

Turkey

THE COMMENTS OF THE GOVERNMENT OF TURKEY ON THE REPORT OF THE WORKING GROUP ON INTERNET GOVERNANCE

August 15, 2005

First of all, we would like to extend our thanks to all distinguished members of the Working Group on Internet Governance (WGIG) for their invaluable efforts and congratulate them for their well-prepared report. We believe that this report will provide a guidance to solve the existing problems regarding the Internet governance.

Our comments on the report are as follows;

The definition of Internet governance and the established four key public policy areas are instrumental to understand internet-centric issues and the proposed organizational models provide several alternatives that could be applied.

The Government of Turkey believes that the international governance of the Internet should be multilateral, legitimate, transparent, accountable and participatory. This statement applies to all possible actions to be taken about the Internet governance during and after the WSIS process.

Ensuring the network stability and safety and security of Internet infrastructure services and applications, preventing and prosecuting cyber crimes, spam, IPR infringements and other similar

problems require multilateral and effective mechanisms, including administrative, technical, and legal precautions enforced on a global scale. Therefore, full involvement of governments, the private sector, civil society and the international organizations has vital importance for the success of international Internet governance that we are to design.

As far as the organizational structure is concerned, we support the general principle that no single government or a group of governments should have a pre-eminent role in relation to international Internet governance, as mentioned in paragraph 48 of the Report.

The new organizational structure should function under the auspices of the United Nations, which can guarantee the participation of all governments on an equal basis. There should be three bodies within this new structure: (i) Policy and decision making body, (ii) operational body, and (iii) advisory body.

- **Policy and decision making body** should be responsible for international Internet-related policy issues. Besides, this body should act as the final decision making mechanism of the whole structure. This body will consist of members from governments with appropriate representation, which allows equal and rotating participation from all UN regions. The representatives of private sector and civil society should follow this body's work as observer.
- **Operational body** should be responsible for the development of the Internet in both technical and economic fields and day-to-day operational management of the Internet. This body should consist of administrative, technical and legal experts, and follow the rules and the procedures of other specialized UN agencies for recruitments. There should be cooperation mechanisms between this operational body and other technical entities, such as the Internet Engineering Task Force.
- **Advisory body** should be responsible for providing suitable platforms for all relevant parties to discuss and facilitate coordination of Internet-related policy issues.

Equitable distribution of resources and fair access of all people to critical infrastructure have great importance in bridging the digital divide and fostering transformation into an information society across the world. Therefore, a very special attention should be paid for multilateral, fair and legitimate administration of the root zone files and root server system of the domain name system.

It is generally accepted that there is an imbalance in the distribution of IPv4 addresses. We believe that during the transition to IPv6, IP addresses should be allocated fairly based on population and geographical distribution.

Limitations should be removed, costs should be decreased and various financial and administrative support should be provided to the governments, civil society organizations, and the private sector from developing countries and LDCs, in governance mechanisms in order to promote their participation.

Internet service providers (ISPs) based in countries remote from Internet backbones, particularly in the developing countries, pay the full cost of the international circuits. We believe that regional distribution of root servers, development of regional IP backbones, and the establishment of local and regional access points may contribute to solve this problem.

We are of the opinion that the application of intellectual property rights to cyberspace is an exigency and these can only be achieved by balancing the rights of holders and users. However, while taking into account the free nature and technical basis of the Internet, it seems too hard to prevent IPR infringements with only legal regulations. Therefore, a versatile and comprehensive approach is needed along with international cooperation. Within this framework, on the holders side, the ways in which we can remove the root causes of infringements and provide enough incentives for innovation need to be assessed, such as; shortening the protection period of products and works of art, so as to foster information society across the globe and reassessing current IPR rules to prevent monopolistic/oligopolistic market structure.

We believe that the international cooperation in fighting against cyber crime is of vital importance. But, the measures taken on the grounds of security or fighting against cyber crime

should be in line with the provisions for freedom of expression as contained in the Universal Declaration of Human Rights and in the WSIS Declaration of Principles.

There is a lack of national and international legislation and standards about privacy and data-protection. This deficiency causes misuse of personal data and infringes privacy. Solving this problem within the national borders is impossible because of free and global nature of the Internet. Therefore, there is a great need for international and enforceable legal regulations and measures, while respecting national sovereignty. Developing an international complaint procedure which would entail measures against internet operators as well as internet users breaching the rules, would provide an effective instrument to this end.

We are of the opinion that international cooperation should be provided and current efforts should be supported for multilingualization of domain names and e-mail addresses.

In conclusion, we would like to express our appreciations for those who contribute to this Report and we hope that, with the endeavors and contributions of participants of preparatory process of WSIS, this Report will serve its expected goals.