

## India's comments on the WGIG papers

### Group I: General

- i. Towards a common understanding of the roles and responsibilities of all stake holders in Internet Governance **(F/X)**
- ii. Criteria for the term "Transparency, accountability, democracy" with regard to Internet Governance arrangements.**(F/Y)**

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| Do you have any comments on the process of determining the issues and their presentation by the WGIG?   |
| India endorses the mechanism adopted by WGIG that provides enough opportunities to all stakeholders in putting forward their views on all issues. We are in agreement with issues identified by WGIG in their paper posted on the WGIG website. |

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| Has the issue as it applies to the question of Internet Governance been adequately identified?   |
| Somewhat   |
| Comments:<br>This paper describes the different general approaches to governance mechanism while presenting the role of different actors against the four set of criteria in a generic manner. In addition an assessment has been made about the effectiveness of the different types of organizations against the WSIS criteria.<br>To sum up the paper presents the whole gambit of governance in an academic manner to educate all the readers about the various options and their relative suitability to meet the WSIS criteria.<br>However, no specific conclusion or recommendation has been presented to move forward. . |
| Does the paper cover the topic with sufficient depth and accuracy?   |
| Somewhat   |
| Does the paper achieve a reasonable balance in weighing relevant matters?  |
| Somewhat   |
| Any other comments   |
| We feel that at this stage few of the issues should have been crystallized to make sound beginning for the future work. e.g the definition of the Internet governance, a position paper on the present status of Internet Governance covering IANA functions performed by ICANN, Directions for the path forward. India would like to once again reiterate the views on these issues.  |
| <b>I. Working definition of Internet governance</b>  |
| Governance consists of the collective rules, procedures, processes, and related programs that incorporates all stake holder's expectations, practices & interactions resulting 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 including international agreements about standards, policies, rules, and enforcement and dispute resolution procedures.

## **2. IANA functions performed by ICANN at present**

Presently ICANN is a private organization, working under MoU with US government. We understand that the MoU is to expire in September 2006. ICANN's incorporation in the USA implicitly means it will always be subject to USA law. It is believed that this shall introduce an asymmetric role of the USA Government vis a vis other governments. Today ICANN is the only visible body which exercises any kind of oversight in relation to the internet with a few supporting organisation being responsible for some of its critical components – such as voluntary root servers, regional Internet Address Registries, the Domain Name registries. Most of them have contractual relations with ICANN. At the international level, there is no single international (Inter-government or private) organisation that coordinates all the issues related to the Internet and IP based Services.

In essence Internet Governance includes collective rules, policies, standards, procedures that are consistent with the sovereign rights of the states. At present there is little or no role of governments in these multifarious decision processes and Governments of developing countries are effectively marginalised. India among the Developing countries is not at ease with the limited influence of Governments of various countries in ICANN and in particular with the purely advisory role of GAC.

### **Some of the issues in the present arrangements**

Governments have a clear interest in ensuring that internet evolves in a direction that protects and advances the public interest. In addition to the management resources( IP Addresses, DNS, Root Servers, Protocols, IDN etc ) there are number of questions in which technology and policy issues are interlinked. Based on the understanding of the issues as discussed above, we are of the opinion that internet should be governed by an inter-governmental, multilateral, multi-stakeholder international body.

- **Administration of IP address**

Present IP address allocation mechanism is based on RIRs (regional internet registries). ICANN, in its IANA function, allocates a pool of IP address to the RIRs. RIRs in turn allocate the IP address blocks to the ISPs/Users. This results in non-contiguous allocation of IP address to a single SP/users/country leading to huge routing tables that consumes precious resources in the Network elements leaving fewer resources for traffic. Internet is currently based on IPv4 but it is moving towards use of IPv6 addresses. It is proposed that allocation of IPv6 addresses should be country based taking into account the country's population, level of development and potential. Institution at National level of respective countries may take responsibility of allotting contiguous IP address to the ISPs/users. This may facilitate in simple and efficient routing, monitoring, policy enforcement etc. There is a need for equitable distribution of address space based on the need and future requirement is reiterated. The balancing of skewed distribution of IP addresses should be explicitly addressed.

- **Administration of Top Level Domain Names.**

Internet Top Level Domain Names (gTLD and ccTLD) are public resources no different than the country codes which are allotted by ITU( a multilateral inter-governmental

body). Obviously it is important that government should play an important role at the policy level in the registration of TLDs.

- **Administration of root server system**

Currently there are thirteen root servers, out of which ten are located in USA, two in Europe and one in Japan. This may not be the optimal in the interest of utilization of internet resources including the Domain Name resolution. To obviate these shortcomings, it is strongly recommended that root servers should be placed region wise rather than concentrated in one region. Regional dispersion of root DNS will reduce the in fructuous international traffic

- **International Domain Name (IDN, Multi-lingual Domain Name)**

We are of the opinion that for the citizens to access information through ubiquitous way through internet, domain name in Roman script is a big impediment and we therefore feel a strong need for the Multilingual Domain Name registration.

There is a need for bringing globally accepted standards for IDN implementation. Hence there is a need for developing a globally accepted mapping tables for the conversion of languages/scripts to Unicode and finally to ASCII such that there is least disturbance in existing DNS. This globally accepted mapping might have to be implemented by browser vendors in their products. The issues involved in this process can be best handled by a multilateral organization under the UN framework with the full participation of the private sectors and civil societies to evolve unified uniform policies to guide the deployment and administration of multilingual Internet names. This is a public policy issues that needs to be adequately addressed.

## Group II:

Cluster Two consisting of three groups ( **F/Z**)

- SPAM, cyber security, cyber crime, security of network and information system, critical infrastructure protection, Use of Internet
- Applicable jurisdiction, cross border coordination, exemption of ISPs of third party liabilities
- National policies and regulation

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| Has the issue as it applies to the question of Internet Governance been adequately identified?   |
| Yes  |
| Does the paper cover the topic with sufficient depth and accuracy?   |
| yes  |
| Does the paper achieve a reasonable balance in weighing relevant matters?  |
| yes  |
| Any other comments   |
| <p><b>Spam:</b><br/>Efforts should be made to evolve a working definition of SPAM to determine the clear scope of the work at the National/ Regional/ International level.</p> <p>In the document there is a reference to “protecting the legitimate use of e-mail”. We feel that simple connotation like legitimate use of e-mail requires precise description of the word “legitimate”.</p> <p>This issue requires to be tackled in a concerted manner. Governments may be advised to incorporate suitable provisions in the IT/Cyber Acts to curb the menace of SPAM at its origin.</p> <p><b>Cyber Security and Cyber Crime:</b><br/>We feel that the Government should be advised to enact suitable IT Acts to address all the issues related to Cyber Security and Cyber Crime in consistent with the legal provisions of the country in a time bound manner to ensure similar treatment for specific cyber crimes and crimes in cyber space on a global level</p> <p><b>Network Security:</b><br/>We agree that ITU-T standards on the Security and related products shall be explored for their suitability to server as the basis for coordinated efforts at National , Regional and International level</p> <p><b>Exemption for ISPs of third party liabilities:</b><br/>We consider this to be an important issue and requires exhaustive discussion encompassing all stakeholders at National, Regional and International Level.</p> |

***Internet Usage:***

From a practical standpoint other critical issues are Interconnect Usage Charge (IUC) and Peering (port) Charges. These have not been touched upon in the papers. These issues have resulted in asymmetric advantage to Owners of International Bandwidth. The silence on these issues is baffling.

**Group III:**

Cluster Three Assessment report on

- a. Competition Policy, Liberalization, Privatization, Regulation( **F/XX**)
- b. E-commerce, taxation, trade(**F/YY**)

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| Do you have any comments on the process of determining the issues and their presentation by the WGIG? |
| Some of the issues have been identified and have been discussed exhaustively in an unambiguous way.   |

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| Has the issue as it applies to the question of Internet Governance been adequately identified?  |
| Yes   |
| Comments:<br>This paper analyses the competence of ITU and WTO separately as well as in a comparative manner for tackling the issues related to Competition Policy, Liberalization, Privatization, Regulation, e-commerce, taxation, trade etc.   |
| Does the paper cover the topic with sufficient depth and accuracy?  |
| Yes   |
| Does the paper achieve a reasonable balance in weighing relevant matters?   |
| yes   |
| Any other comments  |
| From the papers it appears that participation in the WTO conferences is limited to Government representatives. The involvement of the Non Government Actors in WTO Negotiations is obtained through an informal consultative mechanism.<br>In ITU the non-government actors are able to participate as a part of Government delegation even in the treaty making conferences. Moreover a less formal Governance mechanism have been deployed to address the issue of Competition Policy, Liberalization, Privatization, Regulation in general and in relations to Internet. e.g The World Telecom Policy Forum(WTF), ITU-D as sector members.<br>The WTO does not provide equal range of opportunities for Non Government Actors.<br>From the analysis in the paper it implies that for meeting the WSIS criteria so far as “ Full involvement of Government, Private sector, Civil Society and International Organization”. There would be need to evolve an appropriate all-inclusive mechanism. The existing multilateral agencies (including ITU) could well be considered, though they will need to be strengthened for policy vision, innovative governance and capacity building mechanisms to meet the WSIS criteria. |