Working Group on Internet Governance

PRELIMINARY REPORT OF THE WORKING GROUP ON INTERNET GOVERNANCE

Executive Summary

1   The Working Group on Internet Governance (WGIG) held its first two meetings in Geneva in November 2004 and February 2005. It decided on a preliminary draft structure for its report, identified public policy issues and set out a time frame for its work. The WGIG also moved closer to a common understanding of a working definition on Internet governance.

2   Two more meetings are planned to take place in April and June. The work leading up to these meetings will be devoted to assessing the adequacy of current Internet governance arrangements measured against the principles set out in the documents adopted at the first phase of the World Summit on the Information Society in Geneva in 2003. The final meeting will focus on developing "proposals for action, as appropriate, on the Governance of the Internet", as called for by the Geneva documents.

3   The work of the WGIG will continue to be open, transparent and inclusive, allowing for on-line comments and aiming to make best possible use of modern information and communication technologies in general and the Internet in particular. All meetings are held in conjunction with consultations open to all stakeholders[1].

4   The WGIG sees itself not as a negotiating body, but as a working group with the task of preparing the ground for the negotiations to be held in the framework of the World Summit on the Information Society (WSIS).

1   Introduction

5   This document is a preliminary report of the Working Group on Internet Governance (WGIG) to PrepCom-2 on the status of its work in accordance with the request of and as reflected in the documents adopted by the First Session of the Preparatory Committee (PrepCom-1) for the Tunis phase of the World Summit on the Information Society (WSIS), held at Hammamet, Tunisia, on 24 - 26 June 2004.

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[1] The term "stakeholder" is used as defined in Paragraph 3 of the WSIS Plan of Action
WSIS-03/GENEVA/DOC/0005

6   The WGIG has held two meetings in Geneva: 23 - 35 November 2004 and 14 – 18 February 2005. Subsequent meetings are planned for 18 – 20 April 2005 and 14 – 17 June 2005.

7   This preliminary report outlines work in progress towards the final report to be presented to the Secretary-General in July 2005.

2   Establishment of the Working Group on Internet Governance

(a)   Mandate

8   At the first phase of the WSIS, held in Geneva in December 2003, Heads of State and Government recognized the importance of the Internet. They noted[2] that the Internet is a central element of the infrastructure of the emerging information society but that there are differing views on the suitability of current institutions and mechanisms for managing processes and developing policies for the global Internet. They requested the Secretary-General of the United Nations to set up a Working Group on Internet Governance with a view to preparing the ground for negotiations at the second phase of the WSIS, to be held in Tunis in November 2005.

9   The WSIS Declaration of Principles and the WSIS Plan of Action[3] adopted in Geneva set the parameters for the WGIG and contain its Terms of Reference and work programme.

10   The WGIG has been asked *inter alia* to "investigate and make proposals for action, as appropriate, on the governance of the Internet by 2005"[4], dealing with the following issues[5]:

(i)   Develop a working definition of Internet Governance;
(ii) Identify the public policy issues that are relevant to Internet Governance;
(iii) 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.

11   The main deliverable of the WGIG will be a report to be presented "for consideration and appropriate action" for the second phase of WSIS in Tunis in 2005.

(b)   Consultations on the Establishment of the WGIG

12   Discussions leading to the establishment of the Working Group took place from early in 2004 and included workshops and consultations at a wide range of meetings of intergovernmental and other organizations. Among the events that took up this issue were the ITU Workshop on Internet Governance (26 - 27 February 2004); the UNICT Taskforce Global Forum on Internet Governance (24 - 25 March 2004); ITU Telecom Africa in Cairo (4 - 8 May 2004), INET2004 in Barcelona (10 - 14 May 2004); and WSIS PrepCom-1, held at Hammamet in Tunis (24 - 26 June 2004). Discussions continued at the ICANN meeting in Kuala Lumpur (19 - 23 July 2004); at ITU Telecom Asia in Busan, Korea (7 - 11 September 2004) and other *ad hoc* conferences.

13   The WGIG Secretariat was established in July 2004. Consultations on the setting up of the Working Group were held at the United Nations in Geneva on 20 and 21 September 2004, chaired by Mr Nitin Desai, Special Advisor to the Secretary General for the WSIS. The consultations were held in an open mode, allowing all actors involved in Internet issues to participate on an equal footing. Over 250 participants, representing Governments, civil society organizations and private sector entities, attended the consultations. Subsequently, after further informal consultations with all

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[2] WSIS Declaration of Principles, Paragraphs 48 – 50, WSIS-03/GENEVA/DOC/0004
[3] WSIS-03/GENEVA/DOC/0005
[4] WSIS Declaration of Principles, Paragraph 50, WSIS-03/GENEVA/DOC/0004
[5] WSIS Plan of Action, Paragraph 13 b), WSIS-03/GENEVA/DOC/0005

stakeholders, on 11 November 2004 the Secretary-General announced the establishment the WGIG with 40 members from governments, private sector and civil society. Mr Desai was appointed Chairman of the WGIG. The list of the members of the WGIG is attached at the Annex.

3 Process and Working Methods

14 The guiding principles for the WGIG's working methods are set out in the WSIS Declaration of Principles and Plan of Action. The WGIG is called upon to be "open and inclusive" in its work and design a " process that ensures a mechanism for the full and active participation of governments, the private sector and civil society from both developing and developed countries, involving relevant intergovernmental and international organizations and forums"[6]. The WGIG agreed that transparency was another key ingredient to ensure ownership of the process among all stakeholders. In order to maximise transparency and open communication and to facilitate its own work, the WGIG resolved to use the Internet to the maximum extent possible. Thus members work extensively through email, IP based streaming video, bulletin boards and a discussion forum and use of the WGIG website to communicate with the public. The public sessions, which were held in conjunction with the second WGIG meeting on 15 and 16 February were webcast.

15 The WGIG sees itself not as a negotiating body but as a working group with the task of preparing the ground for the negotiations of the Tunis Phase of the WSIS in November 2005.

16 The WGIG decided that its meetings should consist of private working sessions as well as plenary sessions that would allow observers to attend without the right to speak. The WGIG also agreed that all its formal meetings would be accompanied by consultations open to all stakeholders. These consultations would include on-line processes. Observers from Inter-governmental Organizations can attend all meetings.

17 Translation of key documents and interpretation of working sessions is a priority for the WGIG. Both formal and informal efforts have been made, and are ongoing, by the Secretariat in collaboration with WGIG members, the International Conference Volunteers, the UN Volunteers and the WSIS Civil Society Voluntary Translation Team to ensure the WGIG's work and consultation process is as inclusive as possible.

4 Consultations

18 At the outset, the WGIG decided to rely on external comments and contributions as an integral part of the fact-finding phase of the work. Open-ended consultations have been conducted both on- and offline, including:

- 20 - 21 September 2004: Open-ended consultations on the establishment of WGIG, its structure and working methods as well as scope of its work;[7]
- 23 - 25 November 2004: First meeting of WGIG and open-ended consultations;[8]
- December 2004- February 2005: Online consultations – Comments on Working Papers;[9]
- To date 44 contributors have commented on the Working Papers.

19 Summaries of the above consultations are available on the WGIG website.

- 14 – 18 February 2005: Second meeting of the WGIG and open-ended consultations[10]

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[6] Paragraph 50 of the WSIS Declaration of Principles WSIS-03/GENEVA/DOC/0004 and
Paragraph 13 (b) of the WSIS Plan of Action WSIS-03/GENEVA/DOC/0005.
[7] http://www.wgig.org/meeting-september.html
[8] http://www.wgig.org/meeting-november.html
[9] http://www.wgig.org/Comments-Papers.html

20   A webcast of the open-ended consultations on 15 – 16 February is available at: http://streaming.polito.it/wgig-meeting . A summary report of the meeting will be made available in due course.

21   In addition, regional and sub-regional meetings such as the South-East and East Asia Conference on Preparations for WSIS II in Bali, Indonesia, 1 – 3 February 2005 or the African WSIS Regional Conference in Accra, Ghana, 2 - 4 February 2005, have provided input into the work of WGIG. Other meetings are being planned in Kathmandu, Nepal, for South and South-West Asia, in Cairo, Egypt, 8 – 10 May 2005, for the Arab Region and Rio de Janeiro, Brazil, 8 – 10 June 2005, for Latin America and the Caribbean. The WGIG relies on input received from these meetings.

22   The WGIG took note of the Marrakesh Declaration and the Action Plan on "The Role and the Place of the Media in the Information Society in Africa and the Arab Region", adopted at Marrakesh, Morocco, 22 – 24 November 2004.

5   Substantive work

(a)   Methodology

23   The WGIG chose as its point of entry into the substantive work the identification of public policy issues that are potentially relevant to Internet governance, as called for in paragraph 13 (b) of the Plan of Action and started work by gathering facts and mapping out the terrain. The WGIG also agreed to work simultaneously on developing a practical definition of the Internet itself and defining Internet governance public policy issues. It was felt that an iterative method would be the best way of moving toward an implicit working definition of Internet governance.

(b)   Structure of the report

24   The WGIG approved a preliminary outline of the structure of its report [http://www.wgig.org/WGIG-Report.html] as a basis for its future work. It was clearly understood that this structure might well be modified during the course of its work.

(c)   Identifying the public policy issues that are relevant to Internet governance – Issue papers

25   The WGIG agreed to take a broad approach and, in a first step, not exclude any potentially relevant issue. This first, fact-finding phase was intended to lead to the identification of public policy issues that are relevant to Internet governance.

26   As a starting point, the WGIG categorized the issues as follows:

- equitable distribution of resources
- access for all
- stable and secure functioning of the Internet
- multilingualism and content and other issues for consideration.

27   On the basis of this list, the WGIG developed a series of 'draft working papers'. The purpose of these papers was to act as a brief summary document setting out some of the basic issues and to

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[10] http://www.wgig.org/meeting-february.html

identify aspects of relevance to the task of the WGIG. The production of these papers also secured the effective working of the group via the Internet and thereby laid the foundations for future collaborative work within WGIG.

28   Each paper was written by a small group of contributors and then discussed by the WGIG as a whole. However, the papers do not necessarily present a consensus position, nor do they contain agreed language accepted by every member. This whole process was conducted using Internet tools. Currently 21 draft papers are available on the WGIG website [http://www.wgig.org/working-papers.html] for public comment.

29   On the whole, comments received so far commended the WGIG for the openness of its process and added many factual elements and corrections. Different opinions were voiced as regards the content of the draft papers. The WGIG agreed that all comments received would be part of the background material it would use when writing its report. It was decided that obvious mistakes would be corrected, but the papers would not be redrafted. These papers should be read with the comments as part of a package, which is considered to form part of the raw material that may be used when drafting the report. The WGIG felt the need to move out of this fact-finding phase into the next phase of its work and "develop a common under-standing of the respective roles and responsibilities of governments, intergovernmental and international organizations and other forums as well as the private sector and civil society from both developed and developing countries"[11], in accordance with the mandate set out by the Geneva phase of the WSIS.

(d)   Towards a working definition of Internet governance

30   The WGIG started discussions on a working definition of Internet governance. It was emphasized that the term "working definition" did not imply a perfect, or permanent definition, but was an approach towards a description that would enhance the preparation of the content of the report and should include an enabling dimension.

31   During the WGIG discussions as well as in the open consultations a convergence of views emerged, based on the following observations:

- the terms 'governance' and 'govern' mean more than 'government activities';
- the enabling dimension includes organized and cooperative activities between different stakeholders; and
- Internet governance encompasses a wider range of conditions and mechanisms than IP numbering and domain name administration.

32   Useful work on the definition could take into consideration the following points:

- the fast moving technological environment;
- the need to be action-oriented;
- the roles and responsibilities of different actors set out in Paragraph 49 of the Declaration of Principles;
- identification of the full range of issues that are Internet-related on a forward-looking, dynamic basis, with reference to the general and specific policy objectives embedded in the Declaration of Principles;
- a practical basis for distinguishing between technical and public policy issues; and
- that the term "governance" implies new forms of governance, based on a multi-stakeholder approach.

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[11] WSIS Plan of Action, Paragraph 13 b (iii), WSIS-03/GENEVA/DOC/0005

33   Work on the definition will be further clarified as the work of the WGIG proceeds. Some draft definitions were submitted to the WGIG and are posted on its website. [http://www.wgig.org/Definitions.html].

(e)   Key issues

34   The next phase of this segment of work is to establish what are the key public policy areas for further investigation and discussion. Following the group's second meeting, and taking into account the views of the public, the following areas have been identified:

(i)   Issues relating to infrastructural issues and the management of critical Internet resources, including administration of the domain name system and IP addresses, administration of the Root server system, technical standards, peering and inter-connection, telecommunications infrastructure including innovative and con-verged technologies, as well as multilingualization. These issues are matters of direct relevance to Internet Governance falling within the ambit of existing organisations with responsibility for these matters;

(ii)   Issues relating to the use of the Internet, including spam, network security, and cybercrime. While these issues are directly related to Internet Governance, the nature of global cooperation required is not well defined;

(iii)   Issues which are relevant to the Internet, but with impact much wider than the Internet, where there are existing organisations responsible for these issues, such as IPR or international trade. The WGIG started examining the extent to which these matters are being handled consistently with the Declaration of Principles; and

(iv)   Issues relating to developmental aspects of Internet governance, in particular capacity building in developing countries.

6   Horizontal issues

35   The WGIG recognized that its work should be guided by the key WSIS principles. The WGIG also recognized the importance of some horizontal issues that affect every aspect of Internet governance. As a next step, these higher-level 'cross-cutting' issues such as the economic and social aspects of the Internet would need to be examined. Another important aspect relates to the capacity of existing Internet governance arrangements to address governance issues in a coordinated manner.

36   Furthermore, the WGIG agreed that certain principles elaborated in the Geneva documents needed further discussion in the context of Internet governance. These principles include the terms "multilateral", "transparent", and "democratic" as well as the notion of the "full involvement of governments, stakeholders and international organizations".

7   Future Work

37   The WGIG took into account the opinions expressed during the open consultation on 15 - 16 February 2005 when deciding on its timetable for its future work. As a next step, it decided to assess the adequacy of present Internet governance arrangements and to develop a more detailed "common understanding of the respective roles and responsibilities" of all actors[12]. Furthermore, the WGIG will continue work on the definitions of both the Internet and Internet governance.

38   Papers on these issues would be posted no later than 31 March 2005, allowing all stake-holders to comment prior to the next meeting. 15 April was set as a deadline for posting comments.

39   The next meeting of the WGIG will be held in Geneva from 18 – 20 April 2005. On 18 April open consultations for all stakeholders will be held.

40   During the last phase of its work the WGIG will develop "proposals for action, as appropriate, on the governance of the Internet" and prepare a report for "consideration and appropriate action at the second phase of WSIS in Tunis in 2005". The meeting will be held in Geneva from 14 - 17 June 2005.   Open consultations will be held on 14 June. The report will be submitted to the Secretary-General in early July.

41   It was also suggested that a last session of open consultations be held in mid-July for presenting the report to all stakeholders.

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[12] WSIS Plan of Action Paragraph, 13 b (iii), WSIS-03/GENEVA/DOC/0005

ANNEX

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