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**UNITED STATES OF AMERICA**

**COMMENTS ON THE REPORT OF THE WGIG**

## **Comments of the United States of America on Internet Governance**

### **Introduction**

The United States of America welcomes this opportunity to provide comments on the report of the United Nations Working Group on Internet Governance (WGIG). We would like to take this opportunity to thank the Chairman, Secretariat and WGIG members for their efforts to tackle such a complex and challenging topic. Given the importance of the Internet to current economic, social, and political developments, it is critical that all stakeholders in the WSIS process work together collaboratively and constructively to find a consensus at the Tunis Phase of the Summit. The United States reiterates its commitment to the freedom of expression, to the need to preserve the security and stability of the Internet, and to infrastructure development. With these fundamental principles in mind, we offer a series of general comments on the report as well as specific comments on individual public policy issues referenced in the document.

### **General Comments**

As stated above, the United States appreciates the hard work and dedication of the WGIG in its efforts to produce the report. We recognize the WGIG's effort to help frame the global dialogue on Internet governance by providing an understandable working definition, identifying some of the public policy issues, and the roles of the various stakeholders. With respect to the roles of the stakeholders identified in the report, the United States believes that, while governments naturally have a key role in the development and implementation of public policy, consultation and cooperation with the private sector and civil society are critical to ensuring effective, efficient and representative outcomes.

The United States remains open to discussing with all stakeholders ways to improve the technical efficiency as well as the transparency and openness of existing governance structures. However, it is important that the global community recognize that the existing structures have worked effectively to make the Internet the highly robust and geographically diverse medium that it is today. The security and stability of the Internet must be maintained.

The United States continues to support ubiquitous access to the Internet and the development of Internet infrastructure around the globe. Continued internationalization of the Internet is evidenced by the recent creation of Regional Internet Registries (RIRs) for Latin America and Africa and the enhanced efforts of the Internet community to work towards an equitable distribution of IP addresses. For example, as of June 2005, cumulative IPv4 address allocations had the following geographical breakdown – 33% to the Asia Pacific Region, 32% to North America, 31% to Europe, 3% to South America and 1% to Africa. For that same period cumulative IPv6 allocations were – 56% to Europe, 23% to the Asia Pacific Region, 17% to North America, 3% to Latin American and 1% to Africa. In addition, the establishment of 103 root servers, including mirror roots, a vast majority of which are located outside of the United States, demonstrates that the Internet and its core resources are not centralized in one country.

The decentralization of the Internet is further evidenced by the level of innovation that occurs at the edges of the network. It is at the edges where individuals, groups and corporations alike have

the opportunity to add value to the network through pioneering applications and services. Local empowerment challenges traditional trade paradigms and reinforces the importance of all stakeholders in safeguarding the security, stability and robustness of this interconnected network of networks. What happens at one point in the network has the potential to impact other points in the network, highlighting the need for appropriate public policy at the local and national levels, supplemented by cooperation at the international level. It is at the edge where the true opportunity, promise and full participatory nature of the Internet is realized.

Finally, the United States would like to highlight a fundamental area of public policy which is absent from the WGIG report – the role of an enabling environment in Internet development and diffusion. To maximize the economic and social benefits of the Internet, governments must focus on creating, within their own nations, the appropriate legal, regulatory, and policy environment that encourages privatization, competition, and liberalization. In particular, the role of the private sector and civil society as the driver of innovation and private investment in the development of the Internet is critical. Value is added at the edges of the network, in both developed and developing countries, when the domestic policy environment encourages investment and innovation.

### **Comments on specific Internet- related public policy issues**

*Freedom of Expression:* The United States reconfirms the importance of the fundamental right to freedom of expression and to the free flow of information as contained in Article 19 of the Universal Declaration of Human Rights, as reaffirmed in the Geneva Declaration of Principles adopted at the first phase of WSIS. A free, independent print, broadcast and online media is one of the key institutions of democratic life. The United States believes that no nation can develop politically or economically without the ability of its citizens to openly and freely express their opinions in an environment in which everyone can seek, receive and impart information. The United States fully supports the principle that all measures taken in relation to the Internet, in particular those measures taken on grounds of security or to fight crime, not lead to infringements on the freedom of expression.

*Internet Stability, Security and Cybercrime:* Building confidence and security in the use of Information and Communication Technology (ICT) systems and networks is a priority of the United States. These systems and networks are subject to threats and vulnerabilities from multiple sources and different geographic locations; security requires a concerted preventive effort by all stakeholders, appropriate to their roles. National action and international collaboration across a range of legal, enforcement, administrative and technical areas are required to build a global culture of cybersecurity. In developing a national cybersecurity strategy, governments should draw upon existing structures and processes such as: the Council of Europe Convention on Cybercrime, UNGA Resolutions “Combating the criminal misuse of information technologies” (55/63 and 56/121) and “Creation of a Global Culture of Cybersecurity” (57/239), and actions taken by computer security incident response teams (CSIRTs).

*The Internet Domain Name and Addressing System:* The United States continues to support the private sector led technical coordination and management of the Internet's domain name and addressing system (DNS) in the form of the Internet Corporation for Assigned Names and Numbers (ICANN), with government advice on DNS issues provided by the Government Advisory Committee (GAC). We also recognize that governments have legitimate public policy and sovereignty concerns with respect to the management of their country code top level domains (ccTLD) and the United States is committed to working with the international community to address these concerns, bearing in mind the fundamental need to ensure stability and security of the Internet's DNS. With respect to international coordination of the DNS, WSIS should recognize the role of existing institutions, encourage effective, bottom up decision making at the local level, the continued deployment of mirror roots and responsible address allocation policies.

*Multilingualism:* The United States believes that the development of technologies that facilitate the use of domain names in languages other than Latin based character sets is an important step in making the Internet truly global. WSIS should encourage continued work and collaboration on internationalized domain names by existing standards bodies and processes by which agreement can be reached on appropriate language tables.

*Interconnection Costs:* The United States believes that arrangements for international Internet connections should continue to be the subject of private, commercial negotiations. The international settlement regime that applies under the telecommunications regime cannot be applied to Internet traffic. WSIS should look to ongoing work on this important topic in existing institutions, such as the ITU and the OECD, and encourage national authorities to take steps to open markets to competitive entry and promote increased competition in the market place. A competitive market creates an enabling environment that encourages investment and/or international infrastructure assistance. The development of regional Internet Exchange Points and local content should also be encouraged.

*Intellectual Property Rights:* The United States attaches great importance to a comprehensive, effective and properly enforced intellectual property system and believes that any Information Society envisioned by the WSIS must clearly and explicitly recognize that such a system is essential to the Information Society because it creates an incentive for creativity and innovation. To that end, WSIS and its documents must recognize, respect and support the existing international intellectual property system. The balance between owners and users of intellectual property is an important underpinning of an effective intellectual property system. Existing international intellectual property agreements encompass and reflect the balance between owners and users of intellectual property. Indeed, this balance is struck so that intellectual property owners are encouraged to develop and disseminate their works and inventions to the public for use and enjoyment. The United States believes that the appropriate United Nations forum for dealing with intellectual property issues is the World Intellectual Property Organization (WIPO), which has regularly examined the interaction of cyberspace and intellectual property since the early days of the Internet.

*Spam:* Increasingly, spam is, in large part, a security issue: spam is one way in which viruses and other security threats can be delivered to computers. Industry must play a lead role in

developing technical tools to address this problem. In addition, many of these security threats often result from criminal conduct. The Convention on Cybercrime provides a comprehensive framework to address these threats. In 2003, the United States enacted an anti-spam law established a framework of civil and criminal enforcement tools to help America's consumers, businesses, and families combat unsolicited commercial e-mail. However, the United States does not believe that the statute alone will solve spam. The United States approach to combating spam relies on a combination of legal tools for effective law enforcement, development and deployment of technology tools and best practices by the private sector, and consumer and business education. We believe that work undertaken to combat spam should ensure that email continues to be a viable and valuable means of communication. Governments have a role to play in educating consumers and enforcing spam laws. To this end, governments should encourage spam enforcement agencies to join the London Action Plan on international spam enforcement cooperation.

*Data Protection and Privacy:* The United States appreciates the concerns expressed in the report on data protection and privacy. Protecting the privacy of individuals' sensitive personal information is a priority for the United States government and for United States consumers. Companies have an important role to play by implementing reasonable safeguards to protect sensitive consumer data. The United States also believes that multilateral and private-sector initiatives have a strong and important role to play in encouraging the development and use of privacy-enhancing technologies and in promoting consumer education and awareness about online privacy issues. A deliberate and balanced approach to privacy that is open to innovations offers the best environment for Internet expansion. Any effective approach to ensuring protection of personal information includes: appropriate laws to protect consumer privacy in highly sensitive areas such as financial, medical, and children's privacy; government enforcement of these laws; and encouragement of private sector efforts to protect consumer privacy.

*Consumer Protection:* The United States believes that a vigorous, competitive electronic marketplace benefits consumers. Consumer protection policy should ensure that consumers can make well-informed decisions about their choices in this marketplace and that sellers will fulfill their promises by the products they offer. To this end, governments should protect consumers by: (1) enforcing laws against practices that harm consumers; (2) disseminating information and educating consumers; and (3) encouraging private sector leadership to develop codes of conduct and to provide easy-to-use alternative dispute resolution mechanisms for addressing consumer complaints. These principles are expressed in various existing international guidelines for consumer protection, including the United Nations Guidelines on Consumer Protection, the OECD Guidelines for Consumer Protection in Electronic Commerce, and the APEC Consumer Protection Principles.

*Human Capacity Building:* The United States believes that each person should have the opportunity to acquire the necessary skills and knowledge in order to understand, participate actively in, and benefit fully from, the Information Society and the knowledge economy. This requires increased capacity building in the areas of ICT policy and regulation, technology know-how, access to information, and the application of ICT to various development sectors. WSIS should support the continuing work of multiple stakeholders to build capacity of professionals

and institutions in developing nations and to ensure the efforts are both technically innovative and supportive of market-based approaches.

*Meaningful Participation in Global Public Policy Development:* The United States encourages the participation of developing countries in ICT forums as a complement to national development efforts related to ICTs. As such, it is important to develop the capacity of government officials and other stakeholders who can address the complicated issues and difficult choices raised by the evolving ICT environment. Through the U.S. Telecommunications Training Institute (USTTI), the United States, together with U.S. industry, has demonstrated its commitment to capacity building by providing tuition free training courses for policy makers around the world in the telecommunications, broadcast and ICT-related fields.

## **Conclusion**

The United States once again thanks the WGIG for its report and reiterates its willingness to engage in dialogue related to Internet governance in relevant multiple fora. Given the breadth of topics potentially encompassed under the rubric of “Internet governance” there is no one venue to appropriately address the subject in its entirety. While the United States recognizes that the current Internet system is working, we encourage an ongoing dialogue with all stakeholders around the world in the various fora as a way to facilitate discussion and to advance our shared interest in the ongoing robustness and dynamism of the Internet. The focus of these discussions should be on how all stakeholders can continue to collaborate in addressing Internet related issues. In these fora, the United States will continue to support market-based approaches and private sector leadership in Internet development broadly.