

# **PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNET GOVERNANCE FORUM**

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The Internet might very well be the most prominent and important feature of our present age. US development, technology and research abilities have joined together to produce an achievement which sparks humanity's creativity, powers of invention, and skills for management and regulation, for which global society needs to be thankful. Although the Internet originated and is still administered mainly within the United States, it has extraterritorial importance and effects. It is therefore essential that all involved parties be given the chance to discuss and suggest how the future of the Internet may unfold. A variety of players must be invited to participate with their suggestions and opinions. It is vital, however, to point out that any change in the current Internet governance structure should not involve a change in its current logical elements and operators.

The Internet is merely a world-wide network of networks that connects servers and personal computers. This network has expanded at light speed to touch every destination in our global village. It now comprises a billion users around the world. All sectors and businesses are affected, in one way or another, by the Internet revolution. Airlines, universities, business, research, communication systems, contracts, mail systems, the computer industry, governments and finally the individual are considered the Internet's loyal dependants.

The fact that Internet involves a mosaic of users and suppliers with multifarious interests and needs results in their forming a very complex and layered society. Members of this society - in addition to the entities owning the infrastructure and other assets forming the Internet are considered as the "Internet stakeholders" (See Appendix I, below). It is very healthy when these stakeholders have mutually informative and constructive discussions where the parties involved may exchange ideas and suggest solutions, which may benefit the global Internet community. It is vital to mention here that this phase of discussion shall involve no major changes in Internet operations or infrastructure ownership.

The Working Group on Internet Governance (WGIG) has proposed the creation a discussion space wherein all stakeholders will be represented and feel free to discuss and make recommendations. This global participation should result in an acceptable Forum where all those involved in the effective upkeep and securing of the Internet may work towards ensuring ways and means of solving inevitable developmental obstacles and to establish an infrastructure capable of dealing with ongoing development and maintenance.

## Forum Issues

Internet governance should be viewed in a broad sense so that a flexible approach may be reached, rather than one that limits the Internet to a collection of domain names and protocols. Accordingly, the WGIG Report has defined Internet governance as, “the development and application by governments, the private sector, and the civil society – in their respective roles - of shared principles and norms, rules, decision-making procedures, and programs that shape the evaluation and use of the Internet.”

The WGIG has purposefully introduced a wide definition for Internet and its regulation so as to allow current entities such as the Internet Corporation for Assigned Names and Numbers (ICANN) and the International Telecommunication Union (ITU) to continue in their present role. The concept of soft discussion, such as the type indicated here, is the best means to retain the self-regulating character of the Internet while at the same time providing a means by which presently disparate entities may work together under a loosely defined 'umbrella' for the mutual benefit of the Internet and its users.

Internet governance involves many concerns that need to be addressed in a wide range of discussions. Listing the issues at stake is an ambitious endeavor; one attempt at this task is represented in Appendix II, below. It is recommended that decisions over whether a particular field should be considered an Internet public issue be vested in the Forum itself. This will add more elasticity to its functions.

Issues like domain names, root servers, Internet protocols, Internet services providers, interconnection costs, and telecommunication channels, should be open to member suggestions and recommendations. This would empower the international entities – such as ICANN and the ITU---respectively responsible for these issues. In the event that an issue may currently be addressed to an established entity, this fact shall not preclude the forum from discussing the issue in question and passing recommendations to the competent responsible entity.

Similarly, matters not falling within jurisdiction of any entity also could be discussed in the forum. This category includes, *inter alia* SPAM, intellectual property rights in cyberspace, recognition and enforcement of laws, human rights, jurisdiction procedure, terrorism and fraud repression, Internet security and stability among others. Regulation and enforcement, *however*, may be approached in a different manner. The Forum should be able to pass recommendations on to the concerned parties, and may also invite – or recommend that the United Nations invites –member states to discuss a certain issue in an official capacity, or via a vote in the United Nations General Assembly.

It is intended that the forum be equipped with abilities and expertise in all fields relevant to issues relative to the Internet. This assembly of experts will act as an “advisory party” for those issues requiring professional or academic qualifications.

### **Sponsorship and Participation**

It is presumed that all these issues – along with many others - will be discussed by all the stakeholders in a Forum, pursuant to an invitation of the United Nations to act as an Internet governance body. The United Nations is the most likely organization to sponsor an Internet governance Forum. The exact relationship with the United Nations is not dealt with in this proposal; however, it is recommended that this relationship be restricted to a mere honorable patronage by the United Nations.

The Forum should be comprised of representatives from all parties concerned with the Internet. Membership will be egalitarian to ensure that all stakeholders are on equal footing. Business concerns, social sector members, governments, academic institutes, representatives from the United Nations, ITU and ICANN are just some of the groups and interests expected to participate. For logical and historical reasons, it is not unlikely that US participation will be highly visible, on account of America’s early contributions and leading role today.

The forum also should be mandated with encouraging discussions at regional, sub-regional, and national levels. These discussions will ensure fair participation. The ideal scenario envisions sub-international committees reporting to the main forum for cultural and informational exchanges and to guarantee the discussion is representative of all involved sectors. The regional, sub-regional, and national committees might be more informal and be more fluid regarding centralized locations, procedures and structures.

### **Promoting Stability**

It is important to ensure that current organizational responsibilities are not altered. Creating an international discussions space does not necessitate – in its most basic sense - any restructuring of the present operative entities, particularly in the case of domain names administration, root servers administration, Internet protocols administration, Internet infrastructure, and telecommunications regulation and administration. Current responsible bodies—including any oversight bodies---should not be weakened by the establishment of the proposed Forum. Establishing a Forum is only an effort to guarantee that all interested parties are represented and that their voices contribute in an advisory role to maintain principles of transparency, *and* utility.

The fact that the proposed Forum would have no real judicial or legislative authority does not imply that it will not be useful. Being a discussions space, the Forum would refrain from entering into political, historical, diplomatic and ceremonial processes. It would be practical and its recommendations will not be vitiated by the aforesaid restrictions. Moreover, the Forum would an assembly of well-practiced, educated, experienced, and prepared individuals who are only bound by science and principles of reasons. It would hence be a source of balanced and well-studied opinions and theory.

In light of its neutrality and the qualified staff, the Forum could be appointed as arbitrator or adjudicator of disputes. It could also act as a blueprint for a future system by serving as an example for future governance of technological advances and systems, as the need arises. Finally, due to its proposed base---including the regional, sub-regional and national levels---the Forum would have a resonance at all levels. These multi-layered connections would facilitate greater influence on societies, small enterprises, and individuals than what current bodies such as ICANN or the ITU can claim.

## **Conclusion**

It is essential to bear in mind the complexity of the medium and the mosaic of users involved, and to ensure the Forum's transparency and accessibility. In spite of the fact that the proposed Forum is not to be empowered with legislative or judicial powers, or perhaps because of this fact, it should be flexible enough to suit diverse mode of discourse and provide a means of unifying otherwise disparate entities and pointing them toward the path of common benefit. By its very nature as a common ground and meeting place for all concerned it should accurately represent its stakeholders on all levels, from corporate bodies to individual users. In this way, the Forum can exercise its advisory function and at the same time serve as a blueprint for similar organizations in the future.

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\*The present work entitled 'A Proposal for the Establishment of an Internet Governance Forum' is the result of a collaborative effort and represents not only my own views but also the thoughts of my firm Talal Abu-Ghazaleh Organization (TAGO). As the Internet continues to grow and change, it is our belief that such a transformation ought to be monitored attentively and guided in its process of growth by individuals and organizations committed to the idea that technological progress may only be defined as such if it truly benefits and progresses the interests of those whom it serves.

## Appendix I

### Stakeholders Table

Issue	National government actions and initiatives	Intergovernmental organization actions and initiatives	Private sector and business actions and initiatives
<p>(1)</p> <p><b>Privacy and cross-border flows of personal data</b></p>	<p>National privacy regime options:</p> <ol style="list-style-type: none"> <li>1. General and/or sectoral regulation</li> <li>2. Omnibus and sectoral legislation</li> <li>3. Self-regulatory Initiatives</li> </ol> <p>Education and awareness raising activities</p>	<p>OECD Guidelines for the protection of privacy and trans-border flows of personal data</p> <p>OECD Privacy Online: policy and practical guidance</p> <p>OECD Privacy policy statement generator</p> <p>OECD work on Spam</p> <p>United Nations Guidelines for the regulation of computerized personal data files</p> <p>Council of Europe Convention</p> <p>(Forthcoming) APEC Privacy Guidelines</p>	<p>Education and awareness raising (e.g. ICC Global Spam Fighting Resource, ICC Privacy Toolkit)</p> <p>Self-regulatory codes and Enforcement organizations (e.g. ICC Guidelines on Marketing and Advertising on the Internet, Truste, BBB Online)</p> <p>ICC/BIAC discussion paper on Spam [forthcoming ICC policy statement on Spam]</p> <p>Provision of reporting and “opt out” services. (e.g. national direct marketing associations)</p> <p>Company codes of conduct / binding corporate rules</p> <p>Model contract clauses for cross-border transfers of personal data including the industry alternative model contract clauses for data transfers from the EU</p> <p>GBDe recommendations for protection of personal data</p> <p>Innovation and deployment of technologies that can protect information and mitigate SPAM, etc.</p>
<p>(2)</p> <p><b>Consumer protection</b></p>	<p>Education and awareness raising programs</p> <p>National policy regime options:</p>	<p>2000 OECD Guidelines for Consumer Protection in the Context of Ecommerce</p> <p>2003 OECD Guidelines</p>	<p>Education and awareness raising programs</p> <p>Self-regulatory codes and enforcement organizations (e.g. BBBOnline)</p>

Issue	National government actions and initiatives	Intergovernmental organization actions and initiatives	Private sector and business actions and initiatives
	<p>1. Regulation and legislation 2. Self-regulatory initiatives</p> <p>National, regional and local law enforcement cooperation</p>	<p>for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders</p> <p>APEC Voluntary Consumer Protection Guidelines for the Online Environment</p> <p>Bilateral and multilateral government law enforcement and Cooperation internationally</p>	<p>Provision of alternative dispute resolution services</p> <p>Development and dissemination of industry best practices (e.g. ICC Tools for E-Business: “Putting it right: Best practices for customer redress in online business”, “Resolving disputes online: Best practices for online dispute resolution in B2C and C2C transactions”; and GBDe policies on consumer confidence and legal (jurisdiction) aspects</p>
<p><b>(3)</b> <b>Information systems and network security</b></p>	<p>Education and awareness raising programs, development and dissemination of best practices (e.g. FCC industry advisory group, Physical and Cyber security Best Practices (voluntary))</p> <p>Training and recruiting of technical specialists for law enforcement</p> <p>Dedicated information security incident reporting to law enforcement (e.g. UK National Hi-Tech Crime Unit)</p> <p>Support/encourage incident-reporting and information-sharing centers in the private sector</p> <p>Legislation on computer related crime</p>	<p>Coordination and information-sharing of national initiatives/centers on systems and network security (e.g. European Network and Information Security Agency)</p> <p>2002 OECD Guidelines on the Security of Information Systems and Networks</p> <p>United Nations General Assembly Resolution on a Global Culture of Security</p> <p>APEC TEL WG e-Security Task Group</p> <p>OAS’ CITEI PCC.I Working Group on Advanced Technologies and Services</p> <p>Technical standards in the ITU-T (see below under Technical Standards)</p> <p>ITU-D programs on e-strategies /applications to enhance security and trust in the use of networks</p>	<p>Incident reporting and information-sharing resources (e.g. National Computer Emergency Response Team for Australia, CERT® Coordination Center, US, ICC Commercial Crime Services, UK)</p> <p>Education and awareness raising, development and dissemination of best practices for industry and the general public. (e.g. national reporting and information sharing groups; ICC/BIAC business applications of OECD security guidelines)</p> <p>Technical standards in the IETF, W3C, IEEE, ISO/IEC, etc. (see below under Technical Standards)</p> <p>GBDe recommendations on security</p> <p>Innovation and deployment of information systems and network security technologies</p>
<p><b>(4)</b> <b>Cryptography</b></p>	<p>National policies related to cryptography</p>	<p>Wassenaar Arrangement on the export of dual-use goods including encryption</p>	<p>Technical standards in the IETF, W3C, IEEE, ISO/IEC, etc. (also see</p>

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		products  OECD Guidelines on Cryptography  Technical standards in the ITU (also see below under Technical Standards)	below under Technical Standards)  Innovation and deployment of Cryptographic technologies
(5) <b>Cyber-crimes</b>	National legislation and regulation making certain online acts criminal	Council of Europe Convention on Cyber-crime (Note: nonmembers can accede to the Convention upon application and approval)	Cooperation with law Enforcement  ICC commercial crime services (CCS) Fraudnet initiative
(6) <b>Electronic Authentication</b>	Encouragement of use by business and the public of electronic authentication in e-government, (e.g. in tax filing, and government procurement)  Legislative measures to ensure legal validity and recognition of electronic signatures	OECD Ministerial Declaration on electronic authentication  UNCITRAL Model Law on Electronic Signatures  Technical standards in the ITU on public key infrastructure (also see below under Technical Standards)	Development and dissemination of guidance on electronic authentication (e.g. ICC General Usage for International Digital Commerce)  GBDe recommendations on authentication  Innovation and deployment of electronic authentication technologies
(7) <b>Contractual issues</b>	Legislative measures to ensure legal validity and recognition of electronic contracts	UNCITRAL Model Law on Electronic Commerce  UNCITRAL is discussing a convention on electronic contracting	Provision of alternative dispute resolution services.  Self-regulatory guidelines on electronic contracting (ICC E-Terms are being developed)
(8) <b>Taxation of e-commerce</b>	National policies regarding the taxation of electronic commerce	Work of the OECD Technical Advisory Groups on Tax in partnership with business	Work of the OECD Technical Advisory Groups on Tax in partnership with governments
(9) <b>Customs duties on electronic transmissions</b>	The assessment of Customs duties on electronic transmissions	WTO moratorium on customs duties on electronic transmissions	Cooperation with customs and other entities considering this issue  Business support of the WTO moratorium on customs duties on electronic transmissions
(10) <b>Intellectual Property</b>	Implementation of national policies and enforcement of national laws and international	World Intellectual Property Organization (WIPO) Treaties on Copyright and the Performances and	Innovation and deployment of digital rights management technologies

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	agreements	Phonograms, December 1996  WTO Agreement on the Trade Related Aspects of Intellectual Property (TRIPS)	ICC Intellectual Property (IP) roadmap  Education and awareness raising programs Enforcement of rights
<b>(11)</b>  <b>Content</b>	National legislation on access to or the dissemination of certain content	OECD Workshop on Online Content	Self-regulatory schemes (e.g. Internet Content Rating Association, filtering technologies)  Innovation and development of content filtering tools for use by parents, service providers, etc.
<b>(12)</b>  <b>Infrastructure development</b>	National economic development programs  Incentives to private investment, e.g. “good governance”  National Universal Service obligations for Basic telecommunications	WTO Information Technology Agreement, Relevant Services Commitments, e.g. Telecoms, Computer and Related Services  ITU-D development work on communications infrastructure  World Bank  UNESCO’s ICT development programs  UNCTAD  UNDP’s ICT Development programs	Advocacy and best practice work on trade liberalization in telecommunications (e.g. ICC Business Guide to Telecoms Liberalization)  Private sector investment and deployment of infrastructure
<b>(13)</b>  <b>Education</b>	National, regional, and local educational systems from basic education to university, to IT specific training	UNESCO  UNICT TF Forums/Workshops  ITU and UNDP Human Capacity Building programs in IT	Numerous private sector capacity building exercises and public-private partnerships (e.g. Cisco network academies, Microsoft, Cable and Wireless Virtual Academy, Nokia BridgeIT program)  Internal corporate training and life-long learning programs
<b>(14)</b>  <b>Exchange of Internet Traffic</b>	Ensure that there are no legal barriers to the creation of regional traffic hubs  Competition Law	ITU Recommendation D.50  ITU-T Rapporteurs Group continues to discuss this issue	Commercial negotiations among ISPs to exchange traffic (e.g. peering and transit)  Business investment in

Issue	National government actions and initiatives	Intergovernmental organization actions and initiatives	Private sector and business actions and initiatives
		<p>OECD Study “Internet Traffic Exchange and the Development of End-to-End International Telecommunication Competition”</p> <p>ITU assistance in establishing regional Internet Exchange Points</p> <p>APECTEL Working Group</p>	<p>infrastructure including establishing Internet Exchange Points</p>
<p>(15)</p> <p><b>Technical coordination of the Internet</b></p>	<p>National laws apply to ccTLD administrators</p>	<p>Governmental Advisory Committee to ICANN and ITU activities under Resolution 102 (Marrakech 2002)</p>	<p>Internet Corporation for Assigned Names and Numbers (ICANN)</p> <p>The Internet Assigned Numbers Authority (IANA)</p> <p>Organizations such as CENTR, RIPE-NCC, APNIC etc.</p>
<p>(16)</p> <p><b>Technical standards</b></p>	<p>Support for and participation in national standards setting bodies/processes</p> <p>Participation in international standards setting bodies</p>	<p>ITU-T and ITU-R Recommendations for the telecommunications network and radio</p> <p>ITU-R (WRC) identification, allocation and assignment of radio spectrum</p> <p>ITU-R (global regulations for frequency allocations)</p>	<p>Organizations involved in interface and Performance standardization, including protocols:</p> <p>Internet Engineering Task Force (IETF), the Internet Engineering Steering Group (IESG) and the Internet Architecture Board (IAB)</p> <p>World Wide Web Consortium (W3C)</p> <p>Institute for Electrical and Electronic Engineers (IEEE)</p> <p>International Organization for Standards (ISO)</p> <p>International Electrotechnic Commission (IEC)</p> <p>SIP Forum</p>
<p>(17)</p> <p><b>Multilingual (internationalized) Domain Names (IDNs)</b></p>	<p>National acceptance of international standards</p>		<p>Internet Corporation for Assigned Names and Numbers (ICANN), including coordination with root servers, IANA</p>

Issue	National government actions and initiatives	Intergovernmental organization actions and initiatives	Private sector and business actions and initiatives
			Internet Engineering Task Force (IETF), including technical and linguistic standards  Multilingual Internet Names Consortium (MINC), including language tables

*Source: Department of Policy and Business Practices, International Chamber of Commerce, on September 13, 2004.*

## Appendix II

### *Internet Public Issues and Priorities*

1.	Root servers
2.	Domain Name system
3.	Dispute Resolution
4.	Content control
5.	Consumer Protection
6.	Privacy
7.	Cryptography
8.	Security of information Systems and networks
9.	Cyber-crime
10.	Taxation of e-commerce
11.	Customs duties on electronic transactions
12.	Contractual issues
13.	Electronic authentication
14.	Intellectual Property Rights
15.	Infrastructure development and management
16.	Education
17.	Technical coordination
18.	Exchange of Internet traffic
19.	Multilingualization of IDNS
20.	Further technology development
21.	Funding agreements
22.	Developed vs. developing balance
23.	Competition rules
24.	Cross-border disputes
25.	Secrecy rules
26.	Privacy rules
27.	Vo IP rules
28.	Domicile
29.	Rights of vested interests
30.	How far to liberalize and privatize
31.	Civil society role
32.	Future agreement negotiations
33.	Relationship to the telecommunications networks
34.	Internet for social benefits
35.	Human right to the Internet
36.	Spam
37.	Broadband
38.	WIFI rules
39.	Roles of stakeholders
40.	Jurisdiction
41.	Internet costs