

HOW TO COMBAT SPAM

Report of Chairman

Session 1 : Situation analysis

The first panel session gave attention to a situation analysis of experiences with SPAM. ITU staff gave a summary of progress since the last regulators forum, and this included the conclusions of a WSIS Thematic Meeting and a virtual conference in advance of GSR 2004. Also briefly reported was the basis of anti- SPAM legislation in some 30 countries. Technical aspects of SPAM control were discussed at WTSA2004 with two resolutions for further work.

A SPAM Task Force has been set up in the OECD, and its key current project is to complete a tool kit which should assist significantly in national efforts to develop legislative and other strategies to combat spam.

An analysis of potentially useful structures for wider international cooperation based on the ACA (Australia)/ KISA (Korea) MOU was given, leading to the observation that there is not necessarily a need for extensive and comprehensive arrangements, and legislation does not need to be in place in advance of an agreement. Also, each nation could only enforce its own laws. The analysis concluded with an invitation to any other agency to peruse the widened MOU and participate if they felt it appropriate to their circumstances.

The IDA Singapore reported on its consultative process prior to adopting a proposed multi-pronged solution which involves a hybrid opt in (for indiscriminate spammers)/ opt out (for genuine and responsible businesses) system. Complaints would be to ISPs in the first instance, with enforcement against both spammers and merchants, and possible exceptions for Government communications to citizens. Industry self-regulation was also envisaged as a prominent feature.

MCMC (Malaysia) does not rely on a specific anti-SPAM law, but a section of Telecommunications Law which refers to improper use of the network (eg. intent to annoy, abuse, harass at any electronic address). Again a public discussion paper preceded developments. Self regulation is heavily depended on, and a Consumer Code provides a bench mark – adherence with it is a licence condition. The MCMC representative also noted that ASEAN will establish a group to consider SPAM matters, and hopes to learn from OECD, ITU etc.

Updates on the environment in the USA, Saudi Arabia, and Brunei were offered from the audience.

Session 2: Where to from here?

The second discussion panel focussed on questions such as the baseline needs of regulators, cooperative action, and the role of parties involved, and the ITU.

It was advanced that legal certainty in the market place would be a good starting point for implementation of a multi-pronged approach. The need for legislation that

includes enforcement capability was questioned by a number of developing countries, given that they were not the source of spam, whilst other developing countries recognised a need for some legal basis for local ISPs to take action.

There was a common recognition in developing countries of the need for technical support, and cooperative assistance with consumer information and industry guidance.

The Chairman summarised discussions as follows :

- A multi-pronged approach to dealing with SPAM was appropriate,
- Some level of legislation was relevant for all countries but its form and extent would depend on the circumstances and degree of enforcement necessary,
- Cooperation could include action on complaints from one regulator to another, together with appropriate sharing of information,
- Cooperation should also involve industry (direct marketers and ISPs), other forums and regional groupings as necessary,
- Public education and the concerns of civil society were important elements of a strategy,
- It was essential to have international cooperation arrangements in place, and
- The ITU offered the only “family gathering” which accounted for all developing and developed countries and was well placed to raise awareness.

A living model for international cooperation was needed urgently, and this could be developed as a special focus at the next GSR, perhaps with a virtual conference in the lead up. If the latter was held prior to WSIS then it might produce the basis for input to WSIS deliberations. The form of cooperative model was not specified at this stage.

A couple of interventions reflected on the fact that some potentially useful representative opinions were not present at the meeting. However, the Chair would summarise the conclusions above as those of a group of interested and concerned regulators at the meeting who saw the need for some pragmatic and positive action amongst regulators on what is a distressing problem for the citizens of the Internet.

Dr Bob Horton
Chairman, SPAM Breakout Sessions.