Notes on the Annex to ITU Council Resolution 1305

The policy areas in the Annex fall into three sets:

1. **Cybersecurity-related Public Policy Areas**

Items 4, 5, 6, 7, 11 and 12 are all cybersecurity-related. They cover security, safety, continuity, sustainability, and robustness, cybercrime, spam, misuse of the Internet, privacy and personal information, and protecting children online. These emphases reflect the points of Geneva Action Line C5, on "Building confidence and security in the use of ICTs."

The cybersecurity resolutions generally speak in terms of "ICTs" and "telecommunications/ICTs," and only refer to the Internet, IP-based networks or Next-generation networks in a few instances. They use the term Internet in relation to spam and child online protection and in reference to these various areas as being Internet-related public policy areas within the scope of ITU, including references to this Annex to Council Resolution 1305.

Spam, child online protection, and general categories of concerns such as security, safety, continuity, sustainability, robustness, and misuse of the Internet, whether related to Internet resources such as domain names and addresses or more general concerns related to the Internet, can arguably be addressed by approaches that accord responsibility to end users or individual networks. Enforcement of a policy by a central authority across networks may have effects on the autonomy and liberty of end users and network providers and the openness and flexibility of the platform produced when they interoperate.

WTSA 50 and PP 130 refer to work being undertaken by ITU-T Study Group 17 on "National IP-based Public Network Security Centers." IP-Based networks constituted of routers implementing a common policy under a core authority, whether public or private, can implement security measures in ways that are very different from the kinds of approaches that may be taken by autonomous, competing providers interoperating through the use of IP. If policies for confidence and security depend on forms of oversight like those available within a managed service framework, the platform that results will be subject to those policies rather than relying on the participants in the network providing for the same purposes themselves.

The ITU resolutions do not articulate a distinction between these two types of networks. Proceeding with implementing public policy for confidence and security without recognizing the nature of the Internet as distinct from an intranet that may handle packet transmissions in specialized ways among the routers it controls will not only impact the nature of the platform, but it will affect numerous WSIS goals that would benefit more from the Internet platform.

2) **More Developmental Public Policy Areas**

Items 2, 8, 9 and 10 are more "developmental." Items 9 and 10, on "developmental aspects of the Internet" and "capacity building for Internet governance in developing countries," both list WTDC Resolutions 17 and 20. Given that WTDC 17 is referenced by Plenipotentiary Resolution 137, which promotes "next-generation network deployment in developing countries," we can see that failing to distinguish the special characteristics of the Internet while addressing policy on "developmental aspects

of the Internet" could easily encourage the implementation of NGNs without recognizing the difference.

WTDC 20 addresses non-discriminatory access to telecommunications facilities and applications and is referenced by WTDC resolutions in the areas of the enabling environment, capacity building and digital inclusivity, and ICT applications in general. While non-discriminatory access is a critical value, competition among autonomous providers can also serve the purposes of these areas through a flexible and open Internet platform, supporting infrastructure development, empowerment of communities and sustainability and diversity of applications development on a stronger basis. Non-discrimination policy is more applicable to intranet offerings or a vertically integrated telecommunications context, and cannot offer the advantages of real competition among independent providers producing an Internet platform.

Item 2, on International Internet Connectivity, should list WTDC 23 under the ITU Mandate column. WTDC 23 should be revised so the provision under "recognizing" includes language that recognizes that not all commercial practices to reduce costs are consistent with the general purpose transmission of packets that enables independent networks to interoperate. Connectivity to the broader international Internet does not necessarily mean the network at the national level supports general purpose internetworking between autonomous network providers:

Adding one paragraph to WTDC 23 (see http://internetdistinction.com/wsisimpacts/wsis/wtdc/wtdc_23/):

Under:

recognizing

a) that commercial initiatives by service providers have the potential to deliver cost savings for Internet access, for example through the development of more local content and the optimization of Internet traffic routing patterns in a manner that provides for a greater proportion of traffic to be routed locally;

Add:

b) that charging principles for international Internet connectivity must recognize that some commercial initiatives by providers of international connectivity to the broader Internet may take the form of practices within their networks that must be distinguished from Internet connectivity, notwithstanding cost advantages of these practices, since they are not consistent with the flexible mode of interoperability among competitive, autonomous Internet providers that the Internet protocols make possible,

Item 8, on "availability, affordability, reliability, and quality of service, especially in the developing world," references values that are often offered as advantages that managed or specialized service network frameworks make possible. The ITU will easily misrepresent the nature of the open Internet platform if it does not distinguish it from specialized service offerings.

3) More Technical Public Policy areas

Items 1 and 3 are "more technical," addressing internationalized domain names and international public policy issues pertaining to Internet resources such as domain names and addresses which have been taken up in the ITU-T sector. Under this heading, WTSA 47 and 48 note in connection with ccTLDs and IDNs that intergovernmental organizations should have a role in coordination of Internet-related public policy issues, and that international organizations should have a role in development of Internet-related technical standards and relevant policies. WTSA 49, on ENUM, valorizes convergence in reference to the integration of telecommunications and the Internet. WTSA 64 refers to IP addresses as fundamental resources key to the development of IP-based networks and the world economy.

For these resolutions, we simply note that networks do not necessarily afford the key characteristics and advantages of the Internet simply by dint of their using IP addresses, and it is critical to recognize that the Internet addresses the problem of interoperation between autonomous networks, while other types of IP-based networks seek to implement functions that do not use the Internet Protocol in this way.