OPINION X ON ENABLING THE RECOGNITION OF IMPACTS ON THE INTERNET BY INFORMATION SOCIETY INITIATIVES

The fifth World Telecommunication/ICT Policy Forum,

observing

The outcomes of the two phases of the World Summit on the Information Society rarely use the term "Internet," almost exclusively using the term in relation to Internet Governance.

In particular:

The **Geneva Declaration of Principles** Item B6) notes 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, that management of the Internet should be multilateral, transparent and democratic, and encompass both technical and public policy issues, involving all stakeholders, including relevant intergovernmental and international organizations. The Declaration also briefly mentions the Internet as impacted by spam under item B5).

The **Geneva Plan of Action** Action Line C6 asks the Secretary General of the United Nations to establish a working group on Internet governance, in an open and inclusive process involving governments, the private sector and civil society from developing and developed countries and involving relevant intergovernmental and international organizations, to develop a working definition of the term Internet governance, and to identify public policy issues relevant to Internet governance. It invites governments to promote awareness of the Internet and establish Internet Exchange Centers.

In addition to the above, the following items in the Geneva Plan of Action also refer to the Internet:

- Action Line C2 calls for governments to take action to optimize connectivity and reduce interconnection costs by establishing Internet Exchange Points, and to develop strategies for affordable global connectivity that address Internet transit and interconnection costs in ways oriented towards objective, transparent and non-discriminatory parameters

- Action Line C3 encourages governments to provide adequate access to public official information through various communication resources, notably the Internet, and to establish community public access points providing affordable or free access to various communication resources, notably the Internet

- Action Line C7 encourages governments to seek to stimulate private sector investment and foster new applications, content development, and public/private partnerships through an enabling environment based on widely available Internet access, and it calls for promoting affordable and reliable high-speed Internet connection for all universities and research institutions

- And in Item B6, the Plan calls for encouraging the development of content and establishing technical conditions to facilitate the presence and use of all world languages on the Internet

The **Tunis Commitment** reaffirms the Geneva commitment to Internet governance and related issues under Item 7.

The **Tunis Agenda** again reaffirms the Geneva commitment to Internet governance and related issues, and develops numerous points supporting Internet Governance in items 29 through 80. These items constitute the bulk of the Tunis Agenda.

Three other points within the Tunis Agenda also refer to the Internet:

- Item 23 notes broadband capacity as an area in need of greater financial resources, to provide Internet access at affordable prices to both existing and new users.

- Item 27 calls for reducing international Internet costs charged by backbone providers by supporting the development of Internet Exchange Points along with regional ICT backbones, and encourages research in the topic of International Internet Connectivity (IIC) and ways to provide affordable access to ICTs.

- Item 121 calls for the UN General Assembly to build more awareness of the Internet to make it a global facility which is truly available to the public, in part by declaring May 17 as World Information Society Day;

The remaining portions of the WSIS outcome documents are articulated in relation to the broader term "ICTs." This includes the bulk of: the Geneva Declaration's presentation of the common vision of the Information Society and its key principles; the Geneva Plan of Action's presentation of the roles of stakeholders, objectives, goals and targets, action lines, priorities and strategies for development, and performance measures; the affirmations in the Tunis Commitment; and the Tunis Agenda's provisions addressing financing of development, numerous aspects of Internet governance, and performance and follow up in fulfilling the Agenda;

further observing

That in response to a proposal by the Secretary-General under Resolution 101 (Rev. Guadalajara, 2010) the Council issued Decision 562 calling for the convening of the fifth World Telecommunication/ICT Policy Forum, to discuss all the issues raised in Resolutions 101, 102 and 133 (Rev. Guadalajara, 2010).

That Council Decision 562 and Resolutions 101, 102 and 133 present a range of issues for discussion using a variety of terms besides Internet, including telecommunications/ICTs, IP-based networks, Next Generation Networks (NGNs), future networks, future Internet, etc.

In particular:

Telecommunications/ICTs:

Council Decision 562 uses the term "telecommunications/ICTs" in the title of the Forum, and as the topic ("international telecommunication/ICT strategies and policies") regarding which the ITU is presented as a "uniquely positioned" forum to coordinate and exchange information on and to discuss and harmonize.

Both Decision 562 and Resolution 102 use the term "telecommunications/ICTs" in the purposes of the ITU that the WTPF is to serve ("to promote, at an international level, the adoption of a broader approach to the issues of telecommunications/ICTs in the global information economy and society").

Resolution 101 uses the term "telecommunications/ICTs" to designate the type of new, additional applications that are introduced as a result of increased use of the Internet, and as the type of opportunity for development arising from the growth of IP-based services that the ITU resolves to embrace.

This usage reflects more extensive usage of the term in underlying Resolutions 2, 139 and 140.

Resolution 2 uses the term:

- as the topic ("telecommunication and information and communication [ICT] strategies and policies") on which there is a pressing need to exchange information

- as the type of national policies and regulations that need to be recognized and understood to allow the development of global markets to support harmonious development of telecommunication services

- as the type of policies and legislation needing constant review for which Member States and Sector Members adopted the WTPF

- in the purpose of the WTPF ("to provide a venue for exchanging views and information and thereby creating a shared vision among policy-makers worldwide on the issues arising from the emergence of new telecommunication/ ICT services and technologies, and to consider any other

policy issue in telecommunications/ICTs which would benefit from a global exchange of views")

- in the resolutions to sustain the WTPF and continue discussions and describing its nature and format

- as the type of field in which the ITU plays a leading and unique role which renders it necessary for the ITU to continue organizing the WTPF, and

- in the instruction to the Council to submit a report to the next plenipotentiary conference addressing necessary actions based on the WTPF

Resolution 139 uses the term

- to designate the technologies that are both the consequence of economic growth and the prerequisite for development and growth

- to designate the technology sector that needs priority of investment in most developing countries

- to designate the technologies that play an important role in development of e-government, labor, agriculture, health, education, transport, industry, human rights, environmental protection, trade and transfer of information for social welfare, and general economic and social progress

- as the type of infrastructure and applications central to digital inclusion and enabling access to information

- to designate the technology that governments, policy-makers and regulators should play an important role in promoting widespread and affordable access to under the Hyderabad Declaration

- to designate the type of technology that would enable socio-economic development, thereby bridging the digital divide

- to designate the technologies that would attract private investment under the favorable policy climate encouraged under the Geneva Declaration

Resolution 140 uses the term to describe the infrastructure and types of technology which developing countries need to build and in the use of which they need to strengthen confidence and security, and to describe the changing environment requiring the ITU to evolve constantly.

IP-based Networks:

Resolutions 101 and 102 both use the term "IP-based Networks" in significant ways.

Resolution 101 uses the term in describing

- the advances in the global information infrastructure that are of crucial importance in serving as an engine for growth in the world economy (in terms of the development of IP-based networks, while noting the Internet and future IP developments)

- the technologies that will introduce dramatic changes in the way we acquire, produce, circulate and consume information (in terms of current and future IP-based networks and IP developments)

- the development of a widely accessible medium for global commerce and communication which elicits the need to identify global activities in the areas of infrastructure, interoperability and standardization, Internet naming and addressing, and dissemination of information on the implications of network developments (as an evolution in IP-based networks)

- the ongoing studies in the ITU-T Sector (as IP-based network issues), including

  - interoperability with other networks

  - numbering

  - signalling and protocols

  - security and infrastructure costs

  - next generation networks

  - Recommendation ITU-T D.50

  - (and noting that significant work is being conducted in IP-related issues within the ITU and at many other international bodies)

- quality of service standards (in relation to IP-based networks)

- the public interest in interoperability and quality of service between networks (in terms of the interaction of IP-based networks and other telecommunications networks)

- the relevant organizations with which the ITU resolves to collaborate (in terms of their involvement in development of IP-based networks and the future Internet)

- the growth that the ITU resolves to ensure by collaborating with relevant organizations, and that triggers the opportunities for development that the ITU resolves to fully embrace (as a growth in IP-based services and IP-based networks)

Resolution 102 notes that the ITU has published a Handbook on IP-based Networks and Related Topics and Issues, and uses the term to describe

- the advances in the global information infrastructure that are of crucial importance in serving as an engine for growth in the world economy (in terms of the development of IP-based networks and the Internet, while calling for consideration of NGNs and future networks)

- the technical and policy issues with which the ITU is dealing (as issues related to IP-based networks, noting that this includes the existing Internet and evolution to NGN as well as studies into the future internet)

- the relevant organizations with which the ITU resolves to collaborate (in terms of their involvement in development of IP-based networks and the future Internet)

Next-Generation Networks:

Resolutions 101 and 102 both use the term "Next-Generation Networks (NGNs) in significant ways.

Resolution 102 notes 1) that the ITU is dealing with technical and policy issues related to IP-based networks, including the existing Internet and evolution to NGNs as well as studies into the future Internet, and 2) that advances in the global information infrastructure, including the development of IP-based networks and the Internet, taking into account the requirements, features and interoperability of next-generation networks (NGN) and future networks, are of crucial importance as an important engine for growth in the world economy in the twenty-first century;

Resolution 101 instructs the Secretary General to produce an annual report to include the topic of the development of NGNs and future networks, requests the ITU-T Sector

continue its collaboration with relevant organizations such as ISOC/IETF regarding "interconnectivity with existing telecommunication networks and migration to NGN and future networks," and requests all three Sectors "to continue to consider their future work programmes on IP-based networks and on migration to NGN and future networks."

The annual report which the Secretary-General is instructed to present to the ITU Council under Resolution 101 references these terms as well. It is to provide "a comprehensive summary both of the activities that ITU is already undertaking in regard to IP-based networks and any changes thereto, including the development of NGNs and future networks, and of the roles and activities of other relevant international organizations, describing their involvement in IP-based network issues;"

calling attention to the fact

that these terms in the WSIS outcome documents and the Resolutions framing the fifth World Telecommunications/ICT Policy Forum, may designate broader categories or more specialized technical solutions than are represented by the Internet platform and the term "Internet";

recognizing

that the Internet is a key concern of the World Telecommunication/ICT Policy Forum

In particular:

Council Decision 562 notes that international Internet-related public policy matters is a topic of high current interest to ITU Member States and Sector Members

Resolution 101 notes

- that advances in the global information infrastructure, especially the Internet, continue to be an issue of crucial importance as an engine of growth in the world economy

- that the increased use of the Internet introduces new additional applications

- a need to identify Internet naming and addressing practices as IP-based networks evolve into a widely accessible medium

- that significant work is being done in ITU and other international bodies on future Internet

- that ITU-D has made significant progress in the use of the Internet in developing countries, by such means as Internet training centres, and assisting in setting up high-speed backbone networks for the Internet, as well as national, subregional and regional access points for the Internet;

- that the general cooperation agreement between ITU-T and the Internet Society (ISOC)/Internet Engineering Task Force (IETF) continues to exist,

In addition, Resolution 101 cites

- Items 27 c) and 50d) of the Tunis Agenda, WTDC Resolution 23 and ITU-T Recommendation D.50 on international Internet connectivity

- WTDC Resolution 23 on Internet access and availability for developing countries and WTSA Resolution 69 on non-discriminatory access to and use of Internet resources

- WTSA Resolution 64 on IP address allocation and deployment of IPv6

- The ITU-T Kaleidoscope Event on "Beyond the Internet? − Innovations for future networks and services"

Resolution 102 notes

- advances in global information infrastructure, including the Internet, as being of crucial importance as an engine for growth in the world economy

- that the development of the Internet is market-led, led by private and government initiatives

- that the private sector plays a role in the expansion and development of the Internet through investments in infrastructure and services

- that the management of the Internet is a valid subject of international interest, and must flow from full international and multistakeholder cooperation on the basis of the WSIS outcomes

- that all governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet

- that management of the Internet encompasses technical and policy issues and should involve all stakeholders and relevant intergovernmental and international organizations as listed under Item 35a)-e) of the Tunis Agenda

- that governments play a role of providing a legal framework that promotes a favorable environment for interoperation between global ICT networks and Internet networks, widely accessible without discrimination, and ensuring adequate protection of public interests in the management of Internet resources

- that the WSIS recognized the need for enhanced cooperation to enable governments to carry out their roles and responsibilities in international public policy issues pertaining to the Internet, but not in day-to-day technical and operational matters not impacting international public policy issues

- that the ITU is dealing with technical and policy issues related to the Internet

- that the ITU has published a Handbook on IP-based networks and related topics and issues, including the question of what the Internet is

- that the ITU has started a process to enhanced cooperation, including establishing a Dedicated Group on international Internet-related public policy issues

In addition, Resolution 102 cites

- Items 29-82 of the Tunis Agenda on Internet governance, with specific mentions of Items 71 and 78a on enhanced cooperation on Internet governance and the establishment of the Internet Governance Forum

- Opinion 1 of the Fourth WTPF on public policy issues pertaining to the Internet, and WTSA Resolutions 47, 48, 49, 50, 52, 64, 69 and 75;

understanding

that both public policy decisions and particular technical systems deployed under the development programs of the Information Society have the potential to detract from the capabilities brought by the Internet platform;

recognizing with special concern

that every part of the Geneva Action Plan of the WSIS has the potential to affect the Internet unless the key characteristics of the Internet are recognized.

In particular:

- An intergovernmental body can recast the nature of the Internet platform unless we recognize and secure its unique strengths and character; and conversely, the kind of standards-making that produced the Internet is more difficult to conduct in intergovernmental fora.

- National e-strategies may also affect the Internet, including impacting inclusivity in the sense of end user and independent provider empowerment made possible by the Internet

- Promotion of public domain information, accessibility for all, use of technology for governance, all can be impacted deleteriously without addressing the Internet as a means of interoperating between diverse providers and end users

- Education and capacity building for different groups and communities, including distance learning, can be impacted if we do not assure that impacts on the Internet can be readily identified

- Measures to build trust and confidence can also easily recast the nature of the platform if its nature is not addressed clearly

- The establishing of enabling environments can affect the ability for independent, autonomous networks to readily interoperate by means of the Internet protocols unless the nature of the Internet is acknowledged clearly

- The ability to empower sustainable development and support diverse applications for public administration, business and numerous areas of life that may be benefited by the Information Society can be affected if the nature of the platform made possible by the Internet protocols is not acknowledged clearly

- Linguistic and cultural diversity express issues of empowerment and autonomy that are implicated whenever the power of local communities is implicated in policies and practices that may affect the Internet

- The implications for freedom of speech and the media are easy to recognize as a direct reflection of the Internet as a communications platform, but these concerns may also be affected in special ways that derive from the nature of intergovernmental forums, policies and processes, which may be more readily identified when key characteristics of the Internet are acknowledged.

- Impacts of Information Society activities on ethical questions and common values can more readily be articulated on the basis of express principles that reflect the key characteristics of the Internet

- Initiatives that build on international and regional cooperation, and the capacity for cooperation itself, may be affected if initiatives proceed without recognizing the nature of the Internet platform;

addressing

the need to assure that both the governance and development contexts can readily recognize these impacts in order to assure the advantages that the Internet brings to the Information Society can be extended to all, and are not overlooked without recognizing the tradeoffs that may be brought by various other technological solutions, which for their part may have their own advantages;

noting

that according to Resolution 2, the purpose of the World Telecommunications Policy Forum is to provide a venue for exchanging views and information and create a shared vision among policy-makers worldwide on issues arising from the emergence of new technologies, and to enable the recognition and understanding of national policies and regulations in order to develop global markets that can support harmonious telecommunications

that Resolution 2 also cites the purposes of the ITU as including promoting the adoption of a broader approach to telecommunications/ICTs issues in the global information economy and society, and promoting the extending of the benefits of new technologies to all.

considering

that governments participating in inter-governmental decisionmaking and enhanced cooperation may choose to establish policies that may affect key characteristics of the Internet

that individual governments seeking to establish telecommunications/ICT policies may seek to allow for national policies that diverge from the key characteristics of the Internet

that policy decisions contributing to the enabling environment for fostering telecommunications/ICT development, and technical aspects of telecommunications/ICTs deployed in development programs, may affect key characteristics of the Internet

that governments seeking to establish national or international telecommunications policies that may affect key characteristics of the Internet, may wish to incorporate distinct provisions for Internet connectivity fulfilling its key characteristics

that enhanced cooperation in inter-governmental policymaking may be facilitated by providing for these modalities;

is of the opinion that

processes must be set up wherein key characteristics of the Internet can be articulated, whereby its unique strengths can be recognized and thereby allowing developments that may affect its special nature and strengths to be readily recognized;

proposes

the following points as a starting point for principles that enable the Internet and its advantages to be recognized and distinguished from other terms that may designate technical concepts that are broader or more specialized in nature than the Internet platform:

- that it is defined in terms of principles of interoperation between networks,

- that the resulting platform is a general purpose platform,

- that it is available as a general purpose platform to end users, and

- that it enables general purpose connectivity directly between end users throughout the globe (or beyond), to all other networks that interoperate on the same terms.