

**Comments from the Government of Canada on the
UN Consultations on the Establishment of the
Working Group on Internet Governance**

Geneva, 20-21 September, 2004

Ottawa,
September 13, 2004.

Introductory Remarks

Given the differing views on Internet issues expressed during the negotiation of the Declaration of Principles in Phase 1 of the World Summit on the Information Society, the Government of Canada proposed that the Secretary General of the United Nations be requested to create a Working Group on Internet Governance and that this Working Group "...investigate and make proposals for action, as appropriate, on the governance of Internet by 2005". Canada remains committed to this approach and Canada remains firmly committed to the process and mandate agreed upon in the Plan of Action which, inter alia, calls upon the Working Group to "prepare a report ...to be presented for consideration and appropriate action for the second phase of WSIS in Tunis in 2005".

Canada considers it important to maintain and respect the consensus reached in Geneva on the process which will now unfold as differing views on the issue of the governance of the Internet are presented and discussed.

A number of countries have proposed that new international mechanisms or institutions be created to govern the Internet. However, these suggestions have not yet been justified by an elaboration of the precise issues which might require new international mechanisms or any discussion of the capacity of existing means and mechanisms to address the challenges raised by the rapid deployment of the Internet in many countries. Thus, Canada strongly supports the terms of reference established for the Working Group in the WSIS Plan of action and particularly that it follow an open and inclusive process that establishes a mechanism for broad participation.

As a first step, it is essential that the public policy issues relevant to Internet governance be identified and that "a common understanding is reached on the respective roles and responsibilities of governments, intergovernmental and international organizations... as well as the private sector and civil society from both developing and developed countries..". Only after that fundamental work is completed, which includes a working definition of Internet governance, can an informed and constructive international debate take place.

Canada recognizes that countries face new legal, policy and regulatory challenges from the expansion of access to the Internet and, more broadly, by society's expanded reliance on international communications networks and on the many applications of the Internet protocol. Canada further recognizes that certain problems have arisen, in part because the rapid expansion of the Internet has at times outpaced the responsive capacity of governments, the private sector and civil society. The challenges posed by the Internet and Internet applications are multifaceted and complex. Canada is of the view that it will not be possible to resolve many of the challenges posed by the Internet and its applications in the short time frame between now and the Tunis Summit. However, Canada believes that if the Working Group completes the specific tasks requested by the WSIS Declaration and Action Plan, a constructive debate will be launched which will lead to appropriate national and international actions. The Working Group and the WSIS may provide an important and valuable legacy to the world.

Canada's Comments on the Provisional Agenda Items.

2. Nature and scope of Internet governance; setting priorities.

The WSIS Declaration and Plan of Action have established clearly defined terms of reference and set out an orderly process for the Working Group. Thus its report should lead to a working definition of Internet governance and to the identification of relevant public policy issues. As part of the definition of Internet governance, the Working Group should include a set of broad principles that apply to Internet governance. These agreed-upon principles will facilitate the subsequent assessment of the capabilities of existing institutions and mechanisms to adapt to perceived gaps or objectives, and provide a framework for development of the final report.

It is critical that the Secretary General's Working Group determine its own working methods. In the interim, WSIS stakeholders may wish to provide written submissions which outline their views on these matters. These submissions, once posted on a web site, would encourage further debate and consensus-building.

3. Composition and structure of WGIG.

The WSIS Plan of Action identified the key considerations for the composition and modus operandi of the Working Group. Canada strongly supports the agreement that there be representation from the major stakeholder groups, i.e., governments, international organizations, civil society, and private sector. Given the focus of WSIS on development issues, appropriate representation from both developing and developed countries is essential. We agree with those who have emphasized the importance of fully engaging developing countries in the process.

For the Working Group to function effectively, it should be relatively small and in the range of 15-20 people at a maximum. The appointees should be seen as neutral and, most importantly, as knowledgeable persons.

4. WGIG working methods and proposed timeline for activities

Canada considers that an open and inclusive process lies at the heart of the WSIS process. Thus, the Working Group, once created, should determine what mechanisms would allow stakeholders to be heard and to exchange views. While the drafting process cannot practically be open-ended, the consultative process must be open and transparent. To that end, the working group might encourage written submissions which would be posted on the group's web site in their original language.

Canada does not consider it necessary for the Working Group to travel extensively although mechanisms to ensure full inclusion of developing countries must be found. National and regional views can be relayed by the appropriate geographic stakeholders or directly to the Secretariat through the Internet. The Working Group should determine the number of open consultations it will hold in addition to its closed sessions. Should the Working Group determine that open consultations are necessary outside Geneva, then Canada would encourage consultations in Africa, Latin America and the Caribbean, and Asia.

With regard to timelines, Canada would consider it useful for a draft report to be available by July 2005.

Closing Comments

Canada views this exercise as an important test of the ability of the international community to engage a broad range of stakeholders in a constructive debate in an important area. The debate will require considerable openness and a willingness to explore different approaches. An eventual consensus would represent real progress.