

# A Letter of Appeal to ISO/IEC SMB/TMB from Chinese National Body

## 1, Summery

Dear ISO/IEC TMB/SMB officers:

As you may have noticed, there have been a series of controversies surrounding the handling of 1N7506 (Chinese WAPI) and 1N7537 (IEEE's 11i), which are security amendments to 8802.11 proposed separately by Chinese and British National Bodies. These controversies have so far lasted for nearly 6 months and there is no solution in sight. At the JTC1 SC6 WG1 Frankfurt meeting, which was held in Feb. 2005, the controversy even deepened. Seeing no chances of getting fair treatment and satisfactory solutions, the Chinese delegation walked out of the meeting and announced that an appeal process will immediately begin.

The Chinese National Body believes that the Chinese proposal has been unfairly treated in JTC1, that there are concerted and deliberately efforts to prevent Chinese WAPI from becoming an International Standard, that for that objective a series of mishandling and misconduct took place, and that numerous barriers were erected on WAPI's path to becoming an IS. The Chinese National Body is convinced by the Frankfurt Meeting that a fair environment does not exist and any positive solution is not possible within the JTC1 system.

The Chinese National Body hereby makes a formal request to ISO/IEC TMB/SMB: Please intervene in the process immediately and have the issues thoroughly examined and resolved.

The Chinese National Body makes this appeal not only because we are convinced that we have a strong case, but also because we believe that the issues (administrative and procedural) involve principles, that ISO directives are seriously violated and that the controversies are detrimental to the reputation of ISO/IEC.

In fact, what happened in the past six months regarding 1N7506 has been reported in media and has already caused some damages to ISO/IEC image and prestige. Allowing this controversy to continue would further damage ISO/IEC's cause and harm the interests of the International community.

## 2, Background: the Controversies

- 1) Since its introduction in July 2004, 1N7506 has lived through a miserable life.
- 2) In a short span of six months, more than 30 barriers have been placed on 1N7506's path to IS, averaging five new issues a month.
- 3) Usually, six month would allow a standard under fast track to complete balloting, but in the case of 1N7506, it is "non-existent" after six months.
- 4) The reasons for causing all the delays and six month "in-action" are "administrative and procedural" (as admitted in the letter from JTC1 to SAC).
- 5) Chinese National Body is not the one who created the barriers either for 1N7506 or 1N7537. Chinese is always on the defensive side.

- 6) All those barriers demonstrate a coordinated effort to block 1N7506's progress.
- 7) There is a pattern of mishandling, misconduct, preferential treatment, and violation of rules and principles of ISO/IEC.
- 8) The frequent switching of positions and blatant denial of established facts lead to the questioning of character and integrity of some involved officers.
- 9) If a legally approved and reconfirmed resolution is overthrown by one person's opinion, if a position written in an official correspondence is denied, if an officer is entrusted to make an official reply and later says that his words does not count, if all these are allowed to exist and continue, how can ISO/IEC proclaim due process.
- 10) It is undeniable that Chinese proposal 1N7506 has been unfairly treated and the Chinese National Body has legitimate grounds to protest and to seek redress.

### **3, JTC1 as the Blocker**

Despite encountering so many obstacles, the Chinese National Body maintained a positive and cooperative attitude and tried to resolve the problems within the system before the Frankfurt meeting.

Indeed, some progresses were made in resolving the differences. At the SC6 plenary meeting at Orlando on November 8-12, 2004, some issues were resolved with the help of national bodies and the outstanding leadership of SC6 Chairman Mr. Joon Nyum Kim and WG1 Convener Mr. Ho-In Joen.

After the Orlando meeting, the Chinese National Body actively prepared for the Frankfurt meeting and sent a large delegation (8 of them are PH.Ds), willing to have detailed technical discussions, hoping for a productive discussion and satisfactory resolution of remaining differences.

However, to the surprise of Chinese delegation, many new obstacles emerged during the Frankfurt meeting and JTC1 was the organizer of this new wave of assault on 1N7506.

Therefore, JTC1 is now the primary barrier builder against the Chinese proposal.

### **4, Immediate Issues**

This appeal is against JTC1 secretariat. A series of mistakes and irresponsible behavior by the JTC1 leadership resulted in the unfair treatment of Chinese proposal 1N7506 and preferential treatment of 1N7537 and caused damages to ISO/IEC's reputation and image.

The major issues are:

#### **1) Cancellation of 1N7506 and Inaction for Six Months**

JTC1 secretariat unilaterally cancelled 1N7506 and failed to take follow up steps moving it forward.

In Frankfurt Meeting, JTC1 Chairman Scott Jameson announced that 1N7506 was cancelled in August 2004 and was "non-existent" as he speaks.

If this announcement is confirmed, it would also be true that JTC1 cancelled a legitimate proposal and remained inaction for six months. This would constitute a six month "dead time" for 1N7506.

**JTC1 Directive 6.1.2.3 states: "Each proposal shall be voted on by letter ballot even if it has appeared on the agenda of a meeting."**

Why was 1N7506 not balloted?

**JTC1 Directive 12.2.2 also states: “It is vital for the success of the technical work, and thus for the general reputation of ISO and IEC, that ISs be published without delay. To this end all persons involved shall ensure the rapid and smooth passage of technical documents from one stage to another. Consultation shall be maintained between those responsible for decisions at the different stages.”**

The processing of 1N7506 does not reflect this spirit.

## **2) JTC1 failed to notify the Chinese National Body**

JTC1 cancelled 1N7506 and failed to notify or consult the Chinese National Body (kept silence for almost 50 days).

The Chinese National Body was kept completely in dark about the cancellation, and was not aware of this incident until early October. By which time nearly two months have passed and the competing standard from IEEE 1N7537 has been given a fast track process.

The Chinese National Body believes that we should have been contacted and consulted prior to the cancellation for clarification and modifications, and should have been notified after the cancellation for alternatives. None of this is done.

This is a violation of the transparency principle of ISO/IEC.

In the letter of Jan 28 to Chinese National Body, JTC1 Secretariat acknowledges this mistake and made apologies.

But in Frankfurt meeting, Mr. Jameson denies that JTC1 made apologies on this issue and argues that JTC1 has no obligation to notify or consult the Chinese National Body.

This obvious conflict of two JTC1 positions needs the resolution of TMB/SMB.

## **3) JTC1 and Visa Denial**

Visa denial to Chinese expert team for the SC6 Orlando meeting was another major barrier preventing WAPI from becoming IS.

Three days before the Orlando meeting, four experts (all of them are PH.Ds and the other 2 who were granted visas are not) out of the six member Chinese delegation were denied US visas. This is another evidence of coordinated and dastardly effort to block WAPI. It also reduces the efficiency of ISO/IEC operation and caused at least three month delay in the processing of 1N7506.

**According to JTC1 directives, “7.3.4 Any NB wishing to issue an invitation to JTC 1 or one of its subsidiary bodies to hold a meeting within its territorial boundaries shall first ascertain that there are no restrictions imposed by its country to the entry of representatives of all existing P-members of the committee for the purpose of attending the meeting. If restrictions exist, such information shall be submitted to the Secretaries-General who, after consultation with the P-members involved, shall determine whether or not the meeting shall be held in the country issuing the invitation.”**

The Chinese national body believes that the visa denial violated ISO/IEC rules, and JTC1 (ANSI) should bear responsibilities.

The Chinese National Body is unhappy to see that JTC1 and ANSI have made announcements alleging that the Chinese side may have caused the denial. Chinese National Body cannot accept that charge.

We therefore, request TMB/SMB to launch an investigation on this matter.

## **4) Preferential treatment**

JTC1 secretariat had favoritism in the treatment of proposals, showing great “enthusiasm” toward 1N7537 and indifference to 1N7506.

- Pushing 1N7537 into balloting stage after Orlando meeting while continues to totally ignore 1N7506.
- JTC1 canceled 1N7506 and several days later gave 1N7537 fast track status.
- 1N7537 has entered Fast Track ballot since 2004-12-9, while 1N7506 has been “voided”.

All these facts spoke for themselves .

#### **5) Frequent Change of Positions Regarding Frankfurt Meeting**

First position: JTC1 Secretariat notifies the Chinese National Body on January 28 that the Frankfurt meeting is allowed to discuss 1N7506, but cannot enter discussion on 1N7537.

Second position: On February 18, the Chinese National Body received notice that the Frankfurt meeting is allowed to discuss both 1N7506 and 1N7537. It is only three days before the meeting start. How could the Chinese National Body prepare for the discussion of 1N7537 in such a short notice?

Third position: at the beginning of Frankfurt meeting, JTC1 leader changed position again, saying that the meeting cannot enter discussion on 1N7506.

This kind of frequent switching of positions is a clear violation of ISO rules. JTC1 Directive explicitly prohibits this kind of irresponsible behavior: **“12.2.6 Both NBs and any representatives presenting views at previous levels shall attempt to avoid confusion and delay that could result from different positions being declared at different levels.”**

#### **6) Forceful Intervention in Frankfurt Meeting**

In Frankfurt meeting, JTC1 chairman Mr. Jameson forcefully intervened in the meeting and made several rulings that caused even more disputes and confusions.

- Mr. Jameson denied that JTC1 had any wrong doing in canceling 1N7506.
- Mr. Jameson denied that JTC1 Jan. 28 letter to China made apologies about the cancellation.
- Mr. Jameson denied that JTC1 has the obligation to consult and notify the Chinese National Body regarding the cancellation.
- Mr. Jameson insisted that 1N7506 was cancelled and was non-existent at the time of Frankfurt meeting.
- Because of Mr. Jameson’s intervention, SC6 Orlando resolution was reinterpreted to accommodate his personal opinion.
- Mr. Jameson and Mr. Tasker (PE, Head of UK National Delegation, SC6 Liaison to IEEE and introducer of 1N7537) alleged that SC6 resolution 6.1.10 did not authorize the discussion of 1N7506. This contradicts not only the resolution itself, but also JTC1 and Mr. Tasker’s earlier positions.

Resolution 6.1.10 Authorisation for interim SC6 WG1 Meeting SC 6 notes that: **the next meeting of SC6 WG1 will be held in Frankfurt, Germany in 21-25 February 2005 and reminds the WG1 Convener to provide meeting agendas to the SC 6 Secretariat no later than 1<sup>st</sup> January 2005, which will include Wireless LAN on Security (JTC 1N7506, N7537).**

As JTC1 chairman, Mr. Jameson certainly has no power to overthrow a SC6 resolution that was adopted through due process and was reaffirmed at the beginning of Frankfurt meeting.

Based on above facts, the Chinese National Body believes that JTC1 leadership has not played a positive and constructive role in the processing of 1N7506 and 1N7537. JTC1 has been more interested in delaying the process of 1N7506 with all its power than moving it forward quickly as stipulated by ISO/IEC directives. The behavior of JTC1 leadership has also seriously decreased Chinese National Bodies confidence and trust in the JTC1 system.

All those administrative and procedural barriers blocking 1N7506's path has resulted in a situation greatly in favor of 1N7537, and JTC1 leadership refuses to correct the situation.

For all above reasons and seeing the continued emergence of artificial barriers and continued unfair treatments, Chinese National Body sees no hope of have the issues resolved fairly and satisfactorily within JTC1. The Chinese delegation walked out of the Frankfurt meeting and put our hope on appeal to ISO/IEC TMB/SMB.

## **5, Solutions**

Chinese National Body delivers these issues to the consideration of ISO/IEC TMB/SMB hoping for fair and satisfactory solutions. The Chinese National Body would like to see the following results:

- 1) All the facts concerned and especially contained in this letter are investigated, verified and confirmed.
- 2) Administrative errors and procedural violations are identified.
- 3) The conclusion that 1N7506 is unfairly treated is reached.
- 4) Necessary remedies are recommended and adopted, for example, 1N7537 should be continuously freed.
- 5) Measures are taken to prevent similar problems from rising in the future.

What described in this letter are those Chinese National Body regard as the major obstacles 1N7506 is facing right now. As everybody can see, there are many other minor issues remaining to be resolved. However, we need to remove the major obstacles first. Resolving the major issues in this letter would help reestablish a fair and positive environment and restore our confidence and trust in the ISO/IEC system.

China has been a P-member of ISO and played an important role since February 23, 1947. We have seen that during the year of 2004 alone, there are 509 NPs registered, 796 CDs registered, 2397 DIS or FDIS registered, but only one NP "VOIDED", that is WAPI from China. We also know well that the ISO Action Plan for developing countries 2005-2010 has been set, and one of the 5 objectives is "to support the involvement of developing countries in the governance structures of ISO, at policy making level and in the technical work performed by ISO's TCs".

China are watching closely on the fate of Chinese WAPI standard proposal. We hope that ISO/IEC will take decisive actions to ensure that its cherished principles of openness, transparency,

due process, responsibility and fairness are upheld.

Thank you for your attention.

Sincerely,