

ISOC Board of Trustees Meeting January 16, 2012

Discussion on Key Policy Priorities: SOPA and Human Rights Submitted by M. Kummer & S. Wentworth

Stop Online Piracy Act (SOPA)

The press release expressing the Internet Society Board of Trustees' concern with the Protect-IP Act (PIPA) and Stop Online Piracy Act (SOPA) was picked up by the media and also noted by the proponents of this proposed legislation. This in itself is good news, as it shows that ISOC's voice in the public debate carries weight. At this stage, it is too early to assess the impact of ISOC's public position on this issue, as the discussions are ongoing.

In this context, it may be worthwhile for the Board of Trustees to address a number of questions.

- A first cluster of questions relates to the kind of issue that warrants a Board of Trustee position. As ISOC has a global vocation, it would make sense for the Board to focus on global issues. Commenting on national issues can also make sense and would seem justified as long as they could have global repercussions and risk to compromise the Internet's global architecture. This would apply to SOPA and also to many of other measures taken by the US, given that country's pre-eminent position in this field. However, when commenting on national issues, care should be taken not to get too deeply involved in national politics and not to lose sight of ISOC's unique global perspective.
- A second cluster of questions relates to the desired impact. What is the best way to further the ISOC position? Is a press release and a letter by the CEO to local legislators sufficient? Is there more that can be done to maximize the impact? Are there additional measures that could or should be taken, such as individual letters by locally-based Board of Trustee Members in the country/region in question? Would it be appropriate to mobilize local ISOC members to get engaged?
- A third cluster of questions relates to other global issues that would justify a position by the Board of Trustees. There are various attempts underway by some governments to gain control over the Internet and bring the policy development process under governmental control and exclude all the other stakeholders. Examples are:
 - A proposal by Russia, China, Tajikistan and Uzbekistan to create a UN "code of conduct for information security". Among other things, the proposed code of conduct would commits its signatories to "curbing the dissemination of information that incites terrorism, secession-ism, or extremism, or that undermines other countries' political, economic, and social stability, as well as their spiritual and cultural environment.
 - Another proposal by India, to set up a new institutional mechanism in the United Nations for global internet-related policies, the United Nations Committee for Internet-Related Policies (CIRP) that would be served by the United Nations Conference on Trade and Development (UNCTAD).

Should the Board of Trustees comment on any or both of these proposals?

- Lastly, some proposals that would have impact on the Internet have already been put forward in the context of the preparatory process of the World Conference on International Telecommunications (WCIT) and many more are expected to follow. At what point should the Board of Trustees comment on what is at stake?

The Internet and Human Rights

The press release issued after the Dakar Board of Trustees meeting, focusing on the Internet as an enabler for the realization of a wide range of human rights, was widely noted and generally well received. Building on the Internet Society's long-time advocacy of an open, global and accessible Internet, the press release stated that the Board of Trustees viewed the Internet as an essential vehicle for promoting freedom of opinion and expression, as enshrined in Article 19 of the Universal Declaration of Human Rights.

Following the Board's endorsement of this human rights focus, the Public Policy department reached out to other organizations, such as the Center for Democracy and Technology and the Association for Progressive Communication, with the aim to develop partnerships to sustain and enhance ISOC's engagement in this area. The Internet Society marked the international Human Rights Day on 10 December with a press release supporting this year's focus on the transformational role of the Internet and social media applications. The new website also included a section on human rights and featured an interview with Board of Trustee member Khaled Koubaa, reflecting on his experience of the impact of the Internet on citizen's social and political life in Tunisia:
<http://www.internetsociety.org/building-freedoms-0>

One key forum to discuss the relationship between the Internet and freedom of expression and the right to assembly is the United Nations Human Rights Council. The Internet Society intends to participate actively in these discussions and to involve its membership to further develop its position on human rights issues. In addition, we plan to hold workshops on the Internet and Human Rights at the 2012 WSIS Forum and the annual IGF meeting.

A Human Rights focus is also relevant in other policy areas such as the protection of Intellectual Property Rights (IPR). Aspects related to freedom of expression are part of the Internet Society's concerns with regard to proposals such as the Protection of Intellectual Property Act (PIPA) and the Stop Online Privacy Act (SOPA).

Agenda item VI:

Update on WCIT-12 and WTSA-12

In 2012, the ITU will host two important conferences: The World Telecommunication Standardization Assembly (WTSA) (20-29 November, Dubai) and the World Conference on International Telecommunications (WCIT) (03-14 December, Dubai). Both conferences will address a range of Internet-related topics and our early assessment of proposals to the

conferences is that the results of the WTSA and WCIT could be damaging to the global Internet. The Internet Society, working together with our members, chapters and Internet partners, needs to help inform policy makers and ensure that they have the best information possible in order to make decisions at these ITU conferences that allows the Internet to continue as a global medium for communication based on principles of openness, collaboration and bottom-up, consensus-based decision making. Many of these key principles will be challenged at the ITU WTSA and WCIT.

WTSA: The WTSA takes place every four years in the ITU Standardization Sector (ITU-T). WTSA is *not* a treaty-level conference, but rather sets out the four-year work program for the ITU-T and its Study Groups, elects Study Group Chair/Vice Chair positions, approves the work from the previous four years, and addresses other ITU-T policy-related issues of interest to the Membership. Increasingly, the scope of the ITU's work is broadening to include Internet issues – the WTSA is another opportunity for the ITU to move into the Internet area, particularly at the level of standards development. Some of the issues of interest to ISOC at the WTSA:

- Proposals for an ITU-T Internet related Study Group
- Relationship between ITU and other SDOs (IETF in particular)
- Scope of the ITU-T work on cloud computing and its architecture
- Conformance testing and the ITU Mark

WCIT: The WCIT is a treaty-level conference of the ITU that develops a treaty called the International Telecommunication Regulations (ITRs). A WCIT is called at the request of members – the last WCIT was in 1988. The stated purpose of the ITRs is to facilitate “global interconnection and interoperability” of telecommunications traffic between borders. ITU Member States agreed that the ITRs needed to be updated and, in 2010, launched a preparatory process to revise and update the treaty. Consistent with ITU treaty preparations, there are regional meetings to develop common regional positions, and global meetings that serve as the “first rounds” of negotiations.

The Internet Society, as an ITU Sector Member, can contribute to the global preparations for the WCIT (meetings are held thru June 2012) but will not be permitted to speak at the WCIT itself. ISOC will also plan to participate at the Regional Preparatory Meetings since those will have a considerable impact on the global negotiations.

Some of the key proposals of concern to ISOC at the WCIT (see also attached matrix of issues):

- Expanded scope of ITRs to include IP networks
- Content-related provisions – Spam, child protection, data protection
- New definitions
- Mandatory application of ITU Recommendations
- Articles on Cybersecurity
- Number, naming, addressing / IPv6
- Charging and billing arrangements

ISOC Approach:

As a Sector Member of the ITU, ISOC will actively engage in the preparations for the WCIT because it is virtually certain that the WCIT negotiations will deal with topics that could strongly impact the governance and future evolution of the Internet and the Internet ecosystem. Thus our strategy is to inform and influence the government delegates who will negotiate the ITRs in 2012 and also to keep our global membership informed and engaged, as appropriate.

Our ISOC strategy has four interrelated components. Those are:

- Providing sound, technically-informed **information, and advice** to interested delegates from Member States as they prepare for the WCIT,
- Informing and empowering our **members** to play a role,
- **Regional engagement**, drawing on the strengths of our regionalization strategy, and
- **Partnership** with other like-minded organizations, most critically the IETF and the other Internet organizations

To guide ISOC engagement in the WCIT preparations, we are working within the following Charter:

As a sector member of the ITU-T and ITU-D, ISOC will engage in the preparations for the WCIT in order to provide technically-sound information and advice concerning Internet networking and policy. We want the outcomes of the WCIT to contribute positively to the health and continuing evolution of the open Internet. In order to achieve that goal, ISOC will engage its extensive network of ISOC members and like-minded organizations to provide informational materials, educational opportunities, advice, positions, and on-line support to government delegates involved in the negotiations.

Specific ISOC activities: Interest in the ITU 2012 conferences is extremely high amongst many of our Members. To assist ISOC Members in understanding the WCIT process and in keeping track of the various proposals, the Internet Society has created mailing lists for ITU-specific communications including notes from the Regional meetings and analysis of WCIT proposals. We have also developed a matrix of WCIT proposals that are specifically relevant to the Internet architecture and have made this available to our membership. Finally, we aim to make the ISOC website on WCIT (www.internetsociety.org/itrs) a resource page for information about the various issue areas that will impact the Internet. There is a strong desire on the part of many policy makers for this kind of solid, technical information. ISOC, working closely with our Internet partners, can clearly fulfill this need.