

# **The ITU Plenipotentiary and International Internet Governance**

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I want to thank the Media Institute and Dick Wiley in particular for inviting me to speak today. Mr. Wiley is the Vice Chair of the external advisory committee for my office. He is a walking institution in the Washington communications community and I rely on him and his team's counsel for much of what we do in our work at State.

I am here today to report on the recent International Telecommunication Union (ITU) Plenipotentiary Conference, how it fits into the work of the U.S. government on Internet governance issues, and its impact on that topic in the coming years. And I want to make a case for why it should matter to you.

Most of you work either for firms that own and operate wired and wireless communications networks at home or abroad, or you work for firms that produce content and services that use wired and wireless networks for domestic and global distribution. And all of you are dealing with the opportunities and challenges that the global Internet has created for your sectors.

At the same time, both domestically and abroad, policymakers have wrestled with where we fit in to the new mix and how law and regulation can enable and expand economic and social opportunity while at the same time protecting consumers and users from new threats.

What I have discovered over the last two years is that policymakers are not answering those questions the same way everywhere. And the disparity in answers creates complexity for the Internet's users everywhere and for firms transferring information over the Internet across multiple jurisdictions.

The policy and operational challenge this creates is more complex than freedom versus control or good versus evil. There is a spectrum of policy challenges and choices national leaders are making around the world and they each carry their own repercussions for economic and social opportunity. Many of you know this and have dedicated the appropriate resources to staying ahead of the game.

The reason this should matter to you as citizens of the world is that you want to connect to and promote open discourse globally on the issues that matter to all of us, from combatting the Ebola virus to promoting peace. The reason it should matter to you as professionals, is that the long term global growth potential in your sectors will depend in large part on how policymakers in critical emerging markets, or even in existing markets like Europe, decide to exercise or expand their authority in this space.

As it turns out, these policymakers gather with each other and other stakeholders in multiple and varied venues around the world on an almost monthly basis.

Each venue creates its own space for decision-making and uses different processes for facilitating debate or achieving solutions. They also each have different responsibilities. For example, ICANN deals with naming and numbering issues and other critical Internet functions, and it uses a multistakeholder process. At the same time, many United Nations organizations and meetings use a multilateral process to address a wide range of issues, from human rights to development to international security. There are also many regional or subgroup conversations, like the OECD discussions on the digital economy and bilateral and multilateral trade agreements dealing with the mobility of data and the requirements for intellectual property protection.

My office plays a role in most of these arenas and is responsible for representing the United States at the International Telecommunications Union, the UN specialized agency which deals with global telecommunication networks. As some of you know, we recently completed the ITU Plenipotentiary Conference, which is a treaty level conference that meets every four years to set the ITU's general policies, scope of authority, budget, and workplan for the following four years.

This year's Plenipot was preceded with close to two years of anxiety and concerns from political and telecommunication industry watchers that it could end in division, which could potentially damage our relationship with other countries on telecommunications issues or have adverse ramifications for the work of the ITU. There was also the potential that a division could have created a division or confusion for the operations of the global Internet, and the fear that some ITU member states would push for a mandate for the ITU to centrally regulate the Internet's functions. But I am happy to report that instead, the conference resulted in a strong consensus.

The U.S. government, along with strong support from the business and civil society communities, spent nearly two years building relationships and a common understanding of the issues and possible solutions in order to avoid a divisive outcome in Korea. Work in other forums and events, including NetMundial in Brazil and a few successful engagements at the ITU itself, also built momentum toward consensus, and we are very pleased with the outcome.

The conference was chaired by Mr. Wonki Min from the Republic of Korea's Ministry of Science, ICT and Future Planning. His very effective management of the event combined with the strong leadership of the ITU elected officials and a willingness among delegations to engage in constructive dialogue were critical to the Conference's success.

The first week of the event was dedicated to policy statements, with more than one hundred of them delivered. Mr. Min, displaying discipline and understanding as Chair, recognized most statements with an acknowledgement of the point the speaker was trying to make and an expression of appreciation for the effort setting a serious and positive tone for the

Conference as a whole.

I spent that first week conducting a series of bilateral meetings along with my colleagues Cyber Coordinator Painter, Assistant Secretary Strickling from NTIA, FCC Chairman Wheeler, DHS Assistant Secretary Andy Ozment, and others. We had a strong and cohesive team. I am proud to serve with these officials; their expertise and stature sent a clear message to our counterparts that we were taking this conference and them, very seriously.

We watched the ITU conduct an effective and transparent election. We are familiar with and know the newly elected officials and look forward to working with them closely.

Our policy strategy that first week and through the whole of the conference wasn't particularly complex. We knew what member states were proposing. We knew which proposals caused us concern. And we knew who was with us and who was not. We set up meetings with delegations from both groups. We chose engagement and dialogue followed by more dialogue and more engagement throughout the course of the event. We pulled every lever we had from home, from issuing cables to embassies in capitals to asking Undersecretary Novelli to make personal calls to key actors in the discussions.

Working together, we were able not only to avoid bad outcomes, but we agreed to discuss matters in good faith and reached consensus-based decisions. Instead of acrimony, there was negotiation. Instead of votes, there was consensus. Representatives from states with diverse policy perspectives played critical roles in the ups and downs of a dialogue that allowed us to reach agreement and work productively.

More importantly, we may also have successfully re-established a basis and process for work going forward that enables the ITU to work within its mandate to promote global connectivity while leaving more contentious issues of how people use that connectivity, particularly as it relates to the Internet's core functions and use, to other institutions and decentralized deliberation, of which the members of the ITU will be a part. The Busan Consensus did not answer all the difficult questions facing the world's governments as they

relate to the global communications system, nor does it mean that we will all agree on policy solutions going forward. The Busan Consensus establishes that the ITU has a vital role to play in that conversation, but for the purposes of establishing policy, it should do so only within its authority and expertise.

For the purposes of this specific conference, as a delegation, we achieved our four primary objectives. First, and most critically as a matter of policy, the member states of the Union agreed to no changes to the ITU's Constitution and Convention, the treaty text, thereby ensuring that its legal remit would not expand beyond telecommunications and into the Internet content or core functionality. Second, in its proposed work through resolutions, member states decided affirmatively not to increase the ITU's role in Internet governance or cybersecurity issues, accepting that many of those issues are outside of the mandate of the ITU. Third, the member states improved the ITU's fiscal and strategic management, transparency policies, and the ability of all stakeholders to view and participate in the work of the Union. And lastly, we were able to affirm our leadership role within the institution itself. The United States was elected to another four-year term on the ITU Council with 22 more member states supporting us than did four years ago. Our colleague, Ms. Joanne Wilson, was elected to the ITU Radio Regulations Board. And my Deputy, Julie Zoller, was elected Vice Chair of the ITU Council for 2015 and will serve as Chair for 2016.

This success was neither easily achieved nor widely predicted. Our challenge within the organization for the next four years is to ensure that it executes well the work on which it has resolved to engage. And both within and outside of the ITU, our challenge and goal is to ensure that we use every tool and institution at our disposal to guarantee that all societies are connected to the Internet, leveraging it securely for economic and social growth. That is no small task. But the desire to engage is there. It is up to all of us to take up the challenge.

In the coming two years, the discussion and debate over the many issues and decisions that constitute Internet governance will continue in various venues. Among them, we will focus on ensuring that the ITU fully implements and executes the agreements from Member States in Busan. We will continue contributing to the UN General Assembly ten-year review of the

implementation of the outcomes of the World Summit on the Information Society, and we will continue to promote the active participation of all WSIS stakeholders in that process. We will participate fully in the Internet Governance Forum, work with our colleagues at Commerce on the newly announced NetMundial Initiative, and construct the preparation in 2015 for the 2016 OECD Digital Economy Ministerial, which I will Vice Chair.

On a bilateral basis, we will redouble our efforts at engagement with India, Brazil, Korea, Mexico, Turkey, Japan, China and other key countries with the goal of ensuring that our policies are interoperable and that our stakeholders are treated fairly abroad.

Our overriding guiding mission is to promote and encourage policies and activities that increase the number of people around the world connected to the global communications infrastructure and ensure that there is as little friction or interference as possible with their use of that infrastructure for social and economic development. At the same time we recognize that the community, through multistakeholder supported solutions, must address the misuse of the access to the networks, whether that be for theft or to do others harm.

We will continue to engage all stakeholders and our foreign counterparts to work toward constructive solutions to challenges facing all of us and we will continue to promote the full, respectful, and complete engagement of all stakeholders in all discussions on Internet governance related issues.

We will need your assistance and engagement and we look forward to working with you.