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The UN and Internet Governance

Markus Kummer
Executive Coordinator
Secretariat of the Working Group on Internet Governance
wgig@unog.ch

Outline:

-        The World Summit on Information Society (WSIS) and the Working Group on Internet Governance (WGIG)
-        The WGIG Report and Process
-        WSIS PrepCom-3
-        Outlook on WSIS-II
-        Possible Outcome

The media:

- "Trouble ahead"
- "The battle to control the Internet"
- "Net power struggle nears climax"
- "UN wants to take over the Internet"
- "UN's effort to commandeer the Internet"
- "EU wants international control of the Internet"
- "Keep the Internet free"
- "US rejects changes to net control"

Carl Bildt:

"It would be profoundly dangerous to now set up an international mechanism, controlled by governments, to take over the running of the Internet. Not only would this play into the hands of regimes bent on limiting the freedom that the Internet can bring, it also risks stifling innovation and ultimately endangering the security of the system."

(IHT, 10 October 2005)

What is the UN?

- What can it do?
- Is it a rule making and rule enforcing body?

The UN:

- It is a universal organization.
- It provides a space for global dialogue.
- Decisions normally taken by consensus.
- It has convening power.
- It makes use of "soft governance" and "soft power".

WSIS-I and WGIG

WSIS 2003: Clash of two visions:

- Classical intergovernmental cooperation vs. private-sector led arrangements.

- Compromise: WGIG. Mandate to "investigate and make proposals for action".

The WGIG mandate

- What it was:

  A fact finding mandate:"To investigate and make proposals for action, as appropriate".
- What is was not:

  A mandate to propose sweeping changes in the existing architecture of Internet governance mechanisms.

The WGIG Report

- Addresses three main questions:
    - What is it all about?
    - What are the issues?
    - Who does what?

One cross-cutting WGIG priority: development

- WGIG to be placed in WSIS and MDG context.
- Two aspects:
    - Effective and meaningful participation in Internet governance arrangements;
    - Building of capacity to address Internet governance issues.

What is it all about?

Internet Governance means more than:

- Internet names and addresses.

- Governments.

=> Internet governance involves all stakeholders.

=> It is not about ICANN!

What are the issues?

-   Broad approach, no potentially relevant issue excluded.

-   Report groups issues in four categories:

    -   Issues related to the Internet resources and infrastructure (such as IP addresses, root server system, DNS, peering and interconnection).

    -   Issues related to the use of the Internet (such as spam, network security, cybercrime).

    -   Issues within the ambit of existing organizations (such as trade, IPR).

    -   Developmental issues.

Who does what?

- Roles and responsibilities can vary according to issue or function of the problems that are being addressed:

  "…each group will have different interests, roles and participation, which in some cases will overlap".

- The academic and technical communities "make a permanent and valuable contribution to the stability, security, functioning and evolution of the Internet."

- "The WGIG also […] noted that there is scope to improve coordination…" between IGOs and other institutions.

WGIG methodology

WGIG checked adequacy of current governance arrangements - measured against criteria/benchmarks set out in WSIS Declaration of Principles:

- multilateral

- transparent

- democratic

- full involvement of governments, the private sector, civil society and international organizations

- capacity to address governance issues in a coordinated manner.

Assessment of existing arrangements

WGIG Report concludes that:

the present system works reasonably well, but…

…there is room for improvement:

- improvement within institutions;

- improvement in cooperation and coordination between institutions;

- improvement in multistakeholder coordination at all levels.

Recommendations (1): Forum function

- Report identifies a vacuum within the context of existing structures.
- Proposal to create a space for dialogue among all stakeholders to address Internet related issues that:
    - are cross-cutting and multi-dimensional, as well as emerging issues;
    - either affect more than one institution, are not dealt with by any institution, or are not addressed in a coordinated manner.
- => Based on cooperation with academic institutions.
- => Contribution to capacity building in developing countries.

Recommendations (2): Oversight function

- Further internationalization, based on WSIS principles: Multilateral, democratic, transparent.
- Should not interfere in day-to-day operations.
- Four options for oversight arrangements with varying degrees of government involvement.

Recommendations (3): National and regional policies

Importance of national / regional policies and coordination among all stakeholders:
- relationship between ccTLDs and governments;
- shaping of "Internet friendly" policies;
- models for national Internet governance arrangements (Internet Steering Committees);
- methods: peer review and best practices.

Importance of process

- Process was as important as substance – process was **the** major issue in WSIS negotiations.

- Process from the conception of WGIG aimed to be in line with WSIS:

  - "open and inclusive";
  - "full and active participation of all stakeholders".

- WGIG developed a process that allowed all stakeholders to participate on an equal footing in open consultations.

From WGIG to WSIS – back to intergovernmental process

- 'WGIG acquis' was participation of all stakeholders on an equal footing.
- Back to WSIS: UN rules of procedure apply.
- Limited role for non-governmental actors.
- Governments remain among themselves in negotiating groups.
- Civil society and private sector question legitimacy of process.

WSIS PrepCom-3

- Draft final document took up most of substantive input of WGIG Report.

- Agreement on 80% of Text.

- Contentious issue: oversight.

- Focus on "a new model of cooperation", building on "the Geneva principles".

Three main positions

- "Existing mechanisms work well – no institutional changes needed". Need for improving coordination and developing countries participation within existing structures.

- Pursue dialogue and create multi-stakeholder forum.

- "New cooperation model" with increased government involvement in IP address allocation and numbering/addressing. Forum complementary to oversight function.

Outlook on WSIS-II

- Can common ground be found for these three positions?
- Evolutionary approach?
- Continuation of process?
- Creation of Forum?
- Creation of new oversight institutions?
- Setting agenda for future cooperation?
- Measures to assist developing countries?

Where are we going?

The WGIG report and process identified:

- Need for structured multi-stakeholder debate on Internet related public policy issues (Forum).

- Need for measures to assist developing countries to make their voice heard.

- Key issues for future debate.

  The WGIG report present elements for common ground.

Post WSIS-II Internet governance

- Forum could provide platform for sharing best practices at national and regional levels.

- Forum could provide neutral meeting place for all relevant institutions – IGOs and 'Internet institutions'.

  - Intergovernmental organizations such as ITU, WIPO,UNESCO;

  - 'Internet institutions', such as ICANN, ISOC / IETF, W3C, NRO, CENTR.