



International Chamber of Commerce
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An ICC initiative
BASIS
Business Action to Support
the Information Society

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ICC BASIS key business messages

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ICC BASIS' support for IGF and the multistakeholder process

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. 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. This is a unique global policy forum and opportunity for multistakeholder dialogue.

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 bring to these discussions.
- The important role that governments play within the multistakeholder Internet governance environment is fully recognized, supported and appreciated by ICC.
- Engaging governments from around the world in Internet policy discussions is essential to ensure informed policymaking and decisions by all stakeholders.
- Achieving sustainable outcomes in the multistakeholder Internet governance environment will require respectful and informed balancing of interests among all stakeholders.

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, and this assists the international level discussions.
- These initiatives are concrete outcomes of the IGF and echo its multistakeholder-on-an-equal footing format.

Internet governance: development benefits and business contributions

- Effective Internet related policies from both supply and demand perspectives improve economic recovery and growth as evidenced by the many national stimulus packages that include Internet and initiatives linked to information and communication technologies (ICTs).

- We recognize that the Internet is a powerful platform for expression and the exchange of information, which supports social and cultural development.
- 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.
- 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 high-speed Internet connections there is an increase in economic growth of 1.3 percentage points.
- 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.”¹ 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.”²

Access and diversity

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

- An environment that enables the development of new business models is the way to attract investment, promote innovation, build necessary infrastructures to cope with the booming data traffic and bring the benefits of the Internet to the next billion users. Particular attention should be given to the deployment of high speed networks at fair prices in a fully competitive market providing a level playing field for all actors; to enhance access and participation in the Internet and to support the free flow of information, freedom of expression and protection of individual rights and privacy.
- In particular, the Internet’s high speed networks and services promote investment and provide for competition through promoting economic growth, job creation and greater competitiveness.
- Global business therefore strongly supports long term and sustainable competition by providing high speed broadband networks to users at fair prices and 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 creating demand for high speed

¹ McKinsey & Company (Feb 2009), *Mobile broadband for the masses*

² Booz & Company (2009), *Digital Highways: The Role of Government In 21st Century Infrastructure*

networks and Internet services, in particularly in areas where governments play a key role, 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
 - independent regulators
 - respect for the rule of law
 - intellectual property rights protection and enforcement
 - pro-competitive legal, policy and fair regulatory frameworks that also increase user choice regarding quality and cost of services
 - independent courts
 - policy approaches that foster entrepreneurship
- The Internet provides greater access to more diverse content, including user generated content. It also reduces barriers to entry, increases the ability to cater to niche markets and improves access to information through the use of search technologies – all contributing to cultural diversity.
- Business supports efforts to increase the ability of non-English speakers to communicate on and through the Internet while at the same time ensuring the stability of the Internet and the protection of intellectual property rights.
- 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 languages.
- Particular attention should be given to developing tools that promote access for the elderly and those with disabilities.
- Business contributes to establishing enabling environments through education initiatives, promoting innovation and creativity, public-private research and development partnerships.

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 (ISPs) 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. In fact, business encourages the promotion of the open and interconnected nature of

the 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 diversity of content.

Mobile broadband spectrum

- Mobile broadband is championing the on-going deployment of broadband services and the resulting benefits to global economic growth.
- Access to additional radio spectrum is extraordinarily important to mobile networks, and the 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.
- Because in some countries the available spectrum for mobile broadband usages is very limited, and because identification of additional spectrum can take up to ten years in the international context, informed business observers expect significant spectrum constraints to become apparent within the next five years.
- 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 the increasing demands, as it characteristically takes a number of years to allocate new spectrum resources to operators. In determining spectrum allocations, government policies should ensure adequate spectrum for broadcast services.

Openness, privacy, and security

- Business fully supports the open exchange of ideas and free flow of information in a manner that respects the rights of others and the rule of law.
- ICTs increase access to information and promote free speech, even where local laws contradict human rights principles. While companies must comply with local laws wherever they operate, they seek, together with governments, sensible solutions that endeavor to enhance communication within and across borders and to minimize restrictions to expression.
- The unhindered flow of data and information is essential for business, trade and all users. Business is concerned about the growing trend to impose restrictions on cross-border data flows, which threatens the continued growth of the global internet.
- Any limitations on the free flow of information should be narrowly tailored and provide due process protections for the rights of individuals.
- 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 to protect networks and users and effective and cooperative policy approaches can help us address these important issues without stifling innovation and entrepreneurship.

- Cultural and regulatory diversity mean 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.
- Skills and capacity building are foundations for the responsible use of tools and data and, therefore, enable security and protecting privacy.
- 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.

Free flow of information and protection of individual rights

- Communications Service Providers (CSPs) have for many decades been urged by Law Enforcement Authorities (LEAs) for cooperation with investigations around Lawful Intercept (LI) capabilities.
- Business advocates a balanced and proportionate approach for information security to expand lawful intercept obligations by providing a framework that would provide Law Enforcement Authorities with all or most LI capabilities that they require, while minimizing unnecessary adverse effects on other legal and policy goals as well as on CSPs, on end users, and on the communications market.
- Business recommendations include a dialogue between governments and CSPs to define transparent LI requirements that align obligations and benefits to individual CSPs; efficient LI implementation through regulatory consistency, and a clear implementation of LI law and regulation.
- 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 LI obligations to be a deterrent to CSPs seeking to innovate, enter or remain in new markets.

Mobile services and Internet security

- Many people access the Internet through mobile devices, and mobile voice and data services have brought access to many. Mobile broadband 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.
- 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 demands, 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 fun and convenient 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.

Privacy protections

- Businesses constantly develop and deploy measures designed to ensure the security of networks and the content residing on these networks to protect them 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'. (Governments should not create special legislation related to the Internet, but find ways to interpret and enforce existing criminal legislation to cybercrimes.)
- 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.
- Governments should refrain from imposing conflicting privacy and security obligations while accommodating and not impeding effective criminal investigation and prosecution.
- When establishing substantive offenses, governments should take care not to inadvertently prevent legitimate and legal activities and further innovation; and
- Security testing should be permitted in a manner that is consistent with existing applicable law.

Critical Internet resources

- Critical Internet resources include a broad range of resources from infrastructure, the domain name and addressing system, to backbones and radio spectrum.
- Exchanging practical information about the approaches that different countries and regions have adopted regarding the management of regional Internet resources will add to stakeholders' collective knowledge.

- Involvement of all stakeholders in the management of Internet resources at national, regional and global levels is essential.
- Competitive and lightly regulated business environments are the best way to address many of the issues involving critical Internet resources.
- The stability and continued development of the Internet is paramount.

IPv4 / IPv6

- It is in the interest of all Internet users that the Internet continues to evolve and thrive. Adoption of IPv6 is an important step in this regard.
- The integration of IPv6 does not have a hard deadline like, for example, the system changes for Y2K did. IPv6 will coexist with IPv4 for a number of years. However, it is still essential that IPv6 deployment be prioritized to ensure that it occurs on time and that inter-working of IPv6 and IPv4 be accommodated.
- IPv6 creates opportunities for new types of services and provides the basis for continued technical innovation in communications technologies.
- Security and stability of the existing network is an essential requirement.
- Business provides expert input into the technical coordination bodies responsible for developing and overseeing the Internet Protocol and its related protocols to help ensure that as new technologies develop, they are compatible with and take advantage of IPv6.
- Governments are encouraged to take action to support IPv6 deployment as they are often large users and run their own networks, thereby creating additional demand in the market and thus signaling that market forces, aided and supported by sensible, market-oriented government intervention, should be the main driving force for deploying IPv6.

Internationalized Domain Names (IDNs) for development

- The ability to create and access multilingual or internationalized domain names (IDNs) will foster an inclusive, democratic, legitimate, respectful and locally empowering Information Society.
- IDNs are also necessary to safeguard the cultural and linguistic integrity of names, brands and trademarks represented in native character scripts. Companies and individuals in societies that use non-Latin characters will be able to globally preserve their unique identities on the World Wide Web.
- A greater sense of belonging and ease of access, through IDNs, will facilitate the use of the Internet for social and economic benefits.

Emerging policy issues and challenges

Cloud computing

- 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 clouds 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.

Social media

- Business recognizes the transformational and positive impacts of social media in society and the economy.
- Social networking is increasing the participation of Internet users in the Information Society, especially young people.
- Social networks offer new benefits to businesses, governments, users and all stakeholders.
- The policy issues on the horizon involve questions of privacy, identity, confidentiality, use of data and information for users.
- Effective policy approaches to privacy and protection of personal data should include compliance with applicable law and self-regulatory measures that supplement applicable law, such as default privacy settings, transparency, choice and education.

- Safety in the Web 2.0 environment is a shared responsibility including industry, government, parents/care-givers, educators, users and non-governmental organizations. In this regard, business has been working with stakeholders to develop best practices to protect children from inappropriate content, contact and conduct.

Enhanced cooperation

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”.

- Business from 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 those that are private sector-led 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, those that are intergovernmental and those that are multistakeholder.
- The dynamic nature of the Information Society and the Internet are such that new or additional groups will emerge that should be allowed to be part of this enhanced cooperation process. In keeping with the Tunis Agenda principle of inclusiveness, “All relevant organizations” should not be interpreted as a snapshot in time but allow for the successive inclusion of new players as they emerge.
- 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 for the process of enhanced cooperation.
- Business, given its expertise, should be involved – on an equal footing – in any discussions or decisions regarding ‘enhanced cooperation’. Adequate arrangements should be made to provide for sufficient representation of the various interests of business.

The Internet Governance Forum (IGF)

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

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.
- 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, and on an international degree.
- National, regional and international dialogue among all relevant stakeholders is essential in Internet policy development.
- Without it, some governments and intergovernmental organizations could be tempted 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 cement relationships and orients actions that would otherwise be amorphous.

IGF Achievements

- 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.

- Business successfully fought for the continuity of the IGF with its current multistakeholder principles and structures intact because without the IGF there is no adequate global space for discussion on all those current Internet governance issues among all relevant actors.

The International Chamber of Commerce (ICC)

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 trade and investment across frontiers and help business corporations meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity dates back to the organization's origins early in the last century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rules-setting, dispute resolution and policy. 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.

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 financial services, information technologies, telecommunications, marketing ethics, the environment, transportation, competition law and intellectual property, among others.

ICC enjoys a close working relationship with the United Nations and other intergovernmental organizations, including the World Trade Organization, the G20 and the G8.

ICC was founded in 1919. Today it groups hundreds of thousands of member companies and associations from over 120 countries. National committees work with their members to address the concerns of business in their countries 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, and the UN Global Alliance for ICTs and development (GAID).

To help shape the agenda and participate in these global discussions, BASIS relies on the policies developed in the ICC Commission on E-business, IT and Telecoms 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 TechAmerica, World Information Technology and Services Alliance (WITSA), Global Information Infrastructure Commission (GIIC), and the Association for Competitive Technology (ACT) as well as several ICC national committees and companies from across sectors and geographies.

ICC Commission on E-Business, IT and Telecoms (EBITT)

Business leaders and experts drawn from the ICC membership establish the key business positions, policies and practices on e-business, information technologies and telecommunications through the EBITT Commission.

With members who are users and providers of information technology and electronic services from both developed and developing countries, ICC provides the ideal platform to develop global voluntary rules and best practices for these areas. Dedicated to the expansion of cross-border trade, ICC champions liberalization of telecoms and development of infrastructures that support global online trade.

ICC has also led and coordinated the input of business around the world to the World Summit on the Information Society, 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>).



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Policy and Business Practices

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