like to do our best, however, we cannot move forward until we just get a substantial contribution and as well as the contribution which allowed us to continue and to proceed with the recruitment process. So that I would like again to use this opportunity to express our deep appreciation for the donor community, and also to ask the international community to do the best, try to improve the contribution process, and cash flow to the project budget to be able to have this process completed. That's what I would like to – thank you very much.

Markus Kummer: Thank you. I also have other experts for the floor. I just ask we can continue the session beyond six o'clock, if there is interest, we can have another half hour or so. I do understand that some people may have appointments, but I would suggest let's continue and I have a few requests for the floor. One of them is also related to IGF's funding and John Curran the Chairman of NRO, please.

John Curran: Thank you. This is the John Curran, I'm the Chair of the NRO which is the regional internet registries working together. I asked leave the Chair to revisit

the comments of IGF funding earlier, but I'll actually also pick up on the representative from the United Nations.

We've heard the situation that the IGF faces. Many of the organizations in this room have fought hard for a multi-stakeholder, nondecisional body to discuss issues. We now have one. We also have the opportunity to lose that organization if it is not adequately funded. This is a very important situation.

The regional internet registries working as the NRO increased our contribution for 2012 from somewhere around $30,000 to $75,000 to recognize the importance of this situation. I ask that governments, internet enterprise, civil organizations, that believe they need to use this organization and have a forum that we fought hard to have now consider whether or not you can fund it.

Because we are on the cusp of a very important situation here, we are potentially unable to have this organization or its staffing, unless we now come to the table and say we want to fund it. On behalf of the NRO, I will say we've done our, what we believe is a first shot; we now put the challenge down to all other organizations to do the same. Thank you.

[Applause]

Markus Kummer: Thank you John and I would like to add that ISOC is the same way. We have increased our contribution five-fold. We have signed the agreement and the money should be in your bank in New York Slava soon. Nigel also would like to say something.

Nigel Hickson: Yes, let me just, Nigel Hickson ICANN, that's the first time I've said that. [laughter] Well, thank you for the opportunity and thank you for the discussion. I want to just touch on the ITU aspect. And I was very pleased that Sally spoke.

Sally makes a major contribution to the ITU effort. And I say that not lightly because although the ITU of course is member states, is member countries, civil society, business organizations and a whole range of other organizations play an important role.

And not least, they played a very important role at the ITU [1:28:49] in Mexico in 2010. So looking forward to this WCIT discussion, I just want to say two things, because I think it's important that we're not negative. We have to be positive. My friend from Brazil is absolutely right, there is going to be new ITRs, people aren't going to go all the away to Dubai, sit in a room for ten days not agree anything. What they agree might not be to everyone's liking but there will be new ITRs and therefore we have the opportunity to structure them, we have the opportunity to come out with something more positive, something more relevant for the communications age we live in today.

And we can be more positive about the ITRs. There is aspects of the current proposals which are positive, better transparency, better consumer protection, better data protection. There are issues that can be addressed that will benefit us all and do no harm. So I think we have to be positive.

We also of course have to be vigilant. We have to be able to react to proposals that will come on the table at the last minute. But let us not get too worked up about internet governance. The Secretary General has gone on the record, publically, to say that the ITRs are not the place to discuss internet governance. That will be reserved for the WTPF.

The second point, and just very briefly, and it's also been said is participation, participation, participation. We have the global community here. We need to influence not just national governments, but also the regional bodies that are deciding on these proposals. We all need to get involved in this process.

Markus Kummer: Thank you. At this stage, I would to ask, I think it might be better that we separate the discussion a bit what is more IGF related or what is more WCIT

related. Would anybody else have any desire to say anything about the IGF? Yes, Tarek Kamel, speak.

Tarek Kamel: Thank you very much. I'm Tarek Kamel from Egypt. I just wanted to mention that last January we were invited to be root to establish the Arab IGF, Chengetai was with us. And during the final communique we were surprised that some governments from the region, while we were announcing the establishment of the Arab IGF insisted on enhancing a strong contribution insisting on mentioning the contribution of the Arab region in enhanced cooperation.

My question to Mr. Kleinwachter was very specifically and Mr. Kummer, are there any concrete definitions of enhanced cooperation? I'm afraid that we are ending up with an expression that is very volatile, uncertain and any unwanted inputs that the healthy IGF process during the last couple of years supported by the multi-stakeholders did not accept, would any unwanted inputs would be put under this volatile, uncertain enhanced cooperation?

So I urge the community to keep an eye on the meetings in May of enhanced cooperation because we might end up with something that we are not expected that is gaining some momentum and at the end some legitimacy. That's what I wanted to mention. Thank you.

Markus Kummer: Thank you for this contribution. I think I would not like to engage in a discussion on what the meaning is of enhanced cooperation. [laughter] We had many of those and I think – I still don't know what it means, but we will have this discussion in May, and I take up your suggestion. I think it will indeed be important that we make our voice heard.

Also on the IGF, Marilyn.

COSTA RICA

Marilyn Cade:

My name is Marilyn Cade. I'm going to make a comment about the landscape, and it is about the IGF. But I think – I'm still hearing us think a little bit about the idea that our world is still divided somewhat into stovepipes. And I'd look at the ITU. I worked within the ITU structure for many years on behalf of a major corporation and probably participated as an advisor more times on the ITU council than any other business person ever has, because in fact governments do not bring advisors with them to council.

But we all need to realize our world is changing. ICANN and the IGF are new sister organizations, and I think our focus has to be on building and strengthening them, making them more welcoming, helping them broaden and deepen what they provide that answers questions and provides solutions. And then helping – and so I'm going to treat this a little bit for those of you who have a telecom background as the question of a new entrant.

So the new entrants, the IGF and ICANN are having a little bit of trouble finding enough space. It's our job to make that space and to welcome the governments who have questions or others who may be naysayers about what these two institutions could be.

I will just say that I have said as a member of the CSTD working group on improvements to the IGF that I am asking the ICANN Board for an additional $100,000 of contribution to the IGF to fund participation, particularly from developing countries for the upcoming IGF.

I think the way we strengthen the IGF the best is to give it resources, and to empower it ourselves and to bring more people to ICANN and more people to the IGF and look for ways to participate in those regional consultations that Sally mentioned.

Markus Kummer:

Thank you also [Bertrand] (inaudible), also on the IGF, please.

Bertrand: One quick question to our colleague from Azerbaijan regarding the ministerial conference that will take place before. In Nairobi last year, although it was labeled as a ministerial conference, there was a real modicum of open participation by other stakeholders, and I think it's really important that we keep that precedent in the UN system. Sometimes it is good to keep in mind that there are precedents that work.

The second thing is I must confess that on a personal basis and I've been the French representative for four years following the IGF and the rest, I'm to say the least a little bit surprised by the somewhat unexpected chicken and egg problem that we have, that there is no funding the Secretariat, therefore we cannot hire a Secretariat. And because nobody knows how the Secretariat is going to be hired, people are not inclined to give the funding. I'm sorry, but this is something that could have been anticipated a little bit.

And I am surprised that the United Nations department in charge of this was not able to provide sufficient information to reassure and build trust so that all the actors were able to fund, could have taken the necessary actions in due time. Thank you.

Markus Kummer: Thank you, Bertrand. Siavash asked for floor also on the IGF. Yes, please.

Siavash Shahshahani: The proposals for IGF improvement and other proposals that are harmful are often worded smoothly like the ideal resolution that Sally was talking about and one of the problems is that often some good governments work for the wrong proposals because the language is not so well understood.

Is there a way paraphrasing the important resolutions and prepare a guide I have an example of new America foundation has come up with a cartoon guide to spectrum policy or something. In a similar way if the most important resolutions, including the ITU proposals could be paraphrased and a guide could be prepared not quite calling it as a document for education, but as a material,

support material, that would help avoid wrong words from the right people. Thank you.

Markus Kummer: I see people beginning to leave, so I'm not sure whether that's a vote with the feet to close the session. Mark Carvel, you would like to say something please.

Mark Carvel: Yes, thank you very much Markus. Mark Carvel, I'm still with the UK government. [laughter] It's very nice to see a former colleague here at the same venue. Just on funding issue, this is a critical issue. I mean we've said this many, many times at our national UK IGF forum. I'm happy to report despite all the pressures on national budgets and public sector cuts that the UK government is back as a donor.

And I'm impressing on you colleagues in particular that we may get other governments to follow our example, as well as disseminate the message out that it's important for business to step up to the plate. We bang on about this; the internet is at stake really here. So I think a message briefly here to colleagues here is that when you engage at the national level and national IGFs, and in regional IGFs like at the Arab IGF, that's a fantastic development in addition to the replication of the multi-stakeholder model globally, that when you engage there, you get this issue on the agenda and you get the message out that there's a lot at stake.

If there's not money coming through to fund the Secretariat, to maintain it independently at Geneva with the right resources and expertise and so on, then we're going to lose it. So I really endorse that message.

Baku we welcome very much the ministerial event, our Mr. Ed Vassy took part in the Nairobi ministerial event and it's in his diary for Baku. I very much hope that there will be other ministers and senior level officials able to interact with stakeholders very much in the open forum that was very successfully established in Nairobi.

The level of participation in Nairobi was fantastic, they're at record levels. I very much hope that the support will continue and build on that in Baku. Many thanks.

Markus Kummer: Thank you and I'm not sure whether I'm supposed to as a moderator comment, but I would very much like to echo your comments also on the success of the Nairobi meeting and we did have a donor's meeting last February, and my feeling was that things are brightening up also because of the working group of the CSTD, I think the report is going in the right direction. That was also a moment of uncertainty as the donor community was a little bit nervous about which way it may be going.

And I would also to those who are missing an executive coordinator say that Chengetai here did an excellent job in Nairobi and this would also be recognized.

[Applause]

Markus Kummer: I will ask for Louis, Ana – Ana okay yes.

Ana Neves: Thank you, well as we are finishing this session, I would like to put maybe a very stupid question to the United Nations, but I'm sorry it is late.

I just would like to know if Mr. Markus Kummer will have continue to be the IGF executive coordinator, all the United Nations have cut his salary. [laughter]

Markus Kummer: Can you repeat the question please? [laughter]

Male: I frankly didn't get the question, and I think we'd better move into another territory.

Male 2:   Yes, I think so that we just – now, what I wanted to say, I'm sorry. So whatever the question you have you know that from this – from [you also] that I'm absolutely open, transparent, you know that to provide the information upon the request.

As well as I already mentioned before so that the information about the exact situation with the financial balance of the project, and the current status was always shared and delivered to the all parties concerned, since the beginning of this project. So therefore please be my guest and I will give you answer to all your questions. It's okay, thank you.

Markus Kummer: There may be questions related to WCIT, and I think let's – we have another 15 minutes left, and the people will be leaving, so I just wondered whether we cannot maybe also see whether there are any questions and comments related to WCIT. And we have specialists here on the panel who may be – sorry, Kieren, I nearly forgot you, please.

Kieren McCarthy: Thank you, sir. I'd like to make a point which I don't think any of you will agree with, but I'll make it anyway. This is regard to WCIT. So my experience, although it is obviously slightly different to your experiences because I don't have an internet organization that I represent, I'm just a member of the fourth estate, and I'm a very big fan of putting everything out there so people know what's going on.

I have a slight concern with I see the strategy of the [ISTAR] organizations with regard to WCIT, and I think that you're getting a little bit too governmental in your approach. I think you're getting a little bit too far behind the US government. I understand the US government's approach in fact I think I think it's the correct approach for the US government.

But I think the internet community really needs to stand apart and make it very clear that what the internet community stands for and that is to be as open as possible, and I honestly believe that's the way that you will ultimately prevail within these larger intergovernmental discussions is by demonstrating that the openness works, it produces better results and I'm not seeing a lot of openness at the moment from my representatives my internet organizations.

Now, I'm going to WCIT and create as much merry hell as I can and tweet everything that everyone says for all the meetings that I'm allowed into and I don't suggest you join me with that at all. I think it's probably a bad idea. But I do think that you should look at whether you're going slightly – you're going a little too much into the fox's den, and whether you should be a little bit stronger on what you represent and allow yourself to potentially fail in order to stand up for internet organizations therefore.

Markus Kummer: It was Voltaire who said I don't agree with what you say, but I defend your right to say it.

Kieren McCarthy: Like I said I knew you wouldn't agree with me, but I wanted to make the point seeing as I had the opportunity.

Markus Kummer: No, no. One point I was going to make when you actually play in the ITU, you have to abide by the rules, that's as simple as that, and what happens outside is another story. But if you are a sector member you cannot ignore the rules of

procedure of the ITU. But yes, I agree we also have to look at strategies that go beyond that, but that was a very short point.

Kieren McCarthy: So again an example off the top of my head is I know you're working on strategies and I occasionally get a hold of your documents, I'm afraid to say. And I occasionally write what your strategy is, I'm afraid to say, but that's what my role is.

There is no harm in you putting out – by the way, this is our strategy, because government ministers are desperate for information, they really are. And they don't have time to go through all the documents.

If you put out, obviously don't put your confidential thoughts there, but if you put out this is our perspective in clear language, it does have an influence. So take a little bit of a risk in putting the information out there, that's my argument.

Markus Kummer: Thank you, well we can also provide further information. We can also discuss this over a drink, but it's not so that we don't do anything and we do engage with governments, we provide factual information which is actually very much appreciated by governments.

I don't know Sally whether you would like to add on that a little bit what your work is, and you know for people who wish to engage, please get back to us and we can provide information if you want to have an inroad into national governments, clearly we want our information to be out. And many governments are not yet attuned to the process. But Sally maybe you can add a few words.

Sally Wentworth: Sure, thanks Markus, and thanks for the comment, I think it's very thoughtful. And it is important that I think in my opinion from the internet perspective that

we do our best to examine the proposals which is what we're doing, try to evaluate them in light of what we believe is good for the open global internet, not what's good for any one individual member state. And what we think is in the interest of the overall internet.

And that's essentially what we at the internet society have been doing working together, as I said earlier, with many of you who are in this room, have taken a look at some of our work, we are trying to evaluate some of the proposals as they come in. We're also trying to make sure that the materials that we have are actually widely disseminated and clearly available. So I hope that's what we're doing. If we're doing it well enough, then we have to do more.

But it is a formal treaty negotiation and ultimately we do get a lot of requests from governments for information which is of course very encouraging that they are reaching out, that they are looking for the right information. These are tough times for a number of governments, they're not over staffed, they're generally under staffed and there is a lot of information and technical knowledge in this room and in this community that can be very helpful I think as governments are trying to work through what's a very difficult treaty.

Markus Kummer: Thank you Sally. And I would like to add that some of these papers may be dreadfully boring, because they're tables, comparing the various proposals. But the governments actually are very grateful for these. Luis you asked for the floor?

Luis Magalhaes: Yes, thank you very much. Luis Magalhaes from Portugal and I actually would like to emphasize and build up on previous interventions of a very important – which for me are the most important things regarding this moment, which is actually to assure a very strong engagement, the involvement of the full internet community on two main moments of this year. One is certainly the conference

regarding the ITU and how to engage and influence on that. And the other is the [NS] Corporation consultations in May.

And for this point and actually these relate a little bit to the other question that we have been discussing, basically internet governance forum and its improvement. We are not that far away from the moment when the group itself was created, and not far away from the fact that it was going to be purely intergovernmental body.

If it were not for the movement of the internet community actually started in terms of engagement in ICANN meeting that was happening at that time, so that it was possible to assure the situation for the participation of other multi-stakeholders and actually to change the outcome of this working group, I'm a member of working group myself.

We as a country participated on the process of assuring the opening of this group to multi-stakeholder to other multi-stakeholders, and I can assure you that if it were not for the presence of other multi-stakeholders the outcome of this working group would be completely different, and would not be as positive in what is going to develop as we are now.

But the fact is this. We shouldn't expect the organization of ITU and the constituencies that traditionally are represented there to be the appropriate ones to deal with internet issues, because they were deceived as it was pointed out by Bill Drake, almost one and a half century ago to deal with switch networks for one to one communication. And now we have a completely different situation of many to many communications and IP switching, pulse switching.

And so now the way to think about how to regulate one or the other is completely different and the partners, you have to consider are also very different. Why the sector part is in ITU in terms of business are very much related to telcos, and if we go to beginnings of ITU to monopoly stake telcos of member states, what we have in the case of internet are two main interests that have to be taken into consideration. One is the diversity of ISPs and the other, the very important one is the impact that the way you do it will have on the

opportunities for innovation and how it is related to assuring interpretability, neutrality, end-toend principle and openness, and all five of these things from switched communication.

So again the only anecdote to disaster in terms of what can come out of these evolutions is the involvement of the internet community in both these situations, and I think this is what we can most contribute for that. We should expect the things to develop coming top down in the right direction if there is not these mobilization.

Markus Kummer: Thank you, you mentioned the campaign launched in Cartagena about the working group of the CSTD, but we could also mention some of our people, which actually has changed legislative processes. Now we will not be able to change ITU rules and procedures in the short time available, but we can ask national governments to open up their own preparatory process. So that this is basically where we aim at and [Vinny Mycoffsky], you'll be the last speaker, and I'm sure you're going to the same direction, please Vinny.

[Vinny Mycoffsky]:   Thank you. I speak here in my personal capacity as someone who has been involved with the WCIT IGF; I'm already forgetting all the abbreviations in the last 12 years or so. But my observation actually has several different points.

First of all I think you misunderstand what Kieren was saying about the work that you guys are doing at ISOC, and you suddenly became a little bit defensive. I think ISOC is doing actually a great work in providing documents and reports to the ISOC community. What is necessary is to do even more and not to do it only by ISOC. There are 194 delegations in the ITU and each of them can actually report back to their community on what's going on at the ITU.

Further than that is, that we have ISOC chapters, Bulgaria where I'm coming from is one of the examples where the ISOC chapter is very actively involved in the preparations for the not only WCIT, actually we have also the WTSA and

the WTPS next year, and the planning for 2014. So the countries are preparing for all this right now. I urge everyone to go back to their country and talk to their ISOC chapter if there is such. If not there are other entities. If not you can go and talk to the governments and we have also GAC members here. These are the people even though we heard in the beginning the difference between the different people.

These are the people that still talk to each other. I don't think that there is any particular danger coming immediately you know to the current way and we may speculate you know in a few months we'll know. There is no point in – if we were so good in predicting what's going to happen, we wouldn't be sitting in this room, we would be in Las Vegas making some money out of this.

So my point was that let's try to build a consensus in the community that it's good to have information, shared by both the private sector and civil society with the government, and by the government with all those organizations. And I'm looking forward to read Kieren's tweets from the WCIT.

Markus Kummer: Yes, thank you. Well I'm trying to wrap up, and I was not defensive as such. I was trying to explain what we are doing and if we are, as a sector member in the environment of the ITU, we have to play by the rules set by the member states of the ITU.

I remember a moment at the beginning of the IGF, my wise mentor meeting at [Desai] at one point explained, well we all have to learn how to interact together, because civil society had to shout to be let in. But once you're let in, you have to behave differently if you sit at the table with government.

And this is very much a central point, and I think we learned that in the Wiki and WCIT process and in the IGF process, there are different roles for different people. But we do also interact with other civil society organizations who are not sector members of the ITU, and they can play a different role. So there is a division of labor. But we have to play the diplomatic role.

Sally cannot go in a meeting of the ITU and start shouting or whatever, or go in and disseminate confidential information. This is part of the problem I mentioned. A lot of the information we have we cannot disseminate because it is confidential under the rules of the ITU. It goes against the spirit of internet governance, which is open, transparent and inclusive.

But that's the way it is and we are working to opening up the process, and we hope to be working with all of you. And again ask what can remain that's there, it's in our respective roles. We don't each have the same role, but we have to recognize in WCIT, it's the governments who are the players. And we are happy if governments pick up our papers, incorporate them in their submissions and so it gives us more weight.

But Sally would like to add one last comment.

Sally Wentworth: Yes, maybe just as a closing point and bringing some of these threads what Vinny was saying and Alejandro and Markus, ultimately this is a treaty negotiation among member states. Member states can have an open participatory and transparent national process to prepare for this treaty and they ought to.

Our chapters as Vinny pointed out at the internet society, are working to encourage that at the national level. I would encourage all of you, if you are in the government to establish such a process, if you are not, to ask your government for such a process, because national governments have it within their means to have an open and participatory process to prepare for the treaty. And so we, if this is going to have any semblance to the multi-stakeholder internet model that we care about, that's where it's going to happen.

Markus Kummer: Thank you. Bill you like to add your comment?

Bill Drake: Yes, you may remember a year ago in Nairobi we decided to have in the main session on critical internet resources, a discussion of the IPSA proposal. There was a lot of people at the time who were saying we shouldn't talk about it, it's sensitive, et cetera. But actually it was an inter-governmental initiative and people in a broader international community had not had an opportunity to speak to it.

It turned out to be very useful that we had this conversation. A lot of people had a chance to express views which some of the governments took back on board into their processes, and that was a useful outcome. I can't see any reason why we shouldn't use the IGF in a similar way with regard to the WCIT. Civil society has proposed that there should be a main session discussion of the WCIT. There have people who have said we shouldn't do that, it's sensitive, we'll make some governments unhappy.

There is no possibility for people who are not ITU members or sector members to get access to the information and to engage. You have said yourself, ISOC is there but can't share the documents. So why not use the IGF, because it has a mandate, specifically to engage governmental organizations on issues under their mandate of concern to internet issues, why not take the opportunity to address these issues in Baku, I think it would a very useful idea and helpful for the international community.

Markus Kummer: Thank you; we're trying to come to a close but Anne-Rachel, you would like to – you have the remote participant?

Anne-Rachel Inne: Thanks Markus, Anne-Rachel Inne. I just came back actually from Wagadugu from the African Telecommunications Union meeting that was internet infrastructure for an African digital economy, and one of the recommendations that will come out of that from that meeting is that the national processes in fact to have national proposals going into the second regional meeting for the

African region, that will take place in May has to be a multi-stakeholder one. And in fact all the regulators in all the countries, Secretary Generals or Ministries and all of that who were there, absolutely agreed to that.

ATU has made it a point, because African Telecommunications Union is the one organizing these meetings for the region, that they're inviting the whole of the internet community from the African region. So we are, as their experts and we can participate very openly to all the discussions during the regional meetings. So I just wanted to let people know.

Markus Kummer: Thank you and also we have our regional bureau directors who participate in all the regions and in particular Sebastian, I don't know whether he's here, he's done an excellent job, and also the Costa Rican Chapter actually working with the government. Is there a last comment on this side? There is? Please, yeah.

Female: I'm going to keep this very short, but I think what this discussion actually highlights is while we're referring to different institutions and organizations and stakeholder groups, we're dealing with the ICT industry and communication. And we hear about e-health and various other things. And I think Carlos had eloquently touched on this. These institutions and the engagements and dialogues don't operate in solos.

So these kinds of discussions, the event that Anne-Rachel had referenced, the other national dialogues that Sally had referenced, the importance of national dialogues is the best way to bridge the conversations about what is happening in all these different institutions. So I just wanted to touch on that. Thank you.

Marcus Kummer: And Wolfgang asked for one last sentence, please.

Wolfgang Kleinwachter:	I just want react to what Tarek Kamel asked for enhanced cooperation. There is no definition and so far the main meeting will be very controversial, what could be the way out? With the positive experiences of the CSTD working group, probably it's not a bad idea to have CSTD working group on improvement of enhanced corporation and gives in two years, since they probably could produce or recite as we did in the WCIT.
Markus Kummer:	I think you should be more careful on providing a working definition of enhanced cooperation.
	Can we close with that, or are there any urgent, some last minute whatever, if somebody is desperately desperate and would be desperately unhappy, that not seems to be the case.
	Okay, then I'd like to thank you all very much. I think we had a very interesting conversation and I presume we'll continue this discussion in Prague. Thank you very much and have an excellent evening.

[Applause]

[End of Transcript]