

# The Legacy of the Working Group on Internet Governance

—Peng Hwa Ang<sup>1</sup>

It has taken almost 10 years since the mass public availability of the Internet in about 1994 for an international group to be formed to look into the issue of regulation and governance. Even as recently as at the turn of the century, just a few years ago, the idea that such a group could ever be formed was difficult if not impossible to imagine. After all, in the early days, scholars and promoters alike declared the Internet beyond the realm of government.<sup>2</sup>

There are many reasons for the perception that the Internet is beyond control.<sup>3</sup> One of the key reasons is the decentralized nature of the architecture of the Internet. This decentralized nature means that there is no central authority over all aspects of the Internet; there are various bodies and agencies that have some control over some aspects of the Internet, but no one authority over *all* aspects of the Internet. It explains why it is difficult, though not impossible, to censor the Internet.

In the early 1990s, researcher Harry Bouwman observed that decentralized networks were more successful in diffusion than were centralized networks. In his 1993 study of videotext systems in the United Kingdom, France and Germany, Bouwman found that the French version called Minitel was the most decentralized in its architecture. Information providers used Minitel as a conduit to purvey their wares; the French telecommunication company, the owners of Minitel, merely facilitated the transaction. That is a simplification of the process but the distinction is key: the videotext systems creators and owners in all the other countries also tried to be the information providers.<sup>4</sup> It was, after all, the era of the Information Age where information was the gold of the future.

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<sup>1</sup> Peng Hwa Ang was a member of WGIG. The views expressed are his own.

<sup>2</sup> See David R. Johnson and David G. Post, (1996), Law and borders – the rise of law in cyberspace. *Stanford Law Review*, 48(2), 1367, and John Perry Barlow, (1996), *Cyberspace Independence Declaration*. Davos, Switzerland. 8 February. *WIRED* 4.06. See Peng Hwa Ang, (2005). *Ordering Chaos: Regulating the Internet*. Thomson, Singapore, especially pp. 35-38 for a history of these “first-generation scholars”.

<sup>3</sup> In fact, *Beyond Our Control* (2001, MIT Press) is the title of a book by Stuart Biegel of UCLA discussing regulations of the Internet.

<sup>4</sup> Harry Bouwman, 1995. Videotext in Europe: Success and Failure. In *Videotex Development in the Asia-Pacific: Policy, Marketing and Implications*, (Eds.) Eddie Kuo and K. C. Ho. Singapore: AMIC. 18-34.

Counter intuitively, the decentralized French Minitel was the one videotext service that thrived. But if Minitel was decentralized, the Internet is even more so. The telecommunication companies that used to provide videotext services are now reduced to being mere conduits of the information. They are not needed in the transactional process between the provider and the consumer of any information or service online.

So if decentralization was a key factor in the success of the Internet, why is there a need for centralization in its regulation?

There are a few reasons. First, a decade after the Internet was introduced to the public, it has become too important not to have some form of government involvement in its running. Second, governments and international agencies have come to realize that it is important to have governance at the international level. And third, governments and international agencies have come to realize that, in fact, it is the developed world that has done the most by way of regulating the Internet.

As the WGIG report has shown, there is much that can and needs to be done by way of governance. The notion of governance, as the Group has defined it, is sweeping: it encompasses all aspects of rule-, standard- and norm-making surrounding the Internet. It goes beyond issues related to the Domain Name System (DNS) under the watch of ICANN. The Working Group's proposals surrounding governance do not amount to anything resembling a take-over of the Internet. On a day-to-day basis, the Internet works – the WGIG Report recognizes that. However, decentralization as an end in itself is not necessarily a good form of governance. There are many areas that would help the Internet if there were, at the very least, more coordination among governments, international agencies and other stakeholders. An obvious example of such an area is spam. As the WGIG Report observes, it has reached the stage where, in developing countries, spam is now the bulk of email traffic. There are technical solutions to spam but they can only go so far and, fundamentally, they impose the cost of spam on the receivers. Without disincentives, spammers grow bolder. The only way to stop spam is to stop the spammer; international coordination among agencies with enforcement powers is therefore the best way to stop spam.

For most people, at the very minimum, there is a need for a body that comes together to meet and discuss issues pertaining to the Internet in a coordinated manner. The countries that would derive the most immediate benefits would be the developing countries. They would be brought up to speed on key Internet law and policy issues; they would be able to learn the best practices; and they would be better able to avoid the pitfalls in the diffusion of the Internet.

However, the developed countries would also benefit. The Internet after all derives its power from the network effect: the more people there are on the Internet, the more useful and, thus valuable, the network of the Internet is.

This chapter discusses the coming together of various stakeholders in the governance of the Internet. It bears repeating that I am not advocating for a coup, but for fine-tuning and adjustments as part of an attempt to improve governance in the system.

## Internet governance is more about governance than the Internet

The first point to note is that the issues of Internet governance are more about governance than the Internet. To be sure, there is a need to understand the mechanics of the Internet, to understand its special characteristics, such as why many people say it is ungovernable, as well as to understand its limitations. And so the issue papers lay those characteristics and limitations out.<sup>5</sup>

Governance already exists on the Internet, and existed even before WGIG. The term refers to the total policies, processes and outcomes of formal and informal regulation. In fact, modern life would be impossible without governance. Etiquette, say keeping quiet when a person, no matter how boring, is speaking, is a form of governance for meetings and seminars to proceed. This simple informal rule, informal because in most settings it is not written down and the sanction is usually in the form of cold stares from others in the audience, is a form of governance.

Given that the Internet already works, how can governance be improved?

Well, it should be remembered that governance pertains to human behaviour, not technology. In other words, when laws are applied to technology, they do not so much apply to the technology as to the *use* of the technology. So legislation that, say, outlaws spam, does not bar spam from entering one's mailbox. The legislation aims to reduce spam by penalizing the spammer, assuming, of course, that the spammer can be caught and prosecuted.

Once the passage of law is an important factor, then one enters the realm of how the laws are made. And here, WGIG has made the recommendation that any government or agency making laws and policies concerning the Internet should be **transparent, democratic, multi-stakeholder** and **multilateral**. The recommendation addresses the process of governance by recommending the parties who should be involved and the manner in which they should be involved. So governments, the private sector and civil society (multi-stakeholders) from many countries (multilateral) should be open (transparent) in their meetings and consultative in acknowledging the majority's interests (democratic) in their decisions. Merely having these four factors present in a governance mechanism does not necessarily guarantee the best decision. However, not having them is more likely to lead to a poorer decision.

### Multilateralism

Multilateralism, or the participation of many countries, assumes the participation of governments with equal capacity and interest to handle the issues at hand. The interests of governments do not coincide so perfectly. For example, while the larger developing countries such as China, India and Brazil want to have a larger say on the world stage, smaller developing countries are prepared to let the USA take the lead in policy formulation concerning the Internet. Informal comments from officials of some of these countries to the author indicate that many

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<sup>5</sup>The issue papers are available on the WGIG website - <http://www.wgig.org>.

are privately pleased with the “generosity” of the USA in allowing the rest of the world to connect to the Internet, which was, after all, invented by the Americans.

This disparity between the public and private faces highlights the inevitable politics that accompany multilateral meetings. Having such a meeting under the UN system would bring in the geo-politics of the UN. For example, Taiwan, with its .tw country code Top-Level Domain (ccTLD) name is not officially recognized by the UN.

Nevertheless, the process of being multilateral in governance necessitates a common forum because that is the means for multilateralism to work. And for all its flaws, the UN has enough influence and goodwill to be the host of the umbrella organization of the forum that is among the four forum proposals of WGIG.

## Transparency

Transparency means that the process leading up to the formation of the rule or policy or guideline is evident to the stakeholders, especially the final end-user of the Internet. It does not mean that all deliberations have to be open to the public. Just as it is difficult to live in a glass house without at least some curtains, so it is difficult to have completely open meetings all the time. Even in the case of the Working Group, which was conscious that it was working under a magnifying glass, there were closed sessions to allow its members to express what has been called “premature” and “incomplete” thoughts. Closed meetings, where ideas may be quoted but without attribution (what the Group called the semi-Chatham House, after Chatham House in the UK), allow radical, even foolish, and politically sensitive ideas to surface and be tested. Transparency in meetings, at a minimum, should mean that outcomes from the meetings and reasons for the outcomes should be made public so that the interested public may be able to respond.

In itself, transparency does not ensure better decisions. It does, however, tend to reduce corruption, whether of power or money. It also empowers the general public and all stakeholders as they can understand how the law was developed, and even see their feedback taken into account in the development of the law. Finally, it holds public officials to higher standards of accountability.

On the Internet, calls for greater transparency are typically made on governments. This is understandable as governments are the chief promulgators of laws and policies. But with the Internet, technology allows for greater transparency and this is becoming the Internet community’s expectation. So, for example, WGIG meetings became more and more transparent during the course of the consultations. After the first meeting, wireless Internet access was made available at the UN building. After the second meeting, webcasts of the open consultation were made available and transcripts of the meeting posted online.

Transparency is a continuum and can always be improved. In the case of WGIG, perhaps some statements explaining why certain things were done in certain ways would have been helpful. For example, in the last meeting, the Group was cloistered in a chateau that was difficult to

access from Geneva so that there would be fewer distractions. As the Chairman had expected, the Group needed six to eight hours after dinner for debate and drafting.

## Democratic process

Closely linked with transparency is the notion that good governance is marked by a democratic process. This is not merely a voting process in which the majority presents and voting wins. Instead, this embodies the spirit that outcomes are arrived at after a discussion process that takes into account the interests of the majority.

In local and national politics, the notion is readily understood because one can see the practical outcome of democracy. At the international level, where no such voting process takes place on a large scale, the notion of democracy is harder to apply. In essence, it calls for the larger nations to respect smaller ones. It does call for some give and take because democracy is antithetical to the notion that “might is right”.

As with transparency, there are limits to the application of democracy. With technological standards, for example, within IETF the rule of thumb has been “rough consensus and working code” not “democracy and working code”. Not everyone is consulted to arrive at a “rough consensus”; typically with industry standards, it is the industry players involved. Given that small group, it would be stretching the word to describe the process as democratic. The key, however, is that outcome is accepted by industry, users and governments without serious objection, a form of consensus. There is no formal definition of the term *consensus* but it is generally understood to mean the lack of serious objections: one may not fully agree but one can live with it. And should there be objectors, the process is able to incorporate the views of these critics.

Another limitation is in self-regulatory regimes. By definition, self-regulatory regimes are not democratic. The rule-making process is often confined to the industry involved. The public is typically not involved in the debate and discussion even though they may be affected; rules are often not made publicly available, presumably on the assumption that the rules are often intended to apply to industry anyway. Here the process is non-democratic but some steps can be taken to improve the process, such as, for example, making access to the rules easier and having public consultation before the promulgation of the rule.

Notwithstanding some of these limitations, a democratic process that brings together the diverse views of the community will lead to more robust outcomes.<sup>6</sup>

## Multi-stakeholderism

Until fairly recently, it had been taken for granted that government is the only legitimate party to promulgate law and policy decisions. Indeed, in many countries, this notion is still

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<sup>6</sup> See James Surowiecki's (2004), *The Wisdom of Crowds: Why the Many are Smarter than the Few and How Collective Wisdom Shapes Business, Economies, Societies and Nations*, Doubleday, New York.

widespread. The notion of multiple stakeholders is that government, the private business sector and civil society should come together in making regulatory and policy decisions. The WGIG process has shown that diverse groups can come to common agreements on many areas. To be sure, not all areas can work but there are enough common agreements. It is well-documented that a diversity of views helps the final decision.<sup>7</sup>

Here is another reason for a more cautious approach to legislation concerning the Internet – the tension that exists concerning the roles of government, civil society and business. To be blunt, there is mutual suspicion among all three stakeholders. This leads to a tendency to polarize on issues, with each painting themselves as white and the others as black.

In truth, all three groups need each other. Multi-stakeholder participation is especially critical in areas of fast-changing information and where expertise and domain knowledge lie outside the government, descriptions that apply very well to new technology. It may be increasingly evident now as multi-stakeholder participation in public policy formulation has been embraced officially by groups as diverse as the Commonwealth Heads of Government (CHOGM)<sup>8</sup> movement and the Islamic Development Bank.<sup>9</sup>

Such acceptance overcomes the question of the legitimacy of civil society: who chooses civil society groups and to whom are civil society groups accountable? It may be that the question of representation is the wrong question to ask because civil society groups are, by definition, not elected. Neither do they represent any particular segment of society. For example, civil society sometimes includes academia. But in some countries, academics are civil servants instrumental in developing and spreading the use of the Internet. Perhaps they might be seen as stakeholders highly interested in the development and use of the Internet for larger social goals, such as economic well-being, or freedom of expression, or gender equality. The early development of the Internet was shaped by activists interested in no more than the well-being of the Internet.

As is clear from the WGIG Report, each of the groups has a role to play. For governments, it is passage and enforcement of the legislation. The call for legislation is strongest where the social harm is greatest in areas such as cybercrime: phishing, online fraud and scams. But legislation may also be appropriate in areas where there is social nuisance that has been difficult to rectify, such as spam, which has reached proportions such that it is no longer possible for governments to ignore.

Even in self-regulatory regimes, a government backstop is essential for self-regulation to be effective. Indeed an attempt to create the Internet Law and Policy Forum (ILPF) has met with, at best, very limited success. In contrast to the similarly named IETF, the ILPF is open only to paying entities; its annual membership costs US\$ 20,000 a year.<sup>10</sup> Its schedule of activities has

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<sup>7</sup> Surowiecki's *The Wisdom of Crowds* concludes on this note.

<sup>8</sup> The Commonwealth Secretariat has a section on its website on civil society at <http://www.thecommonwealth.org/Templates/Internal.asp?NodeID=142018&int1stParentNodeID=20639>.

<sup>9</sup> Closing address by Dr Ahmad Mohamed Ali, President of the Islamic Development Bank, 23-24 June 2005, Kuala Lumpur, Malaysia available at <http://www.isdb.org/annualmeeting/eng/p821.php>

<sup>10</sup> Information from the Internet Law and Policy Forum at <http://www.ilpf.org/join/application.htm>

been sporadic, especially after 2002<sup>11</sup> while its 2005 membership roll comprised a total of 17 companies.<sup>12</sup> The incentives for rule-formation are simply much weaker.

Government intervention may also be necessary to create the infrastructure, legal and otherwise, to facilitate Internet diffusion and development. So, for example, laws to recognize electronic evidence, online contracts and digital signatures are essential for e-commerce to develop and thrive. Business and civil society may come together to adopt norms and standards but without the legal sanction from the courts, such standards will not go far enough.

Because the Internet is a new technology, government legislation should be slow on the uptake. The expertise concerning the use and development of fast-changing new technologies lies with business and civil society. Already, there are examples where hasty legislation has been made obsolete by technology such as the early digital signature laws that were technology-specific. Such legislation will need to be updated to be technology-neutral on the means of creating digital signatures.

## Forum

Given these diverse interests and needs, it seems obvious that a forum is the best way to exchange ideas and best practices, and coordinate cooperation that would enhance the development of the Internet. Seen in this light, therefore, it is difficult to understand objections against a forum that will, after all, have no enforcement powers. And in the WGIG report, we have proposed such a forum in the four models.

The WGIG process has shown that diverse groups, ably led and with the intention to arrive at solutions, can come to agreements. In fact, there were some thoughts that the WGIG might develop into a forum but that idea was quickly rejected. Besides being immodest, it just would not be a good model of governance for WGIG to perpetuate itself.

The forum must meet the criteria of being transparent, democratic, multilateral, and multi-stakeholder. It could use the WGIG model of having a mix of open and closed meetings. The open meetings should allow all interested parties to participate. There should be no cost, other than the cost of getting to the location, for participation. The proceedings should be webcasted.

Such a forum may, in the end, report directly to the UN Secretary-General instead of coming under any existent UN body to avoid legacy issues.

Inputs for the forum would be through the various agencies that currently exist. ICANN, IETF, governments, civil society groups, etc. would give their inputs. There could be sub-sections of the forum to deal with specific issues. It would then be up to governments to decide on implementation.

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<sup>11</sup> Information from the Internet Law and Policy Forum at <http://www.ilpf.org/about/press.htm>

<sup>12</sup> Information from the Internet Law and Policy Forum at <http://www.ilpf.org/about/members.htm>

The forum would issue recommendations on best practices. Such recommendations, while not having the force of law, would be persuasive and make it easier for organizations and agencies to cooperate on such issues as spam, child pornography and cybercrime such as phishing. Governments that do not have the capacity to develop their own laws and policies would be able to look to the forum as a pacesetter for their own practices.

There is of course the hurdle in the form of the US Government which disapproves the idea of a forum, preferring instead to let matters stay at status quo, where matters are discussed at multiple fora.<sup>13</sup> This is not entirely unexpected as the United States has not participated in dozens of international treaties on human rights and social development. It has not endorsed the International Criminal Court nor, ironically, earlier treaties on terrorism. Without the support of the world's most powerful nation and the one that invented and has great influence over the Internet, such a forum will not be truly effective.

### Next steps

Today, the Internet works. It is not broken. Nevertheless the governance of the Internet can be improved both in substance and process. Much work has been done by the more developed countries in substantive areas such as spam, online fraud, privacy protection and online child pornography. International coordination and cooperation in these areas will help the developing countries. And with the network effect, where the value of a network rises in geometric progression as the network size increases, such coordination and cooperation will also benefit the developed world.

At the international, regional and national levels, Internet governance can be improved by being more transparent, democratic, multilateral and multi-stakeholder. Here it is ironic that the US Department of Commerce (DoC), in shooting down the idea of a forum, has given itself a black eye in public opinion. Until then, it seemed quite evident that ICANN was well-managed. Against the yardstick of being transparent, democratic, multilateral and multi-stakeholder, ICANN measured up very well. In fact, many international organizations would pale in comparison to ICANN in this regard. And the US Government, having given birth to ICANN, would have earned kudos for its boldness in cutting the final apron strings of ICANN when its contract with the DoC expires in 2006.

Furthermore, governments are much more aware of the importance of the Internet and of Internet governance for their affairs, and therefore want a larger say, notwithstanding that the Internet was not invented on their soil.

Optimistically, one way of looking at the US position against such a forum is to treat it as a bargaining position. Just as one quotes high when selling and low when buying, so the US is uttering its position before "negotiations" begin for the WSIS meeting in Tunis. Hopefully by then, it will be clearer that the Internet is beyond the control of one government and that all governments do want to have their say in the governance of the most important communication technology today.

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<sup>13</sup> Michael Gallagher, (2005) U.S. Principles on the Internet's Domain Name and Addressing System available at [http://www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples\\_06302005.htm](http://www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples_06302005.htm)

## Post Script

The WSIS meeting in Tunis decided to create the Internet Governance Forum (IGF), a light weight (minimal cost) structure with no decision-making powers. Oversight of the root zone, however, would remain in the hands of the US Government. Interestingly, the decision mirrors that of the WGIG Report. The Summit got stuck at exactly the same points where WGIG got stuck. WGIG agreed on the forum but WGIG could not settle on one model of oversight. To be precise, the US delegation did concede a key sticking point with Paragraph 63 of the Tunis Agenda: "Countries should not be involved in decisions regarding another country's country-code Top-Level Domain (ccTLD)." The first meeting of the IGF is to be held within the first half of 2006, in Greece.

**(Peng Hwa Ang, December 2005)**

## References

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# Strengthening the Voice and Participation of Developing Countries in Internet Policy-making

– *Mohamed Sharil Tarmizi*<sup>14</sup>

“Internet policy-making” is, in some ways, a paradox for some countries, especially developing ones. When one has never used the Internet nor knows what the Internet can be used for nor experienced the deluge of emails coming through one’s mailbox, how does one make decisions with respect to this creature? Access to the infrastructure remains the primary challenge.

Another is the perspective and definition one applies to the Internet. The very name itself is a coined term with a capital “I”. Why is this choice of a capital “I” in the description significant? It is a word which never existed before the mid-1970s. In almost every community, irrespective of language the term “Internet” is universally recognized but often with a variety of implications and meanings.

However, the base understanding seems to be the same, i.e. a recognition that the use of ICTs is critical as part of the broader agenda to building an Information Society<sup>15</sup>. In particular, the Internet has almost been singled out as the biggest potential ally in bridging the ‘digital divide’ and a potential tool in assisting countries to meet the Millennium Development Goals (MDGs) of the UN<sup>16</sup>. Interestingly enough, the MDGs in themselves do not mention either ICT or the Internet.

When discussing the Internet, I very often quote a story of the “three blind men and the elephant”. Each blind man approaches the elephant – one from the front, one from the rear and the other from the side. Each has his own description of the elephant with the one in front describing the elephant to be something like a muscular tree trunk, the one from the back describing the elephant as more of a twig and the one from the side describing the elephant as something akin to a wall. Each blind man is correct from his own perspective, but we know that all of them are quite far from achieving the description of an elephant, as we know it.

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<sup>14</sup> This chapter represents the author’s personal opinion and does not represent the views of the author’s current employer, the Malaysian Communications and Multimedia Commission or the Government of Malaysia, nor does it represent the position that the author holds as Chairman of the Government Advisory Committee of ICANN.

<sup>15</sup> Article 1, WSIS Declaration of Principles, WSIS-03/GENEVA/DOC/0004.

<sup>16</sup> Passed as a resolution of the UN at the 8th Plenary Meeting on 8 September 2000, see <http://www.un.org/millenniumgoals/>

In a manner of speaking, this is what the Internet is all about. Each one has a perspective on what the Internet is to us – some identify the Internet with web browsing, some with email, some with e-commerce, and so on. A large part of this definitional perspective would depend on the level of development a particular economy has achieved. The developed economy would have many of the institutional frameworks and policies in place as such that much of Internet policy-making could be left in the hands of the private sector. In contrast, those countries or economies which are less developed would arguably require much more direct government intervention in assisting to build capacity to manage the resource.

The above statement is, of course, very much a generalization of a very complex issue. There are also many examples of the private sector taking the lead in less developed countries and economies where most government resources are spent on developing far more basic infrastructure such as electricity and water. For example, in Mongolia and Indonesia, many initiatives on the introduction of the Internet to the community started from the private sector, where like-minded people, educational institutions or companies invested directly in the setting up of the local Internet infrastructure. A primary reason for this was that the governments in these countries had to focus scarce monetary resources on more basic goods and services such as building roads, providing clean water and electricity to the population.

Notwithstanding, I would posit the argument that for the Internet to reach the masses, governments have to play a key role in making available the policy framework for ICT and the Internet, more specifically to be used to bridge the digital divide and meet the objectives of the MDGs. Governments could then allocate resources to make the Internet available to everyone but this may be at the expense of other more pressing development needs. I would submit that governments should set policies and frameworks which encourage the private sector to put in the necessary investments in order to make it available to the people. However, these two role players will not be complete without the third element: the support of civil society to assist in building capacity of the masses and encouraging broad user adoption.

In some ways, the three key stakeholders, government, the private sector and civil society, are like the three blind men; each will have its own perspectives but all three are required to make the picture complete.

### **Forums for Internet governance: a multilayered approach?**

I am concerned about the use of the term “governance” itself for I have learnt through interactions in the process leading up to the first WSIS meeting that the term itself is open to many interpretations in different languages. In plain language, the term can mean anything from coordination, to management to control or the exercise of sovereign authority.

Many others have written extensively about the different forms or types of governance, analyzing the current models available and providing extensive frameworks for analysis<sup>17</sup> or

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<sup>17</sup> See, MacLean, D.J., “Herding Schrodinger’s Cats : Some Conceptual Tools for Thinking about Internet Governance”

critiques<sup>18</sup>. I therefore do not wish to repeat the analysis other than to commend them for their extensive research into the matter. I would, however, like to start almost afresh from a practical perspective and perhaps from the perspective of someone who lives in a developing Asian country but has worked and was schooled in a developed European country. In this respect, I would refer readers to the relevant articles in the WSIS Declaration of Principles<sup>19</sup>, as mentioned in WGIG Chairman Nitin Desai's preface in this publication. It would not be an exaggeration to say that this text took up the majority of discussions in the WSIS and WGIG<sup>20</sup> meetings.

## Efficacy of the current structures?

The Internet, as we know it, operates at several layers – a physical layer, a logical layer and an applications layer. Could this therefore mean that the governance of the Internet could also be conceived as layered? The WGIG attempted to classify the clusters of key issues surrounding the concept of Internet governance<sup>21</sup> to include:

- infrastructure, both physical and logical;
- applications and the surrounding problems;
- broader issues such as intellectual property rights and consumer protection; and last but not least,
- developmental aspects of Internet governance, including capacity building, etc.

In every aspect, WGIG also attempted to identify the institutions, formal or otherwise, which have a role to play or are currently performing a function with respect to the identified issues. The attempt at classification by WGIG is, in my opinion, a reflection of the “stakes” claimed by the five institutional groupings identified in Article 49 of the WSIS Declaration of Principles: governments, private sector, civil society, intergovernmental organizations and international organizations (hereafter referred to as “institutional groupings”. So, now, the three blind men may have just become five).

Each institutional organization brings with it a certain perspective with respect to Internet policy-making that may well be accurate from within its own constructs but, as in the case of the blind men, the picture may not be complete. Each has its own weaknesses. One issue of major concern with each institutional grouping, taken on their own, is that of the transparency of information and decision-making processes with respect to Internet policy-making. I will briefly deal with each one in turn.

- **Government or sovereign nations**

Traditionally, government is identified as the representative of the people or the population. With an increasingly globalized world and the empowerment provided by the Information Society, the subject of governments truly representing the people is increasingly questioned.

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<sup>18</sup> See, George Sadowsky, Raul Zambrano and Pierre Dandjinou “Internet Governance: A Discussion Document,” in *Internet Governance: A Grand Collaboration*, A collection of papers contributed to the United Nations ICT Task Force Global Forum on Internet Governance, New York, 25-26 March 2004. United Nations ICT Task Force, 2004, pp. 183-226.

<sup>19</sup> Articles 48 to 50, WSIS Declaration of Principles, WSIS-03/GENEVA/DOC/0004.

<sup>20</sup> See <http://www.wgig.org>

<sup>21</sup> See: <http://www.wgig.org/docs/Clusters.pdf>

Government meetings are usually held behind closed doors in locations which are sometimes remote from the issue at hand. There is often no way in which the average citizen can have his voice heard except through his elected representative in government. The voice of the elected representative is subsequently represented by the public officials engaged in the service of the country. Public officials are often not experts in the respective area of debate, in particular to one that relates to the Internet and may find themselves debating about a subject that relates to Internet policy-making without much input from the technical community or the public. Often, the detail or the impact of the input from the average citizen is lost in translation as it makes its way through the myriad of governments.

Notwithstanding the above account, it is generally acknowledged that governments provide a type of formalized and structured decision-making environment and, to a large extent, the roles and areas of responsibility of the various parts of governments are sufficiently clear. Depending on how one looks at it, it can almost certainly be said that governments by structure and definition should provide a holistic view of issues of concern within a society.

- **Private sector**

This grouping has always been identified with profit motivation as its prime objective. Therefore, there is concern that the needs of the users and society may be relegated in the pursuit of profits. Furthermore, unless one is a stakeholder within the corporation, there is often no *locus standi* to speak and be heard. Any oversight function is only exercised by those who have *locus standi* and perhaps by a regulatory agency of some form.

- **Civil society**

Civil society groupings are a fairly recent innovation, especially within developing countries. In many ways, they are the most powerful with those most involved in the issue championing the cause. They are a force to reckon with, due to the fact that they are usually issue-based or have a generally narrow focus on specific issues which may not initially be picked up by governments or the private sector, either intentionally or otherwise. For example, issues such as human rights, child labour, land mines and environmental issues are some early examples in which the civil society played a very strong role in creating awareness and, in some cases, public pressure to the extent that the issues can no longer be 'ignored' or relegated by the government or the private sector.

However, such groupings may not always be representative of the voices on the ground as they are potentially prone to be captured by the voices of a few "loud" ones. The challenges that are imposed on the resources to attend meetings are high. This grouping is usually self-financing and, consequently, faces resource constraints to meet the goals that it has set for itself. Therefore, apart from potential capture issues, this grouping potentially faces sustainability issues.

- **Intergovernmental organizations**

This grouping is by far the most institutional of organizations at the international level. It is often set up by consensus of national governments to deal with specific issues or areas, and is dependent on the national governments themselves for a mandate in dealing with issues which are not directly within its charter. Consensus is a major feature in decision-making and, in this

regard, the consensual approach helps to minimize any extreme positions by members of the intergovernmental organization. This often results in relatively neutral positions being taken by these organizations.

These international organizations also usually have extensive rules of procedure which can be laborious to understand, especially for those coming from developing countries where resources are limited. Due to its nature, this grouping is also often bureaucratic and slow to react to the ever-changing needs of the Information Society. Its membership is almost always governmental in nature although some organizations have mechanisms to allow for the limited participation from the private sector but almost never from the civil society. Currently, there is also no single intergovernmental organization at the global level which is equipped to deal with the complexities of Internet policy-making on its own.

However, the picture is not at all that bleak. In my personal experience, the greatest value that these intergovernmental organizations bring to any discussion is the wealth of expertise that they have within their areas of competencies. For example, ICANN and member governments of the GAC have relied extensively on the World Intellectual Property Organization (WIPO) for advice and guidance on intellectual property issues with regard to domain names.<sup>22</sup>

Several other specific examples are that of the Organization for Economic Cooperation and Development (OECD) which has developed several papers on trade- and commercial-related issues on the creation of new Top-Level Domains (TLDs)<sup>23</sup> and even that of the UNDP which has come up with various capacity building programmes and initiatives<sup>24</sup> to help leverage participation from developing countries.

- **International organizations**

This fifth and final category of the five institutional groupings is perhaps the closest to an egalitarian model for Internet policy-making that we have today. However, it is not without its own shortcomings. These organizations usually operate under their own charter established by their members. Due to their nature, they are perhaps not as bureaucratic as intergovernmental organizations and may be in the best position to use their relative “nimbleness” to serve the needs of their constituents. Due to their relatively limited resources, they probably make better use of ICTs in reaching out to their community and in disseminating information. They also probably have a combination of the civil society aspect and the private sector model within their constructs but often lack the participation of governments. Therefore, on their own, they also lack the complete package.

I am of the view, however, that the construct is far more complicated than that. It involves a myriad of intersections between the physical, logical and applications layers with the five institutional groupings mentioned earlier. It is the “internetworking” of these sections that is

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<sup>22</sup> See the First WIPO Internet Domain Name Process at <http://arbitrator.wipo.int/processes/process1/index.html> and the Second WIPO Internet Domain Names Process at <http://arbitrator.wipo.int/processes/process2/index.html>

<sup>23</sup> <http://www.oecd.org/dataoecd/56/34/32996948.pdf>

<sup>24</sup> See examples of capacity building programmes such as “Internet on Wheels-Mobile Internet Unit” at <http://www.undp.org/dpa/choices/2000/june/p15-17.htm> and “Launching of Internet for High Schools in Ethiopia” at <http://www.et.undp.org/ict/Launching.html>

one of the key questions in the debate over Internet governance. To illustrate this, we should revisit the role undertaken by the respective stakeholders in the internetworking model.

## **Learning about layered ‘internetworking’ from the Internet itself**

The network of networks, as the Internet is sometimes called, operates over the traditional physical infrastructure which was historically the purview of the telecommunications industry. The Internet rides over that physical layer with the respective protocols produced by collaborative effort within the IETF, together with various other stakeholders such as the Internet Architecture Board (IAB). Root server operators and Regional Internet Registries (RIRs) manage the protocols and the routing functions. The work done by IETF, RIRs and root server operators – for lack of a better description – is akin to the logical layer. Finally, the third layer is the applications layer. This layer is likely, by far, the most familiar to us as users of the Internet. It is the layer with which most of us interact. It is about websites, domain names, email, and things of a similar nature including concomitant side effects such as cybersquatting, spam, phishing, pharming, and virus attacks.

In some cases, I would even argue that there is a fourth layer that is distinct from these three layers and that is the e-commerce layer. It is possible to categorize e-commerce within the applications layer but I believe that e-commerce deserves its own label, and this is possibly the very reason why governments are now fast becoming interested in the Internet.

I would submit that each one of the five institutional groupings has a major role to play in the layers of Internet architecture. The degree of involvement or focus may differ but the involvement is nonetheless important to make the picture complete.

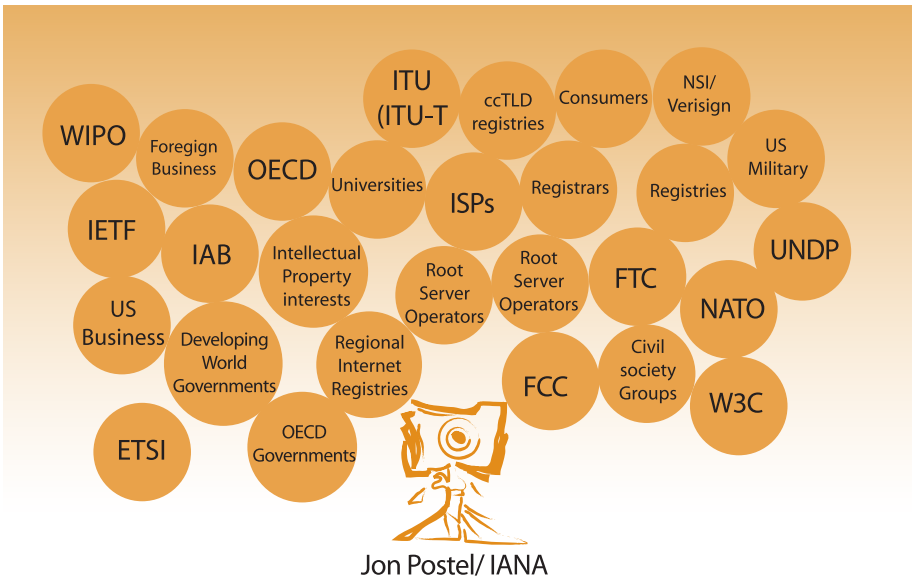
## **Internet policy-making: what is it all about ?**

When we discuss the topic of Internet policy-making in the context of Internet governance, what exactly are we referring to? Is it the governance over root server management, domain names, intellectual property rights, security issues, pornography, spam or what? As mentioned above, WGIG has categorized these issues into four clusters; and all of the above which I have listed are also included within the four WGIG clusters.

Figure 1 attempts to illustrate some of the complexities of the issues that the global community was faced with just a few years ago, when the Internet moved out of being mostly a research network and came into the mainstream. Just like the three blind men and the elephant, each grouping had its own perspective on what the important issues were. Intertwined with those various competing interest groups were the underlying issues about resource management relating to IP addresses, root servers and the role of the US Government with respect to the Internet. It was also acknowledged at that time that the “old way” of doing things, with one man<sup>25</sup> managing the Internet and consequently Internet policy-making functions, was inadequate and in need of reform.

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<sup>25</sup> Dr. Jon Postel who worked in the Internet Addressing and Naming Authority (IANA) under contract from the U.S. Government.



**Figure1 Complexities of Internet Issues**

Courtesy of Dr Paul Twomey, ICANN

In particular, there was a need to internationalize the Internet policy-making functions to be more reflective of the spread of the Internet worldwide within the global Information Society. Also, at that time, there was very little awareness amongst governments in developing countries on issues about the Internet.

As evidenced from the outcome of WSIS and WGIG deliberations, it has to be acknowledged that the list of issues has now grown from merely resource management in relation to IP addresses, intellectual property rights and domain names and addressing (which I refer to as ICANN-related issues), but for purposes of this chapter, I would propose as a starting point, to confine the discussion to those issues. In essence, the ICANN-related issues perhaps constitute the base elements of Internet policy-making with respect to what is sometimes referred to within the ICANN community as the “plumbing of the Internet”.

**The ICANN model and what it represents**

It was for this very need to internationalize the parts of Internet policy-making that relates to IP addresses and domain names that an organization called ICANN was created.

The US Government initiated a public consultation in 1997 that resulted in the US DoC’s Green Paper.<sup>26</sup> By 1997-1998, a number of governments were actively negotiating with the United States about the outcome of the consultation process based on the US DoC’s Green Paper and White Paper.<sup>27</sup>

<sup>26</sup> <http://www.ntia.doc.gov/ntiahome/domainname/domainname130.htm>  
<sup>27</sup> Statement of Policy on “Management of Internet Names and Addresses” (Docket Number 980212036-8146-02), U. S. Department of Commerce, 5 June 1998.

These early inputs to the process of internationalization are reflected in several texts from that period, qualifying in several respects the leading role of the private sector in Internet management. Consequently, in the conclusions to the 1998 US DoC White Paper:

“The U.S. Government believes that the Internet is a global medium and that its technical management should fully reflect the global diversity of Internet users. We recognize the need for and fully support mechanisms that would ensure international input into the management of the domain name system. In withdrawing the U.S. Government from DNS management and promoting the establishment of a new, non-governmental entity to manage Internet names and addresses, a key U.S. Government objective has been to ensure that the increasingly global Internet user community has a voice in decisions affecting the Internet’s technical management.”

By and large, the ICANN model of a multi-stakeholder partnership was an experiment in multi-stakeholder governance, taking into account the shortcomings of the five institutional groupings mentioned above. It was intended to organize inputs from the various stakeholders within the Internet community namely, from the technical community, the intellectual property community, the user community and governments.

The main aim was a relatively lightweight model (Figure 2) which could address some parts of Internet policy-making where inputs from the various institutional groupings and the various layers could be taken into consideration in the course of policy development. Stakeholders bring with them the requisite level of expertise in their respective areas as contributions to the discussion within the ICANN community. In order to be lightweight, a private sector model was chosen to be the form of this organization with the Board of Directors comprising representatives from all interested stakeholder communities receiving inputs from the broader community.

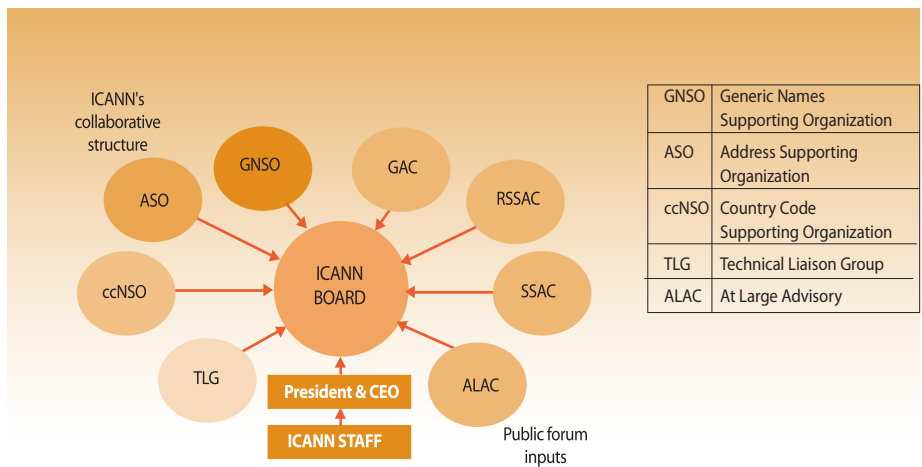


Figure 2 ICANN’s Collaborative Structure

As an example, the governmental grouping within ICANN, represented by the GAC is primarily responsible for bringing public policy considerations to the Board<sup>28</sup>. The Generic Names Supporting Organization (GNSO) has the primary responsibility of providing support with respect to generic Top-Level Domains (gTLDs). Within the GNSO, there is a more diverse grouping consisting of gTLD Registries, Registrars, Internet Service and Connectivity Providers, Commercial and Business Users, Non-Commercial Users and Intellectual Property Interests.<sup>29</sup>

The Address Supporting Organization (ASO) has the responsibility of providing support with respect to IP addressing in general<sup>30</sup> and the Country Code Supporting Organization (ccNSO) has responsibility for coordinating the input from all Country Code Managers<sup>31</sup>, some of which are privately run, government run, or run by a combination of the two with input from civil society.<sup>32</sup>

The Technical Liaison Group (TLG) is a unique collection of technical bodies which are involved in the Internet architecture including intergovernmental organizations such as the International Telecommunication Union Telecommunications Standardization Sector (ITU-T), European Standards Technical Institute (ETSI), W3C and IAB. The role and functions of the TLG are defined under Article XI-A, Section 2 of the ICANN Bylaws.

The other three groups that make up the ICANN framework are the At Large Advisory (ALAC), the Security and Stability Advisory Committee (SSAC) and the Root Server System Advisory Committee (RSSAC). ALAC's primary task is to consider and provide advice to ICANN insofar as they relate to the interests of individual Internet users.<sup>33</sup> ALAC is, in my view, the closest thing that we currently have to a civil society interested and involved in Internet issues. SSAC's role is to advise the ICANN Board and the community within ICANN on matters relating to the security and integrity of the Internet naming and address allocation systems<sup>34</sup>, whilst RSSAC has the responsibility to advise the Board about the operation of the root name servers of DNS.

Through ICANN's collaborative structure and unique composition, governments which generally assume the role of custodians of public policy benefit from direct interaction with those from the technical community as well as Internet user groups within the same forum. Direct interaction with the technical community enables them to better understand the technical complexities of the Internet. The technical and Internet user community would be able to interact with government officials directly as equals without any of the impediments currently present in most governmental or intergovernmental organization structures. Often, in intergovernmental structures, private sector participants are relegated to the position of

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<sup>28</sup> Article 1, Principle 1, GAC Operating Principles [http://194.78.218.67/web/docs/GAC\\_Operating\\_Principles\\_20July2004\\_Rev1.0.doc](http://194.78.218.67/web/docs/GAC_Operating_Principles_20July2004_Rev1.0.doc)

<sup>29</sup> Article X, Section 5, ICANN Bylaws.

<sup>30</sup> Article VIII, ICANN Bylaws.

<sup>31</sup> Article IX, ICANN Bylaws. A list of the Country Code TLD Managers can be found at <http://www.iana.org/cctld/cctld-whois.htm>

<sup>32</sup> Geist, Michael A., University of Ottawa Law School, ccTLD Governance Project, ITU Workshop on Member States Experiences' with ccTLDs. [http://www.itu.int/itudoc/itu-t/workshop/cctld/cctld006\\_ww9.doc](http://www.itu.int/itudoc/itu-t/workshop/cctld/cctld006_ww9.doc)

<sup>33</sup> Article XI, Section 2, Item 4.

<sup>34</sup> Article XI, Section 2, Item 2.

“sector members” and do not have the same rights of audience or speaking privileges as the government members. This interaction, on equal footing, which the ICANN structure allows can perhaps help the technical and Internet user community better understand the concerns that governments have with respect to domain names and IP addressing.

The cooperation and collaboration of these various groups is absolutely critical for the development of policies which have taken into account the myriad issues and perspectives involved with regard to the Internet. A mismatch of understanding could lead to policies which do not reflect reality and, worse, completely disconnect with what is required.

I would say that I observed some disconnect during the first phase of the WSIS process, where member government officials were debating about issues relating to Internet resource management without understanding even the basics of how the Internet works. It is encouraging to note that the second phase of the WSIS process seems to be more of a debate of substance on key issues and areas concerning governments. There is still much room for improvement but I am encouraged by what I have observed.

I have also observed that WGIG has taken on a similar model of multi-stakeholder cooperation which is open and inclusive, and provides an opportunity and platform for all stakeholders to come together and discuss issues of mutual interest from different perspectives. I believe this is an encouraging sign.

### **Forms of multi-stakeholder cooperation: how to get started**

What model of multi-stakeholder cooperation or regional resource pooling or information sharing will work? I would submit that several fundamental questions need to be asked first.

The first question to be asked is “What are we talking about?” And the second is “Are we clear on what we are talking about?” When these two questions are answered, the priority areas to be addressed need to be listed and identified.

With reference to the different levels of understanding that currently exist at the global level on the topic of Internet governance, it is important that developing countries are clear on what they mean when they consider Internet governance within their own national context first. The way to do this is to first define what the Internet means to them, as they see it, by having domestic consultations with relevant communities and stakeholders within the country. No community should be excluded – be it the private sector, government or civil society.

For some countries, having the Internet means an opportunity to bridge the digital divide; for some it is an opportunity to tap into the global economy and take advantage of globalization; and for others, it would simply be the management of resources that should be distributed for access by the masses. Clarity on these issues at the national level would very much help define the priorities for that given country.

Once the priorities are clearly identified, then the roles of the various stakeholders using the

first three of the five institutional constructs mentioned above will be defined accordingly. For a start, I would also offer the list of issues considered by WGIG to be of importance. One will likely find that there is much that could be done by the government, the private sector and the civil society within a nation, first, on their own and subsequently in a cooperative and collaborative manner. In this regard, I offer another matrix model ( Table 1) for consideration which governments can use to start the discussion.

**‘Potluck’ approach for Internet governance?**

The matrix approach (Table 1) is what I call the “pot-luck” approach. Here, instead of pointing fingers at each other or requiring only one party to do something with the others waiting by the wayside or a particular grouping trying to define the role that each one has to play or determining whether one community even has an involvement or not; everyone comes to the table bringing their own respective contributions. These contributions can then be compared, aligned and harmonized towards an agreed common goal, based on an agreed set of priorities. The common goal or vision can then be translated into a set of national policies and priorities which can be collectively implemented.

Depending on the level of development, it is likely that the roles played by the three stakeholders – government, the private sector and civil society – will differ. In the more developed economies amongst developing countries, it is likely that governments will play the role of providing an enabling policy framework, with the private sector taking much of the

**Table 1: Matrix for defining priorities at the national level**

	<b>Role of governments</b>	<b>Role of private sector</b>	<b>Role of civil society</b>
What does the Internet mean for you?			
What can you contribute at the infrastructure level, both physical and logical?			
What applications can you contribute and what might be the surrounding problems?			
How can you address the possible surrounding problems?			
What is your function with regard to broader issues such as intellectual property rights and consumer protection?			
What is your function with regard to the developmental aspects of the Internet, including capacity building?			
What does Internet governance mean to you and what is your likely role to be?			

leadership role in actual implementation and rollout; and civil society playing a big role in education and capacity building. In the case of a less developed economy, it is more likely that the government, apart from providing the necessary policy guidance, is likely to be actively involved in implementation and rollout of services and networks, and even capacity building and education programmes. There is no one right sized model; everything depends on the current situation in the country. As the less developed economies develop further, I would submit that the private sector will play an increasing role in implementation and the government would continue to provide a guiding hand.

In this regard, I would like to use Malaysia as an example. There was recognition by the government in the mid-1990s that ICT was a key enabler in Malaysia achieving developed country status and improving the quality of life and well being for the people. The government, together with the input from the private sector and the civil society, helped to develop a National IT Agenda (NITA) and created the National Information Technology Council (NITC)<sup>35</sup> NITA was premised on the assumption that, with the necessary skills, appropriate hard and soft infrastructure and applications, people will be able to use ICT to transform society.<sup>36</sup> The idea was that the government could help to push ICT adoption by creating ripple-like initiatives that would lead to a tidal wave of change.

The NITC was made up of key persons from government, private sector and civil society groups, and was headed by the Prime Minister. Each sector had equal rights and say in the development of the agenda and priorities for the country. Subsequently, when the agenda and respective roles of the stakeholders were agreed upon, each grouping moved ahead to develop their respective programmes to help bridge the digital divide by using ICTs. To date, these programmes have been quite successful, bringing a much higher degree of ICT literacy and use of ICT amongst the people of Malaysia. Notwithstanding the measure of success, there is still much to be done to move Malaysia to the status of a developed nation. Though the experience in Malaysia is not specifically on Internet governance, there are similarities that can be drawn in the approach that it has taken with regard to ICT and correlate that with the current debate on Internet governance in the WSIS.

### **How to work together at the regional level – cooperation, coordination and collaboration**

I am of the view that most of what needs to be done to achieve the MDGs and address issues currently debated in the WSIS are national issues and, in actual fact, there is little that is required to be done at the regional and international levels apart from, perhaps, the coordination of initiatives and resource pooling.

As an example, a regional grouping of countries could each utilize the “Pot-luck Matrix” at the national level first. In this way, they would be looking at a set of common issues but with possibly different sets of outcomes. Once these outcomes and national priorities have been identified, these countries can then compare notes as to which areas are common priorities for all of

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<sup>35</sup> See <http://www.nitc.org.my>

<sup>36</sup> Multimedia Malaysia : Internet Case Study by International Telecommunication Union (ITU).

them and, once again, using the “pot-luck” approach identify what each of them can bring to the regional community. This can be done at governmental levels, private sector levels and at the level of the civil society groups. There are many existing regional forums which can be used to kick-start initiatives like the regional UN agencies or development programmes such as UNDP-APDIP and the Asia-Pacific Telecommunity (APT) which can bring together the various contributions and assist in coordinating, aligning and harmonizing the efforts to avoid duplication of efforts and resources.

I would suggest that, in developing countries, instead of debating who governs the Internet or what is governance, all stakeholders get down to the issues at hand and identify priorities, i.e. how to use ICTs to help achieve the MDGs. The more developed of the developing countries could even assist in ‘showcasing’ successful national initiatives for others to emulate and also share experiences of success stories as well as failures with others. It is important for all not to just share success but also to learn from failures.

As an example, there is much debate in WSIS about root servers, assignment of Internet protocol address blocks or IP numbers and Internet charging arrangements, which are currently very much in favour of the developed countries. In this regard, there is a need to understand and appreciate the difference in approach required in dealing with those three areas that I have cited as examples.

To put it very simply, the root server system merely acts to coordinate the use of the IP address blocks and the DNS. IP address blocks are assigned by the RIRs and there is one for North America, one for South America, one in Asia, one in Europe and one was recently formed in Africa. Collectively, these RIRs coordinate with one another and together with ICANN to manage global IP address allocation. Without getting into too much detail, IP addresses are allocated and given to those who need them, based on their request and usage requirements. As far as I am aware, there is no restriction or control of these resources at the international level. Those who want and require them, only need to apply for the resources.

Internet charging arrangements are far more complex and currently expensive for developing countries. In many cases, the charging arrangements are based on full circuit costs, which basically means that countries seeking access to the international circuit have to pay for the entire cost of the circuit. Countries seeking access are usually developing countries or less developed countries because most of the content and information sought on the Internet originates largely from the developed world. Hence, paying the full circuit cost is burdensome to the developing or less developed countries. In the telecoms sector, the approach has been largely based on the case of payment of half circuits. On the face of it, the telecoms approach seems much more equitable.

As mentioned above, much of this cost is incurred due to the fact that many users throughout the world are accessing content and applications in the developed world, and as such, most of the traffic is flowing from the developing world to the developed world and hence the high charges. Potentially, on the Internet, this traffic can be reversed if there is more local content since the Internet works somewhat differently from the telecoms infrastructure. In addition to creating more local content and charging mechanisms based on half circuits, some proponents

in the telecoms world have contended that the charging arrangements should be remodeled to be similar to the telecoms charging arrangement with the application of subsidies being given for the developing countries. However, that debate is still ongoing at many international forums such as OECD<sup>37</sup>, Asia-Pacific Economic Cooperation Telecommunications and Information Working Group (APEC TEL)<sup>38</sup> and ITU.<sup>39</sup>

Furthermore, due to the lack of interconnectivity in the developing countries themselves and amongst them, traffic from point A to point B within the same country often goes out of the country to the developed world only to return back to the same country to reach point B. This challenge can be somewhat mitigated if there are more local or regional Internet exchanges, where local traffic can be kept local and regional traffic be kept regional without having to rely too much on global connectivity.

I would contend, whilst the aforementioned debate is ongoing, that it is equally important, if not more so, for something to be done at the national level to encourage the development of local content and applications on the Internet and the improvement of local 'connectivity' so that there is less need for traffic to flow out of the country or the region, only to return again.

In this regard, developing countries should focus on building national Internet exchanges and subsequently create regional Internet exchanges so that local traffic is kept local and regional traffic is kept regional. By focusing on these types of initiatives at the infrastructure level, developing countries can reduce their cost of connectivity to the developed world and, subsequently, also focus on local content development. The reference to Internet exchange is one example that I would like to cite as one item that can be placed in the pot-luck matrix for analysis at both national and regional levels.

### **Balancing the different policy values – freedom of expression, privacy, national sovereignty, affordable access**

Just like the three blind men and their description of the elephant, the values cited above can have different interpretations and flavours notwithstanding that some of them have been defined at the level of UN Declarations. There is much discussion and debate in international fora about these values. They are important and there will be a need to reconcile and balance these values against the challenges brought about by greater access to the Internet.

However, in my view, before even trying to address and balance the different policy values, I believe developing countries must first identify their respective priorities.

Some of the notions expressed above are nice but if there is no affordable access to the Internet and ICT, then, the term is meaningless. I would submit that the first priority for developing countries is to get connected and create the environment for people to get connected. The appreciation of other policy values such as freedom of expression, privacy and others will

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<sup>37</sup> <http://www.oecd.org/dataoecd/43/55/1894684.pdf>

<sup>38</sup> <http://www.apectelwg.org/apecdata/telwg/ICAIS/chap-1.html>

<sup>39</sup> <http://www.itu.int/ITU-T/studygroups/com03/iic/index.html>

subsequently come naturally once the people are empowered with ICT tools. It is then at that time when affordable access has reached the masses.

Meanwhile, as the debate continues, people are still not connected.