The Internet Society (ISOC)

Comments on the Chair’s Internet Governance Paper
26 September 2005

NOTE: Changes are underlined if they are proposed additions to the text, and [bracketed] if they are proposed deletions.

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39. **We reaffirm the principles** enunciated in the Geneva phase of the WSIS, in December 2003, that the international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, the Internet community, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism.

>As we pointed out in our statement of September 22, the Internet community has been and is a critical stakeholder in the past, present and future Internet. The Internet community is and should be a key player and principal stakeholder in any multi-stakeholder discussions on Internet governance.

40. **We thank** the UN Secretary-General for establishing the Working Group on Internet Governance (WGIG). **We commend** the chairman and members for their work and for their report.

41. **We take note** of the WGIG’s report that has endeavoured to develop a working definition of Internet governance. It has helped identify some of the public policy issues that are relevant to Internet governance. The report has [also crystallized] improved our understanding of some of the respective roles and responsibilities of governments, [existing] intergovernmental and international organisations and other forums as well as the private sector, the Internet community and civil society from both developing and developed countries.

> We believe that the report has improved the general understanding of the roles and responsibilities of the various players, but it has not recognized adequately the role of the Internet community, its many organisations and the very important role that they play in the existing governance mechanisms. “Crystallized,” would, therefore, be inaccurate.
42. Internet governance is the development and application by governments, the private sector, the Internet community, and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.

As elsewhere, the Internet community must be seen as a principal stakeholder.

2. Stakeholders

43. We reaffirm that the management of the Internet encompasses both technical and public policy issues and should involve all stakeholders [and relevant intergovernmental and international organizations]. In this respect it is recognized that:

Delete this part of the sentence as mention is already made of “all stakeholders”

a) Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues;

b) The private sector has had and should continue to have an important role in the development of the Internet, both in the technical and economic fields;

c) The Internet community has had and should continue to have a central role in the development of technical standards, architectural planning, policy setting and administration of the Internet;

Principal stakeholder recognition, as per points above and our statement of 22 September.

d) Civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;

e) Intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;

f) International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

44. We [seek to improve] encourage greater [the coordination] communication, cooperation and information sharing among [of the activities of international and intergovernmental organisations and other institutions] all stakeholders concerned with Internet Governance [and the exchange of information among themselves]. A multi-
stakeholder approach should be adopted [as far as possible, at all levels] where necessary.

We believe that some of the fundamental concerns to the WSIS, those of participation and information sharing, apply to all stakeholders. Furthermore, not all governance issues will need to be “coordinated” among international and intergovernmental organizations – indeed the communication, cooperation and information sharing will take place at many different levels, as is needed and appropriate.

44a. We encourage all stakeholders to fully participate and facilitate participation in those organizations that are responsible for the Internet governance mechanisms of today. It is only through full participation that a multi-stakeholder approach to Internet governance will be realized.

The WSIS has a responsibility to encourage governments and all stakeholders to participate in the existing governance mechanisms.

3. Public policy issues relevant to Internet Governance

3a) Infrastructure and management of critical Internet resources

45. We recognise that, for historical reasons, the authorisation of changes in the DNS root zone file [system] of the Internet has rested with a single government. We express our appreciation for the way in which this task has been handled and acknowledge the priority given to the security, stability and continuity of the Internet. We suggest that the internationalization of this responsibility is desirable when stakeholders can be sure that such internationalization strengthens the security, stability and continuity of the Internet, while ensuring its openness.

Changes to the way in which the root zone file has been managed to date should occur when all stakeholders can be sure that change actually strengthens, inter alia, the security, stability and continuity of the Internet. At the same time, the openness of the Internet must be preserved.

46. [We strive to establish a transition to a new cooperation model that helps up implements the “Geneva principles”] We recognize that the existing organizations responsible for the management of the Internet, the distribution of Internet number resources, and the development of technical standards, have been set up and managed in a way that is consistent with the “Geneva Principles,” with processes that are open to all
stakeholders, including governments. We observe that these organizations are evolving with the Internet.

We do not believe that there is a proven need for a “new cooperation model” to help implement the Geneva principles. The existing organizations have and continue to pursue practices that are consistent with the “Geneva Principles.” No where does the paper encourage stakeholders and interested parties to use, participate in and build upon the existing players in the Internet governance space. This is an oversight.

46a. We recommend that all stakeholders continue to support and build upon the existing multi-stakeholder structure that has successfully managed the Internet to date. We commit that further cooperation on Internet governance matters will be [organisations that have regarding the role of governments and all stakeholders. Institutional arrangements for Internet Governance should be] founded on a [more solid] democratic, transparent and [multilateral] multi-stakeholder basis [, with a stronger emphasis on the public policy interests of all governments, and with clarification of the relationships among the different actors].

New paragraph. The WSIS process must encourage all stakeholders to build upon the existing governance mechanisms. These have worked, as the WSIS acknowledges, and continue to work. Any further Internet governance discussions should, of course, take place among all stakeholders.

47. We seek to ensure [balanced] equitable access to IP addressing resources and commend the establishment and evolution of the Regional Internet Registry system that has responsibility for this important role. Stakeholders are encouraged to support these organizations. [and on a geographical basis.]

Again, there is an assumption that existing entities responsible for this activity do not meet the Geneva Principles and therefore need to be ignored. The RIRs have successfully evolved and managed number resources for more than a decade. The WSIS has a responsibility to recognize and support these organizations as examples of good Internet governance. Furthermore, there is no agreement that number resources should be distributed on a geographical basis – indeed it is more than likely that if they were there would serious technical consequences for the stability of the Internet.

48. We recognise the valuable role that ICANN and its supporting organizations have played in the management of the Domain Name Space. Stakeholders are encouraged to
support and participate in these organizations and to build on their achievements to date, [need for elaboration of policies concerning the management and further development of the domain name space.]

The Domain Name Space (DNS) is very carefully managed and again, participation and openness have been central to that management. The WSIS should encourage support for and full participation by all stakeholders in ICANN and other entities with responsibilities in the DNS space.

3b) Public policy issues related to the use of the Internet

49. We seek to counter the growing threats to the stability and security of the Internet. We reaffirm that a global culture of [cyber-] security needs to be promoted, developed and implemented in cooperation with all stakeholders and international expert bodies. These efforts should be supported by increased international cooperation. Within this global culture of [cyber-] security, it is important to enhance security and to ensure the protection of data and privacy, while enhancing access and trade. In addition, it must take into account the level of social and economic development of each country and respect the development-oriented aspects of the Information Society.

We believe that it is important to promote a culture of security, not just cyber-security, at a global level. Security encompasses “cyber” and other more traditional forms of security – and we should not distinguish one from the other as they are often interwoven and inseparable.

50. We underline the need to support [develop] effective national instruments and efficient cooperative mechanisms for the prosecution of crimes using technological means, that are committed in one jurisdiction but have effects in another. We call upon governments, in cooperation with other stakeholders, to continue to support [develop] appropriate instruments and mechanisms, including treaties and enhanced cooperation, to allow for effective criminal investigation and prosecution of crimes committed in cyberspace as well as against networks and technological resources. This should address the problem of cross-border jurisdiction, regardless of the territory from which the crime was committed and/or the location of the technological means used, while respecting sovereignty.

National regulation and international cooperation are the two key ingredients to successfully combating cyber-crime. Countries should be encouraged to put in place effective cyber-crime laws and cooperate with other governments. Global agreements are not the solution – effective national laws in all countries coupled with international agreements are.
51. **We resolve to deal effectively** with the significant and growing problem posed by spam. **We call upon [governments, in cooperation with other] all stakeholders[,] to pursue [adopt] a multi-pronged approach to counter spam. This would entail:

   a) appropriate legislation and enforcement;

   b) **support for the development of technical measures**;

   "Governments should support the development of technical measures, not develop them."

   c) establishment of multi-stakeholder partnerships;

   d) awareness raising and user education of anti-spam measures;

   [e] development of a global and coordinated approach to the problem.]

   Delete. This sentence suggests something that is not possible. Cooperative efforts across national jurisdictions will work – global over-arching approaches will not.

52. **We reaffirm our commitment** to the freedom to seek, receive, impart and use information for the creation, accumulation and dissemination of knowledge. **We urge** that measures undertaken to ensure Internet stability and security, to fight cybercrime and to counter spam do not violate the provisions for freedom of expression as contained in the Universal Declaration of Human Rights and the WSIS Declaration of Principles.

53. **We encourage** [those governments that have] stakeholders to adopt[ed] legislation and related measures [and] on privacy and/or data protection [to coordinate these measures,] and to cooperate in their enforcement [,] with other countries and we **call upon** those governments that have not yet developed such measures to consider doing so, with the participation of all stakeholders.

   "We would argue that it is not just governments that have responsibilities in the area of privacy and data protection. Further cooperation among all stakeholders will be key to ensuring progress in these important areas."

54. **We call for** the policy and privacy requirements of global electronic authentication systems to be developed through a multi-stakeholder process.]
Delete. We do not believe that electronic authentication systems can realistically be developed at a global level. All stakeholders should be encouraged to develop such systems – reliance on global systems can and will make the job of those who would wish to break such systems easier.

55. We recognize [note with satisfaction] the increasing volume and value of the purchase of goods and services using e-commerce, both within and across national boundaries. We call for the application of existing [development of] consumer protection laws and enforcement mechanisms, as appropriate, to protect the rights of consumers during the online purchase of goods and services, and for enhanced international cooperation to facilitate a further expansion of the possibilities of e-commerce as well as consumer confidence in it.

We do not believe, at this stage, that it is necessary or prudent to build a new body of law to address consumer protection in cyber-space.

4. Measures to promote development

56. We reaffirm our commitment to turning the digital divide into a digital opportunity, and ensuring harmonious, fair and equitable development for all, particularly for those who risk being left behind and being further marginalized.

57. We maintain that the [uneven] sharing of the [burden of] costs for international Internet connectivity should be [redressed] addressed through further dialogue. We call for affordable access to ICTs, including by:

This issue has not been sufficiently explored. We fear that the assumption that is characterized in paragraph 57 is based upon the realities of yesteryear. While we do agree that this issue should be further discussed, there is no consensus as to the scope of this matter – as was noted in the compilation of comments to the WGIG report.

a) [Reducing international Internet costs charged by backbone providers,]
supporting, *inter alia*, the creation and development of regional ICT backbones and Internet Exchange Points to reduce interconnection cost and broaden network access;

We strongly endorse the need for regional backbones, IXP’s and other measures to bring infrastructure to those nations that truly need it. However, we would also note that regulatory and competitive environments must enable Internet access and usage otherwise these infrastructure investments will be for naught.
b) Encouraging ITU to continue the study of the question of the International Internet Connectivity (IIC) as an urgent matter to develop appropriate Recommendations.

c) Developing low-cost equipment, such as computers, especially for use in developing countries.

58. **We would work to enhance** multi-stakeholder participation in governance mechanisms. This would involve[d] making available adequate resources to ensure participation and [build] capacity building in a range of areas relevant to Internet governance [management] at the national, regional and global levels [and to ensure effective participation in global Internet governance], particularly for developing countries.

> Participation in existing mechanisms should be emphasized first and foremost. Internet management already occurs in an open and transparent manner at global, regional and national levels. The WSIS should encourage participation in ICANN, the RIRs and other organisations responsible for the management of the Internet.

59. **We urge** international organizations, including intergovernmental organizations where relevant, to ensure that all stakeholders, particularly from developing countries, have the opportunity to participate in the determination of policy decisions that affect them, and promote and support such participation, using the Internet and other communications means to the maximum extent possible.

> It is important that stakeholders use all means possible to communicate and share information in this process.

60. **We endorse the work of those organizations [commit to working earnestly]** that are working towards the multilingualisation of the Internet, as part of a multilateral, transparent and democratic process, involving governments and all stakeholders. Specifically we **commit to maximizing available resources [would speed]** up the process for the introduction of multilingualism in the area of domain names and the facilitation of local content, including for email addresses and keyword look-up.

> There are a number of organizations, such as the IETF, and there is a body of work, addressing the multilingualisation of the Internet. The WSIS should encourage participation in and support for these organizations. No doubt all could do more, and we ask the WSIS to encourage all stakeholders to do so, but
we must recognize that there are technical complexities, among others, that need to be taken into consideration.

61. **We recognise that** an enabling environment, at national and international levels, is essential for the development of the Information Society, including for the development and diffusion of the Internet and its optimal use.

5. **Follow-up and Possible Future Arrangements**

[62. In reviewing the adequacy of existing institutional arrangements for Internet Governance and for policy debate, we agree that some adjustments need to be made to bring these into line with the “Geneva principles”. Accordingly, we propose:

- Approach: evolutionary; incremental
- Framework for interface between existing and future arrangements
  - Governance/oversight function: (models)
  - Recommended mandate and structure, subject to agreement on the interface.
- Possible forum]

Delete and replace with new paragraphs 62 through 68. There is no consensus as to what the next steps should be. Many issues related to Internet usage are covered by existing treaties or national laws and international cooperation. Many of the issues related to Internet resources and administration are successfully addressed through existing mechanisms, although awareness of those mechanisms seems to be limited. The role of the WSIS should be to encourage participation in those existing mechanisms before assuming that some other overarching mechanism is necessary.

*Issues related to capacity building are being addressed – albeit inadequately. The latter is where the WSIS should seek to effectuate change, for it is there that the most impetus and change is needed. This is addressed in paragraphs 67 and 68.*

62. Having reviewed the issue of Internet Governance across institutions and regions, we find that the existing mechanisms work, while recognizing that some improvements related to education as to role and responsibilities on the one hand, and the means to participate on the other, could be made.

63. In order to increase good governance practices, we recommend that all stakeholders encourage and facilitate participation in the existing Internet governance mechanisms. Given the imperative of the stability, security and openness of the Internet, change is best brought about through these mechanisms, not from without.
64. **We reaffirm that it is** the responsibility of all stakeholders to accelerate and facilitate the availability of the Internet in developing nations, and that governments, with the help of all stakeholders, should encourage and facilitate infrastructure investments, Internet usage, multilingualisation and local language content, and participation in national, regional and international Internet governance fora.

65. **We recommend that governments**, in consultation with all stakeholders, adopt national laws and cooperate internationally to combat crime and spam.

66. **We recognize that Internet governance** is a complex matter involving many stakeholders. We encourage greater cooperation and information sharing across stakeholders so that roles and responsibilities, and mechanisms for participation, become clearer.

67. **We urge all stakeholders** to re-commit themselves to facilitating and encouraging the Internet in developing nations, recognizing that ICTs and the Internet are enablers of development, capacity building and economic change.

68. Should measures taken to bring about change as per paragraph 67 not be deemed adequate, **we recommend stakeholders** confer regarding a multi-stakeholder dialogue on specific matters related to capacity building in developing nations. This dialogue should take place among governments, the private sector, the Internet community, Civil Society and inter-governmental organizations on an issue specific basis. This dialogue should encourage and facilitate participation by stakeholders from developing nations.