

Markus Kummer  
Executive Coordinator  
Secretariat of the Working Group on Internet Governance

**The Debate on Internet Governance: What's at Stake?  
Oxford Internet Institute / Internet Society UK**

**London, 24 September 2004**

In the phase leading up to the first phase of the World Summit on the Information Society (WSIS) in Geneva the debate on Internet governance saw the clash of two visions. There were clearly two schools of thought with different perspectives on the Internet.

The first group argued that that the present system worked well and - before trying to solve a problem - it would be necessary to know what the problems were that needed to be addressed. Their message was "if it ain't broke don't fix it". These delegations insisted on the primacy of the private sector, but also on the important role of other stakeholders.

The second school of thought questioned the legitimacy of the present system. Its proponents argued that at national level governments played a role and that they had platform for a dialogue with the various stakeholders. They pointed out that, at the international level, however, there was no such forum for interaction. They stressed the need for establishing a multilateral mechanism, preferably with the legitimacy of the UN system. This would not replace any existing mechanism, nor infringe on the work of any existing organization, but would be complementary and deal with policy issues. Furthermore, these delegations felt that Internet governance related to national sovereignty.

The compromise reached at the Geneva Summit marked the beginning of a broad-based multilateral process on Internet governance. It requested the Secretary-General of the United Nations to set up a Working Group with the task "to investigate and make proposals for action, as appropriate, on the governance of Internet". The Working Group is to report to the second phase of the Summit in Tunis in November 2005.

To date, the Working Group on Internet Governance (WGIG) has not yet been set up, but the process has started for good. The WGIG is the core of a multifaceted and multilayered process. Many events have already taken place and many more are being planned. There were two major events devoted to Internet governance in February and March: a workshop by the International Telecommunications Union (ITU) in Geneva and a Global Forum organized by the UN ICT Task Force in New York in March. In May, there were panels held at events such as Telecom Africa in Cairo, or INET '04 in Barcelona, or a regional meeting of the UN ICT Task Force in Shanghai. In June, the issue was brought back to the political level during the first Preparatory Committee of the second phase of the WSIS, PrepCom-1, held at Hammamet in Tunis. In July, ICANN held a meeting on the WGIG process at its conference in Kuala Lumpur and early this week we had two days of consultations in Geneva on the setting up of the WGIG. Today's event here in London's prestigious Royal Society is one of many held at the national level. More meetings are to follow and many players participate in these discussions. National Governments as well as business and civil society organizations are preparing position papers. Some of these papers are posted on our website ([www.wgig.org](http://www.wgig.org)).

By recognizing some important principles, the Geneva Declaration laid the conceptual groundwork for any future form of Internet governance and set valid benchmarks for the work ahead of us. They are based on traditional principles of international co-operation, such as transparency and democracy. They also introduce Internet-specific aspects, such as the recognition that the Internet is, by now, a global facility. Furthermore they recognize the multi-stakeholder character of the Internet. These principles will be the basis for the work of the WGIG.

The two documents adopted in Geneva set the parameters for the Working Group and contain its Terms of Reference and work programme. The WGIG is asked *inter alia* to deal with the following issues:

- (a) Develop a working definition of Internet Governance;
- (b) Identify the public policy issues that are relevant to Internet Governance;
- (c) Develop a common understanding of the respective roles and responsibilities of governments, existing international organizations and other forums as well as the private sector and civil society from both developing and developed countries.

An analysis of the Geneva documents leads to the conclusion that the WGIG's task is first and foremost a fact-finding mission. The wording ("develop a common understanding") gives it a classical UN role of consensus building and, last but not least, it emphasizes the importance of the modalities of the process, which will need to be based on multi-stakeholder cooperation. The agreed text points towards an open concept, which does not prejudge anything. It is about looking into how the Internet works, taking stock of who does what and looking into ways of improving the coordination among and between the different actors.

The main deliverable of the WGIG will be "a report on the results of this activity to be presented for consideration and appropriate action for the second phase of WSS in Tunis in 2005". The WGIG therefore is not a negotiating body, but a working group, which will have as its main task the drafting of a report.

Let me turn to the two-day consultations we held in Geneva earlier this week. Their aim was to move towards a common understanding on the setting up of the WGIG, its structure and functioning. The issues on the agenda covered the nature and scope of Internet governance and priority issues, as well as the composition and structure of the WGIG, the profile of its members, its working methods and the timeline for its activities.

By and large we achieved our objectives and our deliberations were more constructive than anticipated. They achieved the aim we set ourselves at the outset; that is to move closer to a common understanding on how to manage the process. For the first time we had a real dialogue between the two different schools of thought. This contributed to a better understanding of each others' positions and it also gave us a clearer picture on how to move forward. There was a general agreement that governments have a role to play, but also that governments are not the only actors and that they have to work closely with private sector and civil society.

The Chairman, Mr Nitin Desai, Special Adviser to the Secretary-General on the World Summit on the Information Society, stressed that in the debate on Internet governance, rather than focus on differences, we should see this process as an opportunity for improving access to the Internet as well as fostering economic and social development. He also pointed out that the UN had not sought the role it was given by the Geneva phase of WSIS, but at the same time was not shying away from it. The UN in this process had the role of a facilitator and would strive to establish "a dialogue of good faith" among all participants.

The Chairman noted a remarkable convergence of views on some key issues and summed up the meeting as follows:

- There was a general convergence of views on the need to treat Internet governance from a broad perspective and that we should take into account what has been done elsewhere and build on what already exists. Topics that were particularly highlighted by the participants included the management of Internet resources, network security, cyber-crime, spam, and multilingualism. However, many participants stressed that the WGIG should concentrate on a few priority issues
- There was also a broad understanding that the WGIG should be based on a multi-stakeholder approach and that this approach should be reflected in its composition.
- There was a general feeling that the composition of the WGIG should be balanced. Different views were held as to how this balance could be achieved and it became clear that it was a balance across different dimensions. Among the considerations put forward were regional representation, stakeholders, gender, developed and developing countries, and differing schools of thought.
- There was a widespread consensus that the process should be open, transparent and inclusive. Regular consultations in an open format could greatly contribute to this objective. It also became clear that the WGIG was expected to be different from classical expert groups and that an innovative approach would be needed to meet these expectations. To increase the efficiency of this process, best possible use should be made of electronic working methods including online consultations. In this regard, the WGIG could learn from the Internet community.
- Different views were held with regard to the composition, size and structure of the WGIG. Some delegates proposed that the Working Group should be open-ended, whilst in contrast some wanted a small group of up to twenty participants. A size that seemed to find favour among different constituencies was a group of between thirty and forty members. Many delegations stressed the need for the WGIG to be constituted at a working or expert level. The aim was to set up a group that would be accepted as being representative by governments and all stakeholders.

Of course, differences remain. They concern the nature of government involvement – how heavy or how light should it be? They also concern the question whether governments should be involved in the management of Internet resources, the so-called “technical layer”. The differences also concern the nature of the WGIG process and its relation to the WSIS process. While some governments clearly would like to see the WGIG as an intergovernmental process, the non-state actors emphasize its character as a process that is free from intergovernmental constraints and rules of procedure.

The two Geneva documents attach as much importance to the process as to the substance under discussion. The modalities of the process ahead of us will therefore be important. They were very much at the centre of the WSIS negotiations last year. Among these modalities I would like to highlight the importance of developing country participation. The main push for this discussion came from developing countries. Their full and meaningful participation in this process will be essential and they will need to be given the possibility of making their voice heard. This of course involves travelling costs, but not only that. There is also a need for efforts aimed at capacity building among developing countries, to allow them to defend their interests effectively. Their effective participation in the WGIG will be necessary in order to facilitate the decision-making at the second phase of WSIS in Tunis in November 2005.

The next steps will be the setting up of the WGIG and the drafting of its report. The members of the WGIG and its Chairperson should be nominated next month. Three or four three-day meetings of the WGIG will probably be needed and we hope that its first meeting will take place in November. A round of consultations with all governments and stakeholders in an open-ended mode is scheduled to take place on 15 / 16 February 2005, back-to-back with the second meeting of the WSIS Preparatory Committee (PrepCom-2). According to the decisions taken in Hammamet in June, a preliminary report will have to be presented to PrepCom-2. A second round of consultations could be held in April or May, before completion of the report. The report should be issued no later than July 2005 to give governments sufficient time to study its content.

The objective for the next months will be to create ownership of the process. To achieve this aim, we will have to ensure that governments and all stakeholders recognize themselves in the composition of the group and feel themselves represented by the WGIG. This is a prerequisite for the WGIG to gain the credibility that will be necessary to carry out its tasks.