UNITED STATES COUNCIL FOR INTERNATIONAL BUSINESS

June 8, 2020

Ms. Aimee Meacham
Office of International Affairs
National Telecommunications and Information Administration (NTIA)
U.S. Department of Commerce
1401 Constitution Avenue NW, Room 4701,
Washington, DC 20230

Submitted electronically to WTSA2020@ ntia.gov

Dear Ms. Meacham:

This responds to the National Telecommunications and Information Administration's (NTIA) *Federal Register* Notice of May 8, 2020,[1] which requests comments and recommendations on priorities that advance international communications and information policies at the International Telecommunication Union (ITU) as well as stakeholder input on matters that will be addressed at the 2020 World Telecommunication Standardization Assembly (WTSA-20).

The U.S. Council for International Business (USCIB)[2] holds in high value the work of the ITU Telecommunication Standardization Sector (ITU-T) in the development of international standards that promote the interoperability of telecommunication networks. In recent years, however, the T-Sector's workstream has expanded into areas in which we do not believe the ITU has the expertise or mandate. The WTSA-20 presents a key opportunity to ensure that the ITU-T's structure and work program remain firmly rooted in its technical telecommunications/ICT standardization core competency. USCIB is committed to working with the U.S. Government to identify opportunities for constructive engagement that helps to advance U.S. policy objectives.

Below, we include USCIB's complete submission in response to the Department of State's Request for Comments on WTSA-20 priorities on February 2, 2020. We would like to use this opportunity, however, ***to provide an updated submission*** that addresses issues and questions we did not cover in our earlier comments or that we feel warrant further emphasis:

- Importance of Multistakeholder Engagement on ICT Policy Issues – USCIB applauds NTIA for indicating as its first policy/proposal objective that of advancing the multistakeholder approach to Internet policy. As we have noted in statements before various global forums, USCIB believes that the multistakeholder model for Internet governance continues to be the best method to enable whole-of-society/whole-of-government consideration of Internet

[1] Input on Proposals and Positions for the 2020 World Telecommunication Standardization Assembly (WTSA-20), *Federal Register* Vol. 85, No. 90, Tuesday, May 8, 2020.

[2] The U.S. Council for International Business (USCIB) is a trade association composed of more than 300 multinational companies, law firms, and business associations from every sector of the U.S. economy, with operations in every region of the world. In particular, USCIB Members include a broad cross-section of the global companies in the information and communications technology (ICT) sectors as well as leading users of ICTs. We welcome this opportunity to offer a multi-sectoral perspective on priorities for the 2020 World Telecommunications Standardization Assembly.

policy issues that is grounded in democratic values and the principles of transparency, accountability, and consensus. Given the rapid pace of technological change, governments need the perspectives provided by business, the technical community, and civil society to better understand what policies are commercially viable, technically feasible, and offer adequate user protections. The inputs of all stakeholders produce a flexible policy environment critical to empowering the rapidly evolving digital economy.

Importantly, such stakeholder inclusion can lower the risk of unintended consequences and increase legitimacy and adoption of policies. Top-down government-imposed policies and regulations often cannot keep pace with technological breakthroughs and can serve as a drag on development and innovation, and potentially infringe upon human rights.

The turbulent economic and political backdrop caused by the COVID-19 pandemic makes such multistakeholder participation even more important to ensure that Internet policy remains grounded in sound commercial, technical, and human rights-related expertise.

- Ensuring a Resilient, Secure, and Diverse 5G Supply Chain – The U.S. government should resist efforts to duplicate work being executed under existing standards development organizations (SDOs), such as the Open Radio Access Network Alliance (O-RAN) and other industry groups such as the Telecom Infra Project (TIP), which are developing open and interoperable solutions to increase competition and diversity in the 5G supply chain. For example, O-RAN and TIP are working to ensure the development of open and interoperable interfaces in the Radio Access Network (RAN) and have recently announced a liaison agreement related to the development of open RAN solutions. ITU action should not replace the widely-adopted, consensus standards development processes. Such processes will provide the greatest opportunity for innovation and a robust international supply and commercial sector.

- The Dangers Posed by Top-Down Mandates on Internet Protocols – As we detailed in our February submission to the State Department, USCIB members are troubled by ITU-T TSAG contribution T17-TSAG-C83[3], which calls on the ITU-T "to start further long-term research now and in the next study period [to develop a] top-down design for the future network." It refers to this future network as the "New IP protocol system," which would be composed of a new suite of networking protocols following a top-down design.

  We urge the U.S. Government to strongly oppose this proposal for the following reasons:
  1. The deployment of new protocols is not compatible with standards already used by billions of devices. Simply put, this will result in network fragmentation. The creation and deployment of a new protocol and network architecture in the ITU is likely to create the same kinds of interoperability problems that the proposals ostensibly want to avoid.
  2. The use cases envisioned by the New IP proposals are not sufficiently developed to be standardized by the ITU. The proposals aimed at developing a new IP protocol system should remain within the realm of research where they can see experimentation and measurement, rather than moving precipitously to standards that industry is expected to implement.

[3] ITU-T TSAG contribution T17-TSAG-C83 was presented at the September 2019 TSAG meeting.

3. Monolithic top-down architectures such as those articulated in the New IP proposals have consistently failed to anticipate actual network applications and demands, producing systems with less flexibility than those based on modular building blocks. ISDN's division into voice and data services, for example, missed the possible development of voice over IP applications, resulting in a long-term mismatch between network design and actual use.
4. Finally, the specific challenges identified in the New IP proposals – i.e., latency and security -- have been addressed or are currently being addressed in such organizations as the IETF, IEEE, 3GPP, and ITU-T Study Group 15. For the past decade, the IETF, in particular, has undertaken considerable efforts to reduce latency in Internet transports and applications. These groups also have endeavored to strengthen the security properties of existing technologies while requiring new standards proposals to incorporate security intrinsically.

In sum, we regard the drive for a New IP as an effort to utilize the ITU to advance certain technical leadership ambitions regardless of the fragmentation and confusion created by premature standardization as called for in the New IP proposals. In our view, it is not the ITU's role to impose a single technology or approach on a global scale. To reiterate, we urge the U.S. Government to strongly oppose resolutions supporting a New IP. Other parties involved in standardization share our concerns.[4]

Submission of the U.S. Council for International Business (USCIB) to the Department of State
February 21, 2020

In general, we urge the U.S. Government to pursue the following priorities at the WTSA-20:

- Advocate against Resolutions that would prematurely regulate and/or standardize "emerging technologies," including but not limited to Artificial Intelligence (AI), Internet of Things (IoT), Over-the-Top (OTT) applications, and financial services, or broaden the scope of the ITU's consideration of such technologies into domains such as ethics, R&D, and/or human rights.;
- Advocate for Resolutions that bound the scope of Study Groups, focus groups, and Telecommunication Standardization Bureau **(**TSB**)** programmatic work to the ITU-T's telecommunication/ICTs remit;
- Support an ITU-T structure that is open and transparent and enables full participation by and inputs from both Member States and Sector members in the work of the Sector and its Study Groups, including regionally focused Study Groups;
- Encourage a bottom-up process by the membership in proposing TSB work-streams as well as responding to and shaping initiatives by the TSB Secretariat; and

[4] IETF Liaison response to "LS on New IP, Shaping Future Network," https://datatracker.ietf.org/liaison/1677/; TSAG-TD832, ITU-T Study Group 12 Liaison Statement entitled, "LS/r about TSAG Information Session on Network 2030 (to TSAG-LS33) [from ITU-T SG12];" Hascall Sharp and Olaf Kolkman, "Discussion Paper: An analysis of the "New IP" proposal to the ITU-T," https://www.internetsociety.org/resources/doc/2020/discussion-paper-an-analysis-of-the-new-ip-proposal-to-the-itu-t/.

- Oppose Resolutions calling for monolithic, top-down development of non-interoperable Internet protocols.

Objectives and Priorities

The ITU's Appropriate Technical Remit – At the WTSA-16 and in the run-up to this year's Assembly, we note that some Member States and Sector Members have used review of the ITU-T's work program as an opportunity to expand the ITU's jurisdiction to include various emerging technologies and services, moving the ITU-T beyond its traditional technical telecommunication/ICT remit. USCIB does not support this inappropriate expansion of the T-sector scope of work and is concerned by the risks it poses to the development and growth of new technologies. We encourage the U.S. Government to deploy strategies and gain support from partners to achieve more positive engagement and outcomes, including the stemming of technical and policy outcomes that have the potential to stifle innovation and are not technology-neutral.

Moreover, expanding the work program in this manner has been wastefully duplicative. Some of emerging technology initiatives that ITU members are promoting already are being pursued in globally recognized, voluntary and consensus-based Standards Development Organizations (SDOs). SDOs, such as the Internet Engineering Task Force (IETF), the IEEE, and the 3rd Generation Partnership Project (3GPP), enable a nimble, "bottom-up" approach to standards development that both promotes and facilitates timely adjustments to technology innovations. In general, a multistakeholder framework has proved far more effective in addressing Internet policy matters against a dynamic technological backdrop than binding rules developed by an intergovernmental organization.

In sum, we strongly encourage the U.S. Government to work with other Member States to ensure that the WTSA Resolutions keep the work of the ITU-T properly focused on *technical* telecommunication/ICT standards that do not otherwise have the effect of expanding the ITU's policy and regulatory jurisdiction.

No Premature Regulation or Standardization of Emerging Technologies -- Business in the United States and elsewhere is well-positioned to introduce further advancements in the development and use of emerging technologies, such as AI, data analytics, financial services, and the IoT. To realize this potential, however, industry needs a global, "light touch," interoperable regulatory framework, which also features business collaboration in SDOs to develop technological best practices and voluntary standards. Business is in the best position to understand the potential of emerging technologies for commercial, economic, and societal benefits and, thus, can collaborate with stakeholders in SDOs to revise and update standards accordingly. This is a key consideration for future investments in markets all over the world.

USCIB members therefore are concerned about the efforts of some ITU members to further bring AI and other emerging technologies under ITU-T's purview, the goal being to develop stringent regulations and standards. U.S. business believes it would be premature to rush into regulating AI at this stage as that would quash research and investment in innovative applications with broader economic and societal benefits. Innovators need time to nurture the technology through protective mechanisms, such as "regulatory sandboxes," to better understand how it can be usefully adapted and applied.

We note with favor the OECD's 18-month effort that culminated in the OECD Council's approval in May 2019 of the AI Principles. The OECD's AI Principles have been applauded by stakeholders the world over as setting forth non-binding standards for AI stewardship that are practical and flexible to accommodate ever-evolving changes to the technology. Equally important, the OECD AI Principles were grounded in expert, comprehensive economic and technical analysis that was informed by stakeholders from business, the technical community, government, and civil society.

We are not aware of comparable in-house expertise, personnel, and resources within the ITU to meet the very high standard set by the OECD and its members in developing the AI Principles and the soon-to-be launched online AI Observatory. USCIB therefore is not confident that the ITU's standardization work on AI would be grounded in research and analysis that is as solid as that undertaken by the OECD.

By the same token, we recognize the keen interest of the ITU and some of its members in AI in view of the rapid pace of its development. We realize it would not be productive to flat-out oppose ITU-T work on AI in view of this momentum. We urge that ITU work on AI be ring-fenced so that it appropriately focuses on how telecommunication/ICTs can support AI technology. Organizations like the OECD, which possess in-depth economic, research, and technical expertise, are more appropriate venues to consider the broader issues related to AI, such as promotion of R&D, ethical implications, and human rights concerns. It is not substantively appropriate or a good use of ITU resources to delve into these areas.

No Top-Down Mandates on Internet Protocols – We are troubled by ITU-T TSAG contribution T17-TSAG-C83, which was presented at the September 2019 TSAG meeting. It proposes for the ITU-T "to start further long-term research now and in the next study period [to develop a] top-down design for the future network." It refers to this future network as the "New IP protocol system," which would be composed of a new suite of networking protocols following a top-down design. Proponents maintain that it will rectify perceived shortcomings of the existing IP network, such as supporting more heterogenous networks, realizing better performance, and providing intrinsic security to protocols.

We urge the U.S. Government to strongly oppose this proposal for the following reasons. First, and foremost, the ideas encompassed in the New IP proposals are not sufficiently developed to be standardized by the ITU. The proposals aimed at developing a new IP protocol system should remain within the realm of research where they can see experimentation and measurement, rather than moving precipitously to standards that industry is expected to implement. Second, the deployment of new protocols is not compatible with standards already used by billions of devices. Simply put, this will result in network fragmentation. The creation and deployment of a new protocol and network architecture in the ITU is likely to create the same kinds of interoperability problems that the proposals ostensibly want to avoid.

Third, monolithic top-down architectures as articulated in the New IP proposals have consistently failed to produce the kind of widespread success that architectures based on modular building blocks have produced. An example of this is the Integrated Services Digital Network (ISDN), a top-down monolithic data network designed by carriers, that failed.

Finally, the specific challenges identified in the New IP proposals – i.e., latency and security -- have been addressed or are currently being addressed in such organizations as the IETF, IEEE, 3GPP, and ITU-T Study Group 15. For the past decade, the IETF, in particular, has undertaken considerable efforts to reduce latency in Internet transports and applications. These groups also have endeavored to strengthen the security properties of existing technologies while requiring new standards proposals to incorporate security intrinsically.

We regard the drive for a New IP as an effort to utilize the ITU to advance certain technical leadership ambitions regardless of the fragmentation and confusion created by premature standardization as called for in the New IP proposals. In our view, it is not the ITU's role to impose a single technology or approach on a global scale that has not been thoroughly researched and tested. To reiterate, we urge the U.S. Government to strongly oppose resolutions supporting a New IP.

Participation

USCIB members are deeply worried that problematic issues in the ITU-T – such as the emergence of the New IP proposals – and the more general efforts of some Member States to push proposals with non-democratic implications have arisen. U.S. business encourages continued engagement and energized leadership by U.S. government officials in the ITU-T to counter the creep of "authoritarian multilateralism."[5]

The United States has a long history of working collaboratively with ITU members and its allies in CITEL and actively building consensus on a wide range of issues. The concept of a truly global and open Internet increasingly is under attack as some nations seek to use the ITU and other UN organizations to advance their invasive, top-down approach to the digital ecosystem. U.S. business urges the U.S. Government to continue to play a high-profile role in the ITU-T in the coming years to uphold our shared interests and ensure that global digital connectivity does not break down.

Capacity-Building, Cooperation and Collaboration

Consistent with our view about the importance of adhering to remits, USCIB does not support proposals that would expand ITU-T work into the area of capacity-building. Development initiatives are more appropriately developed and led by the ITU Development Sector (ITU-D). In this regard, USICB suggests that discussions on emerging technologies would be more appropriately undertaken under ITU-D's capacity-building mandate.

We have full confidence in Doreen Bodgan Martin's impressive leadership of ITU-D and trust that if she believed a developmental initiative would benefit from ITU-T input, she would engage accordingly. In addition, it may be prudent to consider if any non-technical ITU-T activities would be better placed in the ITU-D.

In terms of working with other SDOs, we would encourage the ITU-T to more regularly consult with the IETF, IEEE, 3GPP and others to remain apprised of their workstreams.

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[5] Justin Sherman and Mark Raymond, "The U.N. passed a Russia-backed cybercrime resolution. That's not good news for Internet freedom," *The Washington Post*, December 4, 2019.

Conclusion

USCIB looks forward to supporting the efforts of the U.S. Government and other stakeholders at the WTSA-20. We urge that these efforts focus on clarifying and underscoring the value of the ITU-T as an entity focused on developing important *technical and voluntary* international telecommunication/ICT standards. Further expanding its work program beyond its proper remit would compromise the Sector's ability to meet its current goals. Moreover, such an expansion would negatively impact industry's ability to address Internet governance-related issues and explore standards and best practices for emerging technologies that are more effectively addressed in existing multistakeholder policymaking and standards-setting bodies.

Sincerely yours,

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