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APC's Recommendations to the WSIS on Internet Governance, November 2005

1. Summary

APC has participated extensively in the internet governance process at the World Summit on Information Society. Out of this participation and in collaboration with other partners, including members of the WSIS civil society internet governance caucus, APC has crystallized a set of recommendations with regard to internet governance ahead of the final Summit in Tunis in November 2005. APC proposes specific actions in each of the following five areas:

1. The establishment of an **Internet Governance Forum**;
2. The **transformation of ICANN** into a global body with full authority over DNS management, and an appropriate form of accountability to its stakeholders in government, private sector and civil society;
3. The **initiation of a multi-stakeholder convention on internet governance and universal human rights** that will codify the basic rights applicable to the internet, which will be legally binding in international law with particular emphasis on clauses in the universal declaration of human rights specifically relevant to the internet, such as rights to freedom of expression, freedom of association and privacy.
4. **Ensuring internet access is universal and affordable.** The internet is a global public space that should be open and accessible to all on a non-discriminatory basis.

The internet, therefore, must be seen as a global public infrastructure. In this regard we recognize the internet to be a global public good and access to it is in the public interest, and must be provided as a public provision.

5. **Measures to promote capacity building in developing countries** with regard to increasing developing country participation in global public policy forums on internet governance.

2. Internet governance: a recent history

On July 1, 1997, as part of the Clinton Administration's Framework for Global Electronic Commerce, the President directed the Secretary of Commerce to privatize the management of the domain name system (DNS) in a manner that increases competition and facilitates international participation in its management.¹ The U.S. Government (USG) is committed to a transition that will allow the private sector to take leadership for DNS management. DNS management includes:

- Establishment of policy for and direction of the allocation of IP number blocks;
- Oversight of the operation of the authoritative root server system;
- Oversight of the policy for determining the circumstances under which new top level domains would be added to the root system;
- Coordination of the assignment of other internet technical parameters as needed to maintain universal connectivity on the internet.

US agreements with ICANN, IANA and Verisign and the WSIS Working Group on Internet Governance

In 1998 the U.S. Government entered into a Memorandum of Understanding with the Internet Corporation for Assigned Names² and Numbers (ICANN), which was incorporated in 1998. Also that year the US transferred the agreement between Verisign (then Network Solutions) and the US NSF for operation of the root zone registry to the USG Dept. of Commerce. The USG government also has established a contract with ICANN for the operational support functions of internet names and numbers performed by IANA.³

The terms of the MoU were that ICANN would undertake to complete a series of tests and procedures to demonstrate that it was capable of undertaking DNS management. Once ICANN could demonstrate this full responsibility for DNS management would be transferred to ICANN. The timelines for handover have been extended several times since 2000 and the current date is September 30 2006.

As the Internet Governance Project points out, "one of the destructive myths surrounding the current dialogue is that there is currently no political oversight over the Internet." The USG exercises oversight of ICANN "using three instruments:

- The ICANN Memorandum of Understanding
- The IANA contract
- The US Cooperative Agreement with Verisign

These contracts are held together by a fourth element: a sweeping U.S. assertion of policy

¹http://www.ntia.doc.gov/ntiahome/domainname/6_5_98dns.htm

²<http://www.ntia.doc.gov/ntiahome/domainname/icann.htm>

³<http://www.ntia.doc.gov/ntiahome/domainname/domainhome.htm>

authority over the DNS root" 4

Internationalization was one of the aims behind creating ICANN. That it hasn't happened might be viewed as a promise not kept. There seems to have been an agreement regarding ICANN's internationalization in 1998, that the USG hasn't yet completed with other governments.

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At the end of phase one of the World Summit on the Information Society (WSIS) in December 2003, governments adopted a Declaration of Principles and a Plan of Action which established a Working Group on Internet Governance (WGIG) to investigate the issue of internet governance.

WGIG: Internet Governance Oversight, Forum and Development Objectives

In its report of June 2005⁵, the WGIG included a working definition of internet governance:

'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.'

Oversight Function

The WGIG proposed the following principles for the governance function/oversight function:

- No single Government should have a pre-eminent role in relation to international internet governance.
- The organisational form for the governance function will be multilateral, transparent and democratic, with the full involvement of Governments, the private sector, civil society and international organisations.
- The organisational form for the governance function will involve all stakeholders and relevant intergovernmental and international organisations within their respective roles.

The WGIG mentioned four different models for oversight which differed in the extent of government involvement in oversight, from no government oversight to extensive government oversight but was unable to recommend any particular model.⁶

Internet Governance Forum

The WGIG also made the case for an **Internet Governance Forum** as follows:

The WGIG identified a vacuum within the context of existing structures, since there is no global multi-stakeholder forum to address internet-related public policy issues. It came to the conclusion that there would be merit in creating such a space for dialogue among all stakeholders.

⁴See Internet Governance Project Concept Paper: *Political Oversight of ICANN: A Briefing for the WSIS Summit*, p3 <http://www.internetgovernance.org>

⁵http://www.itu.int/wsisis/documents/doc_multi.asp?lang=en&id=1695

⁶See Appendix for graphical representation of the four models

Such a space or forum for dialogue (hereafter referred to as “the forum”) should allow for the participation of all stakeholders from developing and developed countries on an equal footing. Gender balance should be considered a fundamental principle with the aim of achieving an equal representation of women and men at all levels. Special care should be taken to ensure diversity of participation as regards, inter alia, language, culture, professional background, involvement of indigenous peoples, people with disabilities and other vulnerable groups.

The forum should preferably be linked to the United Nations.

The forum should be open to all stakeholders from all countries; any stakeholder could bring up any internet governance issue. The forum would be reinforced by regional, subregional and national initiatives and supplemented by open online mechanisms for participation. It should support the information and communication technologies for development (ICT4D) agenda emerging from the WSIS and Millennium Development Goals (MDG) processes.

It could assume, inter alia, the following functions:

- Interface with intergovernmental bodies and other institutions on matters under their purview which are relevant to internet governance, such as IPR, e-commerce, trade in services and internet/telecommunications convergence.
- Identify emerging issues and bring them to the attention of the appropriate bodies and make recommendations.
- Address issues that are not being dealt with elsewhere and make proposals for action, as appropriate.
- Connect different bodies involved in internet management where necessary.
- Contribute to capacity-building for internet governance for developing countries, drawing fully on local sources of knowledge and expertise.
- Promote and assess on an ongoing basis the embodiment of WSIS principles in internet governance processes
- Develop partnerships with academic and research institutions to access knowledge resources and expertise on a regular basis. These partnerships should seek to reflect geographic balance and cultural diversity and promote cooperation among all regions.

Development Objectives

The WGIG also made extensive recommendations on the issue of the **internet and development** particularly with regard to issues affecting universal internet access and affordability such as inequitable interconnection costs, capacity building in developing countries and supporting developing country participation in global decision-making regarding global public policy on the internet.

WSIS Prepcom III negotiations (September 2005)

Prior to the release of the WGIG report in June 2005, the US National Telecommunications and Information Administration (NTIA) stated that:

“The United States is committed to taking no action that would have the potential to adversely impact the effective and efficient operation of the DNS and will therefore maintain its historic

role in authorizing changes or modifications to the authoritative root zone file.”⁷

At Prep-Com 3 in Geneva in September 2005, the European Union proposed a new co-operation model⁸ for oversight that should include the development and application of globally applicable public policy principles and provide an international government involvement at the level of principles over the following naming, numbering and addressing-related matters:

- a. Provision for a global allocation system of IP number blocks, which is equitable and efficient;
- b. Procedures for changing the root zone file, specifically for the insertion of new top level domains in the root system and changes of ccTLD managers;
- c. Establishment of contingency plans to ensure the continuity of crucial DNS functions;
- d. Establishment of an arbitration and dispute resolution mechanism based on international law in case of disputes;
- e. Rules applicable to DNS system.

The US Government rejected the EU proposal in Geneva and once more affirmed that it would maintain its control over the authoritative root zone file. The USG did consider the proposal of Argentina favorably.

The Argentina proposal⁹ recommends an evolutionary approach to existing arrangements which aims to ensure that they operate in an efficient, transparent, and democratic multi-stakeholder fashion, and also to ensure equitable resource distribution leading to internationalized functions of the internet, ***in particular with the following actions:***

- The reinforcement of the role of Governments in ICANN decision making with regard to relevant internet public policy issues;
- The reinforcement of the Internet Regional Resource Management Institutions, to ensure regional autonomy in internet resource management;
- The continued internationalisation of ICANN and its functions;
- The strengthening of the participation of developing countries in specialised institutions for the technical management and standardisation internet bodies.

PrepCom-3 ended without any agreement on oversight and the matter will again be addressed at a resumed Prep-Com in Tunis in November 2005.

In October 2005, a resolution was tabled in the US Congress that states that it is the sense of Congress that the authoritative root zone server should remain physically located in the United States and the Secretary of Commerce should maintain oversight of ICANN so that ICANN can continue to manage the day-to-day operation of the internet's domain name and addressing system well, remain responsive to all internet stakeholders worldwide, and otherwise fulfill its core technical mission. A similar resolution was also tabled in the US Senate.

The Current State of Play

As the second phase of WSIS enters its final phase there remain five policy outcomes regarding oversight:

1. The USG retains oversight over ICANN and continues to control the root zone file.

⁷http://www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples_06302005.htm

⁸<http://www.itu.int/wsis/docs2/pc3/working/dt21.doc>

⁹ <http://www.itu.int/wsis/docs2/pc3/working/dt18.doc>

2. The USG proceeds with the privatisation of ICANN, in the terms of its MoU, and DNS management, including control of the root zone file, is transferred to ICANN on September 30 2006. This seems to be the thrust of the Argentina proposal.
3. The EU new co-operation model prevails, which provides for greater multilateral government oversight of ICANN. This is inferred because the EU does not propose setting up any new structures of governance.
4. There is no agreement with regard to oversight at the WSIS in Tunis and the matter is referred for further consideration by the proposed internet governance forum or the matter is referred to a process of developing an Internet Governance Framework Convention or a combination of the two.
5. There is no agreement on oversight and no agreement on the creation of a forum. This will lead to increased tension and alienation of much of the international community which could lead to greater interest in the creation of alternate root systems, increasing the technical challenges involved in keeping a single internet.

At this point in the WSIS process there is almost universal acceptance of the need for an Internet Governance Forum, with the exception of the USG and elements of the private sector.

There is almost universal acceptance that measures need to be taken to promote universal and affordable access to the internet in developing countries.

There is universal agreement that developing countries need support with regard to capacity building to enable them to participate actively in global public policy forums on internet governance.

3. APC's Recommendations on Internet Governance

Background

In 2002, APC developed an Internet Rights Charter that attempted to capture a core set of rights applicable to the internet.¹⁰ These include:

- The right to communicate and access to the internet
- Diversity, ownership and control of content
- Free and open source software, technology development and intellectual property rights
- Privacy
- Global, regional and national governance of the internet
- Awareness, protection and realization of rights.

We continued to explore the linkages between human rights and the internet in a document published in September 2003: *Involving Civil Society in the Information Society: the World Summit on the Information Society*¹¹. We identified several articles in the universal declaration of human rights that should be given specific consideration in governing the use of the internet.

¹⁰<http://rights.apc.org/charter.shtml>

¹¹http://www.apc.org/books/policy_wsis_EN.pdf

Related to the right to communicate securely and privately via online mediums without the threat of undue interception and surveillance:

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law

Article 10

Everyone is entitled to a fair and public hearing

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation

Related to freedom of expression when using ICTs:

Article 18

Everyone has the right to freedom of thought, conscience and religion...

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

Related to the right to meet and organise using ICTs:

Article 20

Everyone has the right to freedom of peaceful assembly and association.

Related to education and capacity-building to enable people to use and develop ICTs:

Article 26

Right to education. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

Related to rights to create and access diverse content (cultural and linguistic) on the internet and other electronic media:

Article 27

Everyone has the right to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

In September 2004, APC made an input to a meeting¹² on internet governance in Geneva along the following lines:

APC is of the view that the proper goal of internet governance at the current time is to develop a **framework or programme** consisting of the following elements, as a basis for short to medium term transition and longer term sustainability beyond Tunis in 2005.

1. Create an independent, distributed multi-stakeholder body which could eventually replace ICANN and perhaps play a monitoring and coordinating role with respect to a broader internet governance framework as described below, though not necessarily having sole responsibility for all tasks
2. Develop an internet governance framework that fully identifies the scope of internet policy issues and a method of allocating responsibility for such policies in the complex web of institutions, which are currently involved in managing the internet
3. Use this framework as a basis for conducting public interest oriented monitoring and analysis of the relevant activities of both intergovernmental and "self-governance" bodies including, inter alia, the ITU, the WTO, WIPO, the UN Conference on

¹²http://www.apc.org/english/news/igov_index.shtml

International Trade Law, the OECD, the Hague Conference on International Private Law, the of Europe, APEC, Free Trade Agreements and ICANN.

4. Assess and solicit stakeholder input on the conformity of such decision-making with the stated objectives of the WSIS agenda.

To some extent, the multi-stakeholder body mentioned here (apart from the reference to replacing ICANN) resembles the internet governance forum proposed by WGIG. The APC position also looked at transitional arrangements to remove ICANN from US control and be replaced by a multi-stakeholder body.

The replacement of ICANN by another body is unlikely, but it is not unreasonable to argue for the transformation of ICANN into a global body free of its umbilical cord to the USG and globally accountable to its stakeholders in governments, the private sector, civil society and citizens. APC's proposal in 2004 for developing an internet governance framework could well be seen in terms of developing an internet governance convention.

Taking account of all the these factors, APC proposes specific actions in each of the following five areas:

1. The establishment of an **Internet Governance Forum**;
2. The **transformation of ICANN** into a global body with full authority over DNS management, and an appropriate form of accountability to its stakeholders in government, private sector and civil society;
3. The **initiation of a multi-stakeholder convention on internet governance and universal human rights** that will codify the basic rights applicable to the internet, which will be legally binding in international law with particular emphasis on clauses in the universal declaration of human rights specifically relevant to the internet, such as rights to freedom of expression, freedom of association and privacy.
4. **Ensuring internet access is universal and affordable.**
5. **Measures to promote capacity building in developing countries** with regard to increasing developing country participation in global public policy forums on internet governance.

Recommendations

1. Establish an Internet Governance Forum

APC recommends¹³ that the UN Secretary General to initiate a forum that incorporates the Geneva principles for significant multi-stakeholder participation. We recommend that the forum not be anchored in any existing specialised international organisation, but rather be organised as a legally free-standing entity. Stakeholders from all sectors must be able to participate in such a forum as peers.

Scope and Function

We recommend that the forum provide the following functions:

¹³Adopted from GLOCOM presentation at PrepCom-3 on behalf of the Internet Governance Caucus of Civil Society <http://www.itu.int/wsisis/docs2/pc3/contributions/sca/GLOCOM-27.doc>

- a. inclusive dialogue, with a differentiated architecture allowing for peer-level interaction.
- b. comparative, cross-sectoral analysis of governance mechanisms, with an eye toward "lessons learned" and best practices that could inform individual and collective institutional improvements
- c. assessment and monitoring of horizontal issues applicable to all internet governance arrangements, e.g. the promotion of transparency, accountability, inclusion, and other guidelines for "good governance," such as the WSIS principles;
- d. identification of weaknesses and gaps in existing governance mechanisms, especially multidimensional issues that do not fall neatly within the scope of any existing body;
- e. efforts to promote enhanced coordination among existing governing bodies
- f. provide a clearing house for coordination and resource mobilization to supporting meaningful developing country participation and capacity building;
- g. release recommendations, best practices, proposals and other documents on the various internet governance issues.
- h. develop partnerships with academic and research institutions to access knowledge resources and expertise on a regular basis. These partnerships should seek to reflect geographic balance and cultural diversity and promote cooperation among all regions.

We recommend that operations are designed in such a way that physical attendance is not strictly required and disadvantaged stakeholders (developing countries, civil society organisations, individuals) are proactively supported.

We recommend the forum have clear organisation and decision-making procedures. It is also important that the structure that will be given to the forum is able to produce practical results.

The forum will not have a mandate to negotiate hard instruments like treaties or contracts. However, in very exceptional circumstances when all stakeholders agree that more formal arrangements are desirable, the forum could request an appropriate international organisation to negotiate such instruments. The forum focuses on the development of soft law instruments such as recommendations, guidelines, declarations, etc. in addition, the scope of the work of the Forum should address the application of existing international human rights instruments in the area of internet governance and related public policy.

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In the context of the evolving public and technical policy landscape of the internet there will be a need to concretise binding international agreements that relate to ensuring that nothing in existing or emerging internet governance and related public policy development impair, restrict, or contradict human rights, as they are spelled out in the UDHR and international law. The forum should monitor this evolving landscape with a view to the initiation of a process to concretise such international agreements.

Anchorage and legal identity

We propose that initially the Forum NOT be anchored in any existing international organisation.

We propose that the Forum be constituted as an independent international organisation incorporated under national law in any country that provides for the legal establishment of international not-for-profit institutions.

We propose that the process of convening and formally constituting the Forum, as a free-standing legal entity, take place under the oversight of the Secretary General of the UN.

Constituting the membership

We propose the following steps, under the oversight of the SG of the UN:

- a. Establish transparent membership criteria that is consistent with:
 - i) The Geneva Principles on participation from multiple stakeholder groups (paragraph 48 of the WSIS Declaration of Principles)
 - ii) The technical, legal, public policy and other areas of expertise required to respond to the range of issues related to the BROAD definition of internet governance
 - iii) Regional and linguistic diversity and the disparities that exist in relation to economic development and access to the information society, within countries and between countries

- b. Convene a public nomination process that is open to:
 - i) Governments
 - ii) Business entities
 - iii) The technical community
 - iv) Academic and educational institutions
 - v) Civil society organisations
 - vi) Community based organisations and grassroots communities
 - vii) At large committees of individual users, (or 'netizens'). These could either be formed on a regional basis or some other basis, e.g. subject matter affinity.

Structure and functioning

We endorse paragraph 46 of the WGIG report that emphasizes a lightweight support structure.

Coordination of the work of the Forum can initially be provided by a Forum Formation Team supported by a small secretariat. The Team could consist of eight members made up of two each from the three WSIS sectors – governments, private sector and civil society and two from the community of actors involved in technical aspects of internet development and management. One of the two in each sector should be from a developing country. The Team could have a one year non-renewable mandate to work with the secretariat to build the Forum. The Forum should be established within four months of the Tunis summit.

The Team's mandate could include:

- Drafting the member structure
- Developing an operational budget
- Resource mobilisation
- Identifying scope of work and mission of the Forum
- Calling on people to populate sub-groups so that work could begin on specific issues while the Forum's membership and structure is being finalised

Members of the Forum can self-organise into thematic working groups on an as needed basis to respond to both existing and emerging internet governance and public policy challenges.

Meetings of the Forum

Meetings of the Forum and thematic working groups can take place face-to-face and online. An **annual meeting** should take place, face to face, and be combined with a public event that maximizes sharing of information, learning and good practice. The venue should rotate.

Access to the work of the Forum, and its thematic working groups, should be facilitated by online tools for example as is done by the IETF (Internet Engineering Task Force).

Rotational and thematic meetings: In order to avoid creating a large supporting structure to organize meetings, the Forum could work with existing organisations to arrange meetings. Depending on the issue being discussed and on a rotational basis for yearly meetings, the work of the Forum could be hosted by the participating organisations, working in pairs, e.g. UNESCO and ITU, OECD and a regional African entity like NEPAD's eAfrica Commission, W3C and IDRC or GKP. It should be understood that this would not subordinate the agenda of the Forum to the hosting organisation, but rather, would constitute a donation in kind to the forum. The notion of donation in kind to the forum could extend beyond meeting organisation to other organisational requirements, e.g. office arrangements for the secretariat or printing costs.

2. Transform ICANN into a global multi-stakeholder body

APC supports the transformation of ICANN into a global multi-stakeholder body through the following measures:

- The US government agreed in its June 30 Statement that governments have legitimate public policy and sovereignty concerns with respect to the management of their ccTLD, and has welcomed the opportunity for further dialogue on these issues. In keeping with those statements, the US government should make a formal and explicit commitment that it will take no action to unilaterally remove a ccTLD from the root, alter ccTLD root zone files, or contradict or veto root zone file alterations approved by independent and legitimate ICANN processes.
- The full transfer of DNS management (including oversight of the root zone file) to ICANN from the USG on 30 September 2006.
- Appropriate commitments by the government of the country that hosts ICANN should provide privileges and immunities to ICANN to ensure that it is able to provide a global service in accordance with its agreed mission, being careful to retain those aspects of ICANN's current articles of incorporation that enhance its accountability to the global internet user community.
- A process of further discussion (if agreement cannot be reached at the Tunis Summit) about the question of ICANN's accountability to all its stakeholders as an independent global body and an agreement to be forged that would be incorporated into ICANN's bylaws by 30 September 2006.
- Provision for the IANA function to be performed by ICANN should be made by 30 September 2006.
- Change the VeriSign Cooperative Agreement and transfer the coordinating functions to ICANN by 30 September 2006.

3. Establish a Multi-stakeholder Convention on Universal Human Rights and Internet Governance

One of the questions running through the debate on internet governance has been the extent to which there should, or should not be, any legally binding commitments agreed between governments and stakeholders. The Geneva Declaration of Principles and Plan of Action and the forthcoming Tunis outcomes document are not legally binding on governments. They constitute policy guidelines for building an 'Information Society'.

There have been sharp disagreements on the issue of oversight and a simplistic reduction of internet governance issues to a tussle over who should have oversight over ICANN, which has been cast in terms of whether control should lie with the USG or the UN.

A great deal of anxiety has been generated over the risks of governments having anything to do with directly governing the internet. This position, held by the US and echoed by the private sector and many in civil society, believe that direct government involvement can cause the internet's stability and security to be compromised. This reductive approach to issues of stability and security has masked threats to the internet posed by governments which routinely violate human rights (with respect particularly to freedom of expression and the right to privacy on the internet) with a panoply of laws and controls exercised at national level.

It is in this context, that consideration needs to be seriously given to a legally binding agreement or convention between governments with the participation of other stakeholders, which can elaborate a human rights framework for the internet.

Building on the APC Internet Rights Charter, APC's position on human rights in the information society¹⁴, the WGIG report, the Internet Governance Project's concept paper: A Framework Convention: An Institutional Option for Internet Governance¹⁵ and the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters¹⁶, a multi-stakeholder Convention on Universal Human Rights and Internet Governance could contain:

- A definition of the internet
- A delineation of the human rights applicable to the internet such as freedom of expression, association and the right to privacy as well as social and economic rights such as the **right to access the internet**.
- Agreements on when negotiations should take place, which could lead to additional legal agreements in the form of protocols to the Convention.
- Guidelines on public participation in decision-making regarding policy-making on the internet with respect to global, regional and national institutions, which would include the participation of civil society and the private sector.
- Guidelines for administrative decisions made by any global, regional and national institution responsible for internet governance to be subject to judicial review at the instance of any person affected by the decision. This would guarantee access to administrative justice regarding the governance of the internet.

4. Ensuring Universal and Affordable Access to the Internet as a 'global public good'

Apart from being a logical infrastructure, the internet is a physical network that connects people and enables them to use it for *achieving their full potential in promoting their sustainable development and improving their quality of life* (Geneva DOP).

The issues of universal access to physical infrastructure for all people therefore comprise a core issue that need to be addressed at the level of global internet governance¹⁷.

The internet is a global public space that should be open and accessible to all on a non-

¹⁴Outlined on pages 13-14 in 'Involving civil society in the information society', APC, 2003.

http://www.apc.org/books/policy_wsis_EN.pdf

¹⁵<http://www.internetgovernance.org/>

¹⁶<http://www.unece.org/env/pp/documents/cep43e.pdf>

¹⁷See IT for Change and Bread for All submissions on behalf of Informal Coalition on Financing to PrepCom-3 http://www.itu.int/wsis/documents/listing.asp?lang=en?&c_event=pc2|3&c_type=co|scb

discriminatory basis. The internet, therefore, must be seen as a global public infrastructure. In this regard we recognize the internet to be a global public good and access to it is in the public interest, and must be provided as a public provision.

The fact that since the internet is emerging as both the principal commercial infrastructure, a platform for the delivery of government services and interaction between governments and citizens, as well as an important social and developmental infrastructure, means that the issue of its financing and the pricing of services presents a peculiar challenge. If it is priced on purely a commercial basis, the socio-development possibilities of the internet will be greatly compromised.

With the convergence of platforms, and the resulting 'packaging' of internet access with commercial services such as television and telephony there is a risk that people who cannot afford commercial rates for such services will be deprived of access to what should be a global public service.

The digital divide should be converted into a digital opportunity and ensuring harmonious, fair and equitable development for all by building a ubiquitous network society in which the internet can reach its potential as a global public good, connecting the world through the universal extension of the internet.

The following steps should be taken to ensure that internet access is universal and affordable:

- a. Reducing international internet costs
 - by redressing the uneven sharing of burden of costs for international internet connectivity
 - by eliminating exploitative monopolistic practices for backbone provision
 - by supporting the establishment of national and international internet exchange points;
 - by building local demand for national, regional and international backbone networks;
 - by reducing costs charged by backbone providers.
- b. Encouraging relevant organisations, including the research sector, financing institutions and civil society organisations, to continue the study of the question of International Internet Connectivity (IIC) and to develop appropriate recommendations;
- c. Through public initiatives for backbone and internet provision that, inter alia, leverage existing public infrastructure like electricity and railway networks and existing under utilised fibre and satellite networks;
- d. Through regulatory frameworks that encourage the use of emerging technologies, such as wireless networking, to close the last mile and extend access to underserved areas;
- e. Eliminating exploitative monopolistic practices that affect the provision of IP-based services, including VoIP;
- f. Exploring an open network access approach to extending internet access in communities, particularly through the promotion of SME and community networking;
- g. Reconfiguring the mandate of national Universal Access Funds to support internet connectivity, applications and content development and capacity building;
- h. Exploring the development of local initiatives for content and applications development;

- i. Exploring the use of free and open source software, especially for the provision of public services in areas such as education, governance and health;
- j. Promoting free-share or open content paradigm for socio-development content on the internet, and recognizing it as distinct from commercial content that may require different IPR regimes.
- k. Developing low-cost equipment, especially for use in developing countries.

5. Measures to promote capacity building in internet governance

The following measures need to be adopted to promote capacity building in developing countries with regard to increasing developing country participation in global public policy forums on internet governance:

- The technical internet community should increase its funding and programs for capacity building initiatives regarding internet governance in developing countries
- Donor agencies should increase their support for capacity building on internet governance in developing countries.
- A system of internships and exchanges should be promoted to expose people dealing with internet governance in developing countries to enhance their knowledge and experience of internet governance regionally and globally.
- Research and training centres on internet governance in developing countries should be twinned with those in developed countries to promote a transfer of knowledge and skills.
- Support for persons in developing countries to attend and participate in global internet governance fora should be made available by donor agencies, ICANN and ISOC.
- Academic and research institutions should be brought into the process in terms of developing programmes to further the goals of the Forum and of capacity building in Internet Governance. Where programs already exist, they should be consulted for their expertise from the initiation of the project.

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END

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