



February 23, 2006

Mr. Marcus Kummer
United Nations
Palais des Nations
CH-1211 Geneva 10
SWITZERLAND

Dear Mr. Kummer,

On behalf of the Working Group on Internet Governance of the Global Information Infrastructure Commission¹ I submit the following responses to questions posed by U.N. Special Adviser Nitin Desai last Friday in Geneva at the conclusion of the Internet Governance Forum organization meeting.

These questions dealt with, first, the nature, structure, and constitution of the Internet Governance Forum management and administrative support organization, and, second, the substantive content – or themes – of the first Internet Governance Forum meeting in Athens, tentatively foreseen as occurring in October or November of this year.

Internet Governance Forum Administrative Support Office

The GIIC is unquestionably of the mind that an administrative support office is essential to assure effective conduct of the Internet Governance Forum.

To avoid misconceptions that, correctly or not, may arise via the use of conventional United Nations nomenclature, we would advise against the denomination of such an office as a “bureau” or “secretariat,” and rather

¹ The Global Information Infrastructure Commission is a confederation of chief executives and other officers of business firms engaged in the development, manufacture, deployment, operation, modernization, financing, and use of services and products based upon information and communications technologies. These executives head enterprises headquartered throughout the world and, as GIIC commissioners, are convinced that ICT-based capabilities have given rise to a rapidly evolving new era, denoted most frequently as an “information society,” and widely regarded as one that transcends borders and is an increasingly powerful force in all societies. As such, they acknowledge and are dedicated, through the instrumentality of the GIIC, to fulfilling the essential role that must be played by the private sector (by virtue of its technological, human, and financial resources) to foster development of an information society that is sustainable, equitable, and enhances the economic and social well-being of people everywhere. Toward these ends, the GIIC mission is to: (1) advocate the promulgation, adoption, and enforcement of responsive public policies; (2) convene forums within which to address public policy challenges and different approaches thereto; (3) collaborate with other sectors of society; (4) conduct formal studies; and (4) publish and in other ways share and disseminate the conclusions of its deliberations and research.

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simply label it the Internet Governance Forum Administrative Support Office or some comparably accurate descriptive title.

Importantly, we feel the functions of this office and activities of its personnel should be restricted to the carrying out of ministerial functions.

Among the most important of these functions, we feel, should be the fostering and coordination of participation in the Internet Government Forum by representatives of a suitable number and cross section of international business community interests. It would be in error, the GIIC believes, to delegate or otherwise assign this task to representatives of individual business firms or associations thereof that themselves are propounding points of view as to what topics and themes should be addressed by the Forum, as well as opinions about agreed-upon Forum topics and themes.

In short, the GIIC feels there must be a sharp demarcation between those overseeing the running or administration of the Internet Governance Forum and those seeking to advocate positions regarding the substantive issues being deliberated in the Forum.

Consistent with the foregoing, the GIIC feels an additionally important ministerial role to be played by such an administrative support office should be to serve as a conduit and publicly accessible repository for written arguments, reports of collaboration activities, treatises, and the like that are generated by others before, between, during, and after the conduct of annual Internet Governance Forum meetings and that are in direct response to themes or topics that have been agreed upon as suitable for deliberation within the Internet Governance Forum. Under no circumstances, however, should the Forum administrative office directly involve itself – or delegate – the tasks of distilling, analyzing, summarizing, or otherwise rendering judgments on the materials produced by others in response to agreed-upon Internet Governance Forum topics and themes. To do so, we think, would be to inappropriately involve the administrative machinery and personnel of the Forum in the substance of Forum deliberations.

In short, it is important that the Forum administrative support structure carry out a vital bibliographic function, but that it steer clear of rendering opinions of its own, via summations or otherwise, on matters being deliberated by the Forum.

Internet Governance Forum Themes and Topics

With regard to the substantive subject of the initial Internet Governance Forum meeting in Athens, the GIIC recommends adoption of a topic- or issue-selection

process that juxtaposes and measures prospective topics against a predetermined set of criteria – a checklist, if you will – that reflect the purposes of the Internet Governance Forum as memorialized or otherwise reflected by the Tunis Agenda for the Information Society,² as well as might be dictated by practical considerations.

First and foremost among such benchmark criteria, the GIIC feels, should be the question, “Does the proposed topic directly relate to the diffusion of Internet access in communities, nations, and regions of the world underserved by information and communications technology based capabilities?” The GIIC would argue, for instance, that while spam³ is, indeed, a hindrance to the smooth functioning and expedited evolution of the Internet in economically developed nations (i.e., where use of and reliance on the Internet is relatively pervasive), it is something of a moot or, at best, secondary issue in ICT-underserved nations. For the Internet Governance Forum to focus its attention on the subject, accordingly, would be tantamount to replicating an exercise of the Organization for Economic Co-operation and Development⁴ and be unfaithful to the spirit and letter of that which served as a basis for the Internet Governance Forum.

Secondly with regard to the substantive topic or topics that should be tackled by the initial Internet Governance Forum meeting, the GIIC categorically rejects the notion, advanced by some at the February 16-17 organizational meeting, that “controversial” subjects be avoided. Absent controversy or differing and divergent points of view on a particular topic, there is, almost by definition, agreement, and with agreement there seems to us to be little or no need to engage in a collaborative exercise such as is envisioned for the Internet Governance Forum. Thus, the GIIC feels that a suitable benchmark question for assessing prospective topics might be, “Is the proposed topic one about which there are demonstrated differences of opinion?”

That having been said, the GIIC is also of the mind that Internet Governance Forum topics should be chosen on the basis of some sort of objective determinations that they can or are likely to advance toward levels of greater understanding, agreement, and, ultimately, resolution if subjected to the kind of intensive debate, discussion, and collaborative processes that will be offered by the Internet Governance Forum. Thus, a third benchmark that the GIIC would proffer to be applied to prospective topics is, “Will discussion and debate

² http://www.itu.int/wsis/documents/doc_multi.asp?lang=en&id=2267|0

³ Unsolicited e-mail, often of a commercial nature, sent indiscriminately to multiple mailing lists, individuals, or newsgroups; junk e-mail. *The American Heritage Dictionary*

⁴ The 30 nations that are members of the OECD are ones that enjoy the highest rates of per capita income and gross domestic product in the world.

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of the prospective topic lend itself in objectively apparent ways to needed and greater awareness, clarification, and resolution of discordant positions central to the continued smooth functioning and evolution of the Internet?”

Finally in this regard, the GIIC recommends that you and Mr. Desai consider issuing, pursuant to conventional U.N. notification procedures or otherwise, a Notice of Inquiry wherein you memorialize the background and foundations of the Internet Governance Forum, delineate the relevant points about its organization and functioning on which you determined widespread or consensus agreement during the February 16-17 organizational meeting, describe criteria against which you – and possibly others of your choosing – will assess prospective themes or topics for discussion within the Internet Governance Forum, and solicit formal written public comments wherein proponents of different themes and topics can argue their cases on the basis of the criteria you have established. All comments should be posted on the web site of the Internet Governance Forum. Further, the period during which public comments can be received by you should be a time-delimited one (e.g., four weeks following a posting of the Notice of Inquiry), and then (e.g., for a period of two weeks following the expiration of the initial comment period) parties should be provided opportunities to file responsive or reply comments. The GIIC feels that with such formal and public input in hand, you will be well positioned to engage in a topic-, theme-, or issue-selection process that is irrefutably transparent and as objective as possible.

The GIIC again commends you and Mr. Desai for the diligence and care with which you have launched the Internet Governance Forum, appreciates your consideration of our views, and stands ready to contribute in whatever ways it can to the effectiveness and success of the Internet Governance Forum.

Respectfully,

Robert G. Rogers
Executive Director