

# Korean IG regulation revisit

Jihwan Park, OpenNet Korea

# Regulation for Multistakeholder Forum

- Administrative decision, such as an executive decree:
- Create new or build on existing laws:
- Formal and informal agreements

(Designing and Managing an OGP Multistakeholder Forum)

# Korean IG regulation : existing law

## ○ Advantages:

Creates a strong and stable formal framework for the Forum, providing it with stability across time.

If taking advantage of a Forum previously enacted by law, it can reduce the risk of overlapping mandates and/or the multiplication of consultation mechanisms.

## ○ Disadvantages:

Drafting and passing legislation could be a burden, given that it requires the collaboration of the legislature.

# Internet Address Resources Act

- Decision making process / major player

**Government decides**

**in a cooperative manner**

### **Article 3 (Obligations of State)**

- (1) The State shall endeavor to promote the development and use of Internet address resources and ensure that Internet addresses are used in a fair and appropriate manner.
- (2) The State shall endeavor to ensure that policies related to Internet address resources are formulated and implemented in a transparent and democratic manner.

### **Article 5 (Formulation and Implementation of Basic Plans)**

- (1) The Ministry of Science, ICT and Future Planning shall formulate and implement basic plans on the development, promotion of use or management of Internet address resources.
- (2) Basic plans shall include the following matters:
  1. Basic objectives for the development, promotion of use or management of Internet address resources;
  2. Matters concerning the present status or supply and demand of Internet address resources;
  3. Matters concerning the development and standardization of Internet address resources;
  4. Matters concerning the protection of users of Internet addresses and the settlement of disputes;
  5. Matters concerning cooperation on Internet address resources between the State or local governments and the private sector;
  6. Matters concerning international cooperation on Internet address resources;
  7. Matters concerning the procurement or operation of financial resources for the development, promotion of use or management of Internet address resources;
  8. Other matters concerning the development, promotion of use or management of Internet address resources;

# Internet Address Resources Act

- Decision making process / major player

**Government establishes and manages KISA,**  
an Internet address management organizations

# ○ The Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. Article 52 (Korea Internet and Security Agency)

(1) The Government shall establish the Korea Internet and Security Agency (hereinafter referred to as the "Internet and Security Agency") to upgrade the information and communications network (excluding matters concerning establishment, improvement and management of information and telecommunications network), encourage the safe use thereof, and promote the international cooperation and advancement into the overseas market in relation to broadcasting and communications.

(3) The Internet and Security Agency shall carry out the following business affairs:

5. Information protection for the information and telecommunications network, development of technologies concerning the Internet address resources and standardization thereof

17. Affairs related to the management of Internet address resources under the Internet Address Resources Act

of Internet address resources;

8. Other matters concerning the development, promotion of use or management of Internet address resources.

# Internet Address Resources Act

- Consultation mechanism

**Internet Address Policy Deliberation  
Committee consultation**

**(Nominated and Managed by Government)**



## **Article 5 (Formulation and Implementation of Basic Plans)**

(3) The Ministry of Science, ICT and Future Planning shall, when it formulates basic plans, undergo the deliberation of the Internet Address Policy Deliberation Committee under Article 6.

## **Article 6 (Internet Address Policy Deliberation Committee)**

(1) The Internet Address Policy Deliberation Committee (hereinafter referred to as the "Deliberation Committee") shall be established under the control of the Ministry of Science, ICT and Future Planning, so as to deliberate on policies for Internet address resources, etc.

(2) The Deliberation Committee shall deliberate on the following matters:

1. Matters concerning the formulation and implementation of basic plans;
2. Matters concerning approval for the entrustment of duties of Internet address management organizations under Article 9;
3. Matters concerning approval for rules on the management of Internet addresses under Article 13;
4. Matters concerning major policies for the settlement of disputes related to Internet addresses;
5. Matters concerning international cooperation related to Internet address resources;
6. Other policy matters related to Internet address resources, submitted by the Chairperson.

# Internet Address Resources Act

- Appointment of committee members

**Top-down**

**(no election / bottom-up process)**

## **Article 6 (Internet Address Policy Deliberation Committee)**

(4) Members of the Deliberation Committee shall be persons with abundant knowledge and experiences on Internet address resources, and shall be commissioned or nominated by the Chairman of the Ministry of Science, ICT and Future Planning, from among persons falling under any of the following subparagraphs:

1. Any public official in Grade III or higher, or any person who holds or held a position equivalent thereto in a public institution ;
2. Any person who holds or held the position of a judge, public prosecutor, attorney-at-law or patent attorney for not less than ten years;
3. Any person who holds or held the position of an associate professor or higher in a college or certified research institute, or holds or held a position equivalent thereto for not less than five years, who majored in information and communications;
4. Any person who holds or held the position of an executive in a company related to information and communications for not less than five years;
5. Any person who holds or held the position of the representative of an organization or institution related to information and communications;
6. Any person deemed to have qualifications equivalent to the aforementioned positions by the Ministry of Science, ICT and Future Planning.

# Internet Address Resources Act

- Support for non government participants' activity  
: **concerns international cooperation only**

Article 8 (International Cooperation on Internet Address Resources)

(2) The Ministry of Science, ICT and Future Planning may support international cooperation on Internet address resources in the private sector.

# Internet Address Resources Act

- Support for non government participants' activity  
: **concerns international cooperation only**
- **Korea Internet Governance Alliance(KIGA)**  
: not binding, no legal background, voluntary base
  - established 2012,
  - including experts(academea), private sector, civil society

# Recommendation

## ○ Amendment

**bottom-up nominating process of the committee**

**establish the committee independent from Government**

**enhance engagement of non government stakeholder**

**fully support non government stakeholder; KIGA**

## ○ Agreement / Contract base model

# Collaboration and Participation

is the cornerstone.