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Contribution from BT

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BT Comments on the Report of the Working Group on Internet Governance (WGIG)

BT welcomes the approach of the WGIG in producing this report, in particular the adherence to the key WSIS principles relating to the stable and secure functioning of the Internet. The concept of inclusiveness as defined in the definition of Internet Governance is also fundamental to achieving a balanced and workable solution that will stand the test of time.

As a provider of both infrastructure and services that utilise critical Internet resources, BT strongly supports the principle that the management and administration of the Internet protocol addresses and domain name systems continue to be undertaken by those bodies that have the relevant expertise and experience in these specific areas. BT also supports the continuation of the industry driven bottom-up, policy development process in which all stakeholders participate. The benefits of these arrangements are well proven, and have resulted in an environment where attention quickly focuses on key issues with resolution achieved without constraining the flexibility or dynamism that is an inherent part of the Internet today.

The current nature of the Internet's open architecture and ability to transcend national boundaries is one of its key strengths. Unless it can be proved that the current functioning of the Internet at any particular level is not working the introduction of cumbersome governance, or attempts to dismember, replace, or reconstitute key components of the current administration of the Internet's core resources, will impair the Internet's current performance and future development. Any such action would be disruptive and unhelpful, particularly during a period where stability is essential as the global economy and industry become more dependent upon the Internet medium.

Working Definition of Internet Governance

BT supports the concept of inclusiveness proposed in the definition of Internet and considers that the involvement of all stakeholders will be an essential requirement as aspects of Internet governance are progressed. However, BT considers that insufficient emphasis on the role and importance of users, developers and suppliers of the Internet has been factored into the multi stakeholder perspective by the WSIS/WGIG programme.

ICANN

BT offers full support for ICANN to maintain its core role, in strict accord with its limited mission and scope established as part of the ICANN reform process. ICANN is still a relatively young organisation; having had to address an extremely complex and varied set of issues that impact a wide range of stakeholders holding diverse views. Any organisation starting against this background would initially struggle, but there are positive signs that ICANN is making good progress in key areas. Major disruption or changes to this function at this stage could have negative results for industry and the wider global economy.

Interconnection costs

BT believes that interconnection is best handled by commercial negotiation. As Internet traffic grows in areas outside Europe and North America there will be increasing opportunities for regional traffic exchange arrangements; and as web hosting develops in these areas there will be increasing demand for connectivity from European and North American customers.

Internet Stability and Cybercrime

BT does not share the concerns in the Report on the absence of multilateral mechanisms in the field of security and cybercrime, and does not support the creation of an institution or mechanism in this area. The UN General Assembly itself offers guidelines for countries on security and 46 countries, including countries outside of Europe, have participated in development of the Council of Europe Convention on Cybercrime, which offers a very good standard for countries to implement. It should be acknowledged that there is no single "cybercrime", therefore no single solution to the problem. Furthermore, many "cybercrimes" come and go, with many other so-called being merely traditional crimes and frauds facilitated by the internet as a communication path instead of by phone, fax or post.

Tools and mechanisms to tackle criminal activities that are distributed in different countries are continually evolving and developing. And as noted in the case of SPAM below, many countries have already entered into dialogue or arrangements with each other to enhance cross-border co-operation of regulatory and law enforcement agencies to combat such activities (for example the International Consumer Protection and Enforcement Network (ICPEN)). Such initiatives are complemented and supplemented by co-operative industry initiatives, which involve exchange of information and best practice to identify and manage the risks. WSIS should build upon these existing initiatives by encouraging greater government cross border co-operation and promoting education and awareness raising schemes so that users and consumers are aware of risks and how to avoid or deal with them if they arise.

SPAM

As stated within the WGIG report, no unified or co-ordinated approach towards resolving issues related to SPAM exists, but BT would argue that a 'unified' approach would be unnecessary and unworkable. The threats posed by SPAM cannot be dealt with by the action of any single group. Instead, it requires

a co-ordinated approach that combines best practice with technological tools and regulatory policies that tackle the root cause of the problem as well as its effect. BT supports the use of 'tool kits' such as those prepared by the OECD and ASEM, which offer a range of best practice models in resolving the issue of Spam. In the UK, co-operative initiatives have been developed between government, the private sector and consumers/users. These initiatives, and the technological solutions that arise from them, are proving an effective response to this global problem.

Meaningful Participation

Meaningful and equitable multi stakeholder participation in global policy development is essential. Participation by developing countries is already growing within the existing forums for discussion and this should be actively encouraged. A co-ordinated approach through existing forums and outreach programs could go a long way towards achieving the desired result of WSIS in this area (see our comments on capacity building below).

Capacity Building

The Report highlights that the issues which are central to fostering increased participation in Internet governance arrangements by developing countries are not in fact specific to the internet and "Internet governance" as such, but are the fundamental and pervasive issues that various UN agencies and other organisations such as WTO are already engaged with such as education/ development of skills/cultural exchanges and investment and opening of markets. This indicates that the output from the WGIG process should be to re-focus on these core "building-block" aspects to pull through sustainable and meaningful participation in all areas instead of placing an artificial focus on "Internet governance" in isolation

IP Addressing

The arguments and issues surrounding the unbalanced distribution of IP addresses, due predominately to the disparate development of the Internet across the globe are well known. It is also widely acknowledged that the distribution of resources would take a different and more equitable form if assignment commenced today. The problem is how to redress the balance without causing severe disruption threatening the stability of the system. Any such measures should be carefully considered alongside the key criteria of maintaining the effective operation of the Internet.

Regional Internet Registry

Current Regional Internet Registry (RIR) assignment policies ensure all parties are treated in a fair and equitable manner and have the same opportunity to secure resources. Estimates prepared within the RIRs indicate that there will be no immediate exhaustion of IPv4 resources and IPv6 allocations are available to all parties on an equitable basis. BT does not support an approach where the distribution of IP addresses could also take place at the national level. The availability of addresses would not be enhanced, and such fragmentation would undoubtedly have a serious impact on routeing aggregation.

Intellectual Property Rights (IPR)

The UN already has an internationally respected, expert body on intellectual property, The World Intellectual Property Organisation (WIPO). Duplicating any aspect of WIPO's portfolio would be both unnecessary and undesirable. Therefore, BT considers that any discussions in the WGIG process relating to IPR should take place within the current and future work program of WIPO.

Data Protection and Privacy rights

There is no single, shared understanding between countries on the substance and nature of such rights. Sector-specific, national and regional approaches to data protection and privacy rights continue to evolve and develop at variable rates worldwide.

Mechanisms such as the annual International Conference on Privacy and Personal Data Protection (<http://26konferencja.giodo.gov.pl/zaproszenie/j/en>), now in its 26th year, already provide for exchange of information and developments in best practice and policy between different countries. There are many other fora too, e.g. APEC, OECD and the Council of Europe at which there is dialogue between different governments. There is no benefit to be gained from creating additional mechanisms for dialogue on aspects of data protection and privacy rights relating to the Internet in isolation from dialogue on the development of laws and policies of data protection and privacy in general.

Consumer Rights

As with the majority of issues identified, the issue of cross-border sales and "distance- selling" are not unique to the Internet. Despite the concerns expressed, increasing millions of consumers do weigh up the risks for themselves and enter into transactions and knowledge does spread quickly about reputable (and disreputable) providers. As the frequency of such transactions has been increasing at the consumer level, many countries are already pursuing dialogue on how to work through the associated highly technical legal issues of applicable law, jurisdiction, alternative dispute resolution and enforcement in expert regional and international fora such as the Hague Convention and in the OECD.

Countries regard issues of consumer protection as very much national issues. However, it is far from clear that traditional approaches based on the premise that a consumer is always a weaker and/or less informed party in transactions will be the appropriate basis when dealing with consumer rights over the Internet. For example, it cannot be assumed that a provider of an Internet service will even know when the other party to a transaction is indeed a consumer, the country in which a specific transaction is taking place or the home country of the other party. Then, in order to acquire accurate information on such features raises significant technical and legal issues on data protection and privacy. As per our comments on cybercrime and security above, WSIS should encourage greater government cross border co-operation, and continued dialogue with expert fora outlined above. Promoting education and awareness raising schemes should also be actively pursued so that consumers are aware of risks and how to avoid or deal with them if they arise.

Roles and Responsibilities

The Report lists extensive 'governance' responsibilities for governments, private sector and civil society. However, it should be acknowledged that the successful growth of the Internet is due in large part to its development in an unrestrained environment. The major role the private sector plays in investment in infrastructure and the development of internet technologies is also overlooked by the Report, along with the important element of shared responsibility or activity between the identified groups. The current governance model operates a bottom-up, policy development process in which all stakeholders participate and going forward this model, should be reflected in any description of roles and responsibilities

Conclusion

In conclusion, on the basis of the overall BT approach outlined above:

For BT, an immediate issue is to ensure that any desire to move towards greater internationalisation and oversight of the Internet, for example, changes to the root zone file, do not introduce complexity or delay. Simple processes that facilitate essential operational changes to the Internet must remain a key requirement. On this basis, BT retains the view that the main focus of public policy and oversight should remain ensuring the principles are adhered to rather than concentrating on possible replacement models.

With regard to the proposed Forum function, and the WSIS/WGIG priority to ensure effective and meaningful participation of all stakeholders from developing countries; BT considers that the most timely and efficient way to facilitate the progress already made by WSIS to date will be to encourage all the stakeholders and communities identified in Section IV to further develop their own outreach programmes with each other instead of creating a new "Forum Function" linked to the United Nations.

Furthermore, BT has reservations about each of the four models proposed in the WGIG statement. None offers solutions that meet the needs of all stakeholders, or enhance the existing structures in a manner that would provide any overall benefit. Whilst some aspects of governance would be addressed in a more acceptable manner in the eyes of certain parties, other parts of this complex picture which are currently working well would be compromised. Even with Model 2, which BT considers to be the only one close to viability, we doubt the wisdom of the approach. It is not appropriate for ICANN to evolve into a body that has a much wider remit than it has today. BT also considers that all of the organisational models proposed place insufficient emphasis on the role and importance of users, developers and suppliers of Internet.

BT therefore urges further consideration by WSIS to focus on addressing all of the above issues in a timely manner, rather than adopting a broad approach that challenges or re-organises those functions/organisations that are already serving the Internet community well, or working in an increasingly effective manner.

If you would like to discuss any aspect of this letter, please do not hesitate to contact me via the above contact details.

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