

Federative Republic of Brazil

ROLE OF GOVERNMENTS IN INTERNATIONAL INTERNET GOVERNANCE

Introduction

At the **World Telecommunication/ICT Policy Forum (WTPF-2013)** Brazil presented a draft opinion entitled "**Operationalizing the role of governments in the multi-stakeholder framework for Internet Governance**", that points to the fact that we must together address two key issues: the role of governments in international Internet Governance, and capacity building on these issues in developing countries, particularly in the least developed countries, with the support of the ITU.

The draft opinion presented by Brazil received significant support during the plenary sessions of Working Group 3 of the WTPF. Although not adopted, there was agreement that the issues raised in this opinion should be further pursued within the ITU, as reflected in the WTPF Chairman's Report¹:

"The Chairman concluded that while the new Draft Opinion was not adopted, there was support for the principles embodied in that contribution. He noted that these are building blocks and encouraged all the delegates to stay engaged on this issue and continue debating within ITU and also at other forums."

Following on this recommendation, at the recent **Regional Preparatory Meeting for the Americas Region for WTDC-2014** Brazil submitted a contribution² proposing that the ITU take a leading role in establishing a capacity building program for developing countries, and particularly for the least developed countries, in the area of international Internet Governance. This initiative is consistent with the role assigned to ITU, as one of the co-facilitator agencies for Action Line C4 - Capacity Building, of the Geneva Plan of Action of the World Summit on the Information Society (WSIS).

On the issue operationalizing the role of governments, Brazil now submits to the **Council Working Group on international Internet-related public policy issues (CWG-Internet)** this contribution, with a view to initiate an in-depth discussion on the establishment of a decision-making multilateral instance that would have a clear mandate on issues of international Internet governance.

¹ <http://www.itu.int/md/S13-WTPF13-C-0016/en>

² <http://www.itu.int/md/D10-RPMAMS-C-0008/en>

Proposal

The Tunis Agenda clearly recognizes that *“governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet”*³. The reality, however, is that today we still face the challenge of ensuring meaningful governmental participation within the international multi-stakeholder framework for Internet governance.

In the spirit of Geneva 2003 and Tunis 2005, the purpose of what was then defined as enhanced cooperation is to *“enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet”*⁴. Although the process towards enhanced cooperation is multi-stakeholder by nature, the final authority for the definition and implementation of Internet-related public policy is clearly the sovereign right of States.

The Internet Governance Forum (IGF), established in 2006 as a multi-stakeholder forum for policy dialogue, has been unable to effectively direct its results, although it is within its mandate to *“Identify emerging issues, bring them to the attention of the relevant bodies and the general public, and, where appropriate, make recommendations”*⁵. It is essential that an improved IGF be committed to *“develop more tangible outputs”*⁶ and meaningful recommendations as inputs to a multilateral decision-making instance of international Internet governance.

Such a multilateral decision-making instance, capable of producing legally binding commitments by Member States, would allow governments to legitimately and effectively discuss and establish international Internet-related public policy. Recent facts have shown that protecting individual rights on-line and ensuring the security of the Internet itself are some of the issues that require a closer and careful multilateral coordination.

In this regard, an excellent starting point for the work of the **CWG-Internet** on discussing the question of operationalizing the role of governments in international Internet governance would be to revisit the report by the **Working Group on Internet Governance (WGIG)**, which was set up in 2004 by the Secretary-General of the United Nations, following the first phase of the WSIS.

The WGIG addressed the adequacy of Internet governance arrangements and realized that adjustments needed to be made to bring them more in line with the WSIS criteria of transparency, accountability, multilateralism and the need to address all public policy issues related to Internet governance in a coordinated manner.

The **WGIG Report** (2005)⁷ concluded that the continued internationalization of the Internet and the principle of universality reinforce the need for a review of governance mechanisms,

³ <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>

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⁵ <http://www.itu.int/wsis/docs2/tunis/off/6rev1.html>

⁶ http://unctad.org/meetings/en/SessionalDocuments/a67d65_en.pdf

⁷ <http://www.wgig.org/index.html>

and outlined recommendations related to Internet global public policy and oversight. The review considered different organizational models for this purpose, and four models were set out for consideration:

- **Model 1** envisaged a **Global Internet Council (GIC)**, consisting of members from Governments with appropriate representation from each region and with involvement of other stakeholders. This council would take over the functions relating to international Internet governance currently performed by the Department of Commerce of the United States Government. It would also replace the ICANN Governmental Advisory Committee (GAC).
- **Model 2** assumed that there would be no need for a specific oversight organization, but to enhance the role of **ICANN's Governmental Advisory Committee (GAC)** in order to meet the concerns of some Governments on specific issues.
- **Model 3** proposed that for policy issues involving national interests, given that no single Government should have a pre-eminent role in relation to international Internet governance, an **International Internet Council (IIC)** could fulfill the corresponding functions, especially in relation to ICANN/IANA competencies.
- **Model 4** brought together and addressed three interrelated areas of Internet policy governance, oversight and global coordination, and proposed the following structures: the **Global Internet Policy Council (GIPC)**, a Government-led mechanism, and the **World Internet Corporation for Assigned Names and Numbers (WICANN)**, a reformed internationalized ICANN linked to the United Nations.

In summary, the **CWG-Internet** could use these models as inputs to the discussion aimed at proposing the establishment of an effective decision-making multilateral instance for international Internet governance. The CWG-Internet contribution could then be submitted to the ITU Council, and hopefully lead to a formal discussion at the 2014 ITU Plenipotentiary Conference.

The ITU has always played a key role in the discussions of Internet-related public policy issues: as a focal point in organizing the 2003 and 2005 phases of WSIS, as a facilitator of action lines in the Geneva Plan of Action, and now in the Overall Review of the Implementation of the WSIS Outcomes (WSIS+10).
