



**Caribbean Telecommunications Union**

**CARICOM Secretariat**



## **Report and Recommendations**

*of the*

## **Internet Governance Forum**

*held from*

**5 to 6 September 2005  
Georgetown, Guyana**

*to*

**Caribbean ICT , Telecommunications and Legal Government Ministers**

**Produced by: CTU Secretariat**

Harnessing the power of information and communications technologies is one of the leading challenges of our time. We are going through a historic challenge in the way we work, communicate and do business. New information technologies have enormous potential to help spread knowledge and improve health and education. Now it is up to the governments, the private sector, civil society and international organizations to build an information society that benefits and empowers all.

Kofi Annan  
United Nations Secretary-General

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# 1 Background

At the first phase of the World Summit on the Information Society (WSIS) which was held in November 2003 in Geneva, governments failed to come to a consensus on a number of matters, including issues relating to the management and control of the Internet. At the request of the WSIS, the United Nations Secretary-General, Mr. Kofi Annan established a Working Group on Internet Governance (WGIG) with a view to preparing the ground for negotiations during the second phase of the WSIS, to be held in Tunis in November 2005.

In order for Caribbean citizens to benefit fully from the Internet, regional Governments must chart a course of activities that will ensure that their citizens can access and use the resources of the Internet for social and economic development. This will entail the creation of national and regional frameworks for Internet Governance (IG) and require participation at international IG fora in general and the second phase of WSIS in particular.

Recognizing the need for a coordinated approach, the Ministers responsible for ICT in October 2004 mandated the CARICOM Secretariat to coordinate all activities pertaining to ICT, including those related to the World Summit on the Information Society (WSIS). In January 2005, the CARICOM Secretariat enlisted the assistance of its 'sister' institution the Caribbean Telecommunications Union (CTU) to address the issue of Internet Governance for the region. On September 5 and 6, 2005, the CTU in collaboration with CARICOM, staged a two-day Internet Governance Forum in Georgetown, Guyana. The Forum was made possible through the financial support of the United Nations Development Programme (UNDP).

## 2 The IG Forum (Georgetown, Sep 5 & 6, 2005)

The IG Forum was attended by a total of forty-two (42) registered participants from some thirty (30) organizations and included Caribbean Government officials responsible for information and communications policy, Internet service and content providers, regulators, telecommunications service providers and end users including consumer groups, legal practitioners and NGOs. The registrants represented nine (9) Caribbean countries (Anguilla, Aruba, Barbados, Grenada, Guyana, Jamaica, St. Kitts / Nevis, St. Lucia and Trinidad and Tobago) plus the UK from which two members of a media production company attended.

A list of delegates is attached to this Report at Annex 1.

The objectives of the Forum were as follows:

- To apprise policy makers, industry regulators, practitioners and other stakeholders of key issues relating to Internet Governance (IG)
- To agree on an appropriate range of focus, scope of works and resource priorities for the Caribbean stakeholders in the areas of IG
- To commence identification and formulation of Caribbean positions on relevant IG issues as might be deemed appropriate for pursuing at the regional and international levels.

- To develop expertise in IG in the region in order to ensure efficient and effective local administration and influence international IG developments and activities to take due account of our regional interests.

The Forum was addressed by regional and international authorities in matters of IG. There were two workshop sessions which were facilitated by Ambassador Trevor Clarke and Ms. Jacqueline Morris, two of the three Caribbean members of WGIG, along with Mr. Teni Housty, Attorney at Law.

A copy of the Programme is attached at Annex 2.

## **2 Purpose of the IG Forum Report**

This report, which is based on the discussions of the forum, is intended to advise and guide regional governments on the activities which must be addressed in the Caribbean to ensure that citizens are able to benefit optimally from the Internet. In addition the report highlights specific items and makes recommendations to assist ICT and Legal Ministers as they prepare to participate in the second phase of WSIS in November 2005 and to implement the WSIS Plan of Action.

This report may also form the basis for future discussions and activities dealing with Internet Governance activities.

## **3 Structure of the Report**

This report is structured around three (3) main themes:

1. principles for an Internet Governance framework for the Caribbean
2. issues relating to the scope of Internet Governance and recommended areas for focused consideration and action
3. responses for specific questions which will be addressed at the second phase of WSIS in November 2005.

## **4 The Principles for Regional IG Framework**

The IG Forum recognized the breadth and depth of IG related issues being addressed in the world fora and also the insufficient coordination and level of attention being paid to these matters by CARICOM member states. Therefore, in order to ensure that global IG developments proceeded in a manner that appropriately took into account Caribbean development interests and aspirations (e.g. the CSME), the IG Forum considered that a regional IG framework needed to be established to coordinate and optimize IG efforts in the Caribbean. Such a framework would define and clarify the context for IG policy in the region and, in particular, address the question “What are we trying to achieve in the Region with regard to IG?”

With the background of the Report of the Working Group on Internet Governance (WGIG) (attached as Annex 3) as well as the presentations of the featured speakers, the Forum proposed the following principles to guide the development of regional IG policy:

- Adoption of a regionally coordinated approach to IG issues
- Promotion of Universal Access
- ‘Soft-touch’ regulatory approaches and a pro-competitive regulatory framework (e.g. equal access, non-discrimination, parity, unbundling, well defined dispute settlement processes, light regulation of Internet services re fees, filings, spectrum etc.)
- Respect for the needs and rights of all stakeholders
- Protection of cultural diversity

Arising from these principles, the following action points were identified:

- Establish a means for measuring and monitoring the development of the Caribbean Information Society
- Determine an appropriate regional Governance Structure
  - Assess different governance models e.g. evaluate Brazil’s governance structure which includes:
    - Multi-stakeholder Management
    - Domain Name Registration
    - Dispute Resolution
    - Emergency Response
    - Open Discussion of Public Policy Issues
  - Consider a regional Internet Governance Task Force or Secretariat to review, advise on and implement activities relevant to :
    - traffic research
    - peering policy
    - wholesale PC purchasing and / or regional assembly
    - secure regional Internet exchange nodes & data centers
    - Harmonised e-Commerce and cyber laws
    - optical link connectivity options

## 5 IG Issues and Recommendations

The following specific issues were identified as relevant and key to Caribbean interests and hence worthy of priority attention by CARICOM Governments and any regional IG governance structure to be established. The issues were grouped in a manner consistent with but not identical to the WGIG’s categorisation of the key public policy areas relevant to IG. Owing to time limitations, the Forum was not able to agree on the relative priorities and institutional primships for the individual issues but it was expected that work to identify these would be facilitated after the Forum.

### 5.1 Physical Infrastructure (ITU related issues)

- Provision of adequate and affordable local and international access capacity
- Quality of service issues
- Governance (Regulation/ Competition/ Universal Service Obligation) of infrastructure

- Reliable electrical supply
- Internet exchange points
- Development of broadband facilities and applications
- Access to emergency-type services
- Encourage public / private sector partnerships to facilitate infrastructure build-out
- Increased Internet access penetration

## **5.2 Logical Infrastructure (ICANN-Related)**

- ENUM (the protocol for mapping of telephone numbers to Internet services)
- Dispute settlement/resolution
- CcTLDs (Country code top level domains)
- Patents
- Copyrights and trademarks
- Digital signatures

## **5.3 Use and Mis-use of the Internet**

- Review of legal framework and examination of the applicability of laws
- Examination of impact of treaties (signed/to be signed)
- Review of competition laws
- Advanced competition policy & law
- Intellectual Property Rights
- Privacy
- Freedom of expression
- Content issues
- Treatment and management of spam
- Exemptions of ISPs from third party liability
- Cyber security: prevention, detection and prosecution of cybercrimes

## **5.4 Development Related (human, financial and technical capacity building)**

- Bulk/volume purchasing of IT equipment
- E-Learning
- Content creation
- Capacity building
  - Review of existing expertise / resources to identify gaps. These reviews need to be done in conjunction with and / or in the context of regional reviews already in progress.
    - Legal
    - Engineering
    - Law enforcement
    - Entrepreneurship
    - Public awareness / education
    - Other
  - Technical assistance and transfer of technology

- Universal Assess
- Public/Private partnerships and alliances
- Measurement of regional information society metrics in order to set and periodically gauge progress towards development goals
- Internet awareness campaigns
- Incentives and means for making Internet access tools (e.g. PCs, appliances) affordable

## 5.5 Internet-Related

- Regional Harmonization
  - Spectrum
  - Legislation
  - Standards
- New Technologies (VoIP regulation)
- E-Commerce Issues

## 6 Caribbean Resources

This is an area for further study as in order to effectively address the many issues identified above, it is necessary to determine what regional personnel and organizations would be willing and able to help in taking the process forward through the supply of appropriate expertise and / or other resources. For example, is it feasible to have an IG Secretariat under the CTU?

## 7 Recommendations for WSIS Issues

The IG Forum also considered key issues being put before the WSIS with a view to initiating some Caribbean consensus building in advance of the Summit next November. This was achieved through presentation and discussion of a “Food for Thought” document issued by the Chairman Designate of the PrepCom 3 Sub-committee A, a group which is addressing Internet Governance matters to be taken to the WSIS (see Annex 4). The “Food for Thought” document has no formal status within the WSIS PrepCom process but had been prepared in order to promote discussion on the Internet Governance issues. It proposed a possible structure and inputs for chapter three of the Operational Part of the Tunis Final Document(s) on Internet Governance.

The views of the IG Forum delegates are documented below in bold italic text and are intended to serve as a guide to Caribbean Telecommunications and ICT Government Ministers.

<b>Theme/ Possible Sources of input</b>	<b>Possible content (and questions for discussion)</b>
<b>Part 1: Introduction</b>	
Mandate of the WGIG	Brief description of the mandate given to the WGIG, and the completion of its work.
• WSIS Declaration of Principles, para	

48-50 <ul style="list-style-type: none"> <li>• WSIS Plan of Action, para 13b</li> <li>• WGIG report, para 1-5</li> <li>• Compilation (DT/7)</li> </ul>	
“Geneva principles” for the international management of the Internet <ul style="list-style-type: none"> <li>• WSIS Declaration of Principles, para 48-50</li> <li>• WGIG report, para 6-7</li> <li>• Compilation (DT/7)</li> </ul>	Brief reiteration of the “Geneva principles” as contained in the Declaration of Principles (e.g., multilateral, transparent and democratic with full involvement of stakeholders).
Security and stability of the Internet <ul style="list-style-type: none"> <li>• WGIG report, para 6</li> </ul> Compilation (DT/7)	The security, stability and continuity of the Internet as a guiding principle.
<b>7.1.1.1 Part 2: Working Definition</b>	
7.1.1.2 Working definition of Internet Governance WGIG report, para 8-12 Compilation (DT/7)	<i>Is the working definition proposed in the WGIG report adequate?</i> <b><i>We support</i></b>
<b>7.1.1.3</b>	
<b>7.1.1.4 Part 3: Stakeholders</b>	
7.1.1.5 Roles and responsibilities of stakeholders  WGIG report, para 29-34 Compilation (DT/7) cf. Also text in section C1 of the Declaration and Plan of Action	<i>How can we make the process inclusive and participatory?</i> <b><i>We agree that there is a role for participation in the categories identified. Government, private sector and Civil Society.</i></b> <b><i>{For the Caribbean clarifying definitions are needed}</i></b>  <i>How can we ensure effective stakeholder participation in Internet Governance? –</i> <b><i>Regional Internet Governance Structure – established considering the Brazilian Model – run by a multi stakeholder board.</i></b>  <i>What specific roles should be assigned to the different stakeholders? We agree with the roles as highlighted. N.B. WGIG para 33 with the caution of relevance to the Caribbean. Assess and identify the relevant Caribbean Stakeholders. Based on the guiding principles of Internet Governance.</i>
Coordination  WGIG report, para 72-73 cf. Also text in section C11 of the Declaration and Plan of Action	<i>What specific actions may be recommended to reinforce coordination? Regional Internet Governance Structure – established using the Brazilian Model – run by a multi stakeholder board.</i>

	<i>What changes might be recommended? <b>Develop better mechanisms to promote multi-stakeholder participation.</b></i>
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<b>Part 4: Identifying public policy issues relevant to Internet Governance</b>	
<b>a) Issues relating to infrastructure and management of critical Internet resources</b>	
Administration of the root zone files and root server system <ul style="list-style-type: none"> <li>• WGIG Report para 15 and 76</li> <li>• Compilation (DT/7)</li> </ul>	<i>What are the institutional arrangements needed to guarantee continuity of a stable and secure functioning of the root system of the DNS?</i>
IP addressing <ul style="list-style-type: none"> <li>• WGIG report para 22 and 77</li> <li>• Compilation (DT/7)</li> </ul>	<i>How best to ensure that allocation policies for IP addresses provide equitable access to resources in the transition to Ipv6?</i>
Allocation of domain names (gTLDs and ccTLDs) <ul style="list-style-type: none"> <li>• WGIG report para 21</li> <li>• Compilation (DT/7)</li> </ul>	<i>How best to develop policies for the management and development of the domain name space? <b>ccTLDs should examine the establishment of the UNRP, as well was the Best Practices developed by WIPO.</b></i> <i>Possible development of business ethics and standards.</i>
Possible governance/oversight function <ul style="list-style-type: none"> <li>• WGIG report, paras 1, 48-71,</li> <li>• Compilation (DT/7)</li> </ul>	<i>What should be the relationship between governments and ICANN? What measures for reform and renewal may be recommended by WSIS? Proposed timeline. Proposed forum for discussion, implementation.</i>  <i><b>Consideration and examination of the Models</b></i>
<b>(b): Issues related to the use of the Internet</b>	
Internet stability, security and cybercrime <ul style="list-style-type: none"> <li>• WGIG report, paras 17 and 79</li> <li>• Compilation (DT/7)</li> <li>• WSIS Thematic Meeting on Cybersecurity, 28 June-1 July 2005</li> </ul>	<i>What specific actions may be recommended to reinforce existing measures for Internet stability and security and to combat cybercrime?</i> <i><b>The Caribbean needs to reform laws to address the challenges raised by technology and manners of committing criminal acts.</b></i>  <i>What are the conceptual and institutional deficits that need to be addressed? <b>Commission, detection, enforcement and prosecution of old and new acts. Consider the framework established under current Regional crime related treaties.</b></i>  <i>What changes might be recommended?</i> <i><b>For the Caribbean these need to be given higher priority. Driven from the Top.</b></i> <i><b>Jurisdictional and enforcement.</b></i>
Spam <ul style="list-style-type: none"> <li>• WGIG report, paras 18 and 80</li> </ul>	<i>In countering spam, what specific actions may be recommended, by implementing existing measures and/or formulating new ones?</i>

<ul style="list-style-type: none"> <li>• Compilation (DT/7)</li> <li>• WSIS Thematic Meeting on</li> <li>• Spam, July 2004</li> </ul>	<p><i>This an issue that the Caribbean needs to monitor. The Challenges of Bandwidth, denial of service issues as well as a nuisance. Limited pipelines restrict the flow of information. The perspectives should be considered, issues include : identification, marking and filtering (Internet Exchange points) . Critical ISP concern. What has happened to the technological solutions? “who is faster and/or smarter?”</i></p> <p><i>Examine the possible and potential effects of SPAM on Caribbean internet usage.</i></p> <p><i>A harmonized Caribbean approach to the issue, in particular having regard to the objectives of the CSME. Caution should be exercised in implementing policies that do not restrict the evolution of Caribbean businesses. Currently Spam is inbound as opposed to outbound.</i></p>
<p>Freedom of expression</p> <ul style="list-style-type: none"> <li>• WGIG report, paras 24 and 81.</li> <li>• Compilation (DT/7).</li> <li>• WSIS Thematic Meeting on freedom of expression in cyberspace (Feb 2005) cf. references to this issue in the WSIS Declaration of Principles.</li> </ul>	<p><i>How best to ensure freedom of expression?</i></p> <p><i>We agree that there should be no unreasonable and disproportionate limitations on freedom of expression.</i></p>
<p>Data protection and privacy rights</p> <ul style="list-style-type: none"> <li>• WGIG report para 25 and 83</li> </ul>	<p><i>How best to promote measures and to protect citizens against the misuse of personal data?</i></p> <p><i>Recognition of the importance of personal data and information.</i></p> <p><i>Develop policies and practices to deal with the use of information compiled and obtained.</i></p> <p><i>The evolution of access to information laws requires that the use of information by the State be examined. N.B. Jamaica’s Interception of Communications Act.</i></p> <p><i>Development of practices to deal with appropriate circumstances and practices for disclosure.</i></p> <p><i>Develop policies for information gathered to deal with information that is obtained. Restrain the sale of information.</i></p> <p><i>Balance between the need to protect the individual and the state.</i></p>
<p>Consumer rights</p> <ul style="list-style-type: none"> <li>• WGIG report, paras 26 and 84.</li> <li>• Compilation (DT/7).</li> </ul>	<p><i>How best to promote measures to protect consumers in cross-border transactions?</i></p> <p><i>Development of a position regarding consumer protection issues.</i></p>

<p>IPRs</p> <ul style="list-style-type: none"> <li>• WGIG report, paras 23.</li> <li>• Compilation (DT/7).</li> </ul>	<p><i>How best to apply intellectual property rights to cyberspace in order to ensure a balance between the rights of holders and the rights of users?</i></p> <p><b><i>Develop and amend existing Intellectual property laws to address the creation and use of digital works.</i></b></p> <p><b><i>Examine the WIPO 1996 Internet Treaties.</i></b></p> <p><b><i>Web development issues, awareness, digitisation of information.</i></b></p>
<p><b>Part 5: Measures to promote development</b></p>	
<p>Interconnection costs</p> <ul style="list-style-type: none"> <li>• WGIG report, paras 16 and 78</li> <li>• Compilation (DT/7)</li> <li>• cf. reference to this issue in chap 2 (para 37c)</li> </ul>	<p><i>What measures might be recommended for bringing down Interconnection costs?</i></p> <p><b><i>Acknowledged as an important issue for the Caribbean. Parity between new market entrants and incumbents is important, in particular the ISP divisions of incumbents.</i></b></p>
<p>Capacity-building and meaningful participation in global policy development</p> <ul style="list-style-type: none"> <li>• WGIG report, paras 20 and 74.</li> <li>• Compilation (DT/7)</li> <li>• WSIS Thematic Meeting on capacity-building (May 2005)</li> </ul>	<p><i>What are the national, regional and international responsibilities with regard to capacity-building? How might it be possible to ensure meaningful participation in decision-making, including in the proposed “Forum”?</i></p> <p><b><i>The Importance has been acknowledged for the Caribbean.</i></b></p>
<p>Multilingualism</p> <ul style="list-style-type: none"> <li>• WGIG report, paras 27 and 85.</li> <li>• Compilation (DT/7)</li> <li>• WSIS Thematic Meetings, including on multilingualism (May 2005)</li> </ul>	<p><i>What specific actions may be necessary to promote multilingualism on the Internet?</i></p> <p><i>Do we need a roadmap?</i></p> <p><b><i>This is an area in which the Caribbean may be able to establish partnerships and alliances. For the support of additional issues.</i></b></p>
<p>Enabling environment</p> <ul style="list-style-type: none"> <li>• WGIG Report para 72</li> <li>• Compilation (DT/7)</li> <li>• WSIS Declaration of Principles and Plan of Action, section C6.</li> </ul>	<p><i>What are the characteristics of an enabling environment with regard to Internet Governance?</i></p> <p><b><i>An enabling legislative and policy environment must be created for the Caribbean.</i></b></p> <p><i>Who does what in that regard? National, regional and international responsibilities.</i></p> <p><b><i>Regional Internet Governance Structure – established using the Brazilian Model – run by a multi stakeholder board. Regional Secretariat.</i></b></p> <p><b><i>We must chart our regional course. The Governments need to lead the way.</i></b></p>

Part 6: Forum	
7.1.1.6 “Forum”	<p><i>Should WSIS recommend the creation of a multi-stakeholder “Forum”?</i>  <i>A post WSIS process is necessary both <u>internationally and regionally</u>.</i></p>
WGIG report, paras 40-47 and 74. Compilation (DT/7)	<p><i>N.B Paragraphs 40 – 47 of the WGIG report for the intended function.</i>  <i>What mechanism will be established for effective and democratic decision-making? Do jurisdictional issues arise? What would be the appropriate model?</i></p> <p><i>Ensure effective Caribbean participation in any mechanism that is developed.</i></p> <p><i>Would it be attached to the UN or be independent? What should be the mandate of the “Forum”? How would it be financed? How would it be constituted (rules of procedure, organizational structure, etc)?</i></p>

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## 8 Conclusions

The regional Internet Governance Forum successfully addressed from a Caribbean perspective the wide range of issues relevant to the topic, including matters being put before the next WSIS meeting in Tunis in November 2005. Key outcomes of the discussions were:

- A recommendation for the establishment of a regional Internet governance structure, the initial step of which would be the formation of an Internet Governance Task Force or Secretariat to assess and determine appropriate governance models and advise on and implement activities relevant to policy development and governance operations
- Identification of a list of priority Internet governance issues for the Caribbean
- Recommended Caribbean positions on issues of regional interest which are being put before the next WSIS meeting in November 2005.

Time did not permit agreement to be reached on the relative urgencies and primeships for action on the specific priority items identified and the need for a further Forum or other collaborative follow up mechanism was noted.

## 9 Planned Follow-Up Actions

Pursuant to the outcomes of the regional IG Forum as stated, the CTU will continue to work with the CARICOM Secretariat to expedite the realisation of a regionally coordinated approach to Internet governance. This will involve completion of the following actions in the short term:

- Examination of the Brazilian and other regional Internet governance models for guidance in determining and implementing an appropriate solution for the Caribbean
- Setup of an online forum to ensure multi-stakeholder participation in the IG process in the Caribbean.
- Review of the outcome of the Prep-com3 of the WSIS to ensure that Regional deliverables are aligned to those of other regions.

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