

## Chair of the Sub-Committee A (Internet Governance)

### Chapter Three: Internet Governance

#### *Chair's paper (second reading)*

#### 1. Introduction

**39. We reaffirm the principles** enunciated in the Geneva phase of the WSIS, in December 2003, that the Internet has evolved into a global facility available to the public and its governance should constitute a core issue of the Information Society agenda. The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, 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. *(Agreed)*

**New 39B. We acknowledge** that the Internet, a central element of the infrastructure of the Information Society, has evolved from a research and academic facility into a global facility available to the public. *(Agreed)*

**New 39C. We recognize** that Internet governance, carried out according to the Geneva principles, is an essential element for a people-centred, inclusive, development oriented and non-discriminatory Information Society. Furthermore, we commit ourselves to the stability and security of the Internet as a global facility and to ensuring the requisite legitimacy of its governance, based on the full participation of all stakeholders, from both developed and developing countries, within their respective roles and responsibilities. *(Agreed)*

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

**41. We take note** of the WGIG's report that has endeavoured to develop a working definition of Internet governance. It has helped identify a number of public policy issues that are relevant to Internet governance. The report has also enhanced our understanding of the respective roles and responsibilities of governments, intergovernmental and international organisations and other forums as well as the private sector and civil society from both developing and developed countries. *(Agreed)*

**42.** A working definition of Internet governance is the development and application by governments, the private sector 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. *(Agreed)*

## 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:

- 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) Civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;
- d) Intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;
- e) International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies. *(Agreed)*

**New 43 B.** We recognise the valuable contribution by the academic and technical communities within those stakeholder groups mentioned in para 43 to the evolution, functioning and development of the Internet. *(Agreed)*

**44.** We seek to improve the coordination of the activities of international and intergovernmental organisations and other institutions 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. *(Agreed)*

## 3. Public policy issues relevant to Internet Governance

### 3a) Infrastructure and management of critical Internet resources

**New 44B.** We call for the reinforcement of specialized regional Internet resource management institutions to guarantee each region's right to manage its own Internet resources, while maintaining global coordination in this area.

**45.** We recognise that, for historical reasons, the authorisation of changes in the 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 we recognize that all governments have an equal role and responsibility, for international Internet governance and for ensuring the stability, security and continuity of Internet. We also recognize the need for development of public policy by governments in consultation with all stakeholders.

**New 45B.** We commit to the effort to reduce and eradicate all existing barriers to multi-stakeholder participation in international Internet governance and, in particular, to ensure:

- a) Transparency, openness and a participatory process.
- b) Participation in inter-governmental organizations, especially for developing countries, indigenous peoples, civil society organizations and small and medium sized (SMEs), at proportionate cost.
- c) That content produced by some inter governmental organizations and other international organizations is not limited to members only and is available at an affordable cost.

- d) That the frequency and location of venues of global policy meetings allows stakeholders from more remote areas to participate.
- e) **Establishment of a global mechanism<sup>1</sup>** for participation by governments, especially from developing countries, in addressing multi-sectoral issues related to global Internet policy development.

**New 45C.** We seek to further extend the root server system to ensure its equitable distribution and to facilitate access and to improve the internationalization of the root server system.

**46.** We recognize the need for legitimate, multilateral, transparent and democratic public policy setting and oversight over the root zone system and its future development.

**47.** We recognize the need for further development of public policies for generic top level domain names.

**Alt 47.** We recognise the need for elaboration of policies concerning the management and further development of the domain name space.

**New 47B.** We further recognize that each government shall have sovereignty over its respective country code top level domains.

**48.** We seek to ensure an equitable distribution of IP addressing resources

**New 48B.** We recognize and acknowledge the vital role played by many existing organizations in the technical [management/development] of the Internet.<sup>2</sup>

**New 48C.** We strive to enhance/establish a new model/mechanism of international public policy cooperation and development relating to these critical internet resources, which builds on current structures and which implements fully the Geneva Principles.

**New 48D.** Institutional arrangements for Internet governance should be founded on a democratic, transparent and multilateral basis with a strong emphasis on the public policy interests of all governments and taking into account the respective roles and responsibilities of other stakeholders as clarified in paragraph 49 of the Geneva Declaration of Principles.<sup>2</sup>

**New 48E.** Policies need to respond to the development of the internet and other new technologies and systems.

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

**49.** We seek to build confidence and security in the use of ICTs by strengthening the trust framework. We reaffirm the necessity to further promote, develop and implement in cooperation with all stakeholders a global culture of cyber-security, as outlined in UNGA Resolution 57/239 and other relevant regional frameworks. This culture requires national action and increased international cooperation to strengthen security while enhancing the protection of personal information, privacy and data. Continued development of the culture of cyber-security should enhance access and trade and must take into account the level of social and economic development of each country and respect the development-oriented aspects of the Information Society.

**New 49B.<sup>3</sup>** We reiterate our commitments to the [positive/constructive] uses of the Internet and other ICTs and to take appropriate action and preventive measures, as determined by law, against abusive

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<sup>1</sup> Highlighted text in this section is to be considered after discussion of chapter three, section five.

<sup>2</sup> To be checked for duplication elsewhere in text.

<sup>3</sup> Placement of paragraph to be determined.

uses of ICTs as mentioned under the Ethical Dimensions of the Information Society of the Geneva Declaration of Principles and Plan of Action.

**50. We underline** the importance of effective instruments and efficient mechanisms, at national and international levels, for the prosecution of cybercrime, including crime committed in one jurisdiction but having effects in another. In this respect we call upon governments, in cooperation with other stakeholders, to develop **necessary** legislation for the investigation and prosecution of cybercrime, taking into account existing international frameworks, [for example the Council of Europe Convention on Cybercrime and UNGA Resolutions 55/63 and 56/121].

**51. We resolve to deal effectively** with the significant and growing problem posed by spam. We take note of current multilateral, multi-stakeholder frameworks for regional and international cooperation on spam, [for example the relevant activities of ITU, OECD, the APEC Anti-Spam Strategy, the London Action Plan, the Seoul Melbourne Anti – Spam Memorandum of Understanding]. **We call upon all** stakeholders, to adopt a multi-pronged approach to counter spam that includes, among others, consumer and business education; appropriate legislation, law enforcement authorities and tools; the continued development of technical and self regulatory measures, best practices, and international cooperation.

**52. We reaffirm our commitment** to the freedom to seek, receive, impart and use information, in particular, for the creation, accumulation and dissemination of knowledge. **We affirm** that measures undertaken to ensure Internet stability and security, to fight cybercrime and to counter spam, must protect and respect the provisions for privacy and freedom of expression as contained in the relevant parts of the Universal Declaration of Human Rights and the WSIS Declaration of Principles.

**53. We call upon all stakeholders** to ensure respect for privacy and the protection of personal information and data, whether via adoption of legislation, the implementation of collaborative frameworks, best practices and self-regulatory and technological measures by business and users. **We encourage all stakeholders**, in particular governments, to coordinate internationally as appropriate.

**54. [Deleted]55. We recognise** the increasing volume and value of all e-business, both within and across national boundaries. **We call for** the development of national consumer protection laws and practices, and enforcement mechanisms where necessary, to protect the right of consumers who purchase goods and services online, and for enhanced international cooperation to facilitate a further expansion, in a non-discriminatory way, under applicable national laws, of e-business as well as consumer confidence in it.

**New 55 B. We note with satisfaction** the increasing use of ICT by governments to serve citizens and encourage countries that have not yet done so, to develop national programmes and strategies for e-Government.

#### **4. Measures to promote development**

**56. We reaffirm our commitment** to turning the digital divide into digital opportunity, and **we commit** to ensuring harmonious and equitable development for all. **We commit** to foster and provide guidance on development areas in the broader Internet governance arrangements, and to include, amongst other issues, international interconnection costs, capacity-building and technology / know-how transfer. **[We encourage** the realization of multilingualism in the Internet development environment, **we support** the development of software that renders itself easily to localisation, and enables the user to choose appropriate solutions from different software models including open-source, free and proprietary software.]

**57. We further reaffirm** our commitment to optimize global connectivity among major information networks by encouraging the creation and development of regional ICT backbones and Internet Exchange Points, to reduce interconnection costs and broaden network access.

[At present, Internet service providers (ISPs) based in countries remote from Internet backbones, particularly in the developing countries, must pay the full cost of the international circuits.]

[**We acknowledge** the absence of an appropriate and effective global Internet governance mechanism and framework to guarantee a competitive market and to resolve the issue.]

[Internet transit and interconnection costs which are commercially-negotiated in a competitive environment should be oriented towards objective, transparent and non-discriminatory parameters, taking into account ongoing work on this subject.]

Commercially-negotiated Internet transit and interconnection costs should be oriented towards objective, transparent and non-discriminatory parameters, taking into account ongoing work on this subject. **We call for** the development of strategies for increasing affordable global connectivity, thereby facilitating improved and equitable access for all by:

- a) Setting up of regional high speed Internet backbone networks and the creation of national, sub regional and regional Internet Exchange Points (IXPs).
- b) Recommending to donor programmes and other developmental financing mechanisms to consider the need to provide funding for initiatives that advance connectivity, IXPs and local content for developing countries.
- c) Encouraging ITU to continue the study of the question of the International Internet Connectivity (IIC) [as well as Next Generation Networks] as an urgent matter to develop appropriate recommendations, [as well as by encouraging the WTO to address the question through the GATS].
- d) [Encouraging ITU to continue the study of the question of the International Internet Connectivity (IIC) and to come up with results as an urgent matter to develop appropriate recommendations. Building on current international agreements, encourage interested parties to continue and intensify work in relevant international organizations on international Internet connectivity issues.]<sup>4</sup>
- e) Promote the development and growth of low cost terminal equipment such as individual and collective user devices especially for use in developing countries.
- f) [Taking into account inter-related actions as the consideration if appropriate, for the expansion of the number and distribution of regional root name servers.]
- g) [Encouraging [enabling] ISPs to negotiate Internet traffic to establish a more equitable [balanced] payment system.]
- h) [Encouraging ISPS and other parties involved in negotiations to implement commercial arrangements that govern international Internet connectivity to have regard to best practice and relevant recommendations from the ITU.]

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<sup>4</sup> This issue has received sustained attention in the Asia-Pacific Economic Cooperation (APEC) and the International Telecommunication Union (ITU), and has been raised in the World Trade Organization (WTO) as well.

**58. We encourage** governments and other stakeholders, through partnerships where appropriate, to promote ICT education and training in developing countries, by establishing national strategies for ICT integration in education and workforce development and dedicating appropriate resources.

Furthermore, international cooperation would be extended, on a voluntary basis, for capacity building in specialized areas relevant to Internet management. This may include, in particular, building centres of expertise and other institutions to facilitate know-how transfer and exchange of best practices, in order to enhance the participation of developing countries and all stakeholders in Internet governance mechanisms.

**59.** In order to ensure effective participation in global Internet governance, **we urge** international organizations, including inter-governmental organizations, where relevant, to ensure that all stakeholders, particularly from developing countries, have the opportunity [to participate in the determination of policy decisions] of Internet governance, and promote and support such participation.

**60. We commit to working earnestly** towards multilingualization of the Internet, as part of a multilateral, transparent and democratic process, involving governments and all stakeholders. In this context, **we also support** local content development, translation and adaptation, digital archives, and diverse forms of digital and traditional media, and recognize that these activities can also strengthen local and indigenous communities. **We would therefore underline the need to:**

- a) Advance the process for the introduction of multilingualism in a number of areas including domain names, email addresses and keyword look-up.
- b) Implement programmes that allow for the presence of multilingual domain names and content on the Internet and the use of various software models in order to fight against the linguistic digital divide and ensure the participation of all in the emerging new society.
- c) Strengthen cooperation between relevant bodies for the further development of technical standards and to foster their global deployment.

**[61. We recognize that** an enabling environment, at national and international levels, is essential for the development of the Information Society, including [technology and knowledge transfer / transfer of technology on mutually agreed terms] for the development and diffusion of the Internet and its optimal use. In particular, the role of the private sector and civil society as the driver of innovation and private investment in the development of the Internet is critical. Value is added at the edges of the network in both developed and developing countries when the domestic policy environment encourages investment and innovation.]

**[Alt 1. 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. In particular, the role of the private sector and civil society as the driver of innovation and private investment in the development of the Internet is critical. Value is added at the edges of the network in both developed and developing countries when the domestic policy environment encourages investment and innovation. ]

**[Alt 2. 61. We recognize that** an enabling environment, at national and international levels, is essential for the development of the Information Society, including dynamic and enabling international environment, supportive of foreign direct investment, transfer of technology, and international cooperation, particularly in the areas of finance, debt and trade, as well as full and effective participation of developing countries in global decision-making, are vital complements to national development efforts related to ICTs. Improving global affordable connectivity would contribute significantly to the effectiveness of these development efforts.]

## 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.*
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