



CWG-WCIT12 CONTRIBUTION

**SOURCE:
Internet Society**

Internet Society comment to the WCIT Preparations

Introduction

The Internet Society (ISOC) is a non-profit organization dedicated to ensuring the open development, evolution, and use of the Internet for the benefit of all people throughout the world. Since 1992, ISOC has served as a global clearinghouse for technically sound, unbiased information about the Internet, as an educator, and as a focal point for a broad based community of interest engaged in Internet-related initiatives around the world. It provides the organizational home for the Internet Engineering Task Force (IETF), Internet Architecture Board (IAB) and the Internet Research Task Force (IRTF).

As a Sector Member of the ITU Telecommunication Standards and Telecommunication Development Sectors, ISOC respectfully submits this contribution to the ITU Council Working Group preparatory meeting for the World Conference on International Telecommunications (WCIT) for its consideration and action. The Internet Society believes that WCIT is a very important Conference and we look forward to participating actively in the preparations, consistent with the process set forth by the 2010 ITU Plenipotentiary Conference in Resolution 171.

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The global communications environment has changed significantly since the 1988 World Administrative Telegraphy and Telephone Conference that crafted the International Telecommunication Regulations (ITRs). Since 1988, people around the world have come to interact and communicate in fundamentally different ways as a result of those changes. In particular, the Internet has grown from being a little known research project to become a major force in the world's economic and political systems, as well as in how people live, work and play in their daily lives. With over 2 billion users worldwide, the Internet still has huge capacity for growth and users have tremendous opportunities today to leverage the technology to develop game-changing innovations that could equally radically change the communications landscape. In economic terms, a recent report from McKinsey noted that the modern Internet is integral to

GDP growth, economic modernization, and job creation, generating over 10 percent of GDP growth in the past 15 years in the countries studied.¹

ITU Resolution 171 (Guadalajara, 2010) notes that “advances in technology have resulted in an increased use of IP-enabled infrastructure and IP-based services and applications presenting both opportunities and challenges for Member States and Sector Members” and that it may be necessary to update the ITRs in light of these changes. While the ITU Membership is still in the midst of preparations for the WCIT, the Internet Society has noted a number of draft treaty proposals that could have impacts for the Internet. In general, the Internet Society has grave concerns about the impact of some of these proposals upon the continued growth and innovation of the Internet.

The Internet *is* different from the traditional telecommunication systems governed by the ITRs. This difference must be understood and respected if the Internet’s benefits are ever to reach all of the world’s people.

The Internet is characterized by several essential properties that make it what it is today – a global, unified network of networks that is constantly evolving, that has provided enormous benefits, that enables extraordinary innovation, and whose robustness is based on a tradition of open standards, community collaboration and consensus. Those properties are analyzed and described in detail in Annex 1 “*What really matters about the Internet,*” which is offered to provide an overall context for this contribution. As the Internet grew and flourished, Internet policy development at the global, regional, and national level have continued to evolve to work harmoniously *with* the Internet to assure its ongoing development. This process has provided the capacity to cope with the necessary and fast paced technological evolution that has characterized the Internet to date. We do not yet know where this innovation will take us.

The Internet Society contributes to the ITU WCIT preparatory process with the hope that the results of the WCIT itself will enable the continuing growth and innovation that is the future of global communications. In this contribution, the Internet Society offers its views on specific proposals found in CWG-WCIT12/TD-43. We respectfully request ITU Member States’ careful consideration of this contribution and hope that the key points will be included in the deliberations leading up to and during the WCIT. The Internet Society will update these proposals with further contributions, consistent with the process set forth in Resolution 171 as Member States continue their work to prepare for the 2012 WCIT.

What are the implications of these features for the International Telecommunication Regulations?

Surprising new ideas and innovations, which have come to characterize the Internet, requires openness and transparency in the environment. Any revisions to the ITRs should require Member States’ commitment that their decision-making processes will be open, transparent and include

¹ McKinsey Global Institute. *The Internet Matters: The Net’s Sweeping Impact on Growth, Jobs and Prosperity*. May, 2011.

direct multistakeholder participation, including civil society, consistent with the Principles established at the World Summit on the Information Society (WSIS).

Further, any expanded regulation at the infrastructure level is likely to have an impact on growth and innovation and should be avoided unless absolutely necessary. In the rare case where a regulatory framework is needed, Member States should commit to ensuring that these are justified, and consist of high-level principles. Regulation should not interfere in commercial decisions, be based on specific technologies or business-models, or seek to substitute government (public-funded) action for the private sector.

The ITRs should enshrine a commitment to the use of open and voluntary international standards. Interoperability, mutual agreement, and collaboration are invariable requirements for the Internet's survival. Many standards development organizations contribute to the smooth functioning of the Internet, and new standards development organizations have emerged over time, so it is potentially damaging to impose a preference for some standards development organizations (SDOs) over others.

The ITRs should reflect what has been learned about what works best for telecommunication regulation in the 24 years since the WATTC. In particular, its text should seek Member States' commitment that their regulatory regimes be non-discriminatory, technology neutral, and encourage competition.

Finally, to continue to benefit from what we know about the Internet, the ITRs should strive to be permissive, not restrictive. The text could be improved by committing to develop "soft" regulatory practices such as "codes of practice" and "guidelines" wherever possible, and always in an open and transparent manner, consistent with current practices and with the outcomes of the WSIS.

Since 1988, the technology, providers, users, and regulators of telecommunication networks and services have changed in ways that would have been unimaginable for delegates to the WATTC. Yet, the International Telecommunication Regulations have served the Member States of the ITU for nearly a quarter of a century without being revised. To the extent they have been a success, it has been a result of their addressing issues at a suitably high level. When deciding the eventual outcomes of the 2012 WCIT, it is vital to understand and to respect the basic properties that have made the Internet an engine of creativity, productivity, and growth. In that spirit, the Internet Society is providing comments on the proposals under discussion in Annex 2 of this paper.

ANNEX 1: What really matters about the Internet

Introduction

The Internet has seen significant change since it was established as a research network more than forty years ago. On one front, it has gone from being a network run by government agencies and researchers to facilitate their collaboration, to being run by a mixture of research and commercial interests as a curiosity, an informal electronic communications medium, and latterly a cornerstone of considerable importance for both commerce and individuals' daily lives. On another front, the technology supporting the network has evolved commensurately with computing power, and network architectures have followed the changing requirements and uses. And on yet another front, Internet applications and services have been transformative, continuously challenging expectations

In the light of those considerations, it's important to understand what is actually important and *unchanging* about the Internet – the *invariants* that have been true to date. This paper describes several invariant properties of the Internet, which are interesting for what they include, as well as what they omit. These characteristics, which have enabled the Internet to serve as a platform for seemingly limitless innovation, outline not only its technology, but also its shape in terms of global impact and social structures.

The Internet is a worldwide interconnection of computers and computer networks that facilitate the sharing of information among users. The unchanging properties of that system have included features of the underlying networks, technologies and standards, as well as emergent properties that impact users and uses of the Internet.

The Internet has global reach and integrity, and is not constrained in terms of supported services and applications:

- ***Global reach, integrity:*** Any endpoint of the Internet can address any other endpoint, and the information received at one endpoint is as intended by the sender, wherever the receiver connects to the Internet.
- ***General purpose:*** The Internet is capable of supporting a wide range of demands for its use.

The Internet is for everyone – there is no central authority that designates or permits different classes of Internet activities:

- ***Supports innovation without requiring permission (by anyone)***
- ***Accessible – it's possible to connect to it, build new parts of it, and study it overall***

The Internet requires some basic agreements and social behaviour – between technologies and between humans:

- ***Based on interoperability and mutual agreement:***
- ***Collaboration:***

Although no specific technology defines the Internet, there are some basic characteristics that describe what works:

- ***Technology – reusable building blocks:***

And, finally, the more the Internet stays the same, the more it changes:

- *There are no permanent favourites:*

Conclusion

As the Internet is increasingly important to everyday life, and more requirements are placed on it by a broader range of stakeholders, it is important to be able to distinguish between aspects that need to be preserved and things that are simply the flavour of the moment. These invariant properties of the Internet need to be preserved, even as the way in which they are achieved changes continuously and drastically over the coming years.

What does matter for the future health of the Internet is that these basic properties are upheld and fostered as new technologies, operators, and stakeholders emerge.

The full ISOC paper on this topic may be found at:

<http://www.internetsociety.org/internet-invariants-what-really-matters>

ANNEX 2: Applying these principles to proposed revisions to the International Telecommunication Regulations

Proposal to MOD Art 1.4 and 3.5: Together these would have the effect of making it compulsory for states to impose ITU-T standards and potentially policy decisions on telecom/Internet service providers in their countries. This approach would be counterproductive for global communications and is counter to the international collaborative standards development process that is place today. ISOC believes that ITU-T Recommendations should continue to be voluntary. NOC to MOD Art 1.4 and do not support NEW 3.5.

Proposed MODs to Art. 2: ISOC notes several proposals to add definitions to the ITRs. While specific text is not yet available, it seems likely the inclusion of a definition implies that there will be subsequent proposals to have the Treaty impose responsibilities or actions pertaining to the word or concept defined. The proposals to add a new Article 2.19 are particular cause for concern, because they would greatly expand the ITRs' coverage into areas that would negatively impact upon the Internet, and broaden the scope of the ITRs into controlling the content of communications, specifically on the Internet. ISOC here highlights the potential for harm arising from such significant expansion of the scope of the Treaty, and will comment more fully after seeing the specific text being proposed.

Proposed MOD to Art 2.2: The Internet is not a telecommunication service. NOC to Art 2.2.

Proposed ADD new Art. 2.13: To deal with spam ISOC supports the development of codes of conduct or best practices at the national, regional, and international level. As a model, we urge examination and consideration of individual jurisdictions' self-regulatory approaches that have evolved with regard to advertising, including consumer protection mechanisms. Adding a definition of spam to the ITRs would extend treaty coverage into areas of content and use of the network, again with the force of international treaty and likely national law.

Proposed ADD new Art 3.8: This would oblige ITU to allocate/distribute some part of IPv6 addresses, which would be disruptive to the existing, successful mechanism for allocating/distributing IPv6 addresses². ISOC has concerns about this proposal but will comment more fully after seeing the specific text to be proposed.

Proposed MOD to Art. 4.3A and Proposed MOD to Art. 8 and other proposals in the areas of network security, cybersecurity, cybercrime, spam, and related topics: Consistent with PP-10 Res., ISOC supports excluding content, national defense and security, and cybercrime aspects from the ITRs. Any other aspects of cybersecurity must meet the criteria established in PP-10 Res. 171 to be considered for inclusion in any revised ITRs. ISOC believes that issues such as cybersecurity, cybercrime, spam, etc., are most effectively dealt with by developing national best practices and codes of conduct, with appropriate international cooperation. ISOC will comment more fully after seeing the specific text being proposed

Proposal to ADD new Art. 8.5: This proposal would require Member States to take on a very active and inappropriate role in patrolling and enforcing newly defined standards of behaviour on telecommunication and Internet networks and in services. ISOC believes such issues are most

² For more information see: A Delicate Balance < <http://www.internetsociety.org/ip-addressing>

effectively dealt with by developing national best practices and codes of conduct with appropriate international cooperation. The Internet is built on multistakeholder cooperation that includes an important role for governments, but similarly engages the private sector and civil society, through a bottom-up, inclusive process, consistent with the Geneva Declaration of Principles³.

³“All actors in the Information Society should take appropriate actions and preventive measures, as determined by law, against abusive uses of ICTs, such as illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings.” *UN World Summit on the Information Society, Geneva Declaration of Principles*, paragraph 59.