

Open Regional Dialogue on Internet Governance

On the Occasion of the ICANN Meetings in Kuala Lumpur



APDIP

Asia-Pacific Development Information Programme

Wisma UN, Block C
Kompleks Pejabat Damansara
Jalan Dungun, Damansara Heights
50490 Kuala Lumpur, Malaysia

www.apdip.net

DRAFT - FOR DISCUSSION ONLY

**By UNDP Asia-Pacific Development Information Programme
Kuala Lumpur, 3 June 2004**

Open Regional Dialogue on Internet Governance On the Occasion of the ICANN Meetings in Kuala Lumpur

As the Internet population increases almost exponentially each year and as countries are more open, with respect to policies and access, to global information flows, the governance of the Internet, at the national and international level, is a multi-faceted area of major importance for developing countries. What is meant by Internet Governance is that all the processes for setting rules - either in law or otherwise – policies, objectives, or criteria that have an impact on the development of the Internet. This is not only done by governments – local, national, regional, or global – but also by private sector organisations, intergovernmental organisations, and civil societies, either alone or in co-operation.

UNDP's Asia Pacific Development Information Programme (UNDP-APDIP) aims to assist developing countries in raising awareness and capacities to address policy and technical issues relating to Internet Governance, and to increase developing countries' participation in the decision processes at the regional and international levels.

Major institutions such as ICANN, IETF, IAB, W3C Consortium, UNESCO, UNCTAD, ITU, and WIPO and others are players creating Internet rules globally. Standards set by ICANN as concerns the Domain Name System - a small but very important part of Internet issues - for example, have major impacts on developing countries. In general, the broader issues of Internet management and norms created at the global level affect the economic, social, legal, and political spheres of developing countries, often times without their full participation. In this regard, Internet Governance is no longer an area developing countries can afford not to address. **It is important for countries to be informed and to participate at the global and regional level in the area of Internet Governance to safeguard their national interests.**

Careful policy-making is required to unlock the potential of ICTs and ensure an equitable distribution of its benefits. More than ever, Internet governance issues and related policies shape the opportunities for developing countries to benefit from ICTs. Governance structures and policies are in the making in a number of important areas, ranging from disputes over country-code Top Level Domains, e-commerce, intellectual property rights, to broad-based ICT development initiatives and privacy/content issues.

While the technical architecture of the Internet i.e. infrastructure, in spite of ever changing technologies, appears to be well in place, **there is a lack of an overall coordinated and harmonized policy architecture for the governance of the Internet.** We see that there is an important role for the UN to play in facilitating open discussion on issues of coordination and policies. Indeed, post WSIS Geneva, the UN ICT Task Force has already begun to delve into these matters and the UN Secretary General is setting up a Working Group specifically on Internet Governance. We aim to assist in providing the Asia-Pacific input on Internet Governance to these and other important fora and the WSIS process.

The issues of Internet Governance go well beyond the mandate and scope of any individual organisation - intergovernmental or otherwise -, including that of ICANN. However, **the ICANN meeting in Kuala Lumpur offers an opportunity to gather a broad diversity of Internet interests.**

Therefore, we would like to propose to ICANN that UNDP-APDIP, together with IDRC of Canada, the Asia Pacific Network Information Centre (APNIC), the Digital Review of Asia Pacific, and possibly the United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP) and Asia-Pacific Telecommunity (APT), organize an open discussion on Internet Governance issues specifically focused on the Asia-Pacific, in conjunction with the upcoming ICANN Meetings scheduled for 19-23 July in Kuala Lumpur.

Objectives

The primary objectives of the **Open Regional Dialogue on Internet Governance** would be to:

- 1) Facilitate open discussion based on the theme of 'Policy Architecture for the Governance of the Internet';
- 2) Raise awareness for policy makers, civil society and private sector players from the Asia-Pacific region on economic, legal, social, technical, and political dimensions of Internet Governance, and
- 3) Formulate a working definition of Internet Governance and recommendations for overall coordination and policy development, with an interest of greater inclusion of developing countries in discussion and decision making processes, and
- 4) Formulate ideas on how to carry the above work forward post the Kuala Lumpur open discussion.

Participants/Resource Persons/Discussants

Participants attending the ICANN meetings shall be free to attend the open discussion but between 60-80 delegates primarily from Asia-Pacific will be specifically invited to the open discussions outlined below. If necessary, UNDP-APDIP and its partners are prepared to sponsor additional participants from select countries from Asia-Pacific.

Selected experts (3-4) from the region shall be invited as resource persons to introduce topics through background discussion papers, provide resource material, and facilitate discussions.

Discussants (3-4) will be identified from the participants and invited to provide their perspectives, comments, and reactions to presentations given by resource persons.

Every effort will be made to select resource persons and discussants that are representative of various constituencies such as government, business, civil society, etc.

Participants shall be selected under the following criteria:

- High-level policy makers
- Private sector (ISPs, national ICT associations, telecommunications operators)
- Civil Society (NGOs)
- International organizations and forums
- Experts/advocates researching and working in Internet Governance

Chairperson cum Moderator

Two Co-Chairs cum Co-Moderators will be selected to ensure open discussions are in line with the objectives; direct the flow of questions, answers, and comments; provide clarifications when required; and to summarize discussions when appropriate.

It is proposed that Markus Kummer, Chairperson, U.N. Secretary General's Working Group on Internet Governance (UN WGIG) and eEnvoy, Government of Switzerland, and Pindar Wong (dirAP, Hongkong) serve as Co-Chairs, with Mohamed Sharil Tarmizi (MCMC, Malaysia) serving as an alternate Chairperson.

Rapporteurs

It is proposed that Goh Seow Hiong (Singapore) of the Digital Review of Asia Pacific (dirAP) and Paul Wilson (Australia) of Asia Pacific Network Information Centre (APNIC) serve as rapporteurs.

Output

- Regional recommendations, as endorsed by participants, to be submitted to the UN Secretary General's Working Group on Internet Governance (UN-WGIG), the United Nations ICT Task Force, WSIS, and the ICANN Board, to contribute to their efforts in formulating a global policy on Internet Governance.
- Plans for continuing efforts towards developing Asia-Pacific position papers and recommendations as input to the WSIS process.

Programme

The programme shall be conducted over two half days on Wednesday, 21 July and Thursday, 22 July, 2004 and there will be three presentations by resource persons followed by comments by discussants. This, in turn, will be followed by an open discussion chaired by a moderator and led by a panel consisting of all resource persons and discussants.

Session I – 21 July 2004 (Half Day)

The following are three proposed presentations. **The common theme throughout will be on the 'Policy Architecture for the Governance of the Internet'**, focussing on ideas and thoughts on a more inclusive process for streamlining and coordinating policy development for the Internet.

- **Global Internet Governance Structure**
Perhaps the most controversial and crucial issue of Internet Governance is the question of representation in the structures that govern the Internet – particularly the participation and representation of developing countries in global processes. The two most prominent models of governance are the existing 'international model' and what is often referred to as the 'intergovernmental UN model'.
- **Domain Administration and Management**
While representation is important for discussion, more specific questions regarding domain administration and management are at present relevant and require evaluation. Domain administration and management issues include:
 - Country Code Top-Level Domains (ccTLDs), particularly for developing countries that lack the technical expertise and policy framework for managing their own domains;
 - ICANN's Uniform Domain Name Dispute Resolution Policy (UDRP), evaluating the mechanisms based on past case studies;
 - Internationalized Domain Name (IDN) standards, perhaps more relevant to Asia-Pacific than any other region.
- **Internet Policies (National and Regional)**
Increased Internet access within the region is growing at a rapid rate yet developing countries lack policies to reflect national and regional interests. On the one hand national policies can safeguard cultural, economic, social, and political sovereignty; while on the other hand, the Internet is not one nation's domain, requiring harmonized cross border policies. Some key Internet policy issues, national and regional, include:
 - e-Commerce/e-Transaction Laws
 - Content Regulation and Control
 - Privacy and Security - Hacking and SPAM
 - Cyber-crime - regional harmonized laws and enforcement
 - Intellectual Property Rights - while there is a free flow of data on the Internet, it is clear that not all data is free

Session II – 22 July (Half Day)

After all the first day of presentations have been made and each topic discussed individually, the moderator shall focus discussions towards highlighting key issues and salient points with

the objective of coming out with a set of recommendations. This will include brainstorming on Asia-Pacific's efforts towards developing regional position papers and recommendations as input to the WSIS process and identifying next steps.

Potential Candidates for Resource Persons/Discussants

- 1-2 National Government Representatives
- Mohamed Sharil Tarmizi, Chairman, Governmental Advisory Committee/ICANN
- Rafee Yusof, Vice-President Commercial Sector, Malaysian Institute of Microelectronic Systems (MIMOS)
- Goh Seow Hiong, Digital Review of Asia Pacific (dirAP)
- Valerie D'Costa, Infocomm Development Authority (IDA) Singapore
- Khaled Fattal, Multilingual Internet Names Consortium (MINC)
- Paul Wilson, Asia Pacific Network Information Centre (APNIC)
- Pindar Wong, Board Member, Internet Society (ISOC) and dirAP
- Izumi Aizu, GLOCOM, Japan
- Jun Murai, Director, Research Institute of SFC
- Adam Peake, Co-Cordinator, Civil Society Internet Governance Caucus
- Kilnam Chon (South Korea)
- Gabriel Accascina, Independent consultant
- **Others (suggestions please!)**

Some Key Groups

- U.N. Secretary General's Working Group on Internet Governance (UN WGIG)
- United Nations Information and Communication Technologies Task Force
- ICANN/Government Advisory Committee (GAC)
- Asia-Pacific Telecommunity (APT)
- Asia Pacific Network Information Centre (APNIC)
- Asia-Pacific Internet Association (APIA)
- Asia Pacific Top Level Domain Association (APTLTD)
- Asia-Pacific Economic Cooperation (APEC)
- International Development Research Centre (IDRC)
- World Intellectual Property Organization (WIPO)
- International Telecommunication Union (ITU)
- Internet Society (ISOC)
- United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP)
- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- United Nations Conference on Trade and Development (UNCTAD)
- Digital Review of Asia Pacific (dirAP)
- Internet Engineering Task Force (IETF)
- Internet Architecture Board (IAB)
- World Wide Web Consortium (W3C)
- World Intellectual Property Organisation (WIPO)

Related Event

- **ICANN Board Meeting: 19-23 July 2004**
ICANN Board Meeting to be held in Kuala Lumpur, hosted by the Malaysian Communications and Multimedia Commission.
<http://www.icannkl.org.my/index.htm>

Follow up

Telecom Asia will be holding its meeting in Busan, Korea from 7 to 11 September 2004 and APEC Tel will be doing the same in Singapore 19-24 September. They both present an opportunity for taking discussions forward after ICANN, Kuala Lumpur.

UNDP-APDIP, Kuala Lumpur, 3 June, 2004