

ITU and Internet Governance

draft input to the 7th meeting of the
ITU Council Working Group on WSIS, 12-14 December 2004
(*Note: comments are invited up to 15 November 2004; they can be sent to:*
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1. Background

1.1 Internet Governance is one of the two hot issues that emerged during the first phase of WSIS, requiring further work during the second phase. While Financial Mechanisms is being handled by a Task Force (TFFM), Internet Governance is being addressed through a Working Group on Internet Governance (WGIG) established by Mr. Koffi Annan, UN Secretary-General. In line with the decision of Tunis PrepCom-1, it is expected that the WGIG will present a preliminary report to PrepCom-2 (17-24 February 2005) and a final report to PrepCom-3 (August/September 2005), for consideration of appropriate action during the second phase of WSIS which will be held in Tunis, 16-18 November 2005.

1.2 ITU has some formal statements such as Resolutions 101, 102, 133 etc., concerning Internet-related issues, covering both technical and policy-related aspects. ITU Council approved its own Resolutions and Decisions on WSIS, and an ITU Council Working Group on WSIS (WG-WSIS) established in 2002 made a tremendous contribution to the success of Phase 1 of WSIS. It will continue its work for Phase 2. The ITU elected officials are requested to make their own contributions, through WG-WSIS, to the WSIS process.

In reply to the request by the ITU Council-2004, I promised during my informal consultation with ITU Members during the last TSAG meeting held on 15 July 2004 that I would prepare a draft to assist the discussion on this issue. This draft fulfills that promise.

1.3 Let me start by discussing the question of scope. In accordance with ITU's Constitution, the ITU is concerned with the transmission, emission, and reception of information¹, not with the content of the information. Questions related to content are outside the scope of ITU.

Furthermore, let me note that, in recent years, ITU has been directly involved in important issues related to Internet, such as VoIP, ENUM, MPLS, cable modems, ADSL,

¹ Article 1, paragraph 1(a) of the ITU Constitution states that the purposes of the ITU are "to maintain and extend international cooperation among all its Member States for the improvement and rational use of telecommunications of all kinds". And telecommunication is defined at 1012 in the Annex to the Constitution as "Any transmission, emission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems". See http://www.itu.int/aboutitu/Basic_Text_ITU-e.pdf

etc. These issues have resulted in stronger collaboration with other Internet standardization bodies and have confirmed that ITU has an important role to play with respect to the key issues related to the continuing evolution of the global telecommunication system.

2. Internet governance issues

2.1 Debates

During the debates on Internet governance, many issues and questions were raised that touched upon sovereignty, security, stability, privacy, international coordination, intellectual property rights (IPR), who does what, etc. In my opinion, the debates reflected the reality that Internet governance is not limited to technical issues, nor to policy issues only. It has increasingly included important social, economic, and national security issues. In addition, people were troubled by the fact that there is no consensus on areas of responsibility (who should do what).

2.2 Internet, a large-scale public critical infrastructure and commercial service

IP-based networks and IP-based services (commonly referred to as “the Internet”) have become today a large-scale publicly available and commercial infrastructure that is critical to the national security and economic well-being of many countries². Although in a few places it is still debated whether Internet and IP-based services should be considered new telecommunication services or not, I believe, except in a few cases, that it is widely agreed that these large-scale Internet offerings to the public can no longer be considered as an academic trial, or an educational network, or a closed private network/service. Indeed, they are rapidly becoming integrated with other existing public telecommunication infrastructure to constitute the Next Generation Network (NGN). Given the Internet’s importance for the global economy, its stability, the availability and quality of the services and applications that it enables, and its security have become subjects of interest for public authorities, at the national and international levels.

2.2.1 At the national level, Internet governance varies from one country to another, notably with respect to the roles of government, civil society, and the private sector. In those countries where the management of Internet at the national level is still in the hands of the private sector, the private sector, in most countries, normally has established relations with governments. I have noted that governments all over the world support the development and deployment of the Internet in their country; indeed, I find it difficult to believe that Internet would be available in a country if that country’s government opposed it.

As far as government engagement is concerned, the situation today is rather diverse: the government functions are carried out, or influenced by, Telecommunications Ministry, Telecommunications Regulator, Science and Technology Ministry, Education Ministry, Information Ministry, Justice, Security, or Commercial Ministry, etc. The word “Ministry” here implies the authority of government, which could be indeed a Ministry in some countries, or a “Department” of a government in other countries.

² The WSIS Declaration of Principles states: “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” (par. 48)

The trend is that as Internet and IP-based services become widely deployed and accepted as a publicly available infrastructure and commercial service of national importance, national oversight responsibility will be eventually handed over to the national authority, although the national authority might delegate some of its powers to the private sector, for example through industry self-regulatory mechanisms (although the reserve regulatory power for critical public infrastructures would, normally, be retained by the government).

I also believe that Ministries responsible for scientific and academic matters will eventually hand over their responsibility for the national management of public Internet and IP-based services matters to an authority established to deal with the public policy issues that arise with respect to telecommunications infrastructure, namely the Telecommunications, Information Technology, or Commercial Ministries/Departments of government, noting that some countries have renamed their telecommunication authorities to “information” authorities or “communication and information” authorities, or similar designations.

2.2.2 At the international level, there is no single international (intergovernmental or private) organization that coordinates all the issues related to the Internet and IP-based services. Currently, a wide range of organizations are involved. Some of those organizations are private sector, some are intergovernmental, some are multilateral arrangements such as the Cybercrime Convention. Each has unique strengths and contributes in its own way to the success of the global Internet. However, it appears to me that a more coordinated approach at the international level would be beneficial for everybody.

2.2.3 There is unanimous agreement in WSIS, as per the two output documents “Declaration of Principles” and “Plan of Action”, that Internet Governance should be “multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations”. It is therefore clear, as agreed by all, that governments should play an appropriate role in Internet governance, at the international and national levels.

I believe that, although some governments have tried to strengthen their engagement in Internet governance, many believe that the operational issues, and in particular those issues with commercial implications, should be better left to the private sector. I support this.

The questions that now arise are:

- a) how can governments play their role nationally? And
- b) what (if any) intergovernmental activities are necessary at the international level?

I would like to concentrate on question b) above.

3. ITU's role in coordinating public telecommunications infrastructure and services and its work on Internet and IP-based services

3.1 About ITU

ITU is a well respected intergovernmental organization, a specialized agency within the UN family. Government representatives at ITU may come from Foreign Affairs Ministries, Telecommunication Ministries, Telecommunications Regulators, or other government entities, depending on the particular Member State. ITU does not choose the country representatives. It is the Member State which decides to nominate an appropriate government entity to represent them in ITU. Participation in a national delegation may be open to anyone recognized by the national government, whether government employee or not, at the government's discretion. Similarly, membership in Sector Member delegations is determined by the Sector Member itself.

ITU is the only intergovernmental organization within the UN system that has had a special partnership between governments and industry members ever since it was created in 1865 to coordinate public telecommunication infrastructure and services. Today, ITU still enjoys and profits from this public-private partnership: it has 189 Member States and around 700 industry Sector Members, which covers almost all major industry players in the ICT field. In ITU, there are three Sectors: ITU Telecommunication Standardization Sector (ITU-T), ITU Radiocommunication Sector (ITU-R), and ITU Development Sector (ITU-D). Industry members (the private sector) have played a key role in all Sectors of the ITU, particularly in ITU-T.

ITU has always worked with the consent of Member States. It has never recommended anything which is against the legal or regulatory provisions of its Member States. In case of disputes between Member States, ITU encourages them to engage in discussions to find a solution. ITU does not intervene in any commercial disputes nor in any bilateral disputes.

As a member-oriented organization, ITU work is always driven by contributions (input documents) from its members (both Member States and Sector Members), that is, it works in a bottom-up manner. The strength of ITU is its Member-driven approach, with a well-established open (for its members) and transparent working environment, which is an open secret shared with many successful organizations.

Except for small and medium-sized Internet Service Providers (ISPs) and ccTLD operators, most industry players who are active in Internet-related activities are ITU Sector Members.

3.2 ITU's technical contributions

It is widely recognized that ITU's standardization work has assured the success of worldwide public telecommunication services and advanced new telecommunication technologies. Some think that the ITU has no role in Internet standardization. But this is not correct. It is true that the core transport and routing protocols for IP-based networks have been developed by the Internet Engineering Task Force (IETF). But ITU standards and other ITU activities have contributed, and continue to contribute, to the development

and deployment of Internet in many ways. Indeed, convergent technologies such as VoIP and ENUM have induced a high level of cooperation amongst the various standardization bodies and have raised issues directly related to sovereignty, stability, and quality of service of telecommunication networks. In my opinion, it is not far-fetched to say that many now recognize that ITU's activities are among the key major contributors to Internet's wide-spread adoption.

As a matter of fact, ITU has been engaged with the technical development of packet-switched and connectionless technologies (which form the basis of the Internet) since very early, including during their inception period. In the early 1970s, as pioneers like Larry Roberts and Jim White sought to commercialize and globalize packet switched data networks and services, they created and led CCITT (now called ITU-T) Study Group activities.

ITU-T's standardization work touches almost all aspects of the world-wide infrastructure that provides IP-based services and forms the basis for the Internet: from multimedia terminals, access, transmission, inter-working, quality of service (QoS), security, tariff models, IP telephony; to technology-related policy studies, as well as end-user needs. But ITU is not concerned with issues related to content.

Five particularly successful areas of integration of various Internet developments occurred in the 1990s. One was in the security area which included extensive use of ITU-T X.509 (1988) digital certificates for authentication. Another was in the area of network management where ITU's network management protocol, ITU-T's X.500 directory, and X.600-series ASN.1 syntax expressions were adapted as the Simple Network Management Protocol (SNMP) that is used to manage the Internet's operation. The CCITT (now ITU-T) OSI X.500 "domain name system" is still used extensively within today's IP-based networks in the form of object identifiers for object code modules for SNMP. For that purpose, IANA manages a portion of the OSI DNS domain name space³. A third was the joint IEC/ISO SGML standard which was adapted by researchers at the nearby CERN research facility in a lightweight form known as HTML—which as served as the underlying language of the World Wide Web (WWW), and the entire XML information exchange industry. A fourth was the multimedia session initiation and management standard ITU-T H.323 which serves as the basis today for managing many of the Internet's multimedia applications. A fifth comprises the standards used by end-users to access their Internet Service Providers (ISPs), whether through conventional modems, cable modems, digital subscriber lines (DSL), or fiber to the home (FTTH). All of these initiatives were highly successful in the marketplace and became the basis for a significant part of the network security, network management, WWW, and multimedia products for the Internet, telecommunications, and computer information exchange industries.

In particular, ITU-T has not only followed all stages of Internet technical developments by contributing its own standards for facilitating the development of Internet, but also

³ itu-iso (root)
iso(1)
 identified-organization(3)
 dod(6)
 internet(1)

s pares no efforts to seek an efficient and effective international cooperation with all partners concerned, particularly those involved in Internet developments such as ISOC/IETF, IEEE, W3C, as well as ISO, IEC, ETSI, and many SDOs/forums.

Through its standardization work, ITU has assured the past success of global telecommunication services, and ITU continues to contribute to the successful development and deployment of the Internet and other new services today. Furthermore, ITU is now leading the study on Next Generation Networks (NGN) for tomorrow.

3.3 ITU's policy contributions

For the past 20 years, ITU has supported the liberalization of telecommunications markets. In the late 1980s, new technical developments (including the emergence of packet-switched connectionless networks that form the basis of Internet) were central to the policy dialogue which resulted in the revision of the International Telecommunication Regulations (ITR), an intergovernmental treaty developed and adopted at the 1988 World Administrative Telegraph and Telephone Conference (WATTC-88). Four key provisions turn out, in retrospect, to have significantly facilitated the development of the Internet. Article 9 of the ITR allowed, for the first time, the use of private international leased lines for the purposes of constructing data network capabilities available to the public. This article—which legitimized the existence of shared international data networks—subsequently became a mechanism for forcing the availability of reasonably priced international private leased line availability for constructing the global Internet market. Article 4 allowed data and related services to flourish by adopting a broad definition of what constitutes public telecommunication services but a very narrow definition of the possible restrictions on access and service (e.g., quality of service). Section 4.2 provided a compelling (but not mandatory) suggestion that global standards should be used for data networks and related services. There was also a provision foretelling of misuse and vulnerability problems arising today, namely Section 9.1(b)—which requires a signatory country implementing data networking capabilities to avoid "technical harm" to facilities of third countries. I have been told that this last provision was inserted as a result of the famous Morris Internet worm incident that occurred in 1988.

As ITU activities have, directly or indirectly, supported the technical development of Internet from the very beginning, logically, ITU has also contributed to the policy-related studies. These began during the 1980s with User and Legal Symposia. They increased in the 1990s. During the last several years, ITU successfully organized global symposiums such as the Internet Policy Symposium in 2001 and various workshops on Internet issues. Started in 2002, the Global Symposium of Regulators, with a purpose to exchange views on liberalization of ICT markets and promotion of Internet applications, is another ITU initiative, which is widely supported and appreciated by the international community.

In my opinion, the fundamental policy issues related to Internet are very similar to those related to other telecommunication applications and technologies. While the Internet is different in certain technical ways, it is not that different for what concerns public policy, although, of course, the specific policies adopted for Internet might be different, both at the national and international level, from those adopted for other technologies. Indeed, there is no reason to suppose that the policies adopted for Internet would be the same as those adopted in the past for other technologies (telephony or whatever), particularly

when considering that the policies for older technologies are being revisited and revised in many countries. Some countries are even moving towards “technology-neutral” policies, which might well be different from previous policies.

Recognizing this, the ITU has many policy-related activities, some specifically related to the question of the ways in which existing regulatory regimes should be modified or adapted to encourage further development of the Internet. This includes issues such as tariffing, cost sharing, quality of service, service definitions, and security.

4. My proposed positions on issues

4.1 Definitions

ITU-T Study Group 2 received some inputs on definitions. Based on those inputs and other considerations, I offer the following definitions for consideration.

a) Definition of Internet

Internet is the publicly accessible global packet switched network of networks that are interconnected through the use of the common network protocol IP. It encompasses protocols; names and addresses; facilities; arrangements; and services and applications. IP-based services consist both of applications made available to the public on a large scale such as VoIP using E.164 identifiers, as well as signaling and directory services critical to providing infrastructure protection and meeting national public policy (including security and safety) mandates.

b) Definition of Internet Governance

Internet Governance consists of the collective rules, procedures, processes, and related programs that shape social actors’ shared expectations, practices, and interactions and result in practices and operations that are consistent with the sovereign rights of states and the social and market interests of end-users and operators. It includes agreements about standards, policies, rules, and enforcement and dispute resolution procedures.

4.2 Sovereignty

Sovereignty is an issue that often arises, implicitly or explicitly, in debates on Internet Governance. My understanding and proposals in this area cover several aspects as follows:

a) Authority to establish rules for critical signaling and directory network elements and identifiers such as telephone country codes and Internet country code domain names.

Both telephone country codes and Internet country code domain names are public resources that fall within the scope of national sovereignty. In principle, a particular country code or a particular domain name associated with a particular country are the national resources of that country. The ultimate authority for these resources should be a national authority, although the operational work related to their management could be carried out by the authority itself or by a designated agency to which it could choose to delegate authority. There should be no question about this responsibility. I note the complicated situation for the management of country code domain names in some countries, largely because of historical reasons. To address these issues, I would suggest respecting the fundamental principle of national sovereignty, as well as finding pragmatic

solutions to maintain the stability of the service and to protect the interests of the concerned operators. Concretely, I propose that consideration be given to ITU's maintaining and publishing the authoritative list of country code domain name delegations, at the request of those countries who wish ITU to undertake this task (with other countries free to continue present arrangements if they wish). Consideration could also be given to the development in ITU-T, in cooperation with all concerned parties, of a Recommendation on the issue of re-delegation of country code Domain Names.

b) Management of Internet Protocol (IP) addresses

The early allocation of IPv4 addresses resulted in geographic imbalances and an excessive possession of the address space by early adopters. This situation was recognized and addressed by the Regional Internet Registries (RIRs). However, despite their best efforts, and even though a very large portion of the IPv4 space has not been assigned, some believe that there is a shortage of IPv4 addresses and voice concerns regarding the principles and managements of the current system. Some developing countries have raised issues regarding IP address allocation. It is important to ensure that similar concerns do not arise with respect to IPv6. I have discussed with some industry experts my idea to reserve a block of IPv6 addresses for allocation by authorities of countries, that is, assigning a block to a country at no cost, and letting the country itself manage this kind of address in IPv6. By assigning addresses to countries, we will enable any particular user to choose their preferred source of addresses: either the country-assigned ones or the region/international-assigned ones. A competition between the country registration agency and the regional registration agencies will exist, but people will have a good choice. Sovereignty connected to the registration of addresses will be safeguarded. The details and constraints, in particular issues related to routing table size, could be further discussed if this proposal encounters favor.

c) Country/Geographic Area Codes

- ITU is the global authority for the assignment and management of telephone country/geographic area codes (E.164), for example “41” for Switzerland.
- ITU is also a member of the ISO committee that agrees the ISO-3166 codes used for Country Code Domain Names (for example, “ch” for Switzerland), and it provides input concerning UN recognition of Member States.

4.3 ITU and developing countries

Developing countries, or governments of developing countries, have consistently expressed their concerns over their roles and their interests in Internet governance. Quite often, ITU has been requested to defend the interests of developing countries in the development of new technologies and new services. ITU's role in protecting the interests of all countries implies that it deals with the issues that arise when developing countries are not in a position to make use of certain new technologies in the same timeframes as when they are deployed in developed countries.

The ITU Development Sector was established to work mainly to support developing countries. ITU provides, by itself or in cooperation with others, training courses for capacity building, consultation on policy issues, assistance on projects, case studies, global data collection, benchmarking, etc. ITU, particularly its Development Sector and

the ITU regional/area offices, has strong connections with developing countries for ICT matters.

ITU is trusted to take care of the interests of the developing countries and to continue doing so. ITU will do its best to meet this expectation.

4.4 ITU and IPv6

ITU supports the implementation of IPv6. ITU has worked with external SDOs, particularly with IETF and IPv6 forums, for the development of IPv6. Instructed by ITU Resolution 102, ITU commits itself to this important work. ITU organized several IPv6 workshops, ITU expressed its support for IPv6 at various international conferences, etc. In its latest efforts on standardization of NGN (Next Generation Network), reference to IPv6 is included.

ITU encourages its members, Member States and Sector Members, to actively participate in the management of IPv6 addresses, trials of deployment of IPv6 systems, strategy of transition from the current system into IPv6 systems, etc.

4.5 ITU and IDN

The matter of Internationalized Domain Names (IDN) raises complex policy and technical issues that are difficult to handle outside formal government processes. I would propose that ITU work with all concerned organizations, whether private or intergovernmental, to survey the issues and agree solutions, in order to facilitate and accelerate the continued adoption of Internet by all the world's peoples.

ITU has been engaged with telecommunication of human languages from the very early stage. The first was the Morse coding in the 19th century, and the latest was its successful work in 1980s for standardization of languages in its CCITT (now "ITU-T") Recommendations T.50-series, including Latin-based languages, and non-Latin based languages such as Arabic, Cyrillic, Chinese, Greek, Hebrew, Japanese (-Katakana, and – Kanji), and Russian.

ITU Resolution 102 and Resolution 133 specify the ITU's work on IDN. ITU organized several workshops on the IDN. It is expected, particularly by developing countries, that increased ITU involvement could facilitate and accelerate the deployment of IDN.

4.6 ITU and Security

ITU has always put security high on its standardization agenda. Over 70 ITU-T Recommendations are published in the field. One of the best known is ITU-T Recommendation X.509, which was first developed in 1988 and still provides the basis for public key infrastructures (PKI) used, for example, in the secure HTTPS protocol. Another is ITU-T Recommendation X.805, recently developed, which deals with security architecture for end-to-end communications.

Guided by ITU Plenipotentiary Resolution 130, "Strengthening the role of ITU in information and communication network security", ITU organized several workshops and symposiums on security during the recent years, including the Cybersecurity Symposium associated with WTSA-04 (World Telecommunication Standardization Assembly, Brazil, 5-14 October 2004), and this constitutes an ITU action to implement the WSIS "Plan of Action".

A handbook on security, which provides an overview of ITU-T Recommendations related to security, was published prior to the first phase of WSIS in December 2003, and ITU-T work in this area continues.

4.7 ITU and national security needs, including spam

ITU organized the first WSIS Thematic Meeting on Countering spam in Geneva, 7-9 July 2004. Over the past several months, strong linkages between spam and other forms of cybercrime and critical infrastructure protection have emerged. Countering spam is just one of many elements of protecting the Internet that include availability during emergencies, and supporting public safety and law enforcement officials.

4.8 Intellectual Property Rights (IPR)

ITU has worked on IPR for more than two decades. In the mid-1980s, a “Code of Practice for Patents” was created to guide the standardization work with patents. This “Code of Practice” was later updated and three options were identified:

- 1) patent holder waives its rights,
- 2) license granted on a reasonable terms and on a non discriminatory basis, or
- 3) not willing to follow either 1) or 2)

In case (3), no Recommendation will be developed. In case (2), the commercial negotiation on licensing and royalty terms takes place outside ITU.

ITU is still working on the various patent issues. ITU has started to study two other aspects of IPR: software copyright and trademarks. There is no policy yet approved for the latter two items. However, guidelines in line with the patent policy are under development.

4.9 Other areas

In addition, ITU, in accordance with its mandate, would take care of other work, such as: work on Internet exchange points, Internet interconnection charging regimes, and methods to provide authenticated directories that meet national privacy regimes. ITU will study any new items for the Next Generation Networks (NGN) and services.

4.10 International cooperation

In my opinion, it is important to recognize that in today’s environment, no single body alone can take care of everything. That is, a grand collaboration between all concerned bodies is needed.

ITU has enjoyed long-standing good cooperation with bodies such as IEC, ISO, UNESCO, UPU, WIPO, etc.

The relation between ITU, an intergovernmental organization, and other Internet standards bodies (such as IETF, W3C, etc.) is, in my opinion, an excellent example of cooperation between ITU and external SDOs. Increasingly, as Internet infrastructure and the services it enables become integrated into the NGN, the long-established regional and national SDOs will be assuming significant roles.

In its long history, ITU has tried very hard to find ways to accommodate opinions and contributions by non-Members. ITU will continue its efforts to work with external bodies

in the interest of the public for ICT matters, particularly with civil society, NGOs, RIRs, ccTLDs, forums, international/regional organizations. ITU will continue its cooperation with UN and its specialized agencies UNESCO; WIPO, and others.

It would be appropriate for ITU to consider how it could encourage greater participation from NGOs, civil society, and universities and research institutions. I would particularly welcome suggestions in that respect.

4.11 ITU and ICANN

As a new organization started in 1998, ICANN has had significant success in many areas under its competence, particularly in its operational and administrative work in encouraging new gTLDs, promoting competition, and implementing dispute resolution procedures.

Having read the paper issued by Dr. Lynn, then President of ICANN, who called for a reform of ICANN in February 2002, I was impressed with his recognition of the fact that ICANN had not succeeded in obtaining support from all governments around the world. He particularly indicated that early attempts to keep governments away from Internet matters proved wrong, and he asked for increased engagement by governments.

We noted that ICANN has made great efforts to reform itself. Many positive changes, such as internationalizing its board, are widely recognized. Surely there is still a lot of work to be done for this young organization. We have to give it more time to change.

The US government has played a unique role in the development of ICANN. In the early days of Internet development, the issues were in the hands of a few US experts, later on with a few competing US organizations. Realizing in 1997 the significance of the issues related to Internet governance, the US government initiated the concept of ICANN and provided its support to ICANN in the form of a Memorandum of Understanding (MoU) between the US Department of Commerce and ICANN, which assumed some of the functions that had previously been performed by a contractor (IANA) of the US Department of Defense. The US government has always encouraged ICANN be developed into an internationally accepted organization. Keeping in mind its responsibility to maintain stability of the global Internet service, the US government carefully choose not to relinquish its own role up to now. I have noted a statement by US authorities to the effect that the US government will not extend its MoU with ICANN after the expiration of the current MoU in 2006.

I share the same concerns as the US government concerning the stability of Internet and the role of the private sector. ICANN served a need that existed in 1998 while the Internet and IP-based services were emerging as a large-scale public infrastructure and offerings. As there is no a better solution so far, in my opinion, we ought to recognize and appreciate the efforts made by the US government.

As a matter of fact, since the creation of ICANN in 1998, ITU has supported and cooperated with ICANN. In July 1999, ITU signed an MoU on “Protocol Supporting Organization (PSO)” with ICANN, ISOC/IETF, W3C and ETSI. After ICANN reform, ITU continues its role in the Technical Liaison Group (TLG). ITU supported the nomination of candidates by PSO to the ICANN Board since 1999. ITU also committed to the work of ICANN Independent Review Panel Nomination Committee before 2002.

ITU was one of founding member of ICANN's Government Advisory Committee (GAC). In reply to the public call for ICANN Reform launched by the then President of ICANN, I prepared a paper, after intensive informal consultations with ITU members, which was submitted to ICANN in April 2002, and which was unanimously supported by the ITU Council-2002. And ICANN and ITU have worked together to organize workshops on ccTLDs and on the top level domain ".int".

While we appreciate the changes ICANN has introduced into its own process, we have to address another important issues: its own legitimacy and its role with respect to intergovernmental coordination. The latter cannot be easily achieved, in my opinion, within ICANN's current structure.

During recent years, particularly during the WSIS debates, ICANN has been under challenge for various issues. It would be fair to say that not all criticisms were justified. Some issues were in fact beyond ICANN's competences. However, some ambiguity in, or misunderstanding of, ICANNs plans and actions, not necessarily as expressed by its staff or its members, but as perceived by external people, led to some criticisms.

It would be necessary and useful if the mission of ICANN were further clarified, and restricted to its areas of technical competence. The WGIG provides a good opportunity for ICANN to establish a different image.

I believe that ITU should support ICANN to continue wherever it has successfully managed its tasks so far. I support ICANN as an international organization to deal with technical and operational matters of Internet domain names and addresses, in particular IANA functions that are unrelated to intergovernmental cooperation and coordination for public infrastructure and services. I welcome and support ICANN's contribution to all policy discussions wherever appropriate.

4.12 The role of governments at the international level

In my opinion, it is very important to recognize that the success of any ICT technology, and of the Internet in particular, depends on the collaboration of all parties, and in particular of governments and the private sector. Thus, it is perfectly logical that ICANN should seek guidance from governments on policy matters that could have an impact on its technical operations. Indeed, I think it is not seriously disputed that governments should set appropriate frameworks for public policy issues such as security, allocation of scarce resources, etc.

It is very difficult, from a structural and legal point of view, for a private company to obtain formal advice directly from worldwide governments—other than its own national government—because, by definition, a private company works under, and is bound by, the laws of one jurisdiction, and many sovereign states find it difficult to waive sovereignty and to give advice that could be overridden by another government, which would make them subject, de facto, to the laws of a different state.

There is of course no difficulty for some governments to participate informally in the work of a private company, but not all governments have that flexibility. And, in any case, there is a big difference between the legitimacy that comes from formal participation, as compared to informal participation.

The usual solution to this difficult problem is to charge an intergovernmental organization with the task of developing internationally agreed public policies (that is, advice to private companies), which policies are then transposed as appropriate into national laws and apply to private companies as appropriate.

Therefore, it would appear to me practical to build on the long and successful tradition in which private sector operators have obtained guidance from their national governments for national matters, and from the ITU or other appropriate bodies such as WIPO, WTO, etc. for international matters. That is, to recognize the respective competencies of the private sector and of governments, whether at the national or international levels.

Concretely, it might be helpful to build on ITU's unique position as an intergovernmental organization that has private sector members—especially since those active ITU members are also major players in providing Internet infrastructure—and to consider relying on ITU (and other IGOs as appropriate) to provide appropriate public policy frameworks at the international level for what concerns Internet matters.

The details could be further discussed if this proposal is considered worth pursuing.

4.12 The results of the 2004 World Telecommunication Standardization Assembly (WTSA)

I noted that an early draft of this paper had been circulated informally before the 5-14 October 2004 WTSA. It seems appropriate to mention in this paper some of the key results of WTSA-2004 with respect to Internet. These include:

- a) New Resolution 46 [G]: ITU-T contribution to Council Working Group on WSIS.
- b) New Resolution 47 [M]: Country Code Top Level Domain Names.
- c) New Resolution 48 [N]: Internationalized Domain Names.
- d) New Resolution 50 [L]: Cybersecurity.
- e) New Resolution 51 [P]: Combating spam.

The final text of the Resolutions will be posted in due course at:

<http://www.itu.int/ITU-T/wtsa/resolutions.html>

In the meantime, the text of those Resolutions is available at:

<http://www.itu.int/ITU-T/tsb-director/itut-wsis/files/wtsa04-netres.doc>

5. Opinions and proposals

As Internet governance covers a very wide range of topics, including technical issues, it is preferable to have existing inter-governmental organizations under the UN system to take care of issues that require inter-governmental coordination, while recognizing the role of existing international and private sector organizations with respect to technical and operating matters. It would be cost-effective to charge existing UN family organizations with this task.

As discussed above, ITU is involved in the key areas of Internet governance that are subject to international coordination, at a different level of engagement depending on the topics. Internet governance should work the same way the Internet does, decentralized where possible and highly networked. Thus, I don't think that any one existing or future organization should have a preponderant role in Internet Governance.

I believe that ITU should study the issues and look for new ways to create a proper environment to meet the challenges.

The WGIG provides an excellent opportunity to find way of improving the current situation at the global level. The WGIG should establish a matrix to identify who could do what and to provide guidelines on efficient and effective international cooperation of all stakeholders.

My specific proposals address issues of sovereignty by including a role for ITU-T maintaining and publishing the authoritative list of country code domain name delegations, at the request of those countries who wish ITU to undertake this task; in allocating a block of IPv6 addresses to countries; in promoting the implementation of Internationalized Domain Names (IDN); in security initiatives, including countering SPAM; in work on Internet exchange points and Internet interconnection charging regimes; and in methods to provide authenticated directories that meet national privacy regimes.

I believe that ITU should actively participate in the work of WGIG and, given its history and mandate, I expect that ITU will have a significant role to play in any outcomes.

I wish the great success of WGIG and WSIS on Internet governance issues, and all other issues, as part of the ongoing activities to forge appropriate intergovernmental coordination and to foster international cooperation.