Statement of India on the Report of the WGIG

Mr. Chairman,

We have carefully gone through the Preliminary Report of the Working Group on Internet Governance submitted to this PrepCom. We recognize the importance of the task assigned to the Group and have, on a number of occasions, presented our views on what should have been its format. We would have liked to see those views taken into account when the Working Group was constituted. We would also have liked to see a more objective basis for the government representation in the Working Group.

You will recall, Mr. Chairman, that at Hamamet we had expressed a strong interest in the second PrepCom receiving a substantive interim report of the Working Group, so that we would be in a position to provide useful guidance to the Group. It was felt that this would enable the Working Group take into account the views of governments and other stakeholders as it continued to develop a more comprehensive common understanding of the respective roles and responsibility of all the actors involved with the Internet. At Hamamet it was agreed that such a report would be presented in the form of a Preliminary Report. We regret to find that the Report before us contains little of substance and that the Working Group is still grappling with even the definition of Internet Governance.

Mr. Chairman,

We had participated actively in all the Open-ended consultations, including the recent one before the second meeting of the WGIG. We regret that we see no evidence in the Preliminary Report that the concerns of my delegation and that of many other delegations as articulated in the open-ended consultations have been taken into account by the Working Group. Let me therefore reiterate the position of our delegation.

We view the internet as an extremely valuable resource, and are committed to ensuring that it flourishes as a medium for the multifarious purposes that it is currently used for - not least the free flow of information, ideas and knowledge. We recognize that governments have a responsibility to provide an enabling environment through supportive policy measures. We recognize, too, the role that all other stakeholders – business, universities, research institutions, civil society – have in the continued development of the internet to build an open information and knowledge society.

The internet exists in a rapidly changing environment, and we are fully cognizant of the fact that a regulatory environment to secure public policy objectives should not impact adversely, in anyway, on its dynamic character. We share the view, too, that freedom of expressing is a key feature of the internet, and that governments should not use their regulatory power to curb such freedom – except for clear, universally accepted, public policy objectives.

The question of governance of the internet involves a host of issues, including the question of private rights and public policy. There is clearly a need to balance these different factors. They pose important regulatory challenges. The Working Group must not shy away from undertaking

a holistic assessment of the current architecture of internet governance, including, but not limited to, identification of the public policy issues relevant to internet governance. It should not disregard the fact that technical issues have major policy implications.

We share the view that public interest is often best served by applying a light regulatory hand. We cannot but observe, however, that there is virtually no field of human activity anywhere in the world where government plays no role at all. The internet, no doubt, provides mankind with a unique environment, but to argue that it is so fragile as to run the risk of rapid decline should it encounter multilateral scrutiny of governments, is quite absurd.

Undeniably, governments have a legitimate role in regulating several aspects of the internet environment. Issues such as privacy, consumer protection, cyber-crimes, cryptography, taxation, internet content, competition law etc. are obvious areas of public interest. No less important to the public at large are several other aspects of internet governance. Even those who do not subscribe to the idea of the internet as global commons agree that notwithstanding individual or private rights over certain components of the internet, people everywhere have a stake in it, and so governments everywhere should have some say.

The current governance of the internet is clearly entrenched in the hands of powerful private stakeholders, most of whom are in the industrialized countries, with effective government oversight of only one country. Not surprisingly those in control are unwilling to acknowledge the need for a broader view of internet governance. But we cannot ignore the fact that a much larger population of the world has a legitimate internet in this unique global resource. In the words of the UN Secretary General "the medium must be made accessible and responsive to the needs of all the world's people".

No aspect of the administration, coordination, or management of the internet should be excluded from the purview of the Working Group in the context of any effective discussion of internet governance processes. Developing countries must have a voice in all areas, including in technical matters, given their policy implications. A country exercising exclusive control of the technical aspects of the internet, for example, could exclude another country from access to the internet for purely political reasons. This is no more acceptable than allowing a group of countries that might "own" a vital resource to exclude a particular country or group of countries from legitimate access.

While both technical and regulatory aspects of internet governance are important, concerns regarding consumer protection, cultural and linguistic diversity, competition policy and the access questions have received insufficient attention compared with issues like intellectual property – where the private rights of IP holders have been defended robustly, often aggressively.

Mr. Chairman.

The report has highlighted the key issues in para 34. However, it has not come out even with a tentative working definition of Internet Governance nor any indication of the operational

mechanism to implement the key issues identified by it. We have already mentioned the principles on which the operational mechanism should be based. These are:

i)   Preserving operational stability, reliability, security and global inter-operability of the internet.

ii)   An inclusive multi-stakeholder access to the administrative and distributive regime.

iii)   Promotion of well informed decisions based on expert technical advice, maintaining technology neutrality and inter-operability in internet architecture, and a decentralized policy making structure recognizing that the governments and public authorities are responsible for public policy and at the same time involving the private sector actively.

iv)   Introducing and fostering competition to ensure the best deal for the consumers in the market.

Mr. Chairman,

Having regard to these principles we believe that a new structure would have to be evolved to take into account the concerns of the various governments particularly in the international internet related public policy matters. We all agree that the transition from the existing arrangements to new structure necessary has to be seamless. The existing structure is neither open nor transparent. The fact that it is a result of historical evolution and has served the internet community more than adequately so far, is no reason why we cannot modify the present structure. The positioning of the root servers and their management, for example, impacts on the cost of access.

The information infrastructure of the internet has already become a vital resource for the development of any country. It is not possible to leave administration of such a vital resource practically entirely in the hands of an institution which is non-inclusive, opaque and not accountable for its decisions. In the background papers it has been mentioned more than once that "for technical reasons the total number of root servers are limited to 13. What are these technical reasons? Are these absolute limits which evolving technology cannot alter? Why must all 13 Root Servers be controlled by operators in developed countries? What are the reasons why certain global top level domains can be used by only one country? Why can't a larger number of global top level domains be put in place? There may be perfectly logical answers to these questions, but we are yet to hear what they are.

Mr. Chairman, with the advent of IPv6 there may be requirement of a new or modified architecture to cater for the increased number of hosts. We are not aware if any technical or policy discussion has been initiated on this front. We have, no doubt, that the present administrators of the internet infrastructure have technical capabilities to address these questions. What we would like to emphasize here is the non-inclusive nature of the process - if one has been initiated.

Mr. Chairman, before I conclude, let me add that we support the observations made by the delegation of Brazil. The World Summit on Information Society is mandated to discuss issues crucial to usher in an all inclusive knowledge based society. We feel that internet governance is a

critical ingredient of this process. We would, therefore, reiterate that internet governance must be a truly inclusive system in which both the policy issues and the technical aspects are addressed in an open, transparent and democratic manner.

While we would not suggest that the governance structure of the internet should overnight be radically overhauled, there is no gain saying that there should be much more democracy in the decision making on issues surrounding the internet, with a much larger intergovernmental role. As we have pointed out earlier there is no reason why formal intergovernmental involvement in internet governance should impact adversely in anyway in on this global resource.

Thank you.