Internet Governance Forum
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Arrangements for Internet Governance, Global and National/Regional
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   >>MARKUS KUMMER: May I ask you to take your seats, please, ladies and gentlemen. We are ready now to
start with the panel.
Fairly on-timetable. But I feel there will be quite a big interest for this panel, so we'll give them as much time
as possible, because the interpreters, we have to respect their schedule and we have to close at 12:30.
On my left, there is the chairman of this panel, Mr. Ramlinga Raju. Is he the founder and chairman of Satyam
Computer Services. But he has indicated his wish not to speak at the beginning, but limit his remarks at the
end, concluding remarks.
So I pass on the floor to or moderator, Emily Taylor, legal director from Nominet.
Emily, please.
>>EMILY TAYLOR: Thank you very much, Markus.
Welcome to this second part of this main session workshop, managing critical Internet resources, global,
regional, and national arrangements.
As Markus said, I'm Emily Taylor. I'm director of legal and policy at Nominet, the dot U.K. domain name
registry.
I've also been a member of the Multistakeholder Advisory Group to the IGF since 2006.
Now, before introducing our panel members, I've been asked to set the scene a little bit.
This session brings together speakers from governments, civil society, business, and the technical community
to discuss arrangements for Internet governance.
Now, over the next 90 minutes or so, you will hear phrases that have become terms of art. The first of these
is "critical Internet resources." Now, while for many, this means the administration of the domain name system
and Internet Protocol or I.P. addresses, which we were just hearing about in the previous session, the report of
the Working Group on Internet Governance in 2005 used the term slightly more broadly to include also the
administration of the root server system, technical standards, peering, and interconnection,
telecommunications infrastructure, including innovative and convergent technologies, as well as
multilingualization. So, in brief, there is a broad and a narrow view on what is critical Internet resources.
The second term of art is "enhanced cooperation," which is one of the two outcomes of the World Summit on
the Information Society, the other being our very own IGF.
So the phrase "enhanced cooperation" was coined in the final moments of the Tunis negotiations. It broke
what threatened to be a deadlock in those negotiations over public-policy issues relating to the management
of critical Internet resources.
Now, the phrase "enhanced cooperation" appears just three times in the Tunis Agenda. No definition is given.
No scope or defined process is included. So when you hear our speakers today talking about enhanced
cooperation, the context for their comments is arrangements for the management of critical Internet
resources, naming, numbering, and more, at the global, regional, and national levels.
We will here what the different speakers understand by this term and what they believe to be the state of
enhanced cooperation in their field from their different perspectives.
They will give their vision for the future and further steps they believe might be necessary, if any.
So I'm going to introduce our panel. But, first of all, I know that there were many speakers this morning who
wanted to make interventions. And can I remind you and also those of you who are here today that, really,
there will be a great deal of time this afternoon in open discussions for you to give those questions and
engage in discussions. And we hope to have questions from the floor today, this morning, and this afternoon.
Thank you.
So the first of our speakers is Haiyan Qian, who is to my left, and is acting director of the division for public
administration and development management in the U.N. department of economic and social affairs, UNDESA,
in New York. Earlier this year, UNDESA wrote to a number organizations asking for an annual performance
report on enhanced cooperation.

Haiyan, can you please update us on your project.

>>HAIYAN QIAN: Thank you, Emily. Dear participants, thank you for giving me the opportunity to share with you the status of the report on the progress made in relation to the enhanced cooperation public-policy issues pertaining to Internet as referred in the Tunis Agenda, paragraph 71.

As Emily mentioned, in March 2008, Under-Secretary-General of UNDESA, Mr. Zukang Sha, invited nine organizations concerned to provide annual performance report on the steps they have undertaken towards the enhanced cooperation on the Internet-related public-policy issues. The organizations include Council of Europe, ITU, ICANN, ISOC, NRO, OECD, UNESCO, WIPO, and W3C.

About -- After almost eight months of communicating with those organizations mentioned, we finally received the reports from all on their prospective activities, for which we're most grateful.

The information obtained presents the following picture: First, the meaning of enhanced cooperation, as most organizations concerned understand, is to facilitate and contribute to multistakeholder dialogue. It seems to be also understood that as a formal or informal cooperative arrangements based on stakeholder concept and approach.

Number two, the purpose of such cooperation ranges from information and experience-sharing, consensus-building, fund-raising, to technical knowledge transferring and capacity training.

Number three, the thematic focuses of those arrangements covered by those organizations are very much in line with those being discussed at IGF.

Number four, some of those cooperative arrangements have already taken place among those organizations, and more are being developed with other partners and with these nine organizations.

Last, the geographical distribution of the coverage varies from global, regional, and the national levels.

Notwithstanding of the usefulness of these activities, the challenge that we have been facing in UNDESA is that the term "enhanced cooperation" does not seem to provide us with much practical guidance as to what makes up enhanced level of cooperation or what makes cooperation truly enhanced. Thus, when requesting the relevant organizations' contributions for this report, we found ourselves in a rather difficult situation, as we could not provide clear or more specific guidelines to the organizations on how to prepare such reports or contributions.

Therefore, we might run into the same situation in the preparation of the summary based on these contributions received.

Nevertheless, after obtaining the last organization's contribution on the 24th November, UNDESA is ready now to work on the draft.

Upon this completion, we will send it all to the contributing organizations for review and comments. When it's finalized, the summary will be included in the secretary-general's report on the implementation of WSIS, and it will then be submitted to the Commission of Science and Technology of the United Nations in May, and then to the ECOSOC in July 2009.

A draft resolution is being considered in the second committee of the United Nations General Assembly at this time, which, I quote, requests the secretary-general to submit to the ECOSOC at its substantive session of 2009 on the basis of his consultations with all the relevant organizations, including international organizations, a report which may contain recommendations on how to process towards enhanced cooperation should be pursued. Quote closed.

It means that in addition to the summary, a separate report and agenda item 49, information and communication technologies for development, would need to be submitted by July 2009. If the resolution is going to be adopted.

Finally, please allow me to voice our view on which further steps might need to take to facilitate this process.

The initial step in that direction, in our opinion, is to take stock of the enhanced cooperation activities or programs carried out by those relevant institutions on the regular basis.

In this connection, I envisage UNDESA's role in using the existing user friendly Internet tools to record, to capture, and retrieve the data and information on this topic, which goes beyond just providing brief summaries of these activities to ECOSOC in hard copies on an ad hoc basis.

With this knowledge base, the interested stakeholders will be able to easily trace such information over time and gain better understanding of the organization's activities related to the issue. And it will also stand us all in good stead in the current effort to further enhanced cooperation on Internet-related public-policy issues.

I will stop here and be ready to answer any questions.

Thank you very much.

>>EMILY TAYLOR: Thank you very much, Haiyan, for that very clear summary.

I'm going to move on through the speakers on the panel, and then we're going to go to the audience for some initial questions, and I'll come back to the panel for their closing remarks.

Our next speaker is Everton Lucero of the Brazilian minister of foreign affairs. A career diplomat, Everton is the Brazilian government representative on ICANN's Governmental Advisory Committee and is also closely involved in the IGF. Everton is currently based in Washington, D.C.

>>EVERTON LUCERO: Thank you, Emily.

Good morning, everyone. Thank you for being here.

As the subject of this panel is arrangements for Internet governance at national, regional, and global levels, I will start by giving some examples and comments.

At the national level, there has been a very recent initiative in my own country, Brazil, to fight online child pornography.

Google, lawmakers, law enforcement agents, and nongovernmental organizations, signed an agreement that was entitled "a term of adjustment of conduct." It was a great achievement in the end of a nationwide debate and an example of a national arrangement that brought together all stakeholders to solve a problem of great concern to our nation.

It will certainly help law enforcement within Brazilian jurisdiction. But there remains the need of an enhanced cooperation at a global scale to target criminals acting from outside the Brazilian borders and jurisdiction.

As an example of a regional initiative, I'd like to refer to the Convention on Cybercrime. Brazil's consideration its accession or not in the near future. But when we started considering it, we faced one preliminary problem.

In principle, we do not adhere easily to conventions that we have not participated in the negotiation process.

The same problem in due course may also happen with the so-called Anti-Counterfeiting Trade Agreement, ACTA, an intellectual property enforcement treaty related to Internet activity.

Both the cybercrime convention and ACTA made use of a negotiation arrangement that is rather restricted.

And it indicates a pattern of behavior of some governments which openly defend multistakeholderism, democracy, and inclusion, but prefer to follow restricted, behind-doors, exclusive arrangements to negotiate new legal instruments.

To the extent that the efficacy of these arrangements will depend on global acceptance, definitely they are not good examples of arrangements for Internet governance. They may work in case of Convention on Cybercrime for the region where it was elaborated.

At the global level, let me single out a very positive one, the Numbers Resource Organization. It's a bottom-up, civil society-led arrangement which coordinates a very critical Internet resource, which is I.P. address allocation, and has so far done a great job by ensuring a due process, transparency in decision-making, and full participation by all, with independence.

But Raul Echeberria is here with us, and I think he will further develop this, so I would just like to refer to it here.

Now turning to enhanced cooperation and building upon the notion that Emily presented in the beginning of our panel, I would like to refine a little bit this concept to propose that the question before us is, in fact, to which extent do the present arrangements for Internet governance do enable governments on equal footing to develop public-policy principles on coordination and management of critical Internet resources.

I hope that the UNDESA report will give us hints to answer this question. And this is a fabulous first step, and we look forward to comment on it at the appropriate forum, either the CSTD or ECOSOC.

Now, how other existing organizations and arrangements are cooperating to enhance cooperation among governments. Let's see some examples. Let me start with the intergovernmental ones like ITU and UNESCO.

I'd rather say that these organizations are already promoting enhanced cooperation within their mandates, because, after all, to facilitate development of public-policy principles within their mandates is their very reason of existence. It's easy because of the membership, and the government structures, they are government structures from their inception. They are promoting enhanced cooperation at their own pace, which may not cope with the pace of technological development and innovation that characterizes the Internet. And that's a good point. Let's remember that.

And they might also be faced with the challenge of moving towards multistakeholderism.

On what refers to nongovernmental entities, like IETF and W3C, while these set global standards and protocols, but governments are not there. Should they be? These organizations are organizations of people, not entities. To me, -- well, I think that even if governments send participants there, these participants will be received as any other on their personal capacity. That's open for them as well.

So it seems to me that under the present circumstances, enhanced cooperation may not be an immediate need there.

But this reasoning is not valid for ICANN. In fact, many people argue that the main reason for enhanced cooperation having been included in the Tunis Agenda was precisely ICANN.

Why ICANN?

Well, because even if ICANN is not for profit, it is market-driven. It created a huge market of domain names. It is private sector-led. And, to many, ICANN is seen as the hen that lays golden eggs. Besides that, ICANN is under the oversight of one single government.

Now, at any arrangement, I think we should work with the options of either having no governments at all, like the case of IETF, W3C, NRO, or we have all governments on board, like ITU or UNESCO. But we should avoid coming up with a model restricted to a few, like ACTA. And, please, let's also avoid models driven by one single government, like ICANN.

The World Summit on the Information Society pledged to create a people-centered, development-oriented, and inclusive information society, and invited all entities, public and private, national, regional, and global, to incorporate that vision in their respective works.

The Internet is supposed to be centered on people, not money; on people, not market; on people, not profit. My question to ICANN is, when will it pledge to accept and incorporate that vision as its main driven force, instead of privileging a small group of private industries that earn a lot of money out of selling domain names?

  Please don't take me wrong here. I don't have anything against making money out of this business. But I challenge anyone here to support the idea that a self-regulated market works for the benefit of public interest, in particular, in light of the current global financial crisis and economic meltdown that we are facing.

Do governments have any role to play in that? Can governments be of any help? Yes, we can. In fact, ICANN is also open to government participation through the GAC, of which I am the Brazilian representative and currently vice chairman.

But our role is advisory. Our contribution may not be observed by the ICANN board.

Governments are underrepresented, in particular from developing countries, which leads me to conclude that the current GAC-ICANN arrangements are not conducive to enhanced cooperation and need to be reviewed. Maybe the ICANN transition action plan debate is an opportunity to do that.

Just to finalize, I would like to say that in my country, one of the things that we most admire from the United States as an everlasting source of inspiration is its constitution. Example for the democratic world, the United States Constitution pioneered the shift of power from nobles and landlords to the people. It inspired almost every constitution of the democratic world to begin by the words "we, the people."

Let's hope that the U.S. new administration will be sensitive to the global demands of promoting a shift of power from nobles and landlords of the Internet to citizens and people of the Internet, who are those that should be the very reason of existence of any national, regional, or global arrangement of Internet governance. Thank you very much.

[Applause]

>>EMILY TAYLOR: Thank you very much, Everton.

Now I'd like to move to our next speaker. Dick Beaird joins us from the U.S. department of state, where he is the senior deputy coordinator in international communications policy. He has been involved in communications and Internet policy for many years, both through the ITU, APEC, OECD, and, in this context, as part of the U.S. negotiating team of the Tunis leg of the World Summit.

So thank you, Dick.

>>RICHARD BEAIRD: Thank you very much, Emily. And I'd like to thank the organizers of this panel for the opportunity to be here this morning.

And I'd like to also express my appreciation to the previous two speakers for setting a very interesting context for the remarks that will follow.

The subject of this panel is enhanced cooperation, and, of course, by implication, Internet governance.

Let me begin first by reviewing my understanding of enhanced cooperation as found in the Tunis documents coming out of the 2005 Tunis phase of the World Summit.

Tunis spoke -- and I should emphasize here, at the highest levels of government -- spoke of the need for enhanced cooperation in the future. It associated enhanced cooperation with international public-policy issues, particularly related to the Internet.

In doing so, it looked at enhanced cooperation from the point of view of relevant international organizations. And it called upon these relevant international organizations to develop applicable principles on public-policy issues, again, related to the Internet. But it did so, and it explicitly did so, by emphasizing that these international organizations should maintain their own mandates and operate consistent with those mandates. Nothing of the summit changed any international organizations' mandate.

And enhanced cooperation was to create an environment that facilitated the development of public-policy principles.

And then Tunis went on to say that the process -- the goal of enhanced cooperation, is to create a process that will be also responsive to innovation and that as a result, the process that was conceived in Tunis is one, I

believe, which is quite broad in its understanding.

Taking that as my point of departure, I would like to assert that since 2005, the process that was envisioned in Tunis has been remarkably successful across many fora and international organizations. Indeed, if you simply look at what has happened since 2005, in a sense, we can turn on its head the definition of Internet governance that was developed in Geneva during the Geneva phase of the WSIS process that spoke about governments and the private sector and civil society acting together to shape the Internet's uses. In fact, what we have seen is that the Internet in its uses has begun to evolve governments, private sector, and civil society into new forms of enhanced cooperation on an unprecedented scale.

Now, there are many drivers of this form of enhanced cooperation that I'm referring to. But I'd like to refer to three of them. Or to -- specifically, to two principal drivers.

First, access.

Access, since 2005, to the Internet has increased significantly. Not only to the Internet, but, of course, to all other forms of communications. And those forms of communications, the multiplicity of platforms that have been created, in turn create opportunities for access to the Internet on a remarkable scale. Mobile -- the mobile culture, a phrase that was used this morning, is itself significant in terms of its development since 2005.

India alone now exceeds 300 million subscribers to mobile services. And that number itself may have already been exceeded.

We are also seeing significant increases in access to the Internet as a percent of population in the regions of the world.

As I give these percents, I want to emphasize that while the end growth is significant, much work needs to be done.

Africa now exceeds 5% of population in access to the Internet; Asia 18%; Europe, 42%; America's 41%; Oceania 45%.

There's good news in those numbers, but there is also a challenge to all of us to increase access as a percent of population, to bring access to the Internet to our citizens.

There is another driver that I want to emphasize that has brought about, I believe, opportunities for enhanced cooperation. And that is the acceptance of the linkage between economic growth and innovation.

As we have seen clearly since 2005, there's now an understanding that, as a function of the economic process, innovation is an important component to that process of economic expansion. And I will come back on that point in a moment when I talk about the OECD.

But let me take, then, two examples of international organizations that represent the kind of enhanced cooperation which I think complements not only the driver of access and the driver of innovation, but also suggests a vision of the future for where enhanced cooperation may take us.

My first example is the ITU, which is an organization which is essentially technical. And my second example will be the OECD, which is an organization that is essentially economic.

There are three areas that I want to refer to when I talk about the ITU. First is infrastructure development. Second is cybersecurity. And third is the development of public-policy forums within the ITU for purposes of discussing Internet matters.

First, with respect to infrastructure development. I'm choosing as my principal example next-generation networks and the work that is being done at the ITU in that regard.

All of our countries are in some way or another transitioning from -- to the next-generation networks, and, in particular, of course, deploying fully I.P.-based technologies.

The ITU is engaged in work that will -- in terms of the global standards initiative, that has already begun to develop recommendations for NGN architecture, interface specifications, quality of service, interoperability, security, generalized mobility, and service capabilities.

In 2008, we anticipate that there will be at least 100 NGN recommendations coming from the ITU. And that will be -- that will be used as a basis of NGN deployment around the world.

Secondly, cybersecurity.

As the Secretary-General Touré has indicated in his presentation, he has launched the Global Cybersecurity Agenda. This agenda is, from our point of view, a framework for multistakeholder cooperation in the area of cybersecurity. The projects that are being defined are being currently defined and developed, and measurements for success are also currently being developed as a part of this initiative.

Early indications are that the ITU will engage in the development of technical solutions for cybersecurity, particularly in the area of trusted identification; it will provide advice on the development of cybersecurity efforts and structures; it will also raise the awareness and the global community of the scope of the problem of cybersecurity; and to promote global cooperative efforts.

The last example from the ITU deals with public-policy debate on Internet-related matters.

The ITU has at its recent world telecommunications standardization assembly adopted a resolution that created a forum for the purpose of public-policy debate and discussion on Internet matters. And many members of the ITU, member states of the ITU, see this as an opportunity within the ITU to focus the debate on public-policy matters related to the Internet.

The group has not yet met, as it just has been created. But many, as I say, member states see this as an opportunity for discussion within the ITU on these issues.

The OECD, and here I want to talk about the sole ministerial of June 17-18 of this year. 39 participating ministers, obviously a number that exceeds the membership of the OECD, and including the European Commission, and I should add including India, endorsed the commitment to stimulate sustainable economic growth and prosperity by means of policy and regulatory environments, and support innovation and investment and competition in the information and communications technology sector.

In so doing, these ministers pledged to work with private sector civil society. They also pledged to protect the Internet community from developing cross border cooperation.

Two points. First, ministers in Seoul pledged to foster creativity of use of the Internet by maintaining, and I want to emphasize this, by maintaining an open environment that supports the free flow of information. And secondly, and this is particularly important, to encourage universities, governments, public research, users and business to work together in collaborative innovation networks and to make use of shared experimental Internet facilities.

The two concepts -- free flow of information and innovation -- linking these centers of excellence in society which were underscored by the Ministers in Seoul seems to me to be a concept that needs to be brought more fully into the discussion of enhanced cooperation.

I come now to the conclusion.

Because of such drivers as expanded Internet access and telecommunications, and because of the now established link between innovation and economic growth, enhanced cooperation is now more widespread, more complex, and continues to be far more than was envisioned in 2005 as a process by which we understand both Internet policy as well as Internet governance.

I would also suggest that the IGF is itself a remarkable example of this new enhanced cooperation.

I would also add that if we can speak of a multi-factor productivity growth that includes innovation as a kind of new economic model, then we can also speak of a multi-factor governance model for the Internet when referring to the Internet, that would include the diversity of examples that we see now in the area of enhanced cooperation.

I would further assert that the ministerial in Seoul was correct in indicating and in using as its title Internet economy, and indicating that this is the subject that governments, civil society, and the private sector should focus on in the current environment; that Internet economy does represent the complex forms of enhanced cooperation that I have mentioned and that other speakers will allude to.

I will conclude by joining others, and this is important from a policy point of view of the United States, by joining with others in underscoring the importance of a forum like the IGF which offers an opportunity for interests with diverse views; however, which are united by a shared commitment to the constructive evolution of the Internet and its uses.

This, by the way, was the original vision of the Internet and of the IGF, I should add, in Tunis in 2005. And it will remain vital, the IGF, if it preserves this original vision.

Thank you very much.

[Applause].

>>EMILY TAYLOR: Thank you very much, Dick. And certainly in terms of diverse views, I think we are starting to bring out the diverse views in the panel today.

I am now going to turn to Parminder Jeet Singh who is director for I.T. for change and a coordinator of the civil society Internet Governance Caucus.

He has been very active in these IGF discussions and preceding that during the world summit.

Thank you, Parminder.

>>PARMINDER SINGH: Thank you, Emily.

I think at this stage the panel asks the audience to ask them why does this panel look like a discussion on semantics, something which Emily in the opening remarks referred to as a term of art. Enhanced cooperation has become a term of art. And why would the audience feel the difference, because maybe speaking about different things referring to the same concept.

So I think when we are faced with these kind of existentialistic issues about what is what, we need to go back to the original back-to-basic intentions, purposes, why something was created and why did the term come out

in the first place. And I need therefore to take you back to the World Summit on the Information Society which some of the speakers before me did refer to.

It was a meeting of the leaders of the world community to come and confront the policy challenges of the new phenomenon of Information Society. And during the discussions, it emerged that there were two broad pillars over which discussions and outcomes got stacked.

One was about the availability of ICTs, another was about ICT governance.

The discussions on availability of ICTs went towards financing mechanisms, and I won't talk about that.

But the part on ICT governance was mostly about Internet governance. And as a typical distinction of issues between political space of a availability and of governance, and both are related.

The two main outcomes as you would have made out from the speeches of the earlier speakers, was the IGF, the space where we are seated now, and enhanced cooperation.

Now, both were created because the leaders felt that the Internet basically has changed from being a mere technical infrastructure to a very strong social political force. And when something becomes such a strong social political force, it needs to be driven by public interest, it needs to be shared by public interest, and it needs to be shared by political processes.

And the understanding that we need to have a global process to be able to shape the Internet towards the objectives which the world summit put for itself in its opening paragraphs which were described by Lucero, a people-centric, development oriented and inclusive Information Society.

So the purpose was to see how can we shape the Internet to achieve this vision of Information Society. And it was, of course, right that since it's not longer a technical infrastructure, merely the task needs to be done in a more socially and politically inclusive way.

So while IGF was created as a space where dialogue and discussions would take place, there was recognized to be a gap between actual public policy-making. As we know, in the last phases of WSIS, there were no decisions but what kind of processes should be, and therefore a bag was left called enhanced cooperation to see what can be done in this space in the future.

So the least we can agree to is that we would call those things as enhanced cooperation which fulfill the purposes for which the term came into existence, which is to do public policy, to do global public policy and to do public policy in a legitimate and participative manner.

So I would put these three as the criteria to judge whether something is enhanced cooperation or not.

Another thing which the Tunis documents did with a lot of -- with a sufficient amount of clarity, if I may say, is to make a distinction between technical policy and public policy. There are a lot of paragraphs I can read through which says technical coordination is different from public policy. And I think that was important, because we are dealing with a techno-social or techno-political space, and the distinction, though not always very precise, is still important to make.

And therefore we should also recognize that enhanced cooperation is not in the technical policy space but in the public policy space. So whatever processes we may be able to call as enhanced cooperation should be in this space and addressing the goals which I just described.

So I will now briefly touch upon what may not be enhanced cooperation, which may still be very good things happening around us.

Merely meeting enhanced exchange of business cards, however good they are, enhanced exchange of information, until they have a clear impact on public policy outcomes, I would hesitate to call that enhanced cooperation. It may meet the requirements of English language but it does not meet the requirements of what was meant by this term in the Tunis documents.

Second thing is that, as I already said, cooperation among bodies which clearly profess a technical mandate cannot, by definition itself be enhanced cooperation. These are bodies who clearly say that they have only a technical mandate.

In fact, ICANN, in their response to the inquiry from the UNDESA about their progress report on enhanced cooperation says we are a political body. Well, that's the point.

A political body does not make public policy. A political body itself cannot be doing enhanced cooperation.

And the relevant paragraph 71 which talks about enhanced cooperation is clear about two layers of enhanced cooperation. It talks about set of processes that would make public policy, and then it exhorts certain institutions to create the conditions for making that public policy.

Creation of conditions is not doing the act, and the distinction is very clear in paragraph 71.

And all the cooperation, all the changes, which some of the technical coordinating bodies may be going through, is a very good sign towards making those conditions for doing the act which we said was the purpose of enhanced cooperation.

I think actually there have been a lot of change, a lot of changes within ICANN, RIRs, other technical

coordination bodies. And I think much of it is from an impact of the WSIS. And that actually shows how public policy makes a positive impact on the technical coordination layer.

These changes are welcome. They are creating a condition whereby we can move forward. But the precise act, set of acts, what could constitute enhanced cooperation, is still not clear.

And here, going back to the original mandate of creating a people-centric, development oriented Information Society, I must say that absence of policy -- and this is something again Lucero referred to -- self-regulation serves dominant interests. It serves the interests of those who are already on the inside, and it does not serve the interests of disadvantaged sections.

And we need proper public policy and we need to agree to this term being something which is in the direction of creating public interest policies in IG space. And probably that will give us some basis to go forward.

I am closing, Emily, soon.

>>EMILY TAYLOR: Thank you.

Thank you very much, Parminder.

>>PARMINDER SINGH: I have just a last comment.

There were two processes which are in the direction of enhanced cooperation by my definition. One, Nominet responds, says GAC, the Governmental Advisory Committee in ICANN, is a key process to an enhanced cooperation.

I think it does fulfill two parts of the three conditions which I put forward. It is a public policy process. It's global. But it's not legitimate. It's largely ad hoc. The Brazilian representative talked about some countries being there, others not being there.

And we should recognize that Internet and Information Society represents a transnational phenomenon where new constituencies have come up and collection of public interest or the public interest -- global public interest is not only represented by a collection of governments. And therefore, I don't consider that also an adequate process.

And second, Ambassador Mr. Richard pointed to the OECD countries. Yes, that also fulfills the two conditions. It's public policy. It's regional, but impact is global, and that's a problem. And impact is global but is not representative of the global constituencies.

Well, I would also like to, if given a chance in the end, speak about the possibilities which we can take forward in this area.

>>EMILY TAYLOR: Parminder, I very much hope to come back to the panel. Thank you for your comments. Now, our next public speaker was Lynne Mackan-Roy who is unable to join us. But thank you very much for Byron Holland who agreed to join the panel at short notice. Byron has been the chief executive of the not-for-profit Canadian Domain Name Registry, CIRA, since the beginning of this year and prior to that he has had an extensive career as an Internet entrepreneur and businessman for the last 17 years.

So Byron, perhaps we can have your perspective as both a business user and also as an Internet registry.

>>BYRON HOLLAND: Thank you very much, Emily. As stated my name is Byron Holland and I am president and CEO of the Canadian Internet Regulation Authority or CIRA for short.

That's my pleasure to participate in this important discussion on enhanced cooperation, and I want to thank my co-panelists for giving a very broad and, at times, divergent high-level overviews of this process.

The majority of my career has been spent in the private sector, where the Internet was integral to the business model. Fundamentally the platform upon which the business conducted itself.

So today, I am going to take a little bit more of a street-level view of what I understand enhanced cooperation to be about.

I'm very familiar with the necessity for secure and stable platform from which to conduct business, both within and without a regulated environment.

In my current role, I have the perspective of operating a Country Code Top Level Domain registry within the global Internet community.

CIRA is in a relatively unique Internet space. It is at the intersection between the private and public sector. On a daily basis we balance 100 percent up-time and the more leisurely development pace of long-term public policy.

Our need to cooperate with a wide range of stakeholders is not merely some theoretical construct, but the very essence of how we manage our business daily.

As the administrator of the authoritative DNS name servers for all dot CA domains, CIRA has the very important role of cooperating with various stakeholder groups, including technical, government, private sector, and global interests, to ensure the integrity and security of the DNS.

That cooperation is the essence of governance.

I fully appreciate the need for a governance structure of the Internet that is adaptable, inclusive, and

continually evolving within this rapidly changing environment.

A secure and stable Internet infrastructure is essential to our economy, to our security, and the way that we live in the developed world.

But it is also critical for the developing world if they are ever going to be able to bridge the gap and be fully integrated into the global economy.

The nature of the Internet means that there are many challenges whose solutions require global coordination. But just as important, they need national and regional implementation for widely varying contexts.

The way to do this is through enhanced cooperation from multiple stakeholders. Whether they are government, private sector companies, or others, emerging and/or developed nations, all must be taken into account in the Internet's evolution.

How do we do this? As stakeholders, we have an understanding of the shared challenges and opportunities of the Internet. We must have a forum where all relevant stakeholders are represented with equal voice. And a framework that encourages and facilitates constructive, consensus-building dialogue, from the bottom-up, not the top down.

This is one of the key distinguishing features of how the Internet manages itself, versus older, more traditional structures.

How we approach enhanced cooperation is not simply an issue of security or stability. It is an issue of how this critical resource is managed overall.

A good example of where this type of global cooperation was essential happened this past summer, when Kaminsky discovered a serious flaw in the DNS.

The Canadian cyber incident he response center was alerted to the Kaminsky flaw, which alerted its stakeholders, one of whom was CIRA. CIRA proactively worked with its already established Internet community and issued security advisories to all dot ca registrars providing information of the exploit and urged DNS providers to patch their systems immediately.

As a result, the most serious and immediate impacts were mitigated. The situation reinforces the need of establishing enhanced cooperation with key stakeholders.

In this case, primarily led by a group of private sector actors.

But it also highlighted the cooperation between global and local actors.

Moving forward, I think that the current model, though certainly not perfect and a continuous work in progress, has performed quite well.

A new separate intergovernmental process is not required, in my view.

The governance of the Internet is a cooperative and collaborative effort amongst all stakeholders, including, but not limited to, the private sector, governmental, technical and NGO organizations.

It is the combination of their strengths which has enabled us to get to where we are today with more than a billion people online.

It has proven itself to be adaptable and able to continuously improved based on the changing needs of multiple stakeholders.

The Internet model was robust and inclusive enough to include this very forum, the IGF, within its multistakeholder environment that is the Internet community.

I think the very inclusion of the important work that the IGF is doing is, in point of fact, a testament to the strength of the current structure and its ability to adapt and be flexible with changing times.

Thank you.

[Applause]

>>EMILY TAYLOR: Thank you very much, Byron, for bringing yet another perspective on enhanced cooperation to the table.

Now last but not least, Raul Echeberria is the chief executive of the not-for-profit Internet Protocol Address Registry for the Latin American and Carribean region, LACNIC. So Raul is a veteran of Internet governance discussions, having participated in the WSIS negotiations and as a member of the Multistakeholder Advisory Group. He is also active in ICANN circles.

Raul, thank you very much.

>>RAUL ECHEBERRIA: Thank you, Emily.

As the other speakers have said before, I am also very proud to be here in this panel, sharing the panel with so distinguished colleagues.

I originally planned to speak in Spanish, as I have done in other IGFs, but I still feel that when we speak in a different language than English in these kind of environments, we have a disadvantage with other speakers. It happened this morning with Adiel Akplogan, for example.

And I feel that the message is not given with the same power when we speak in other languages.

So I will try to appeal to my rudimental English which is less fluid than that of other speakers. I ask you to be indulgent with me regarding this fact.
>>EMILY TAYLOR: Raul, I must say, I am informed that the translation problems have been fixed, so please speak in whichever language suits you.
>>RAUL ECHEBERRIA: Thank you very much.
But being the last speaker in the panel, there are not too many things to say, probably, after the good speech from the other speakers. But let me share with you what is my interpretation about enhanced cooperation.
I had the opportunity to participate in the negotiations in Tunis. When we arrived in Tunis in 2005, we had a serious risk of failure of the summit because there were a serious disagreements over Internet governance.
There were majority view regarding the fact that the Internet governance could be improved, should be improved. But there were two different visions. Some of us defended the idea that the improvement should be achieved through the evolution of the existing organizations while other people defended the idea that something new should be created, new mechanism basically for giving more participation to the governments, international and intergovernmental organizations.
And so it was very, very difficult to get an agreement, but the most important thing was the willingness of the governments to get an agreement in the last two days of negotiations before the summit.
But creativity was needed in this for doing that.
So I don't know if you realize that, but I need to mention an agreement is basically a document that doesn't resist any grammatical revision but makes everybody equally happy and unhappy.
So somebody proposed the notion of enhanced cooperation, which was very, very good, because it's a concept that gives the power that something should be done, but at the same time, avoided the use of words that could be more closely related with ideas of evolution or creation of things.
So it was this ambiguity provided by this concept of enhanced cooperation was that allowed the agreement in Tunis.
So what is basically the enhanced cooperation? The enhanced cooperation is the challenge to improve the relationship between stakeholders.
So what is, basically, enhanced cooperation?
Enhanced cooperation is the challenge to improve the relationship between stakeholders. And enhanced cooperation and to allow the participation of all stakeholders in different organizations and different development -- policy development process.
What we have done, because this idea is -- basically, the agreement is that we should do that within the framework of the existing organizations, because there was no agreement to do anything new.
So let me disagree with the previous speaker in the sense that I don't think that there are different views regarding what -- so different views regarding what is enhanced cooperation. I think that the disagreements are more focused in if what we have achieved is enough or not.
It applies to different organizations.
The own process of WSIS and the working group on Internet governance and IGF itself has been a very interesting experience of cooperation and collaboration among stakeholders. And when we look at the workshops that are being held in other rooms, most of the workshops are being organized by a collection of different stakeholders, governments working together with civil society organizations; private sector, intergovernmental organizations. It's very interesting. And I think that it has permitted us to work in a different level with other stakeholders.
But we have gotten many other improvements.
Many organizations have done many things. I can speak more about the LACNIC experience.
And in the framework of our region, the situation today compared with the situation in 2003, five years ago, is absolutely different. We have a very good relationship with governments, with civil society organizations. We participate in intergovernmental organizations in equal footing with governments. They have opened the door to us to participate, and participate even in negotiations. As also the governments have come to participate, to become more involved in LACNIC activities, which is something that probably five years ago nobody could have imagined that.
So I think that our organizations are basically better than what they were five years ago. And I have to thank not only the people that have participated in the process defending the existing arrangements, but also the people that have to (inaudible), this arrangement, because the process has made us to take measures to improve the organizations. And as I said before, our organizations are much better now.
It has relation also with some concerns that have been expressed in the previous panel. I think that our organizations are more well founded and it gives the communities more warranties regarding what we do.
But enhanced cooperation is also a living process. It's not something that could start at a given moment and

finish in another time. It's a living concept. We have to continue working on that, because not only the organizations and the processes are not perfect, but also the context is changing all the time. So the challenge that we have to face are different.

So what is good at this moment probably is not good next year. So this is something that we have to continue working on.

We have -- we realize that there have been a lot of problems in the regional level, also in the national level. Everton Lucero is here, sharing the panel with us. And he represents Brazil. That is a country in which important results have been achieved in this field. And it is not the only country. There are other countries in which we can see very important results, too.

As we are happy with all the achievements that we see at the local level, at the regional level. But we still have some problems with some international organizations. And this is what I said before, is we have different views sometimes regarding if the achievements that have been -- the things that have been achieved are enough or not, because, for example, let me say an example, a few weeks ago, it was held the standardization assembly of ITU, the WTSA, for short. Very important things were discussed there, very important things that are very closely related with things that are being done by other stakeholders. But there were no clear process to influence the decision, to participate in a good, in an equal footing with the governments there.

So some of the resolutions that were taken there probably are not seen by other stakeholders are going exactly in the direction of the enhanced cooperation.

So we feel that some work is still necessary in many forums in order to improve the enhanced cooperation. But the results achieved until now are really very remarkable.

Thank you.

>>EMILY TAYLOR: Thank you very much, Raul.

[Applause]

>>EMILY TAYLOR: So I'm now going to throw it open to the floor. And don't forget that there will be additional opportunities to comment this afternoon.

I think, while we're just waiting for the microphone to be given, there's a gentleman here in the center, and another one there.

Okay, right, we've got lots.

So thank you, sir.

>>CHUCK GOMES: Thank you. I appreciate the sharing of each one of you.

I'd like to share an observation, and then --

>>EMILY TAYLOR: Sorry. Could I just interrupt you. Could you just introduce yourself.

>>CHUCK GOMES: My apologies. Chuck Gomes. And I'm going to be speaking from the standpoint of my role in the Generic Names Supporting Organization Council, because we are embarking on a process to make some significant improvements in our policy development process.

I've heard throughout this week so far, and at least two speakers made this comment on this panel today, that there's a lot of frustration in terms of the role of governments in ICANN.

And my observation is, is that we in the GNSO have, for the last couple of years, been trying very hard to get government participation in our policy development processes. But we have been very unsuccessful. And so I keep hearing the complaints that governments aren't involved. What I have found is, we're having very much -- a hard time in getting government involvement in that.

So what I'd like to challenge you with is to help us understand how we can better do that.

We are embarking on a process of GNSO improvements, including one of the most significant things is the development of a working group model that will be open to all, without restriction. And that includes governments.

So, please help us understand how we can accomplish that.

And I challenge you to get -- for government representatives to get involved in the working teams that we will be initiating shortly to develop the working group model in a very open way to include governments. Thank you.

>>EMILY TAYLOR: Thank you very much, Chuck.

Can I ask the questioners to keep their statements brief. I'm going to take a couple of questions and comments now. I'm going to close the list. But please keep your questions for this afternoon if you don't get the opportunity. Because I'd like to go back to the panel and also finish with our chair for a couple of comments.

Thank you.

The gentleman in the middle. Thank you.

>>:Thank you very much, indeed, Emily. I'm a British member of parliament. There are four of us here. And

I think that it's an important indication of the way that M.P.s should get involved more in this process. And I've certainly learned a lot. This is my first IGF. I wasn't at Tunis.

If I had been, I think I'd have been a bit confused about this concept of enhanced cooperation, because I've heard different versions of it from the panel.

Perhaps that might have been deliberate.

But the fact is that, as a politician, when I hear a couple of words like "enhanced cooperation," my instinct is to say, ah, somebody is trying to restrain something, to institutionalize it, to grab back influence.

And the reality is that while we're talking about it, the Internet is growing, it's expanding, it's penetrating, its technology is changing. We're moving into new fields of Web 2. And people are using it in different ways.

So the message, I think politically, which I'd like the panel to address is that if enhanced cooperation is an attempt to institutionalize the Internet, then you're wasting your time.

If it is an attempt to improve the way that standards, spectrum, new satellite technologies, can improve access and diversity and interconnection, then that's great.

But the best way of trying to use what otherwise is a very positive medium to eliminate those things that destroy trust, like child pornography, is not by legislation. You'll be behind the curve. What you have to do is cooperate between various groups that have an interest in the particular area. And best practice is the way forward for that. And I give my tribute to Nominet for sponsoring quite a lot of the work we've done in the United Kingdom in that field.

So can we have a bit more relaxation from the panel, a bit more understanding that, don't try and grab control of something that's anarchic. We politicians have long learned that trying to legislate for change is more likely to lead to the wrong solutions.

[Applause]

>>EMILY TAYLOR: Before moving to the next person, can I just ask for some panel reaction to that.

So, Everton, we've heard from some speakers that the -- you know, the Internet is moving fast, and it seems to be working. Another questioner here was saying, if governments are not participating, please help us to help you participate.

Could you just have a few comments on that.

>>EVERTON LUCERO: Yes, of course.

Thank you, Emily.

I think that this debate is all about representation and legitimacy in decision-making.

The Internet started being managed on a personal basis. Jon Postel knew the technicians, the people involved, distributed some attributions. But the Internet was small at that time. It was restricted to universities. And it evolved so fast, incredibly fast, that nobody could at that time imagine.

And the situation that we have now is that we have 1.3 or 1.5 billion people accessing the Internet on a daily basis. And we are expecting another one billion or more in the next few years.

So the structures to take decisions that will affect the uses of the Internet and the users, need, accordingly, to progress.

And I entirely agree that the idea of cooperation with all interested parties. That's why I mentioned in the beginning of my speech as an example of a national-level arrangement that is valid is the one that we reached involving the Brazilian federal Senate, Google, a private company, SaferNet, an NGO, the law enforcement in Brazil, and the federal police to fight child pornography.

This is a concrete example that it is possible to mobilize all those interested parties when there is a need, a concrete need, to address a problem that is required by society.

But to get there, we needed to have a federal commission of inquiry in the federal Senate. And those of you who were here yesterday heard from Senator Magna Malta, the chairman of the commission, that he had to get close to extreme measures to get those involved into an agreement. Finally, he managed to do that, and we have something that is perhaps unique, because in a democratic society, we managed to coordinate with all those interested parties to fight a concrete problem.

Now, as for the reference to the GNSO, I'd like to remind you that governments -- and this is a position that my government fully shares -- governments are not supposed to manage the Internet on a day-to-day basis routinely. There are roles. And the roles of government is to coordinate public-policy issues or issues that have impact on public policy. Because if governments do not do that, who else would?

And to do that effectively, governments need to do it on equal footing and on a global scale, not only a few. Because if it is concentrated, we will not take into consideration the legitimate concerns of the developing world that is where precisely the Internet is growing more and will grow even more in the coming years.

Thank you.

>>EMILY TAYLOR: Thank you very much, Everton.

[Applause]

>>EMILY TAYLOR: I'm going to take a couple of questions from the floor.

Please, can you phrase them as questions, if you possibly can, rather than comments, and keep them as brief as possible, to allow our panel to react.

Sir, in the middle. Then I'm going to come to you, Milton, and then there.

>>:Thank you, Chair.

And my question would be why governance is being -- enhanced cooperation, rather, is being interpreted as a question of control, is being interpreted as a question of ownership.

And I would also like to point out that while congratulating my Brazilian colleague on the panel about their exercise of national sovereignty and national laws to address what is actually a systemic governance problem which occurred with Google in Brazil and also managed to harness local actors as well as international actors in cooperating with the U.N. solving this problem, this shows that sovereignty and national governance of the Internet can coexist. But internationally, there are significant interests from governments, from civil society, from business. And trying to achieve control or paramouncy in any one area or sector may not be as productive as it sounds.

Of course, for national sovereignty and for national coordination of what is actually a national resource and a public good, that is definitely a government role.

>>EMILY TAYLOR: Thank you very much.

Milton, do you have a question?

>>MILTON MUELLER: Yes, I do.

I actually have a question.

Okay. We have two distinct concepts of enhanced cooperation up here. The one that I understood was articulated by Mr. Lucero and to some extent by Parminder Singh, saying, to put it in a concrete context, that if you have -- that enhanced cooperation was trying to solve the problem of governmental role in Internet policy-making.

And Mr. Lucero proposed a specific principle which I thought was very interesting, and I'd like to here Mr. Beaird's and Mr. Singh's reaction to it. And that was, he said if governments are not involved, such as in IETF or the NRO, that's fine. But if governments are -- you have an international organization which only one government or a select group of governments is involved, that that's a problem, that's something that enhanced cooperation should be trying to fix.

>>EMILY TAYLOR: Dick, would you like to react to that? So the challenge is that only a few or even one government is involved.

Can I have your comments, please.

>>RICHARD BEAIRD: Thank you very much.

The view that I take in this is that if we have learned anything as a result of the WSIS process and our experience since 2005, is that it's precisely much more complex than to articulate a problem as we did in 2003, that there is a one-country problem.

In fact, what we're dealing with -- and here I come back -- which I think the 39 ministers that met in Seoul, including representative from Brazil, which may not have signed the declaration, but was there, understood, which is that we're talking about an Internet economy, which is a much broader concept than we had previously, which is certainly much more -- broader than simply talking about domain names.

Domain names is a facilitator, is a tool within that economy.

Governments are engaged in this process at every level. And my dear friend Everton has given us some excellent examples of where governments are involved.

Let me give you one more point to add to this, which is that -- the point being is that governments are involved at every level of the Internet because it is now, we understand, to be an Internet economy. But, further, if there is one thing we also learned from the WSIS process, when governments came together in 2005, the one thing that dominates the documents that are there, both out of Geneva, but certainly out of Tunis, It's e-government.

It's how the Internet, used by governments -- and, by the way, governments by all studies are the early adopters of applications and uses of the Internet -- is making possible services that had not been made possible before, prior to the Internet. And that governments, when they came together at the highest levels said this is probably the most important thing for us to talk about.

And I think that's the point that needs to be made over and over again in these discussions, which happen at fora such as the IGF which may be rather focused, is that the world outside, in every region of the world, governments are engaged. And that at every level of society, governments, civil society, and the private sector, they are all engaged, and they will find their own level of engagement depending upon their cultural

and political context.

So my response is that be more positive and be more observant of what, in fact, has happened, and understand that we are all now a part of the Internet economy.

Thank you.

>>EMILY TAYLOR: Thank you.

Now for those of you who want to ask questions, I will just highlight that this afternoon is a much more open format, and there will be plenty of opportunity to continue these discussions.

I would like to take this time now to have the thoughts of our Chair, Mr. Raju, Dick mentioned the world outside. Perhaps, please, you can tell us and help us, how does this debate look to the world outside our, perhaps, quite small circle here?

Thank you very much.

>>RAMLINGA RAJU: Sure, thank you, Emily. I am quite proud to be part of this distinguished panel, and I must also admit there is very little that I can add to what has already been stated.

I would like to, as a representative of business and as a person coming from the services industry, offer some comments about what we are seeing in the business world vis-a-vis the Internet. For a services company like Satyam which has about 52,000 people providing services globally, what we find is that the influence of knowledge and of information is enormously growing in creating value.

And that is acting as a great equalizer.

And some of the things that we observe arising out of the global economic meltdown and also some of the acts that we have seen take place around security only recently indicate that we are living in a highly interconnected world.

We are sitting on a great asset, which is the Internet. And that has also put a collective responsibility on all of us to manage this asset well, because this is an asset that can eliminate poverty very quickly, address issues several around education, health and a host of other things.

It doesn't take 40 or 50 years for the bottom of the pyramid countries to address some of the most fundamental issues.

So I was quite fascinated to hear many things coming from a multi-dimensional understanding of managing this complex asset called the Internet.

There were financial dimensions addressed here, ownership issues that got discussed, financial aspects, human resource aspects, technological ones, geographical issues, issues around processes and protocols.

Security is going to play an enormously important role. Issues around how we mitigate risk. How do we address issues as more abilities come into play a very important role. Where are stakeholders, whether it is at the people level or governmental level or business-to-business level got, in a way, addressed and discussed.

I am sure this collective attempt to bring greater focus to manage this asset in a cooperative fashion will yield significant results as we go forward.

As a country, India is recognizing that this is a road, in one sense, for it to get more effectively connected with the rest of the world. And in that sense, today the boundaries have become much thinner. And we are very proud in India, and particularly in Hyderabad, to have an opportunity to host a conference of this kind.

Thank you.

>>EMILY TAYLOR: Mr. Raju, thank you very much.

[Applause]

>>EMILY TAYLOR: And perhaps it's worth noting that while we were all busy arguing about enhanced cooperation, Mr. Raju was building a business with 52,000 employees and a turnover of over $2 billion. Perhaps there's a lesson there.

But I think what we have heard from the panel is that the Tunis Agenda arose out of a clash of visions. And it's not surprising that in the closing moments of those negotiations, when a compromise was reached, it was only agreed to because all of the different actors who brought to the table their different visions could see something for themselves in it.

And perhaps it's no surprise that we continue to express those different visions as time moves on.

Somebody once said that an Internet year is like a dog year. Well, I think that several speakers have highlighted how time has moved on and how quickly and rapidly the Internet has developed in the intervening years.

So perhaps these are thoughts that we can bring into our discussions this afternoon, how we take those different visions and try to seek common ground.

I think every speaker, if I can end on a positive note, has highlighted that in different sectors there has been progress, which is welcomed. Whether that's in Brazil through their national processes or in, as Raul mentioned, in his organization just becoming better and more connected with different stakeholders.

Let's hold onto those positives, those areas where there is convergence, and let's try to understand each other's different perspectives as we move forward with the debate.
Thank you very much.
[Applause]
>>MARKUS KUMMER: May I quickly say something about a book that has now been made available.
We have published a book on the first two years of the IGF, which is now made available at the HICC in all the meeting rooms.
And please don't forget to hand back your earphones.
We reconvene at 3:00.
You can either do it now, in writing, or in the afternoon session, if you come.