



Internet Governance

Asia-Pacific Perspectives

Edited by **Danny Butt**
Foreword by **Nitin Desai**

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Asia-Pacific Development
Information Programme



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The Open Regional Dialogue on Internet Governance

–Danny Butt

Internet Governance: Asia-Pacific Perspectives is the culmination of almost a year's worth of activity by the Open Regional Dialogue on Internet Governance (ORDIG), a project of UNDP's Asia-Pacific Development Information Programme (UNDP-APDIP). Broadly, the initiative represents an effort to increase stakeholder participation in discussions of Internet governance within the World Summit on Information Society (WSIS) process and, in particular, to increase participation from the Asia-Pacific region. Over the last year, ORDIG has solicited and analyzed regional priorities through a variety of research and outputs, including:

- a survey on 22 key governance issues conducted in 12 major regional languages, which received over 1,200 responses from 37 countries and from all major stakeholders;
- an online discussion forum on Internet governance, which included 180 participants from 27 countries in the region; and
- one regional conference (Bangkok) and four sub-regional conferences (Bishkek, Suva, Bali and Kathmandu) organized in collaboration with the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), involving several hundred participants, from 50 countries and 35 regional and international organizations.

Based on the results of these activities, ORDIG commissioned a number of background papers on six key topics identified as priorities in the region. These papers, written by experts from the region, explore these priorities in greater depth. The findings from the research were summarized in the ORDIG Input Paper "Voices from the Asia-Pacific" – a paper referenced in the UN Working Group on Internet Governance (WGIG) final reports – and presented in numerous WSIS- and WGIG-related meetings, and on UNDP-APDIP's Internet governance portal <http://www.igov.apdip.net>. These background papers addressed specific aspects of Internet governance outlined by WGIG, but from a distinctly Asia-Pacific perspective. While our focus is regional, the book is intended for a broader audience than just the Asia-Pacific region. Our aim is to develop an understanding of the complex interaction of social, legal, organizational and technical issues related to Internet governance, in the developmental context of WSIS. My hope is that this book will give technical workers and managers a deeper understanding of the critical relationships between their technical practices and developmental aims. It also aims to provide information to specialists in developmental areas, so they can more accurately understand the technical issues that impact developmental aims. This publication is not an academic one, and the general focus is on practical and policy responses. However, all papers have been through a process of expert review for content accuracy.

As well as the ORDIG paper, we have added three collaborative papers on specific Internet governance themes; country reports on India, China, Pakistan, Indonesia and Thailand; and reports on ORDIG's survey and discussion forum. We are also fortunate in being able to include contributions from three key figures in Asia-Pacific Internet governance: Nitin Desai, Chair of WGIG, provides insight into the processes of WGIG in his foreword; Peng Hwa Ang, member of WGIG and Dean of the School of Communication and Information at Nanyang Technological University, Singapore, gives us insight into the political tensions around Internet governance, and some of the challenges of "multi-stakeholderism"; and, Mohamed Sharil Tarmizi, General Manager, Malaysian Communications and Multimedia Commission (MCMC) and Chair of ICANN's GAC, gives us an inside view of Internet governance processes as they take place "at the coalface" and practical insight into the challenges to increasing Asia-Pacific participation in Internet governance.

Internet governance: new governance for a new medium?

As Nitin Desai noted in the foreword, WGIG developed a working definition of Internet governance:

"Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet."

This is a broad definition, which this book follows, as both Information and Communications Technology (ICT) strategies and the public policy issues related to development are generally coordinated across a range of governmental bodies – not just those related to communications and finance. As the Internet becomes a critical global infrastructure, there are very few areas of Internet governance that are solely related to the Internet and not to broader public policy concerns. This creates governance challenges for Internet governance organizations (such as ICANN, the Internet Engineering Task Force [IETF], etc.) that have emerged within a smaller, less diverse and more easily manageable context. The Civil Society Human Rights Caucus expressed a very clear set of concerns that highlight the stakes of the definitions of Internet governance:

"The civil society human rights caucus is deeply concerned with the tendency to address any Internet related aspect within the framework of Internet governance. We recognize that a number of transnational issues related to Internet lack a global space for political discussions and agreement. However, discussions on issues such as privacy, freedom of expression, prohibition against discrimination, access to information, intellectual property, and illegal content, must be addressed within a human rights framework. Internet governance must not result in a lawless zone escaping international human rights protection."¹

¹ Civil Society Human Rights Caucus (2005). Statement by the Civil Society Human Rights Caucus, PrepCom2, WSIS second phase, plenary session. Geneva, 24 February 2005. Available <http://www.iris.sgdg.org/actions/smsi/hr-wsis/hris-gov-240205-en.html>. Accessed 27 March 2005.

While there are unique features to the transnational space of the Internet that provide an opportunity to establish new governance arrangements, it is not the case that these are completely separate from other domains, or that there is nothing to be taken from arrangements dealing with offline issues. As WGIG member William Drake puts it in a discussion of Voice over IP (VoIP),

“You see even governments that favour a ‘light touch’ policy approach grappling with the implications for public interest mandates and such – national security and law enforcement requirements, public safety, disability access, services reliability and reporting obligations, restoration after failures, call prioritization in emergencies, privacy and consumer protection, universal service obligations, service categorization, inter-carrier compensation, competition etc. The solutions may need to be different, given the distinctive properties of VoIP, but many of the questions are similar.”²

Loosely following the distinctions set out by WGIG, we have spilt discussion of Internet governance issues into three areas. Norbert Klein and I look at cultural inclusion and development with respect to Internet governance. While Internet governance is usually considered a purely technical or economic question, it is both determined by particular cultural interests as well as rapidly transforming cultures wherever it goes. In particular, for historical reasons, the various bodies usually associated with Internet governance (ICANN, IETF, Internet Society [ISOC]) have been dominated by participants from English-speaking North America and Europe. While these bodies market their inclusivity and openness, they nevertheless fail to reflect the diversity of the users of the Internet within key positions of power. This has significant effects on their decision-making capacity in areas that primarily affect non-English speaking users, such as Internationalized Domain Names (IDNs), where little progress has been made on a viable and scalable implementation.

The following chapter is “Governing Internet Use: Spam, Cybercrime and e-Commerce”, by Suresh Ramasubramanian, Salman Ansari, and Fuatai Purcell. The use of the Internet as a global facility allowing instantaneous cross-border communication brings with it many difficult questions of governance. Highlighted here are challenges facing Small Pacific Island States in developing e-commerce without access to credit card facilities; and security issues, such as viruses and spam, are faced by all users every day, yet remain very difficult to regulate.

The final chapter is related to emerging access technologies and their potential to reduce the cost of physical Internet connections and services; and the chapter “Development and the Regulation of Access Technologies: Wireless and VoIP” by Samudra Haque, Onno Purbo and Fuatai Purcell looks at the issues for developing regions associated with the different charging models of the Internet, and the potential of these new technologies for assisting developing regions. Wireless access appears to hold much hope for developing regions due to lower setup costs, but it comes with its own challenges including spectrum management. Finally, while VoIP can provide cheaper call access to end-users, its growth, like that of the various “call-back

² Drake, W. 2005. Message to Civil Society Internet Governance Caucus email list, 21 March 2005 <https://ssl.cpsr.org/mailman/listinfo/governance>.

services”, does not provide a source of telecommunications settlement revenue that traditionally financed network growth in developing countries.³

Representation and multi-stakeholderism

The question of how to negotiate the policy-setting processes in the complex multi-stakeholder environment is one of the key issues facing the WGIG itself. The WGIG background report noted that “from an operational point of view, the WSIS criteria of multilateralism, transparency, democracy and full involvement of all stakeholder groups have somewhat different meanings, possibilities, and limits in relation to different types of governance mechanisms.”⁴ When it comes to public policy questions, the questions of who should be involved become political struggles and issues of capacity that are not easily solved. The Internet is governed by bodies that must debate technical processes in minutely precise detail, but are rarely called upon to consider stakeholders outside their own dialogues in the way that policy makers are obligated to. Meanwhile, groups seeking to affect Internet governance processes to reach development objectives often lack technical understanding of exactly how processes can be changed for the better. The meetings between these two perspectives in online forums – most commonly those devoted to technology – can be characterized as mutual frustration. There is dismay on the part of development advocates that the nominally self-selecting, culturally non-diverse groups primarily responsible for Internet governance fail to reach out to broader stakeholders. The “netizens”, by contrast, feel that they have invested a lot of time and energy into making the Internet work, they are open to anyone who will contribute, and if all the non-techies would take some time to properly learn how the systems work then there would not be any problem. Indeed, many within the technical community question whether the concept of governance applies to the Internet at all. The question is not merely about government control, but by what processes can those without financial resources or the capacity to speak English find a voice for their legitimate claims. After the report of the WGIG was released, Indian government representatives expressed some of the challenges of representation within non-governmental processes:

“But when we look at something like the Internet, where the constituency is far, far larger than any group of civil society representatives can claim to represent, we must ask the question, are we not risking capture of the process by... a few well-organized people with very clear perspectives? Often, at least in theory, [is it] possible that the alternative perspectives which are equally deserving of attention get blocked out because the more knowledgeable, the more organized find representation in bodies like these.”⁵

Such questions highlight the very complex issues of representation toward truly inclusive Internet governance. We hope that readers will find strategies for bridging the gaps and finding new voices for the Asia-Pacific in Internet

³ Peake, A., 2005, “Internet Governance: Urgent issues for Asia Pacific” in Chin, S.Y. (ed.) *Digital Review of Asia-Pacific 2005/2006*, Penang: Southbound, pp.15-29. <http://www.digital-review.org>

⁴ Report of the Working Group on Internet Governance [hereafter “WGIG Report”], <http://www.wgig.org> p. 4.

⁵ Comments from the Indian delegation, Presentation of the Report for the Working Group on Internet Governance, Geneva, 18 July 2005 (afternoon session). <http://www.wgig.org/July-scriptaftersession.html>

Post Script

Since this publication was assembled, the second phase of WSIS, held in Tunis 2005, has passed. Internet governance issues are now accepted as serious issues and will be addressed over time. Complex issues, such as controlling spam; interconnection charges; or the relationship between Internet governance and economic development or cultural diversity, remain a long way from even having a common definition of the problem among various stakeholders.

An agreement was reached in Tunis to recognize the complex nature of Internet governance; delegations accepted that it has impacts across a wide range of organizations and stakeholders. WSIS asked the UN Secretary-General to convene an Internet Governance Forum in 2006 to discuss public policy issues and facilitate dialogue between the many organizations involved in Internet governance. While the forum will have no binding power, it nevertheless builds on the work of WGIG in addressing cross-cutting issues. However, it will take some time to develop effective changes to existing regimes of governance. We hope this book can become a valuable contribution to that process.

(Danny Butt, December 2005)