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**SUBMISSION TO THE WORKING GROUP ON INTERNET GOVERNANCE
REGARDING
INTERNET GOVERNANCE ARRANGEMENTS: QUESTIONNAIRE**

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I. INTRODUCTION

The Information Technology Association of America (ITAA) is pleased to submit this response to the request for structured feedback from all stakeholders on various governance functions that might be needed to promote the WSIS principles. The request was posted on the Working Group on Internet Governance (WGIG) web site in the form of a questionnaire. ITAA applauds the WGIG for requesting these comments and looks forward to continuing to work with the group as the discussions progress.

The information and communication technology (ICT) industry is an important and robust industry. In fact, it is one of the most dynamic creators of jobs and income in the world. Worldwide in 2003, IT accounted for approximately \$2.4 Trillion or 6.8% of GDP according to *Digital Planet 2004*¹. As key markets in Eastern Europe, the Middle East, Asia and Latin America develop, the compound annual growth rate is expected to be 8% between 2003 and 2007 by which the worldwide market is expected to be over \$3.2 Trillion.²

The conclusion that can be drawn from these statistics is that ICT spending is an important sector to global GDP. A market projected to be in excess of \$3 Trillion is one where companies from all countries want to participate, and participation means that the industry can do even more for individual economies.

Participation today requires an Internet that is stable, ubiquitous, and secure. The technology is fast-changing and dynamic. The challenge is to keep the innovation and growth that has characterized the Internet in its past while exploring any specific issues that arise with respect to its administration or operation in the future, so as to continue to ensure its smooth functioning. In no case should we contemplate any changes that could disrupt any aspect of the Internet.

ITAA's submission consists of responses to the four Process/Function areas outlined in the questionnaire. Though the response addresses the sub-points enumerated in each broad process/function, it does not answer each question separately since some imply a certain hierarchy or relationship that ITAA does not feel appropriate.

The Information Technology Association of America provides global public policy, business networking, and national leadership to promote the continued rapid growth of the IT industry. ITAA consists of approximately 400 corporate members of both U.S. and foreign companies with U.S. affiliates located throughout the U.S. The Association plays the leading role in issues of IT industry concern including information security, taxes and finance policy, digital intellectual property protection, trade, telecommunications competition, workforce and

¹ *Digital Planet 2004*, published by the World Information Technology and Services Alliance (WITSA), based on research conducted by Global Insights, Inc., October 2004.

² *Ibid*, page 15.

education, immigration, online privacy and consumer protection, government IT procurement, human resources and e-commerce policy. ITAA members range from the smallest IT start-ups to industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, telecommunications, and enterprise solution fields. For more information, visit www.ita.org.

ITAA is also the U.S. member of the World Information Technology and Services Alliance (WITSA), a consortium of 67 IT associations worldwide. Currently ITAA serves as the Secretariat for WITSA. Additional information about WITSA can be found at www.witsa.org.

II. PROCESS/FUNCTION 1: “FORUM FUNCTION”

ITAA members do not feel that an additional arrangement or body is needed. During the extensive Preparatory Process for both the Geneva and the Tunis Phase of the World Summit on the Information Society (WSIS), as well as numerous Open Consultations in connection with the WGIG, substantial evidence has been presented that there is an over-abundance of organizations and institutions that are engaged in some aspect of the Internet. The creation of a new body would be duplicative, counter-productive, and unnecessarily costly.

A number of organizations have attempted to identify the various organizations and institutions that are involved with the Internet. The International Chamber of Commerce (ICC) identified 41 separate entities in a paper that listed not only the institution, but also the issues with which they were involved.³ This paper has been widely referenced in interventions of the WSIS Preparatory Process and the WGIG.

Another popular depiction of Internet governance and organizations that are involved is the Diplo chart, Information Society Governance.⁴ In addition to identifying the multitude of actors involved with the Internet, this document provides several different perspectives of the topic: infrastructure and standardization, legal, social-cultural, economic, and development.

Regardless of the source, however, the conclusion is clear: there are numerous organizations currently involved in Internet issues and actively working on solutions. Also apparent from the various references is the fact that the organizations represent the broad spectrum of stakeholders with interest in the Internet. A quick review of the organizations reveals that some are intergovernmental, some are civil society, some are business, and some are varying degrees of multi-stakeholder.

Furthermore, the extensive debate that has so far taken place has not revealed any issue that has not been the subject of discussion or action by one or more of the organizations identified. An extensive review of both organizations and topics is the paper, *Internet Governance: A Discussion Document*⁵, that was prepared for the United Nations ICT Task Force. This paper also contains a good description of each of the issues and approaches to their resolution. The ICC Matrix previously mentioned also documents the issues and the respective organizations involved with them.

³ *ICC Matrix of Issues Related to the Internet and Organizations Dealing with Them*, International Chamber of Commerce, 16 March 2004.

⁴ Eduardo Gelbstein and Jovan Kurbalija, *Internet Governance: Issues, Actors and Divides*, The Information Society Library & GKP Issues Paper, page 28, Diplo and GKP, 2005

⁵ *Internet Governance: A Discussion Document*, George Sadowsky, Raul Zambrano, Pierre Dandjinou, New York, USA, March 15, 2004.

Additionally, ITAA acknowledges that there is no universally understood definition of the term “Internet governance”. ITAA has taken note of a draft definition that was included as an Annex to the Chairman’s introduction of the Working Group’s Preliminary Report⁶. This definition was divided into two parts: a descriptive part and a prescriptive part. ITAA supports a definition along the lines of the descriptive part, but opposes the concept of a prescriptive element because it is subjective and qualitative.

ITAA members do not feel that an additional organization is needed to address the issues related to the Internet. Such an organization, regardless of how lean the Secretariat and activities would be, entails expenses and commitments of time and energy that could better be used to fashion concrete responses to the issues that are already being worked on in a significant number of fora.

Unfortunately, funding the organization itself would be only a very small part of the problem. A major expense would be associated with the participation in meetings – travel, accommodation and time away from other responsibilities and issues. With most organizations already stretched both from a budget and a personnel standpoint, creating a new organization that at least, in part, duplicates the good work that is already being done in numerous entities is not a responsible solution. Again, these funds and time could be better spent actually implementing the solutions to issues that have already been identified.

ITAA believes that a more responsible approach to the perceived problem is to strengthen existing organizations to achieve better performance; provide for greater transparency in existing organizations; provide for greater and more open multi-stakeholder consultation and, where appropriate, participation; and improve the opportunity for meaningful participation by developing country representatives in existing bodies. This latter approach was studied extensively by the Commonwealth Telecommunications Organization (CTO) and The Panos Institute London in its report, *Louder Voices*⁷. The overwhelming conclusion of that report was that what was needed was for national governments to improve their ICT policy capacity, not a new organization for them to participate in, which would only further dilute lean policy resources and undermine meaningful results from existing bodies.

In summary, ITAA opposes the creation of a new body. There has been no fact-based case made for its need, and considering the conclusion of the CTO report, it would likely fail to achieve its objective. Instead, efforts should be made to improve existing organizations. The resources that would have been spent in participating in yet another organization should be put to more meaningful use implementing the recommendations of the numerous organizations already involved with the Internet.

⁶ Annex, Preliminary Report of the Working Group on Internet Governance (WGIG), Introduction by the Chairman, Mr. Nitin Desai, Geneva, 24 February 2005.

⁷ *Louder Voices*, Don MacLean, David Souter, James Deane, Sarah Lilley, The Commonwealth Telecommunications Organization and The Panos Institute London, 2002.

III. PROCESS/FUNCTION 2: “OVERSIGHT FUNCTION”

ITAA members feel that general oversight of the Internet is not needed. As Vint Cerf reminded the participants at the UN Global Forum on Internet Governance in New York in March 2004, the Internet was designed as a decentralized structure that did not need centralized control and oversight. In fact, there was no way to exercise such control even if some entity felt so inclined. Attempts to centralize operations and infrastructure in a networked world typically increase risk to the security of those networked resources.

There are, of course, many functions involved with the Internet that operate under some sort of oversight. The Internet Engineering Task Force (IETF) operates within the framework of the Internet Architecture Board (IAB) that acts as its “Oversight Committee”⁸. The Internet Corporation for Assigned Names and Numbers (ICANN) operates under the oversight of its Board of Directors. The International Telecommunications Union (ITU) is overseen by its members via the Plenipotentiary Conferences, and ultimately by the United Nations. The OECD receives oversight from its member governments. All of these organizations operate within specific mandates as developed and agreed by the relevant stakeholders. In addition, all of these organizations operate under a legal framework of the country in which they are located and/or in which they are legally established.

As a consequence, the real question, at least as ITAA sees it, is whether additional oversight is required. In general, our answer is no, though there may be some limited, specific functions that in the future may need to be considered. However, these should be addressed at the appropriate time and resolved individually.

ITAA is cognizant that some WGIG members have questions about both the operation of the IANA functions currently performed by ICANN under contract to the U.S. Department of Commerce (DOC), and the role of the Government Advisory Committee (GAC) to ICANN. We understand that ICANN and DOC will be reviewing their respective roles over the coming months, and we believe that process should be allowed to continue. Should the relationship between ICANN and the DOC change at some point, a periodic review by an independent entity that ICANN is performing its IANA functions in accordance with established procedures may be appropriate. We also believe that the relationship between the GAC and ICANN should be continually enhanced between those two entities without outside interference.

While the Government Advisory Committee to ICANN has an advisory role, that function should not be underestimated. Indeed, under ICANN’s Bylaws, its Board of Directors, whose members are from Australia, Brazil, Bulgaria, China, Germany, Italy, Kenya, Malaysia, Mexico, New Zealand, Senegal and the United States, cannot simply ignore advice from the GAC. As far as we can document, there has never been a case where ICANN has blatantly ignored the official advice of the GAC.

At the same time, the GAC today is in an evolutionary process. Given its relatively short period of existence, it may not yet be operating at its full potential. Participation by governments must

⁸ *Organizations Involved in the Technical Coordination of the Internet*, Task Force on the Internet, International Chamber of Commerce, Doc 373-31/5, 23 April 2003.

continue to develop. It is not always the same individuals participating from meeting to meeting, yet it must be recognized that the GAC continues to grow. It appears that the GAC will further strengthen its role and involvement in ICANN through continued outreach and encouragement for participation from more countries coupled with increasing attendance by more senior government officials. ITAA supports these trends.

The role of the GAC in issues involving technical aspects that ICANN oversees, including disputes related to ccTLD allocation, IDNs, or other issues with implications for governments, is a topic within the ICANN community. These discussions will best be worked out within the broad ICANN stakeholder community, which is open to participation by all interested parties. ITAA urges all concerned parties to work within ICANN to address issues of concern.

IV. PROCESS FUNCTION 3: FUNCTIONING/COORDINATION OF EXISTING INSTITUTIONS

ITAA does not support convening periodic meetings of existing organizations. As was noted previously, ITAA supports the strengthening of existing organizations to achieve better performance; provide for greater transparency in existing organizations; provide for greater and more open multi-stakeholder consultation and, where appropriate, participation; and improve the opportunity for meaningful participation by developing country representatives in existing bodies. As was also noted, the CTO Report, *Louder Voices*⁹, provides an excellent roadmap for achieving more meaningful participation from developing countries.

Although supportive of overall cooperation and coordination of the various organizations that are currently playing a role in the Internet, ITAA does not feel periodic meetings of all of the entities under the guise of “coordination and cooperation” is a productive strategy. As with the case of creating a new organization dealing with Internet issues, ITAA feels such meetings would expend far more in resources than would be gained.

In reviewing the many organizations doing work related to the Internet, there is considerable overlap in their participants. As a result, coordination naturally occurs through the participation by organizations and individuals in multiple fora, obviating the need for specific meetings of all organizations. Again, the funds and other resources saved can better be used in implementing real programs on the ground.

⁹ *Louder Voices*, Don MacLean, David Souter, James Deane, Sarah Lilley, The Commonwealth Telecommunications Organization and The Panos Institute London, 2002.

V. PROCESS/FUNCTION 4: COORDINATION AT THE NATIONAL LEVEL

ITAA concurs with the need for national action and supports efforts by governments to implement specific recommendations.

The need for national policies, legislation and enforcement in many of the issues related to the Internet has been repeatedly pointed out through the debate that has taken place so far. The Internet governance discussion paper prepared for the UN ICT Global Forum on Internet Governance¹⁰ provides a more detailed discussion of specific instances where national action is required. In addition, the CTO paper, *Louder Voices*¹¹, provides detailed recommendations for improving the national ICT policy capability. Without a serious commitment at the national level, the likelihood of international consensus seems remote.

¹⁰ *Internet Governance: A Discussion Document*, George Sadowsky, Raul Zambrano, Pierre Dandjinou, New York, USA, March 15, 2004.

¹¹ *Louder Voices*, Don MacLean, David Souter, James Deane, Sarah Lilley, The Commonwealth Telecommunications Organization and The Panos Institute London, 2002.