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Internet Governance Forum (IGF) 2013

22-25 October 2013, Bali, Indonesia

ICC BASIS (Business Action to Support the Information Society) messages



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Policy and Business Practices

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ICC BASIS' support for IGF and the multistakeholder process

Paragraph 20 of the Geneva Declaration of Principles states that “Governments as well as private sector, civil society, the United Nations and other international organizations have an important role and responsibility in the development of the Information Society, and, as appropriate, in decision-making processes. Building a people-centred Information Society is a joint effort which requires cooperation and partnership among all stakeholders.”

ICC and BASIS members have been actively contributing to and supporting the Internet Governance Forum (IGF) since its inauguration in 2006 because it provides a unique opportunity to exchange views and best practices on a wide variety of important policy issues that affect continued development of the Internet. The IGF can help bring economic and social benefits to more people around the world. Business supports the principles contained in the Geneva Declaration of Principles of the WSIS process, calling for cooperation of all stakeholders. The strength of the multistakeholder IGF model is that it brings together governments, business, the Internet technical community, civil society and international and intergovernmental representatives with all participants on an equal footing. As per the Geneva Declaration of Principles, business recognizes that these diverse issues can be best addressed if all stakeholders involved participate in the discussions and definition of issues as well as in their resolution. This unique global public policy forum provides an important opportunity and venue for much-needed multistakeholder dialogue. As an ongoing experiment in multistakeholder participation, the IGF also acts as a test bed within the framework of the United Nations showcasing how multiple stakeholders can be involved and engaged effectively in global public policy discourse, an important function of informing policy makers and decision makers in governments, international organizations, businesses and other organizations on matters relating to Internet governance.

Governments in Internet governance

At this year's IGF, there will be a session in the main room on 'Building bridges: the role of governments in multistakeholder cooperation'.

The role of governments in Internet governance

- The multistakeholder model of Internet governance requires the substantive participation of all relevant stakeholders. Global business recognizes the important role, perspective and contributions that governments can bring to these discussions, next to the other stakeholders.
- The important role that governments can and do play within the multistakeholder Internet governance environment is fully recognized, supported and appreciated by ICC.
- Engaging governments from around the world in Internet public policy discussions is essential in ensuring informed policymaking and decisions by all stakeholders.
- Achieving sustainable outcomes in the multistakeholder Internet governance environment will require a respectful and informed balance of interests among all stakeholders.

Principles of multistakeholder cooperation

At this year's IGF there will be a focus session on principles of multistakeholder cooperation as well as workshops that will deepen this discussion.

Multistakeholder processes at national, regional and international levels should be consistent with the following principles:

- Should be open and inclusive.
- Enable all relevant stakeholders to engage and participate.
- Stakeholders should be able to contribute to the discussions and decision-making.
- Transparency about the process and decision-making, and transparent about how decisions are made and how input is reflected.
- Decision-making should be consensus-based and articulate how input from the multistakeholder process was integrated.

Internet governance principles

At this year's IGF there will be a focus session on Internet governance principles as well as workshops that will address these principles.

A number of Internet governance principles for developing Internet policies have been issued by various stakeholders and provide a useful set of concepts to build upon, including:

- Freedom of expression, free flow of information, human rights on the Internet.
- Privacy and protection of personal data.
- Promoting investment, creativity and innovation.
- Cooperation to ensure Internet security.
- Promoting an open and interconnected Internet.
- Delivery of services across borders.

Enhanced cooperation

The Tunis Agenda, agreed at the World Summit on the Information Society (WSIS) in Tunis in November 2005, outlined the establishment of an Internet Governance Forum (IGF) and called upon the U.N. Secretary General to start a process of enhanced cooperation among the (existing) relevant organizations that address various aspects of Internet-related issues. The Tunis Agenda clearly refers to greater cooperation among existing organizations, not the creation of new entities or processes. Paragraph 71 of the Tunis Agenda clearly states that "all stakeholders" and "all relevant organizations" should be involved in the "enhanced cooperation" process. This principle of inclusiveness is critically important to success in achieving "enhanced cooperation". The purpose of this process of enhanced cooperation between those organizations was explained in Article 69 of the Tunis Agenda, which recognizes "the need for enhanced cooperation [...] to enable governments [...] to carry out their roles and responsibilities in international public policy issues pertaining to the Internet [...]." Hence it is clear that enhanced cooperation is a process whereby the various (existing) organizations, and involving all stakeholders, are asked to help governments in better understanding the issues so that governments can do a better job in public policy. According to Article 70 of the Tunis Agenda, "relevant international

organizations” should facilitate the “development of globally-applicable principles on public policy issues [regarding] critical Internet resources.”

- Business around the world believes that enhanced cooperation refers to continuing efforts by all stakeholders (individually and collectively) to promote greater cooperation among existing organizations, including private sector-led, multistakeholder and intergovernmental (IGOs), not the creation of new entities to facilitate such cooperation or processes.
- Enhanced cooperation amongst the relevant organizations that address Internet-related issues should be guided by the objective of information sharing, creating more awareness and where appropriate, coherence in work programmes and collaboration.
- Enhanced cooperation should be facilitated across the spectrum of all relevant organizations including those that are private sector-led, multistakeholder as well as those that are intergovernmental.
- The dynamic nature of the information society and the Internet are such that new or additional groups emerge over time which should become part of this enhanced cooperation process inasmuch as they become relevant to the development of global public policy regarding the Internet. In keeping with the Tunis Agenda principle of inclusiveness, “all relevant organizations” should not be interpreted as a snapshot “frozen” in time but should allow for the successive inclusion of new players as they emerge and become relevant.
- The fact that many of the organizations that are addressing Internet-related issues and their decision-making processes are already of a multistakeholder nature and composition should be recognized since this can be an important foundation – and indeed a model – for the process of enhanced cooperation.
- Business, given its expertise, should be involved – on an equal footing with other stakeholders – in any discussions or decisions regarding ‘enhanced cooperation’. Adequate arrangements should be made to provide for sufficient representation of the various interests of business.
- In order to progress on the process of enhanced cooperation, business recommends:
 - **Stakeholders should be encouraged to participate in existing Internet technical organizations.** The Internet brings together technology, business and policy experts to discuss issues. New approaches, new venues and new forums have arisen to respond to new opportunities and challenges. It is vital that all stakeholders take up the challenge by participating in these discussions that are so critical to the responsible development of the Internet.
 - **Governments and international organizations should make their Internet policy and decision-making activities more open, transparent, and inclusive of all stakeholders.** Governments, regional, and international organizations that have been more open and have shown a commitment to enhanced cooperation, have proven to be more effective in their work as a result of their openness.
 - **Efforts to advance enhanced cooperation must be founded on a commitment to openness, inclusiveness and outreach.** Whether speaking of enhanced cooperation in governmental, intergovernmental, non-governmental, or international

organizations, it is essential that efforts to advance enhanced cooperation are founded on a commitment to openness, inclusiveness, and outreach to the various stakeholder groups. This will ensure that all those stakeholders, who may be affected by decisions, are able to participate in the development and implementation of those decisions. In this vein, the Internet technical community, governments, business, and civil society, are all essential stakeholder groups and should be recognized as such.

National and regional IGF initiatives

- Business applauds the growing number of national and regional initiatives that have been catalyzed by the IGF.
- These initiatives give national and regional stakeholders an opportunity to discuss Internet governance issues from national and regional perspectives, which assists the discussions at international level.
- These initiatives are concrete outcomes of the IGF and echo its multistakeholder-on-an-equal footing format.
- The national IGF initiatives are especially important as an opportunity for national lawmakers and governments to gain valuable insights before making and implementing laws concerning the Internet that affect businesses and people in their countries.
- Regional IGF initiatives play an important role in information sharing amongst countries with the same kinds of concerns.

Access

- An environment that enables the development of new business models is the way to attract investment, promote innovation and creativity, and to bring the benefits of the Internet to the next few billion users. Particular attention should be given to the industries, including government services that drive demand for high-speed networks, and indeed the deployment of high-speed networks. This should be accomplished through a fully competitive market providing which is the best means to enhance access and participation in the Internet and to support the free flow of information while bearing in mind data protection issues, freedom of expression and protection of property and individual human rights and privacy.
- In particular, the Internet's high-speed networks and services promote investment and provide a basis for competition through their beneficial impact on economic growth, job creation and greater competitiveness.
- Global business strongly supports long-term and sustainable competition through providing high-speed broadband networks to users and through policies that promote market entry and investment to attain the greatest geographic coverage of networks. They should also promote an optimal level of investment by adopting policies that promote the continued health and growth of industries that create demand for high-speed networks and Internet services, including government services such as in education, health, energy distribution and transport. Where public investment is deemed appropriate, it should not distort market competition.
- Attracting investment and promoting innovation requires :
 - open markets and pro-investment policies

- supporting policy approaches that foster entrepreneurship
- independent regulators establishing pro-competitive legal, policy, fair and sustainable regulatory frameworks that also increase user choice regarding quality and cost of services
- respect for the rule of law and independent courts
- adequate intellectual property rights protection and enforcement

Diversity

Enabling more people to gain access to the Internet is the most effective way to ensure diversity.

- Increasingly, the Internet provides greater access to more diverse content, including professional and user-generated content. It reduces barriers to entry for businesses, increases the ability to cater to niche markets and improves access to information through the use of various search technologies – all contributing to cultural and linguistic diversity.
- Intellectual property protection and enforcement is critical to enhancing cultural and linguistic diversity, in particular for developing countries with nascent creative and innovative industries.
- Business supports efforts to increase the ability of non-English speakers to communicate on and through the Internet. The timely deployment of new internationalized domain names (IDNs), with attention to technical, trademark and trade name issues, can help ensure that all people can more fully realize their part in the global information society through the use of their own language.
- Particular attention should be given to developing tools that promote access for the elderly and those with disabilities.
- Business already contributes to establishing enabling environments through education initiatives, promoting innovation and creativity, public-private research and development partnerships where business works together with other stakeholders.

Women and economic empowerment

- Women play a central role in ensuring social, economic and cultural development and the health of their communities. Improving maternal health and education is a main goal of the Millennium Development Goals, and these goals are supporting other goals such as reduction in infant mortality and improvement in educational levels, and are thereby raising the economic and social improvement of individuals, families, and their communities.
- Access to the Internet significantly contributes to protecting women's rights to freedom from discrimination and exclusion and supporting their rights to political, economic, cultural and social participation. For women, access to information and the Internet creates opportunities for economic growth, job creation, and access to social benefits, such as ease of access to healthcare and education (e-health, e-education).
- Women's rights can be strengthened through access to information and to the Internet.
- Ease and cost-effective use of technology and the Internet across schools and health facilities can be achieved, among others, through provision of policy and regulatory conditions that stimulate access to the Internet and to information.

Internet infrastructure deployment and interconnection

- Unprecedented innovation and investment has resulted in a huge increase in global Internet availability and usage. A variety of commercially negotiated Internet backbone interconnection arrangements connecting national and international Internet backbone providers, content providers and Internet Service Providers have fuelled and sustained the massive growth of the Internet into a global network of *interconnected* networks.
- Business strongly agrees that the growth and stability of the international Internet backbone infrastructure is best served when Internet interconnection agreements are left to competition forces. Business encourages the promotion of such an open and interconnected Internet as it fosters industries and new business models creating demand for networks and services, and allows users to benefit from the interconnected Internet networks. This also allows users to access a broader diversity of content, leading in turn to more Internet adoption throughout the world.

Mobile broadband spectrum¹

- Mobile broadband is championing the on-going deployment of Internet services and the resulting benefits to global economic growth.
- Access to additional radio spectrum is extraordinarily important to mobile networks. Failure to adequately provide for the expanding demand for mobile broadband data usage threatens to limit social and economic development, innovation and competition in this critical service.
- Following the recent data traffic explosion observed particularly in developing countries, business urges governments and regulators to take prompt action now to ensure that sufficient spectrum is available to support increasing demand. In some countries the spectrum currently licensed for mobile broadband usage is very limited, therefore the first priority in such countries is to license and put into use the spectrum bands that are already allocated in international agreements. This will facilitate the provision of mobile broadband to many more users.
- As it characteristically takes a number of years to allocate new spectrum resources to mobile broadband in the international context, informed business observers expect significant spectrum constraints to become apparent within the next five years.
- Recent examples in Europe show how the digitization of broadcast media allows for efficiency gains in the use of the spectrum, allowing for a so-called “digital dividend” that can then be re-distributed to allow for mobile broadband after the switch-over of broadcast has been completed. In determining spectrum allocations, government policies and regulatory arrangements should ensure adequate balance of the spectrum needs of both mobile broadband and for analog and digital broadcast services.
- A market-driven broadband policy that ensures the right market conditions for infrastructure investment and innovation is essential to the on-going deployment of broadband. The ability of broadband providers to maintain and invest in a robust and expanding broadband

¹ ICC, *Commission on the Digital Economy* (October 2011) *Discussion paper on mobile broadband spectrum*, accessible at: [<http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2011/ICC-discussion-paper-on-mobile-broadband-spectrum/>]

infrastructure requires a coordinated and unified policy approach from government departments and agencies that supports private sector investment and innovation.

- ICC recognizes that there are many important uses of spectrum, including for both broadcast and mobile broadband. Indeed, broadcasting and mobile broadband services will need to co-exist, because no matter how much spectrum is allocated for mobile broadband, there are limits to the services offered over it, such as popular video content like sporting or entertainment events, which may not be economically or practically carried on the Internet when a high volume of viewers are simultaneously accessing a particular program. Moreover, broadcasting plays a critical role in emergency situations, in that it reaches the largest number of people in the most efficient way. Therefore, ICC recognizes the importance of ensuring that mobile broadband will co-exist in conjunction with other essential technologies such as broadcast services. With this in mind ICC supports ensuring that the essential quality of broadcast service is preserved and that broadcasters are granted substantially the same service area. Decisions on compensation of broadcasters should be taken on a case-by-case basis by the relevant national regulatory authority, taking into account all stakeholders' views and the specific national situation.

Internet as an engine for economic growth and social development ²

Development benefits

- Effective Internet-related policies from both supply and demand perspectives improve economic development, recovery and growth as evidenced by the many national stimulus packages and initiatives that include the Internet or which are linked to information and communication technologies (ICTs) or the advancement of the Information Society more generally.
- We recognize that the Internet is a powerful platform for the expression and exchange of knowledge and information, which supports economic, social and cultural development.
- According to the World Bank report "*Information and Communications for Development 2009*", access to broadband boosts global economic growth; and for every 10 percentage-point increase in broadband penetration there is an increase in annual GDP growth of 1.38 percentage points in developing countries³.

² ICC, *Commission on the Digital Economy (July 2012) Policy briefing tool on ICTs' and the Internet's impact on job creation and economic growth*, accessible at: [\[http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-briefing-tool-on-ICTs%e2%80%99-and-the-Internet%e2%80%99s-impact-on-job-creation-and-economic-growth/\]](http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-briefing-tool-on-ICTs%e2%80%99-and-the-Internet%e2%80%99s-impact-on-job-creation-and-economic-growth/)

³ "A World Bank study using a panel of 120 countries concluded that a 10 percent point increase in broadband penetration results in a 1.38 percent increase in annual GDP growth in developing countries. McKinsey & Company also estimated that a 10 percent point increase in broadband household penetration delivers a boost to a country's GDP that ranges from 0.1 percent to 1.4 percent. And a study of Organisation for Economic Cooperation and Development countries by Booz & Company found that among high-income countries, those in the top tier of broadband penetration have also exhibited 2 percent higher GDP growth than countries in the bottom tier of broadband penetration." World Bank Group Strategy for Information and Communication Technology 2012-2015, p. 42 accessible at:

[\[http://siteresources.worldbank.org/EXTINFORMATIONANDCOMMUNICATIONANDTECHNOLOGIES/Resources/WBG_ICT_Strategy-2012.pdf\]](http://siteresources.worldbank.org/EXTINFORMATIONANDCOMMUNICATIONANDTECHNOLOGIES/Resources/WBG_ICT_Strategy-2012.pdf)

- McKinsey & Company estimates that “a 10 percent increase in broadband household penetration delivers a boost to a country’s GDP that ranges from 0.1 to 1.4 percent.”⁴ Booz & Company also found out that “ten percent higher broadband penetration in a specific year is correlated to 1.5 per cent greater labor productivity growth over the following five years.”⁵

Business contributions

- Business has produced innovations in network design and technology that have enabled the huge surge in data transfers, which supports economic life across the globe, from micro-finance schemes run by individuals using mobile phones to international trading.
- Business is also a major user, perhaps the largest user, of the Internet – along with governments, individuals and all participants in the IGF – and thus business interests go beyond providing services and applications.

Openness and privacy

Skills and capacity building are foundations for the responsible use of tools and data and, therefore, enable security and protect privacy.

- Cybercrime and other threats to Internet security pose challenges to all stakeholders. They all have a role to play in protecting against these threats. Education and information exchange, the development and diffusion of technical tools are important means of protecting networks and users and combatting illegal activity. Effective and cooperative policy approaches can help us address these important issues without stifling innovation and entrepreneurship.
- Cultural and regulatory diversity means that cooperation is required to ensure that international frameworks to protect privacy have a degree of flexibility.
- Business supports and relies on a global network of incident response mechanisms to further collaboration on better analysis, greater deterrence, and quicker mitigation efforts globally.
- Business recognizes the need for recommendations on how to deal with data requests by governments and calls for a global infrastructure that protects against an entire regional shut-down of the Internet in case of national political unrest.

Human rights, freedom of expression and the free flow of information on the Internet⁶

- Business strongly supports freedom of expression and the free flow of information in a manner that respects the rights of others and the rule of law. ICC strongly recommends that

⁴ McKinsey & Company (February 2009), Mobile broadband for the masses, cited in ICC, Commission on the Digital Economy (July 2012) ICTs’ and the Internet’s impact on job creation and economic growth, page 3, accessible at: <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-briefing-tool-on-ICTs%e2%80%99-and-the-Internet%e2%80%99s-impact-on-job-creation-and-economic-growth/>

⁵ Booz & Company (2009), Digital Highways: The Role of Government In 21st Century Infrastructure, cited in ICC, Commission on the Digital Economy (July 2012) ICTs’ and the Internet’s impact on job creation and economic growth, p. 3

⁶ ICC, Commission on the Digital Economy (July 2012) Policy statement on the freedom of expression and the free flow of information on the Internet, accessible at: <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-statement-on-the-freedom-of-expression-and-the-free-flow-of-information-on-the-Internet/>

governments adopt the principle that the offline laws and rules apply equally online and on the Internet.

- For the freedom of expression to be fully exercised requires the free flow of information, also over the Internet. Governments should work together with business to develop policies and practices to maximize freedom of expression and the free flow of information over the Internet and to minimize trade barriers so that all companies have the ability to engage in legitimate commercial activity.
- Limitations to the right to free expression should only be for legitimate public policy objectives, such as protecting the rights of others, and the rule of law consistent with international treaties, and should be narrowly tailored to meet such objectives, and decisions on Internet governance and policy issues on all levels should be consistent with international human rights.

Cross-border law enforcement access to company data⁷

- Companies processing data (i.e. communications service providers) in multiple countries have for many decades been urged by governments and law enforcement agencies to comply with law enforcement requests for access to personal data, and for cooperation with investigations around lawful intercept capabilities. Often, requests by law enforcement agencies conflict with data protection and privacy laws in other countries in which they operate.
- Compliance with law enforcement requests should not require companies to violate the privacy and data protection or privacy laws of other countries, as well as their commitments to individuals, employees, and customers.
- Business recommends harmonizing international rules on access to data and cooperation between governments where rules remain inconsistent (e.g. through treaties and enhanced judicial and police cooperation).

Global business recommendations and best practices for lawful intercept requirements⁸

- Business considers it crucial for lawful intercept laws and regulations to be clear and for associated regulatory processes to be transparent in order to avoid uncertain lawful intercept obligations to be a deterrent to communications service providers seeking to innovate, enter or remain in new markets.
- Business recommends a dialogue between governments and communications service providers to define transparent lawful intercept requirements that align proportionately

⁷ ICC, Commission on the Digital Economy (February 2012) Policy statement on cross-border law enforcement access to company data – current issues under data protection and privacy law, accessible at: <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-statement-on-cross-border-law-enforcement-access-to-company-data-%E2%80%93-current-issues-under-data-protection-and-privacy-law/>

⁸ ICC, Commission on the Digital Economy (June 2010) Policy statement on Global business recommendations and best practices for lawful intercept requirements, accessible at: <http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2010/ICC-policy-statement-on-Global-business-recommendations-and-best-practices-for-lawful-intercept-requirements/>

obligations and benefits specific to individual communications service providers, efficient lawful intercept implementation through regulatory consistency, and a clear implementation of lawful intercept law and regulation.

- Lawful intercept mandates should be consistent with legal obligations such as those related to information security, privacy and human rights. It needs to be ensured that law enforcement needs are consistent with other important legal obligations related to information security, human rights and privacy as well as the goals of promoting innovation, competition, economic development and international trade.
- Business advocates a balanced and proportionate approach for information security and lawful intercept obligations by providing a framework that would provide law enforcement authorities with all or most of the lawful intercept capabilities that they require, while minimizing unnecessary adverse effects on other legal and policy goals, since compliance with law enforcement requests should not require companies to violate the privacy and data protection laws of other countries, or their commitments to individuals, employees, and customers.

Mutual Legal Assistance to Improve Cross-Border Lawful Intercept Procedures⁹

- Cross-border lawful intercept is rapidly increasing in importance and frequency due to the on-going evolution of electronic communications infrastructure and services (including mobile services, cloud computing, machine-to-machine communications, and social media), coupled with a material increase in cross-border criminal activity (including cybercrime and terrorism).
- Despite the increasing importance of lawful intercept, communication trends such as mobility and cloud computing present increasing challenges for cross-border lawful intercept.
- Mutual Legal Assistance Treaties are a key tool for addressing these challenges that reduce unnecessary and disproportionate burdens by enhancing the effectiveness and interoperability of cross-border lawful intercept procedures and by substituting cooperation between law enforcement agencies in different countries for extraterritorial lawful intercept mandates, in an effort to respond to the challenge of inconsistent legal requirements.
- Business believes that improving Mutual Legal Assistance Treaties can be a “win-win-win” for governments and law enforcement agencies (e.g. prevention and investigation of crime and terrorism), communications service providers (e.g. can reduce burdens of lawful intercept regulation), and the broader public interests (e.g. safety and security resulting from more effective law enforcement, availability of increasingly crucial communications services at reasonable cost, and improved protection of privacy and human rights through transparency and procedural restraints on law enforcement agencies).

⁹ ICC, *Commission on the Digital Economy (September 2012) Policy statement on using Mutual Legal Assistance Treaties (MLATs) to improve cross-border lawful intercept procedures*, accessible at: [http://www.iccwbo.org/Data/Policies/2012/ICC-policy-statement-on-Using-Mutual-Legal-Assistance-Treaties-\(MLATs\)-To-Improve-Cross-Border-Lawful-Intercept-Procedures/](http://www.iccwbo.org/Data/Policies/2012/ICC-policy-statement-on-Using-Mutual-Legal-Assistance-Treaties-(MLATs)-To-Improve-Cross-Border-Lawful-Intercept-Procedures/)

Cloud computing¹⁰

- The potential benefits of the shift to cloud computing are enormous. They include:
 - Greater efficiency in allocating resources
 - Leveraging the cloud computing scale for improved technologies
 - Improved information sharing
 - Additional platforms for innovation and new services
 - Improved productivity, lower cost
 - Improved speed to market
 - Availability and reliability
 - Security functions
- Cloud computing raises three primary public policy issues. These are issues related to data privacy, security and national laws/jurisdiction.
- Many regulators are also looking at the cloud and questioning whether existing laws apply as well as how to enforce laws in the cloud. While much of the technology behind cloud computing is not new, the innovation it facilitates and widespread usage at corporate and individual levels has resulted in some new uses. As with the Internet in general, cloud computing facilitates interaction between consumers at many levels. Going forward, legitimate concerns about privacy and security should be addressed with a flexible policy framework that encourages innovation and the benefits of cloud computing services.
- Cloud computing will continue to grow only if users are confident that their data can be moved between providers or brought back in house if desired. Consensus will be necessary but attempts to mandate practices will stifle innovation.
- Cloud providers should have policies and practices in place that are compliant with applicable laws, are consistent with relevant industry best practices and use meaningful and reasonable efforts to address and deter the use of their services to engage in illegal activity.

Security

Legal and other frameworks: spam, hacking, and cybercrime

- Businesses constantly develop and deploy measures designed to ensure the security of networks and the protection of the content residing on these networks from attack. However, government action may also be needed to ensure that the necessary laws are in place to make such attacks illegal.
- Effective public-private cooperation is essential to strengthening Internet security and responding to the large and growing range of cybersecurity threats to the global Internet.
- Governments should ensure similar criminalization of specific cybercrimes and crimes committed in cyberspace to avoid the creation of 'cybercrime havens'.
- Business urges governments to refrain from imposing conflicting privacy and security obligations while accommodating, not impeding effective criminal investigation and prosecution. Often, the actual crimes are not new, but the means by which they are committed

¹⁰ ICC, Commission on the Digital Economy (February 2012) Policy statement on business views on regulatory aspects of cloud computing, accessible at: [\[http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-statement-on-business-views-on-regulatory-aspects-of-cloud-computing/\]](http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-statement-on-business-views-on-regulatory-aspects-of-cloud-computing/)

require that governments review their criminal legislation to ensure that the appropriate legislation and resources are in place regardless of the technology used.

- Different countries have different legal systems and criminal laws. What might be illegal in one jurisdiction is not always illegal in another. Therefore, arrangements and international cooperation mechanisms between enforcement agencies are the appropriate way to deal with cybercrime that crosses borders.
- When establishing substantive offenses, governments should take care not to inadvertently prevent legitimate and legal activities and further innovation.
- Security testing should be permitted in a manner that is consistent with existing applicable law.

Mobile services and Internet security

- Mobile voice and data services have brought access to the Internet to many people through their mobile devices. Mobile broadband Internet access is changing the way we live and work and contributes to economic growth and productivity.
- Developing countries often have less legacy fixed network infrastructure. They thus have an even more significant opportunity for mobile spectrum to deliver broadband services.
- According to the World Bank's *Information & Communication Technologies Sector Strategy 2011* (p.4), in 2010, the proportion of the population in developing countries with access to a fixed or mobile telephone has reached 70 percent; and more than 20 percent of the populations of developing countries are Internet users.
- As per ICC's policy briefing tool (July 2012)¹¹, there is a strong link between increased telecommunication penetration (particularly mobile phones) and faster economic and social development to improve living conditions, particularly in developing countries.
- Governments and regulators should adequately plan for the expanding demand for mobile broadband data to ensure that sufficient spectrum is available to support the increasing demand, and to pre-empt spectrum constraints threatening to limit development, innovation and competition.
- Consumer protection laws must remain flexible to ensure that consumers remain confident and are able to benefit from new ways to access the Internet.
- Among various types of applications, new payment systems are emerging in conjunction with increased mobile commerce.
- Technology must also keep pace with these developments, ensuring that network protections are in place and individuals are not vulnerable by virtue of their use of new technologies.

IGF benefits and achievements

- The IGF has significant value in bringing together leaders from relevant stakeholder groups and organizations (including governments, civil society, business, Internet technical community and academia) in a setting that is open to all interested parties with outreach

¹¹ ICC, *Commission on the Digital Economy (July 2012) ICTs' and the Internet's impact on job creation and economic growth*, accessible at: [<http://www.iccwbo.org/Advocacy-Codes-and-Rules/Document-centre/2012/ICC-policy-briefing-tool-on-ICTs%e2%80%99-and-the-Internet%e2%80%99s-impact-on-job-creation-and-economic-growth/>]

through pre-meeting preparations, webcast and real-time transcriptions, in a forum that is open to all topics and that has proven to be very frank and candid in its discussion of issues.

- Business supports the multistakeholder approach used in the IGF where all stakeholders participate on an equal footing, because it is an opportunity for frank and open exchange on important policy issues, and because the issues being discussed require the input from all stakeholders.
- The IGF is a unique forum. It offers everyone a chance to speak, but also requires everyone to listen. Business welcomes the chance to participate actively and comes with the experience and willingness to work with all stakeholders.
- The IGF is an essential space for exchange and discussion that has a productive impact on Internet-related policy discussions and decisions at all levels.
- The IGF's focus on the exchange of best practices, policy approach options and experiences is the strength of the IGF, as it maximizes the time all relevant stakeholders spend on substantive exchanges instead of negotiated texts.
- There is no topic that cannot be discussed at the IGF, and constructive mechanisms like the workshops and open forums can be important opportunities for stakeholders that may come from very different perspectives to listen to and share with others, which can lead to new understandings and newfound common interests or opportunities.
- Participants share ideas and perspectives in order to spread best practices, build human and institutional capacity and inform policy approaches.
- IGF informs policy through discussion on all current Internet issues among all relevant actors and does not spend time on negotiating texts.
- It is a unique forum for multistakeholder exchange which sets the example of such exchanges at regional and national levels.
- National, regional and international dialogue among all relevant stakeholders is essential in Internet policy development.
- National and regional IGF initiatives are also opportunities to help capture the outcomes of the IGF and use them to inform national and regional policymaking.
- Without the IGF, some governments and intergovernmental organizations could be tempted to act to hinder the global exchange of information, services and open trade.
- IGF builds community; the simple idea of *MEETING* has turned out to be of extraordinary importance in a world of constant contact over the Internet. It is a way for people to focus and have face-to-face interactions, which cements relationships and orients actions that would otherwise be amorphous.
- The IGF, in addition to fostering this dialogue, has also proven beneficial in bringing diverse stakeholders together in forming partnerships, in continuing the exchange of information and in collaborating to solve issues of common concern, precisely because the IGF encourages multistakeholder cooperation and dialogue through its non-negotiating, non-binding nature.
- The Internet has been an amazing success story and a favorable Internet governance environment has been a pre-condition and requirement for continued investment, innovation and development. The IGF has helped to create this type of environment.

- [illegible]

The International Chamber of Commerce

ICC is the world business organization, a representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world.

The fundamental mission of ICC is to promote open international trade and investment and help business meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity dates from the organization's origins early in the 20th century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rule setting, dispute resolution, and policy advocacy. Because its member companies and associations are themselves engaged in international business, ICC has unrivalled authority in making rules that govern the conduct of business across borders. Although these rules are voluntary, they are observed in countless thousands of transactions every day and have become part of the fabric of international trade.

ICC also provides essential services, foremost among them the ICC International Court of Arbitration, the world's leading arbitral institution. Another service is the World Chambers Federation, ICC's worldwide network of chambers of commerce, fostering interaction and exchange of chamber best practice. ICC also offers specialized training and seminars and is an industry-leading publisher of practical and educational reference tools for international business, banking and arbitration.

Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment policy as well as on vital technical and sectoral subjects. These include anti-corruption, banking, the digital economy, telecommunications, marketing ethics, environment and energy, competition policy and intellectual property, among others.

ICC works closely with the United Nations, the World Trade Organization and other intergovernmental forums, including the G20.

ICC was founded in 1919. Today it groups hundreds of thousands of member companies and associations from over 120 countries. National committees work with ICC members in their countries to address their concerns and convey to their governments the business views formulated by ICC.

About BASIS

ICC created BASIS to raise awareness among the public, governments, civil society, intergovernmental organizations and technical community of what business requires to continue contributing to the development of the Information Society. It serves as the voice of business in the global dialogue on the Information Society, following two World Summits on the Information Society (WSIS) held in Geneva (2003) and Tunis (2005).

To promote the environment in which business around the world will continue to thrive as an innovator of information and communication technologies, BASIS participates in UN-linked forums set up to continue the dialogue, such as the Internet Governance Forum (IGF) and the WSIS follow up and implementation processes, particularly through the UN Commission on Science and Technology for Development.

To help shape the agenda and participate in these global discussions, BASIS relies on the policies developed in ICC's Commission on the Digital Economy as the foundation for its efforts. BASIS builds on the activities and network of the Coordinating Committee of Business Interlocutors (CCBI), which ICC formed to coordinate participation by world business in the processes leading up to, and at WSIS.

BASIS members include business organizations such as the Africa Information & Communication Technologies Alliance (AfICTA), the Computer Society of India, and the World Information Technology and Services Alliance (WITSA) as well as several ICC national committees and companies from across sectors and geographies.

For further information regarding BASIS, the partners, members and activities, visit:
www.iccwbo.org/basis

ICC Commission on the Digital Economy

Business leaders and experts develop and promote the continued and stable growth of the Digital Economy, and further adoption of its underlying ICT foundation, through regulatory advocacy of key business positions and best practices through ICC's Commission on the Digital Economy.

Through its members who are ICT users and providers from both developed and developing countries, ICC is recognized in expert circles as the global consensus voice for private sector expertise on policy matters that drive the Digital Economy. It also provides the ideal platform for developing global voluntary rules and best practices for this area of interest to companies worldwide. Dedicated to the expansion of secure ICT-facilitated trade, ICC champions the liberalization and regulatory harmonization that are required to achieve a free flow of information across all borders.

ICC led and coordinated the input of business around the world to the United Nations World Summit on the Information Society (WSIS), Geneva 2003, Tunis 2005, and continues this effort in the activities established in the Tunis Agenda through its initiative, Business Action to Support the Information Society (BASIS <http://www.iccwbo.org/basis>).



International Chamber of Commerce

The world business organization

Policy and Business Practices

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