3 November 2012

International Telecommunication Union
Place des Nations
CH-1211 Geneva 20
Switzerland

Re: NRO contribution to the WCIT Public Consultation - Process

The Number Resource Organization (the NRO, comprising the five Regional Internet Registries) appreciates the opportunity to contribute some views in preparation for the World Conference on International Telecommunications (WCIT) that will discuss the long-established International Telecommunication Regulations (ITRs).

The ITRs were originally intended to guide the provision of international switched telephone services and, within its scope and strength, have promoted the growth of international connectivity. We support the continuance of the ITRs as they were intended.

The NRO has followed with interest, the discussions about proposed changes to ITRs. Under the current ITU procedures, our organizations do not have full access to the discussions nor a formal say in the negotiations. However, as we have been acquainted with some of the proposals to revise the existing ITRs, we note that if some of these are accepted into the regulations, they may adversely affect how telecommunications networks are managed and how they may develop into the future. These are important matters affecting the public interest, for which participation of relevant stakeholders could be sought in the decision-making process.

We have noted proposals to include new provisions into the ITRs as means to address some concerns by ITU Member States in the fields of: a) interconnection costs; b) security; c) spam; and, d) issues relating to Internet resources.

While we share many of the concerns expressed by the ITU Member States, we do not believe that new provisions in the ITRs can effectively help to solve these matters, and instead, may carry unintended consequences. The ITRs will remain unchanged for many years after WCIT, while

most of the issues of concern will change as technologies will evolve.

Our concerns can be summarised more particularly, as follows:

a)   Proposals to include in the ITRs provisions to change interconnection models could impose undue limitations to service providers. The expansion of the Internet could not have occurred if not through peering agreements and the establishment of Internet exchange points (IXPs). These agreements are voluntary, sometimes with no written contracts, and frequently involve no financial transactions. Introducing an intergovernmental, treaty-based, global regulatory scheme to codify or lock-in particular business models may hinder instead of encourage innovation and further growth in international connectivity.

b)   There are proposals from a number of ITU Member States to amend the ITRs to include references to security, touching the realms of content, national defence, and cybercrime. In the quest to guarantee more secure networks, cooperation with different stakeholders is essential. The application of legal or policy principles related with security into the ITRs may impose obligations to ITU Member States that limit, instead of foster, this needed collaboration. c)   With regard to the inclusion of spam in the provisions of the ITRs, we note that spam is complex issue of network usage or content for which no simple solution exists. Our concern is that the suggested ITR provisions are likely to have little effect and will certainly become quickly out-dated as technology evolves.

d)   Proposed revisions to the ITRs involving aspects of naming, numbering, and addressing, are prone to have unintended consequences if accepted by ITU members. It appears these provisions transcend the realm of switched telephony for which the ITRs were formulated and may negatively impact existing Internet operations and management. Resource management for Internet naming, numbering, and addressing have well-established, multistakeholder governance structures and policy development processes. Some proposals could have unintended consequences and impact these successful structures, or even create obligations for ITU Member States to outlaw firewalls, filters and proxies, which are

common practice in the Internet today.[2]

We commend the ITU Council for creating a space such as this one for participation in the WCIT process. We do hope that ITU Member States find value in collaborating with other stakeholders who may be affected by the outcomes of WCIT. Shared expertise and exchange of information are important in order to find viable solutions, to avoid unintended consequences, and for the protection of the public interest. We do share a strong commitment to the growth of international connectivity and we trust for an inclusive environment where we can work together to achieve these goals.

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[2] More of this subject is explained in the article: "Number misuse, telecommunications regulations, and WCIT". Available here: http://www.apnic.net/number-misuse-gih