

Concerns and Expectations of the Chinese National Body

Geneva Meeting

May 17, 2005

1, APPRECIATION AND COOPERATION

Dear Mr. Chair,

On behalf of the members of the Chinese delegation, I'd like to first express our gratitude to Mr. ISO Secretary-General Mr. Alan Bryden for calling and organizing this special meeting to address important concerns regarding proposed amendments to the ISO/IEC standard 8802.11 Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications. We also thank ISO Deputy Secretary -General Mr. McKinley, ISO TMB Secretary Mr. Mike Smith, and Mr. Keith Brannon of ITTF for chairing and participating this meeting. We are also pleased to see the presence of JTC1 officers and representatives of IEEE and BSI.

Chinese National Body responded positively to Secretary-General Bryden's call for this meeting. It is timely, as the controversies have lasted for many months and are entering a deadlock. It is also very important as the disputes involve fundamental principles and pose serious challenges to the integrity of ISO/IEC. Chinese National Body regards this meeting as an opportunity to discuss and to resolve the difficult situation the two proposed amendments (1N7506 from CNB, and 1N7537 from IEEE through BSI) are facing right now. Please be assured that the Chinese delegation will maintain a positive and cooperative attitude and will try our best to reach a satisfactory solution to maintain the consensus tradition of ISO/IEC.

2, CAUSES OF CONCERN

The Chinese delegation feels grateful to Mr. Chair for his consultation on our concerns and expectations. It is a fact that Chinese National Body has taken a series of actions in the past months which made this meeting necessary. The actions include making a strong protest in the Orlando meeting; objecting to the balloting of 1N7537; requesting the suspension of 1N7537 balloting for two times; and walking out of JTC1 SC6 WG1 Frankfurt meeting.

From this list, it may look like it was the Chinese National Body taking the offensive and preventing proposals from going forward smoothly. But the truth is on the opposite. The Chinese National Body has been always on the defensive side. Each action is a response to an administrative or procedural decision which we regard as irregular and unfair. Chinese National Body made efforts to stop the balloting of 1N7537 because it has gained an advantageous position over 1N7506 through procedural manipulations.

We hope everyone in this meeting understand the Chinese situation. Chinese National Body has noticed that ISO Central Secretariat have responded positively to our request and, after consultation with JTC1 Secretariat, have put 1N7537 balloting on continuous suspension. We believe that they are preliminary indications that Chinese National Body's concerns and requests have legitimate causes.

3, NEW DEVELOPMENT

Before presenting our expectations, we would like to call every one's attention to a new development.

Soon after the Frankfurt meeting, a foreign lobbyist delivered a document to several Chinese government agencies. It is "a confidential report" or an "unofficial minute" of the Frankfurt meeting submitted by two meeting participants to an unidentified board.

Regarding this document, we have the following observations:

- 1) The document was delivered to Chinese government offices by lobbyists opposing WAPI standard.
- 2) It is an anonymous document.
- 3) The drafter does not intend to make it public.
- 4) The report makes serious allegations against Chinese delegation to the Frankfurt meeting.
- 5) The report criticizes the actions of Chinese delegation in the Frankfurt meeting.
- 6) The report makes character assaults on the Chinese delegation.
- 7) The report tells one sided story and fails to fully explain what had really happened in Frankfurt.
- 8) By concealing true facts and making unfounded allegations, the report drafters try to deceive and mislead readers which include their "board" and Chinese government.
- 9) This report is so weak and fragile that its drafters did not dare to put their names to it.
- 10) This report is so fraudulent that its drafters warned not to make it public.
- 11) But it was delivered to Chinese government offices.
- 12) Clearly, the intention is to cause confusions among the Chinese government by disinformation and defaming the Chinese delegation.
- 13) Their objective is to prevent Chinese National Body from making the appeal to TMB/SMB.
- 14) This is another indication of a conspiracy against Chinese WAPI proposal.

4, THE APPEAL FACTOR

Unfortunately, this seemingly smart maneuver failed to reach its intended purpose. The drafters underestimated the wisdom of the Chinese Nation. Chinese government is completely aware of what really happened in Frankfurt, is fully confident on the integrity and judgment of the members of the Chinese delegation, is strongly supportive of the actions of Chinese National Body in the disputes and would not be

easily swayed by disinformation.

After careful and thorough review and consultations, Chinese government has reached conclusions that Chinese proposal has been unfairly treated and that we have legitimate grounds for complaint and protest, and that appeal to TMB/SMB is the only option. In order to comply with the two month limitations for appeals under the JTC1 Directives, Chinese National Body formally submitted the appeal document on April 21.

Since the appeal has been made, this meeting needs to include it into consideration as well.

The submission of appeal is an indication that Chinese government approves the action of Chinese delegation in Frankfurt meeting. But on the other hand, Chinese delegation to Geneva meeting has an extra obligation: to answer those irresponsible allegations and charges made in the anonymous report, to prove that they are wrong, to clear our names, to show that we are truthful and are trustworthy, and to report back to our government with satisfactory results.

Because of the new development, the appeal is irreversible, and it must produce clear cut conclusions on the disputes and issues raised in the appeal. The right and wrong must be determined.

5, PROCEDURAL FACTOR

Chinese National Body agrees that this meeting needs to end the deadlock in the processing of 1N7506 and 1N7537 and find agreeable ways to move the two proposals forward. But we would also like to point out that resolving the administrative and procedural controversies spelled out in our appeal letter is equally or even more important. This meeting must not overlook the appeal factor. In fact, we believe that resolving past administrative and procedural disputes are prerequisite for finding common ground on ways to move the proposal forward.

There are temptations to leave aside differences and look for common grounds as a way to conduct this meeting. Chinese delegation has reservations about this approach because we have tried repeatedly before and it did not work. In Orlando, we thought common grounds have been reached. But in Frankfurt, everything is turned upside down and numerous new disputes emerged again.

The root of prolonged controversy is some people's determination to kill the WAPI proposal with every means available to them, legal or illegal. If this root is left intact, it will continue to cause trouble in the future.

Our principle is that we are flexible on the ways of moving the proposals forward, but on the issues of administrative and procedural disputes, the right and wrong must be unambiguously defined.

The deadlock situation is resulted from administrative and procedural disputes, which was like ocean waves, coming one after another and never ends. They are the barriers blocking the two proposals. If these barriers are not removed, if the rules and interpretations are not clarified and agreed, disputes and difficulties may emerge time and again.

We must set things straight to ensure that we do things right and smoothly. We

need to think not only how to move the proposals forward, but also how to prevent similar deadlock situations occur again in the future.

6, THREE EXPECTATIONS

Chinese delegation comes to this meeting with three expectations, addressing past, present and future concerns respectively.

The first expectation is addressing the problems and disputes accumulated in the past 10 months. This task is reflected in the appeal process. The fate of Chinese National Body's appeal may play an important influence on the other two expectations.

The second expectation is to make action plans to ensure administrative integrity and smooth operation. Such plans should address how to handle new disputes in the progressing of the two proposals, and in a broader perspective, how to prevent what had happened to 1N7506 repeat to other proposals in the future. Without such concrete action plans, any achievement by this meeting would be temporary and superficial.

The third expectation is to find ways to end the current deadlock of the two proposals. Whether a common ground can be reached, however, is dependent upon how the other two expectations are fated.

7, RESERVED OPTIMISM

Even though we have these expectations, with past memories fresh in mind, the Chinese delegation cannot be overly optimistic. We are not sure how much we can achieve with one meeting and how much we can trust even if agreements are made in the meeting. Ever since 1N7506 was introduced in July 2004, our emotions have been like riding a roller coaster.

The Chinese National Body started with high spirit, believing that we are fulfilling member obligations by contributing a Chinese national standard to international standard. This spirit was dampened down in August by the objection letters from BSI and PE. Hopes for a smooth running was further reduced by learning in October that our proposal had been voided while a competing standard had been given a fast track status. The denial of visa for Chinese experts to Orlando Meeting made the situation desperate.

The Chinese Delegation made a strong protest in Orlando Meeting. With the assistance of other national bodies and the leadership of SC6 and WG1, many obstacles were overcome and our hopes were revived. However, after the Orlando meeting, Chinese National Body's expectations were shaken again as JTC1 Secretariat pushed 1N7537 into ballot stage and prohibited Frankfurt meeting from discussing it. The suspension of balloting of 1N7537 by ISO Central Secretariat on Feb. 17 raised our hopes for a fair solution. But the ensuing Frankfurt meeting turned out to be a total disappointment for the Chinese delegation.

The problems resulted not just from different interpretations of the rules and procedures, but also from some people playing wording games and switching positions back and forth.

Under this kind of situation, Chinese National Body is unsure of who to trust and what to expect.

Still, Chinese National Body come to this meeting with hopes, because the matters are now beyond JTC1 and has attracted the attention of ISO senior leadership. We have seen the positive influence from the intervention of ISO Central Secretariat, indicating that independent and impartial settlement of the disputes is reachable within the ISO/IEC system.

With the participation of senior ISO/IEC officers, this meeting may be an important step in resolving the disputes. However, as the issues are complicated, one meeting may not resolve all problems. Chinese National Body wishes to see continued involvement by senior officers after the meeting.

8, MOVING FORWARD

ISO/IEC rules require standards are adopted timely. The current stalemate of the two proposals is an abnormal phenomenon and detrimental to the well being of international community. A concrete objective for this meeting is to find ways to move the two proposals forward.

Chinese National Body wishes to make our positions clear: We never intended to delay the processing of any proposals. Our objective has always been having our proposal become an International Standard. We expected to see speedy passage of our proposal. The current stalemate is the result of unfair treatment of the proposals. Our request for the suspension of 1N7537 is based on legitimate concerns. It is an effort to defend our rights and the integrity of ISO/IEC.

Chinese National Body believes that it is possible for this meeting to reach an agreement to allow the proposals restart processing. Furthermore, in order to avoid further delays, we are willing to separate the proposal processing from those administrative and procedural disputes so that the proposals and appeal may proceed independently and concurrently, provided that some concerns are addressed and conditions are met.

9, CONCERNS AND CONDITIONS

Chinese National Body is concerned that allowing the balloting to proceed without having the administrative and procedural disputes fully settled may be interpreted as indication that we do not care about the principles or that we are less confident on our rightness. We would be in an awkward situation hard to explain to the people and government at home.

To address this concern, the following positions should be declared and agreed:

- 1) Agreeing with moving the proposals forward does not mean that the issues are resolved.
- 2) Agreeing with moving the proposals forward does not mean that there were no administrative and procedural errors.
- 3) Agreeing with moving the proposals forward does not mean that Chinese delegation accept previous treatment.
- 4) For history, for future, and for the benefit of all, the appeal must proceed.

- 5) The administrative and procedural disputes must be studied and settled completely.
- 6) Relevant changes must be made to ensure similar problems will not reemerge in the future.

10, APPEAL PROCESSING

The appeal letter submitted by the Chinese National Body lists many issues. It may take a lot of time and efforts to verify the facts and make judgments. This meeting may not have enough time to address all questions.

However, all relevant parties are present in this meeting and senior ISO/IEC officers are overseeing. We regard this as the first opportunity to fully explain our situation under a fair environment.

As you can see from the example of the anonymous report, people may have seen biased and distorted information about the disputes. This is an opportunity to verify the facts and straighten our distortions.

Chinese National Body would like to present our appeal, having the facts reviewed, hear the response from the other side, and answer any questions. This process may help TMB/SMB when they start investigation on the appeal.

Having the appeal accepted for formal processing and plans made for its further progressing is our primary objective and a precondition for other things to move forward.

11, PROCEDURAL INTEGRITY

Another precondition for the proposals to move forward is an assurance that no new man-made administrative and procedural barriers on the path of 1N7506, and a special mechanism established to handle technical disputes between the two sides.

In the past months, we have seen too many barriers, emerging one after another, causing confusions, contentions and unnecessary delays. Our patience has been under continuous test, our spirit has been dampened time and again, and our good will has been ignored.

This should not be allowed to continue. We demand change. Chinese National Body submitted the appeal not just for correcting the past, but also for securing the future.

This meeting needs to consider not only how the proposals move forward, but also how to create an open and fair environment. We need to address questions like: how to prevent favoritism and discrimination? How to prevent administrative and procedural barriers? How to prevent unnecessary delays? How to prevent new disputes from accumulating? How to resolve issues timely and fairly? How to resolve other remaining disputes not covered in the appeal? How to restore the credibility and confidence in the JTC1 system?

The meeting needs to set up a mechanism to handle these questions.

It needs to be pointed out that the appeal lists some issues, but not all. It concerns only with those issues involving JTC1 decisions. There are many other issues that deal with other entities such as IEEE. We were not sure whether those issues can be

included in the appeal or not. We believe that those issues cannot be resolved within JTC1 structure. We wish to submit those issues directly to ISO Central Secretariat for consideration. But this is not provided in existing ISO/IEC rules. We wish to get permission to do so from this meeting.

12, CONCLUSION

In short, Chinese National Body believes that this is an important meeting and will do our best to cooperate with everyone to resolve the issues and differences. We welcome the involvement of senior ISO/IEC officers whose presence increased our hopes and confidence.

It is quite possible that the meeting may find ways to have the two stalled proposals move forward. To help reach this goal, Chinese National Body proposes to separate the proposal proceeding from the appeal process. However, a mechanism must be set up to ensure that the proposals will be handled fairly and properly following the rules and principles of ISO/IEC.

Back in China, there has been a lot of reflection and discussion recently on the function and worthiness of international standardization. We hope that this meeting will produce positive development for us to bring back to China to strengthen the confidence and restore the trust on ISO/IEC system.