The ABA was recently represented at a number of meetings in Europe regarding Internet Law and Policy issues by Ms Kaaren Koomen, ABA Manager, On-line Services. Outlined below is a summary of the outcomes of three of the key meetings.

On-line: recent international developments

The OECD's ad hoc meeting on content and conduct on the Internet, Paris 1–2 July 1997

Towards the end of 1996 two separate proposals concerning regulation of the Internet were presented to the Organisation for Economic Cooperation and Development (OECD) by France and Belgium.

The French proposal called for the adoption of an international agreement on a wide range of issues relating to the Internet, including voluntary codes of practice for members of the on-line services industry. The proposal also called for judicial and police co-operation in law enforcement against illegal use of the Internet.

The Belgian proposal concerned child pornography on the Internet and suggested that action might be taken in this area within the framework of the OECD. After some consideration, the OECD reached the view that the Belgian proposal was outside the OECD's jurisdiction and so was forwarded the Council of Europe which has some expertise in dealing with the matters raised in the proposal.

The French proposal was forwarded to the OECD's Information, Computer and Communications Policy (ICCP) Committee for action. The ICCP Committee embarked upon a study of the issues, which included reviewing the relevant legislation and practices in member countries concerning the Internet and examining the desirability of instituting a process of international cooperation.

In April 1997 the ICCP Committee released the paper, *Secretariat Consultation Paper on International Co-operation Concerning Content and Conduct on the Internet* to help guide national consultation on this project. It also held an Ad Hoc Meeting on 1–2 July 1997 in Paris at which the options

for progressing this issue were discussed with represetatives of OECD member states. The ABA made a comprehensive submission to the ICCP Committee's work in this area and was invited to attend the recent Ad Hoc Meeting to discuss the issues with other OECD member states. The Department of Communications and the Arts in Canberra was also represented at the OECD meeting.

Discussions at the Ad Hoc Meeting

The discussion on the first day was characterised by each member country's delegates outlining their own experiences in relation to the Internet. As part of the Australian presentation, the ABA discussed the role of substantially self-regulatory codes of practice for service providers; PICS compatible labelling schemes which allow parents to manage children's access to inappropriate material; e-mail hotlines which can respond quickly and effectively to identified sites containing child pornography; and the importance of community education to maximise the benefits of on-line services.

Many of the other national presentations, including the United Kingdom, Belgium, Japan, Korea, France and Canada, also discussed some of the approaches identified by the ABA.

A number of industry representatives made presentations on the second day including: the World Wide Web Consortium; the Recreational Software Advisory Council; the Canadian Service Providers Association; and the Global Internet Liberty Campaign. In another section, 'experts' spoke on a range of topics including:
• the problems of definition of activities in the on-line environment;

• the important of the industry, particularly in terms of technical development and self-regulation;
• the problems of jurisdiction and enforcement in the global network environment;
• balancing fundamental rights and values and the difficulties presented by cultural diversity; and
• the role of community education and end user responsibility

The final phase of the meeting consisted of a comprehensive discussion about international cooperation. Some national delegates, including those from France and Belgium, were very positive about the potential for internatinal cooperation in regard to the Internet. Others, particularly those from the USA, were much less enthusiastic.

The Council of Europe and the European Commission representatives both spoke in this session about the work which they have done to advance the issues of codes of practice, content labelling, hotlines and community education and their proposals for continued work in these areas.

The ABA noted that the on-line industry itself was already trying to cooperate across national borders and that they considered it was in their interests to set up organisations to promote cooperation. Examples included the Internet Law and Policy Forum, the INCORE project, the World Wide Web Consortium and the Internet Service Providers Association of Europe.

The ABA also stated that, at a time when the ABA is seeking to develop codes of practice for service providers, it would be very interested to see copies of the codes of practice which had been drawn up in other parts of the world. To this end, the ABA suggested that the

OECD might facilitate an exchange of codes. Representatives from the USA, Canada, Korea and France signalled their agreement with this proposal.

At the conclusion of this session it was clear that there were many commonalities in the approaches which were being adopted in the various OECD member states. More importantly, despite some differences of opinion in terms of the appropriate scope and the timing of measures such as an International Convention or Treaty, there seemed to be a general will amongst delegates to cooperate in a practical way. Delegates recognised the futility of trying to 'reinvent the wheel' in terms of learning about and developing workable solutions to content issues on the Internet.

This spirit of cooperation was noted by the ICCP Committee's Secretariate and the ABA looks forward to the revised version of the OECD report is due to be circulated by 2 October 1997 for presentation at the 32nd session of the ICCP Committee in October 1997.

Bonn conference on global information networks

The Bonn Conference on Global Information Networks was attended by Ministers of member states of the European Union, the European Free Trade Association, countries of the Central and Eastern Europe and Cyprus, members of the European Commission, invited guests from the USA, Canada, Japan and Russia, along with representatives of leading European businesses and users groups.

The wide ranging discussion included a recognition of the role of new communications networks to enhance trade, improve employment and marketing opportunities. It was also recognised that there is a need to harmonise, as far as possible, content and competition laws across national boundaries.

There was also discussion about content issues and David Kerr, CEO of the Internet Watch Foundation in the UK, made a presentation on 'Filtering and Rating Content'. The ABA was mentioned in the presentation as 'a widely respected body in South East Asia'.

At the end of the day session the Ministers discussed a Ministerial Declaration. The outcome was a lengthy document signed by 29 Ministers from member states of the European Union, the European Free Trade Association, countries of the Central and Eastern Europe and Cyprus. The declaration included a number of key recommendations from the ABA perspective. These include:
• that industry is playing a key role in the emergence of Global Information Networks and that expansion must be essentially market-led and left to private initiative;
• that the Ministers encourage industry to implement open, platform-independent content rating systems, and to propose rating services which meet the needs of different users and take account of Europe's cultural and linguistic diversity. The Ministers strongly supported the EU Council Resolution of 17 February 1997 on illegal and harmful content on the Internet; and
• that the Ministers will actively encourage the reinforcement of police and judicial co-operation, particularly in the area of technology training and mutual assistance, to prevent and combat illegal content and high technology crime. They also declared their support for the establishment of international networks of hot-lines. The URL for the Ministers direction is at http://www2.echo.lu/bonn/final.html

Inaugural meeting of the international working group on rating

At the Bonn Conference the ABA joined with the Internet Watch Foundation (UK), the Recreational Software Advisory Council (USA), the ECO Forum (Germany), Childnet International (an international charity with offices in the UK and the USA) to form an international working group on content rating. The ABA had been discussing the issues and opportunities presented by content labelling for some time and it was decided that a group should be formed to consider a range of issues. At this stage the group has agreed to:
• assess the current state of PICS, RSACi and INCORE;
• develop a model for an international rating of content which takes account of the RSACi system; and
• establish a process of consultation and dissemination with a wider reference group.

All parties present discussed the need for a critical mass of content to be rated if it is to be a useful tool to manage content at the user level. It was also noted that it will be important to encourage content providers, especially the larger players in the entertainment industry, to label online content at the time it is posted onto the Web. For this to happen content providers will need to be convinced that the labelling scheme they are using is widely accepted around the world.

The International Content Rating Group (ICRG) aims to bring together the key players in the area of content rating in a group which can actually work on the three matters listed above quickly and effectively. However, all members of the group all recognised the importance involving other key players as part of a reference committee to comment on the work done and feel involved in its progress. Such parties might include the European Commission, the OECD, along with key government and industry representatives.

The next meeting of the group will be on 29–30 September 1997 in the UK.

In preparation the ABA has sought a meeting with representatives of the newly formed Australian Internet Council to discuss the issues of content labelling in Australia and clarify the industry's views on the matter. The ABA also proposes to establish an On-Line Labelling Task Force to facilitate futher discussion about these issued in the Australian context.   ◌