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## ADDITIONAL COMMENTS ON INTERNET GOVERNANCE AND THE WGIG REPORT

### Introduction

The South Centre makes the following observations based on The **Second** Informal Consultation Meeting on Internet Governance convened on the 6<sup>th</sup> September 2005, by the Chairman Designate of PrepCom-3 Sub-Committee A, Ambassador Masood Khan. In doing so it builds on its previous Contribution to the WSIS Secretariat of August 10<sup>th</sup> 2005<sup>1</sup>.

The essential points made in this new South Centre Contribution, aptly named ***“Elements for a Draft Decision on Internet Governance”*** are:

1. WSIS 2 must take practical, binding decisions on the ongoing governance of the Internet architecture. This requires active participation in the ICANN-led process to ensure effective developing country multi-stakeholder involvement.
2. The oversight of this process must conform strictly to the WSIS Principles and requires a shared multilateral responsibility by all governments. This might entail the ***“creation of a forum for policy dialogue”***, provided that it is not intended to be a talking shop.
3. The Public Policy issues must promote the inclusive participation of, and benefit to users and other stakeholders in developing countries. The Internet must be for Development, as for other purposes, including the security and stability of the Internet as means not ends in themselves.

The South Centre makes full use of the format of the Chairman’s “Food For Thought” document, as circulated on August 30<sup>th</sup>, 2005<sup>2</sup> in the further elaboration of the “Elements for Draft Decisions” the Summit must take to guide the specific activities to be undertaken following the Tunis Declaration of WSIS 2 in November 2005.

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<sup>1</sup> See Document **WSIS-II/PC-3/CONTR/31-E, 10 August 2005**, WGIG REPORT: COMMENTS AND ELEMENTS FOR A DRAFT DECISION ON INTERNET GOVERNANCE.

<sup>2</sup> The approach also takes full account of the position taken by the US, EU, Brazil, Iran, Egypt, Greece and non-governmental stakeholders at the 6th September Meeting.

Theme	Elements for a Draft Decision
<b>Part 1: Introduction</b>	
Mandate of the WGIG	<p>The Decisions must be consistent with the Principles agreed for Internet Governance and they must fit within the key Principles of the overall vision of the Information Society which are inclusiveness and the benefit for All. (Section B, paragraph 19, of the Declaration of Principles).</p> <p>The Internet must be for Development as for other purposes, including the security and stability of the Internet as means not an end in themselves.</p>
“Geneva principles” for the international management of the Internet	
Security and stability of the Internet	
<b>Part 2: Working Definition</b>	
Working definition of Internet Governance	<p><i>Paragraph 2 of South Centre Contribution , August 10<sup>th</sup> 2005:</i> [Governments] agree that given the great and growing importance of the Internet based on the suite of non-proprietary TCP /IP protocols, as a global information and communication facility/infrastructure, transport and broadcast service, its continuing stability, reliability, security, interoperability, and open inter computing network connectivity must be safeguarded.</p> <ol style="list-style-type: none"> <li>1. The decentralized and distributed implementation of the Internet’s technical system and its end-to-end principle should not be compromised.</li> <li>2. There must be competition and choice.</li> </ol>
<b>Part 3: Stakeholders</b>	
Roles and responsibilities of stakeholders	<p>Governments underscore the sovereign equality of states and their responsibility for public policy issues within their national jurisdictions and the shared responsibilities at the regional and international levels working through the relevant international and multilateral organizations.</p>
Coordination	<ul style="list-style-type: none"> <li>• The international aspects of The Internet require a multilateral framework of shared principles and agreed rules.</li> <li>• There must be cooperation and coordination at different levels namely, national, regional and international, which will involve the main stakeholders of government, for-profit and non-profit organizations and the relevant international organizations.</li> </ul> <p>Governments undertake to strengthen cooperation and coordination among themselves and in appropriate ways with the private sector, civil society and other stakeholders at the regional and international levels.</p>

#### Part 4: Identifying public policy issues relevant to Internet Governance

The thirteen (13) “highest priority” issues identified by the WGIG are by no means complete. In fact they undervalue the Public Policy issues of primary importance in bridging the digital divide, promoting inclusiveness and the development aspects of the Internet and its governance. Among these are **Physical Infrastructure Issues** such as, **Telecommunications Infrastructure, Broadband Access, VoIP, Spectrum** as well as **Technical Standards**. It is understandable that choices have to be made among alternative public policy issues to be considered at the Summit. However, these along with **Open Source** and **Free Software, Public Domain Information, the Technical Standards of Intellectual Property (Science, Technology and Innovation), Quality of Service (QoS), E-Governance** and **Navigation Aids and Services** are also vital and critical elements in the Internet architecture and its governance. They are especially urgent and pressing for developing countries and emerging economies.

##### a) Issues relating to infrastructure and management of critical Internet resources

Administration of the root zone files and root server system	<p>1. Governments agree to give effect to the shared principle that the key internet resources must be managed within multilateral, multi-stakeholder-frameworks. Accordingly Governments agree that the ICANN led process, should be improved as a high priority, through the effective participation of the stakeholders from developing countries.</p> <p>2. Governments agree that the unique oversight provided by the US Government is a transitional stage and a multilateral oversight framework will be developed in the course of 2006 taking into account ICANN’s Strategic Plan 2004- 2005 to 2006 -2007 and the US ICANN Memorandum of Understanding (MOU) benchmarks and the Decisions adopted at WSIS 2.</p> <p>3. Governments agree to meet to consider their future role in the ICANN led process including the necessary reforms to the role and responsibility of the Government Advisory Committee (GAC), leading to the identification of an appropriate forum, and building on the existing arrangements without prejudice to the possible creation of a special forum for Internet public policy issues. Such a public forum should be geared to providing practical policy advice which would be implemented by the appropriate bodies and institutions.</p> <p>4. Governments agree that without prejudice to the integrity of the technical systems, the expansion of the numbers of root name servers will be a priority for deployment in developing countries and transition economies, a process that is being implemented.</p> <p>5. Governments will therefore take appropriate steps regarding delegations and re-delegations of their country code top-level domain names (ccTLDs) in consultation with the not-for-profit incorporated ICANN, and in accordance with the principles governing the processes.</p> <p>6. The organizational arrangements are left to be worked out in consultations led by governments, with the ITU SG, ICANN (incl. its community), UNESCO, the Regional Economic Commissions (in consultation with the relevant telecommunication agencies). We undertake to consult with our academic, for-profit, Not-for-profit and Internet communities, in particular Internet Service Providers (ISPs).</p>
IP addressing	
Allocation of domain names (gTLDs and ccTLDs)	
Possible governance/oversight function	

Autonomous system (AS) numbers, and protocol ports and parameter numbers.

These technical features have been omitted from the discussions, and as parts of the unique identifiers require some explanation.

<b>(b): Issues related to the use of the Internet</b>	
Governments agree that key critical resources of the internet which include the Physical Infrastructure including <b>Broadband Networks, Free and Open Source Software</b> and <b>Peering</b> and <b>Interconnection Technologies</b> are indispensable public policy issues for the inclusiveness, security and stability of the Internet.	
Internet stability, security and cybercrime	Governments agree that Internet Governance is an integral part of E-Governance in general at the national , regional and international levels, and is most effective when coordinated with the shared objective of enlarging the benefits from the use of the Internet. Accordingly stakeholders from developing countries will be supported, financially and technically to be more effective participants in the governance of the key Internet resources, and their end-users facilitated by improved access conditions and opportunities, through an enabling environment , infrastructure and broadband technologies and affordable peering and interconnection charges supportive of universal service obligations. Governments recognize that without the right of access to public domain information it will be difficult if not impossible to guarantee the freedom of expression and the multiple benefits such as “an educated public, new jobs, innovation, business opportunities, and the advancement of sciences”. Accordingly, governments underscore the right to freedom of opinion and expression and the recognition of the duties to communities associated with these rights. Governments recognise that a genuine Information Society, if overburdened by excessive Intellectual Proprietary Rights will undermine the diversity and richness of the Information Society being sought. Accordingly, Governments agree that there must be the right balance between proprietary software, open source software and free software, to enable newcomers and end users to maximise their use of the Internet
Spam	
Freedom of expression	
Data protection and privacy rights	
Consumer rights	
IPRs	

<b>Part 5: Measures to promote development</b>	
The WGIG Report is particularly weak on development aspects as applied to the use of the Internet in promoting transformation in developing countries. It is also weak in respect of the evolution and changing nature of the Internet itself. The Internet is decidedly less of a commercial infrastructure as stated in the WGIG Report. The Internet is more an information, communication infrastructure, network and service, to be used to improve the quality of life by its users. One of the key principles of the Information Society is to bridge the so called “Digital Divide”. The Internet creates several opportunities. A major gap (divide) is the lack of connectivity. “Connectivity is a central enabling agent in building the Information Society. Universal, ubiquitous, equitable and affordable access to ICT infrastructure and services constitutes one of the challenges of the Information Society and should be an objective of all stakeholders involved in building it”. (WSIS Declaration of Principles, paragraph 21)	
Interconnection costs	Governments agree that enabling environments are required at the national , regional and international levels, which extend beyond the provision of the physical infrastructure and technologies to include user friendly regulatory frameworks for multi-stakeholder participation.
Capacity-building and meaningful participation in global policy development	
Multilingualism	
Governments agree that <u>Financing</u> is “one of the main instruments of	

<p>Enabling environment</p>	<p>governance” and this has been neglected in the WGIG process. Innovative financing mechanisms should be explored. All governments commit to “consult with our academic, for-profit, not-for-profit and Internet communities, in particular Internet Service Providers (ISPs), Internet Broadband Providers (IBPs), and Regional Internet Registrars (RIRs) to ensure informed and effective participation in the ICANN and other internet related technical standards, policy, oversight, and compliance and regulation bodies.</p>
<p><b>Part 6: Forum</b></p>	
<p>“Forum”</p>	<p>Governments agree that the financial implications of creating a new Forum and the coordinating functions require very careful consideration; this important aspect has been overlooked in the WGIG Report. Governments agree that any new centralizing multilateral, multi –stakeholder body will not prejudice the flexible decentralized and differentiated networks of specialized bodies that have evolved in the course of the growth of the Internet.</p>

**Final Comments:**

The WGIG Report and its Background Report, the positions of the US Administration and ICANN are important inputs to the process given their key roles in shaping negotiations.

They are not the only ones, however, and it is important to ensure that in the negotiations there is ample room for other voices and views to be heard.

In this respect, the omissions and deficiencies with respect to the development aspects of Internet Governance require highlighting. The ICANN comment on the WGIG Report is illustrative of the shortcomings. Of the 13 public policy issues identified in the WGIG Report, several, of key importance to developing countries are not included. namely ***Free and OpenSource Software, Physical Infrastructure Issues*** such as, ***Telecommunications Infrastructure, Broadband Access, VoIP, Spectrum*** as well as ***Technical Standards***.

The WGIG Report identifies 13 public policy issues and narrows them down to 10 in its Recommendations for Action (paragraph 76 -85) and ICANN supports “appropriate capacity building programs” in only six (6) of the ten (10). ICANN omits, inter alia, ***Capacity Building, Allocation of domain names, Interconnection Costs, and Intellectual property rights***.

An analysis of what has been highlighted, what has been omitted, how they are treated and why, is clearly needed.

[End of Document

Monday, September 12, 2005]