

Will The International Telecommunication Regulations (ITRs) Impact Internet Governance? A Multistakeholder Perspective

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Pranesh Prakash made a presentation at the India Internet Governance Conference (IIGC) held at the FICCI, Federation House, Tansen Marg, New Delhi on October 4 and 5, 2012. The event was organised by the Ministry of Communications & Information Technology, FICCI and Internet Society. CIS was one of the supporting organisations.

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Principles

I'll outline some broad principles that should be kept in mind while deciding on proposals for the International Telecommunications Regulations (ITR).

Any proposal should be considered for the ITR if and only if it satisfies all the below criteria:

Only if international regulation is needed

If only national regulation is sufficient, then ITR is not the right place for it.

International roaming price transparency, for instance, is an issue where international cooperation is required.

Only if it is a technical issue limited to telecommunications networks and interoperability

On the issues of 'security', if it is strictly about network security, then it is fine.

ITU already does some standard setting work around this.

If it is about security of root server operations, or DNS, etc., that's not around telecommunications, despite being a technical issue.

If it is about criminal activities on telecommunications networks, that is not a technical issue.

Only if it is something that can be decided at the level of states.

Multistakeholder issues should not end up at the ITU, since the ITU is not a multistakeholder body.

This principle has been accepted by the ITU itself in the Geneva Declaration as well as the Tunis Agenda.

Only if it proposes to address a proven harm

The ETNO proposal, for instance, does not make it very clear why they think current interconnection system is a problem.

Though the ETNO proposal says that it is required to enable “fair compensation”, “sustainable development of telecom”, it does so without showing why the current payment mechanisms are unsustainable, or how telecom industry has changed lately, or even how moving from voice to data (even for voice) is going to affect “sustainable development of telecom”.

Geoff Huston provides the wonderful example of how ten years ago, content providers were asking for fair compensation from telecom providers (“content is being provided free, while ISPs charge customers; ISPs are worthless without content, hence ISPs need to share revenue with content providers”). Now the opposite argument is being made by telecom operators.

Airtel in India has publicly asked Google and Facebook for revenue sharing.

Rohan Samarajiva of LIRNEasia

He believes ETNO proposal is bad for developing countries.

Adverse unintended effect of ETNO proposal (“sending-party network pays”) is that less traffic will be directed towards poorer regions without the ability (whether through ad sales, or otherwise) to justify that expenditure by the sender.

ISOC paper is one of the most in-depth analysis so far.

They strongly believe it is going to be bad for Internet

Truth is that there has been no clear economic study so far of the potential impact. Hence counting benefits without proper analysis is risky.

Only if there’s no better place than ITU

If another existing organization like ICANN or IETF can look at it, then ITU should not take over.

If all the above principles are satisfied, then the question becomes:

Does the proposal further substantive principles, such as:

Development

Competition and prevention of monopolies

Etc.

If the proposal does advance such substantive principles, then we should ask what kind of regulation is needed:

Whether mandatory or not

whether it is the minimal amount required to achieve the policy objectives.

Conclusion

Indian government's positions on the specific proposals to the ITR haven't yet been made public.

But the India government has taken a public position on the larger issue before: the IBSA statement on Enhanced Cooperation from December 2010. the IBSA reaffirms its commitment to the stability and security of the Internet as a global facility based on the full participation of all stakeholders, from both developed and developing countries, within their respective roles and responsibilities in line with paragraph 35 of the Tunis Agenda.

“The management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations.”

Demonization of the ITU is not good, though some in civil society have engaged in it, and is not the issue here. * After all, ITU was a core part of the WSIS process that led to the multistakeholder system. * ITU does have its own role to play in Internet governance.

Importantly, transparency and public participation is required. * We have signed an international civil society letter asking ITU to be more transparent. This has had a little impact; more documents are now out in the public. And there's now WCITLeaks.org * The Indian government must hold inclusive meetings with all relevant experts and stakeholders, including civil society organizations and academics.