FRENCH GOVERNMENT COMMENTS & PROPOSALS ON THE WGIG REPORT

INTRODUCTION

France along with European Union member states wishes to acknowledge the quality, depth and scope of the work made under the direction of M. Nitin Desai by the Working Group on Internet Governance. The WGIG Report will prove a useful document in the perspective of the World Summit.

Here are some comments in the perspective of the upcoming negotiations of the WSIS on Internet Governance. France believes that Internet governance mechanisms have to be *dynamic*, in terms of adaption to the technological evolutions but also *inclusive & concerted* with all the stakeholders involved in the developments of the Internet. Those are the reasons why France considers along with its European partners that there is a need for a new model of cooperation on Internet Governance. In this new model, specific roles and responsibilities of governments regarding public policy issues will have to be reasserted. And, as it has been stated by the European Union presidency, the management of the Internet and especially the day-to-day operations have to stay « *private-based* ».

A BROADER INTERNET GOVERNANCE DEFINITION

The definition of Internet Governance introduced by the WGIG report is consistent with the European Union preoccupations on public policy issues. France agrees with the WGIG on the necessity of a broader definition of Internet governance.

And if Internet Governance definition must include the management of DNS-related resources it should not only focus on the current state of the Internet architecture. Already, the uses of "*non-DNS*" systems like « *peer-to-peer* » technologies have a major impact on the Internet architecture and on its governance. But the Internet is also undergoing important changes with the rise of mobile Internet usages and the diversification of connected objects (with the development of IPv6), the « *Internet of machines* » moves toward an « *Internet of things*[1] ». Then the works on Internet Governance have to encompass the ongoing technological evolutions of the Internet. The management of Internet resources is also changing as important innovations are arising in the field of *Unique Identifiers*[2] (as *Object Name System* for RFID « *tags* » or *Digital Object Identifier* for electronic documents).

These evolutions if not properly addressed by the Internet Governance organizations could lead to reexamine their current mechanisms and scope within the next few years.

THE PRINCIPLES OF A DYNAMIC GOVERNANCE

In its introduction, the WGIG Report rightfully insists on the importance of the origins of the Internet and their consequences on the current debates on Internet Governance:

> *« This historical lens was useful to identify guiding principles and factors that have enabled or contributed to the Internet's successful development, including the open and decentralized nature of its architecture and the underlying technological development of its core standards, as well as the management of names and numbers. »*

[1] *NSF seeks broad Internet research agenda, some science officials say it's time to rethink the Internet's architecture*, by A. Sternstein on Jun. 27, 2005 (*Federal Computer Week*) http://www.fcw.com/article89386-06-27-05-Print

[2] *On the design of Globally Unique Identification Schemes* par D. Engels of the MIT Auto-ID Center 2002 http://www.autoidcenter.cn/solution/download/On%20the%20design%20of%20Globally%20Unique%20Identification%20Schemes.pdf

Regarding the architecture of the Internet, France regrets that the principles which were mentioned in the European Union statements to the WGIG were not also in the WGIG main report. Among these principles, the European Union mentioned three that has to be taken into consideration at the international level; ***interoperability, openness and the end-to-end principle***[3]. Those principles, have not only meaningful consequences on the technological evolutions of the Internet but also on the economical, political and social impact of the network.

As France previously stated, the intergovernmental oversight entity needs to be ***light, fast reacting and flexible***. This entity must be created to make decisions on public policy issues such as security and stability but also on Internet usage related issues such as Spam.

Another critical mission of the intergovernmental oversight mechanisms will be to ***favor a better coordination of existing organizations*** currently involved in Internet Governance issues.

As states are relying more heavily on the Internet for their activities, including the security of their critical infrastructures, there are legitimate concerns among governments about the questions of sovereignty on the Internet. Another important evolution needed from the current situation is that ***sovereignty concerns have to be addressed properly***. This has been stated by all the United Nations member States[4], and also more recently by the United States Government (in its statement on DNS policy[5]).

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[3] In the statements ot the WGIG made by the European Union Presidency on 18th of April and 18th of July 2005.http://www.wgig.org/docs/EU-Statement-April.pdf

[4] Those sovereignty concerns have been reasserted in the *Declaration of Principles* of the United Nations in the first part of the World Summit on Internet Society.

[5] *« Governments have legitimate interest in the management of their country code top level domains (ccTLD). The United States recognizes that governments have legitimate public policy and sovereignty concerns with respect to the management of their ccTLD. As such, the United States is committed to working with the international community to address these concerns, bearing in mind the fundamental need to ensure stability and security of the Internet's DNS. »*
Excerpts of the *U.S. Principles on the Internet's Domain Name and Addressing System* (US Statement of Principles 06-30-2005)
http://www.ntia.doc.gov/ntiahome/domainname/USDNSprinciples_06302005.htm

As the Internet becomes a major tool for disseminating information, an essential principle underlying the mission of the Internet Governance mechanisms is that they will have to be ***shaped by a democratic vision of society***. The actions in terms of Internet governance (and more broadly regarding the Information Society), will have to contribute to foster democratic bonds and strengthen the democratic forces at work in our societies.

Security issues at Nation states level are also crucial factors to be taken into consideration for building an Information Society which will be trusted by citizens and governments as well. Governments and the other major stakeholders of the Internet; private sector and civil society, will have to work collaboratively in order to reinforce security and **build an** ***« architecture »*** and ***« a culture of trust and security »*** within the networks.

DISCUSSION ON THE WGIG MODELS

- ***The First model*** implies the creation of a *Global Internet Council* (GIC) with the private sector and civil society in an advisory capacity. It implies the modification of the existing structures including ICANN and the GAC but the status of the private sectors and civil society as « *observers* » could create an imbalance in the way decisions are made (especially for those which have direct repercussions on the way private entities relate to the Internet). This model is not consistent with the European Union position on Internet Governance and it lacks a multi-stakeholder dialogue body (or Forum).

- ***The Second model*** is also inadequate as it favors a « *status quo* » and proposes a simple « *enhancement* » of the current Internet Governance situation. This model narrows the Internet Governance definition and then would not meet the terms currently agreed by the European Union.

This model also doesn't acknowledge the need for a better coordination of the existing organizations dealing with Internet Governance. Especially it can't address properly the global security and stability concerns associated with the Internet. For example it couldn't help finding solutions for Internet usage related issues such as Spam[6].

- ***The Third model*** implies the creation of an *International Internet Council* (IIC) for *« Internet resource management and international public policy issues that do not fall within the scope of other existing intergovernmental organizations »*. In this model the IIC and « *could make the GAC redundant* ». But even if it introduces a notion of « *subsidiarity* » between the existing organizations (thus avoiding competence overlaps) this model would lack flexibility and responsiveness. Especially because it would rely (for critical or time-constrained decisions) solely on a full fledged International representation of states.

- ***The Fourth Model*** of the WGIG Report is a promising contribution of the WGIG Report. It introduces a threefold innovation (or evolutions) in terms of Internet Governance:

    - A *Global Internet Policy Council* (GIPC) involved in both *Internet related public policy issues and technical standard-setting*
    - The *World Internet Corporation for Assigned Names & Numbers* (WICANN) still private-sector-led but anchored to the United Nations.
    - The *Global Internet Governance Forum* (GIGF) involves a participation on « *equal footing by governments, the private sector and civil society* »

  The *Oversight Committee* (OC) proposed in this model would then be appointed by the *Global Internet Policy Council* (GIPC). One of the

[6] As the original bylaws of ICANN stated that those aspects were not to be included in the scope of the organization's missions.

critical elements for the successful implementation of that model would be the size and the composition of the Oversight Committee. This « *fast-reacting and flexible* » emanation of the GIPC should be based on a regional representation with a special role attributed to a restricted number of representatives. The nomination mechanism of this Oversight Committee should allow the *Founding members* to have a specific mission to ensure stability and continuity of the Committee decisions. The knowledge acquired on the Internet Governance issues (and their technological implications) will have to be maintained through the evolution of this Oversight Committee.