

Internet Governance: the issue, the myths, the problems, the solutions

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The questions around the IG have started to gain momentum around the World Summit on the Information Society (WSIS), mainly with the creation of the Working Group on IG² in Geneva 2003, and the follow-up creation of the Internet Governance Forum (IGF) as an outcome of the second WSIS in Tunis 2005.

Most of the readers are probably aware of the history of the WSIS and the IGF. I can recommend reading the official sites³, if you want to find out more.

Our observations on the different participating groups

Civil Society

Civil Society (CS) has received its first boost at the first WSIS in Geneva, where the Swiss government has managed to organize relatively huge funding for participation of representatives of the CS from developing countries, and countries in transition. This allowed huge participation of citizens⁴, experts, not directly affiliated with businesses or governments in all the discussions at the WSIS and the preparatory committees leading to it.

During the second WSIS in Tunis, out of 19401 participants, 6241 were from CS⁵, or almost 1/3.

Business

Businesses which were not very active during the first WSIS sensed the potential dangers for their Internet-related work in the IGF, if they were not to participate there. As a result, a number of representatives from the business community were involved in the list of experts or participants at the different forums, bodies, and working groups.

In Tunis the businesses were represented by 4816 people, almost 25 %.

However, it is good mentioning that the potential threat facing the businesses is still not quite well identified, and as a result there is a lot of people allocated to deal with the IGF, but not enough resources.

Governments

Governments were substantial part of the WSIS, and the IGF. They never exceeded 1/3 of all participants, however with representatives from the international organizations, they form the largest group of about 37 % in Tunis.

1 The opinions expressed here are those of the author, not of any organizations, associated with or related to the author in any given way. For more information: www.veni.com

2 WGIG: <http://www.wgig.org/>

3 WSIS: <http://www.wsis.org> and IGF: www.intgovforum.org

4 Full list of Geneva participants: http://www.itu.int/wsis/docs/geneva/summit_participants.pdf

5 Statistics from WSIS-Tunis: <http://www.itu.int/wsis/tunis/newsroom/index.html>

International organizations, namely the ITU, which initiated the whole WSIS process, have had a special role in the WSIS and the follow-up. They facilitated the PrepComs, the WSIS, the work of the WGIG and the Advisory Group to the IGF.

Technical community

Some consider the technical community as not being an independent participant in the WSIS/IGF, and include it in the businesses. While such an inclusion may serve some needs, it is good to point that the technical community does not associate itself with the businesses. Representatives of the technical community (mainly the Internet Engineering Task Force, IETF, the Internet Corporation for Assigned Names and Numbers, ICANN, the Internet Society, ISOC, and others) have been regular participants in the work of the WSIS, WGIG, IGF. The technical community still considers itself driven into a discussion which is happening on the field of politics, rather than on the pure engineering field, and that (plus the fact that such discussions are either organized well within the technical community, or in some cases are beyond its scope of activities) can also explain the small number of participants.

The latest data⁶ from the organizers of the IGF shows how the different groups participated at the Rio meeting: governments and parliaments formed 31 % of all participants, civil society – 32 %, businesses – 15 %, technical (with academic): 10 %, Intergovernmental organizations – 5 %, and media – 7 %.

Several myths have been spreading around the WSIS, but especially after the first IGF:

- The critical Internet resources (CIR) consist only of the IP addresses and the domain name system;
- The Internet today is being governed by ICANN, and ICANN is a tool of the US government to control and command other countries;
- The IGF was created to take decisions on behalf of the Internet users;
- There are only 13 root servers;
- Very soon there will be no IP addresses, and the Internet will stop working;

But what are the facts?

The WSIS started as it says, with the following objective⁷: [...] to develop and foster a clear statement of political will and take concrete steps to establish the foundations for an Information Society for all, reflecting all the different interests at stake. The second phase objective was to put the Geneva's Plan of Action into motion as well as to find solutions and reach agreements in the fields of Internet governance, financing mechanisms, and follow-up and implementation of the Geneva and Tunis documents.

Only three points from the Geneva Plan of Action were aimed at the issue of IG, including the point about the establishment of the WGIG:

⁶ http://intgovforum.org/rio_stats.htm

⁷ WSIS objective: <http://www.itu.int/wsis/basic/about.html>

48. *The Internet has evolved into a global facility available to the public and its governance should constitute a core issue of the Information Society agenda. The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism.*

49. *The management of the Internet encompasses both technical and public policy issues and should involve all stakeholders and relevant intergovernmental and international organizations. In this respect it is recognized that:*

1. *Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues;*
2. *The private sector has had and should continue to have an important role in the development of the Internet, both in the technical and economic fields;*
3. *Civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;*
4. *Intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;*
5. *International organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.*

50. *International Internet governance issues should be addressed in a coordinated manner. We ask the Secretary-General of the United Nations to set up a working group on Internet governance, in an open and inclusive 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, to investigate and make proposals for action, as appropriate, on the governance of Internet by 2005.*

The WGIG came with a report of 17 substance pages⁸, in which a definition of the term IG was written in point 10 of the report:

Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programs that shape the evolution and use of the Internet.

Point 12 of the Report gave more explanation (page 4):

12. It should be made clear, however, that Internet governance includes more than Internet names and addresses, issues dealt with by the Internet Corporation for Assigned Names and Numbers (ICANN): it also includes other significant public policy issues, such as critical Internet resources, the security and safety of the Internet, and developmental aspects and issues pertaining to the use of the Internet.

We will see further in our paper, however, that in the IGF this formulation was “forgotten”, and the discussion about the critical Internet resources were limited exactly to the issues dealing with ICANN. This will help us defend our point, that the discussions were driven from the important issues to the ones which were “hot” or “fancy”.

Here are all issues, described in the WGIG report as relevant to the discussion (**points 15 -**

8 See it here <http://www.wgig.org/docs/WGIGREPORT.doc>

27):

Administration of the root zone files and system, Interconnection costs, Internet stability, security and cybercrime, Spam, Meaningful participation in global policy development, Capacity-building, Allocation of domain names, IP addressing, Intellectual property rights (IPR), Freedom of expression, Data protection and privacy rights, Consumer rights, and Multilingualism.

What was the result of the report and the work of the WGIG? Perhaps the Tunis Declaration of Principles⁹ was to give an answer to this question? On the contrary – it raised more questions!

The Tunis Declaration consisted only of three parts: Financial mechanisms for meeting the challenges of ICT for development, Internet Governance, and Implementation and Follow-up.

And the most important part of this, as history shows, became the second one, Internet Governance. Two points in the Tunis Declaration discussed the creation of the IGF:

72. We ask the UN Secretary-General, in an open and inclusive process, to convene, by the second quarter of 2006, a meeting of the new forum for multi-stakeholder policy dialogue—called the Internet Governance Forum (IGF). The mandate of the Forum is to:

- a. Discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet.*
- b. Facilitate discourse between bodies dealing with different cross-cutting international public policies regarding the Internet and discuss issues that do not fall within the scope of any existing body.*
- c. Interface with appropriate intergovernmental organizations and other institutions on matters under their purview.*
- d. Facilitate the exchange of information and best practices, and in this regard make full use of the expertise of the academic, scientific and technical communities.*
- e. Advise all stakeholders in proposing ways and means to accelerate the availability and affordability of the Internet in the developing world.*
- f. Strengthen and enhance the engagement of stakeholders in existing and/or future Internet governance mechanisms, particularly those from developing countries.*
- g. Identify emerging issues, bring them to the attention of the relevant bodies and the general public, and, where appropriate, make recommendations.*
- h. Contribute to capacity building for Internet governance in developing countries, drawing fully on local sources of knowledge and expertise.*
- i. Promote and assess, on an ongoing basis, the embodiment of WSIS principles in Internet governance processes.*
- j. Discuss, inter alia, issues relating to critical Internet resources.*
- k. Help to find solutions to the issues arising from the use and misuse of the Internet, of particular concern to everyday users.*
- l. Publish its proceedings.*

73. The Internet Governance Forum, in its working and function, will be multilateral, multi-stakeholder, democratic and transparent. To that end, the proposed IGF could:

- a. Build on the existing structures of Internet governance, with special emphasis on the complementarity between all stakeholders involved in this process – governments, business entities, civil society and intergovernmental organizations.*
- b. Have a lightweight and decentralized structure that would be subject to periodic review.*
- c. Meet periodically, as required. IGF meetings, in principle, may be held in parallel with major relevant UN conferences, inter alia, to use logistical support.*

As you see, the IGF was supposed to discuss a very broad range of issues, and what people

⁹ See it here <http://www.itu.int/ws/2006/docs2/tunis/off/6rev1.html>

were expecting, was that it will also bring some solutions to these issues. Instead, it forgot the principle, outlined in the Geneva Plan of Action (point 48), and in the WGIG report (points 15 and further, quoted above).

Thanks to the work of a number of participants, the term “CIR” included not the wide area of issues, as described in the WGIG report, but a very narrow one, which – *in that same report, point 12 (sic!)* - was noted as even **not** part of the critical Internet resources themselves, that is, domain names and IP addresses.

Or in other words: the big discussion about the development of the Information Society, started as WSIS, transformed into WGIG, transformed into WSIS-2, and finally landed as the IGF, started to look more or less like a discussion about ... ICANN. Or at least, given the attention the media¹⁰ put to this question, it could become the most important one. Luckily there were exceptions in Rio, for example Anriette Esterhuysen, chair of the Association for Progressive Communications, who has warned against letting the ICANN issue dominate the IGF. “There are many other critical issues,” she said during the opening ceremony, like privacy, the need for open standards, prioritisation of Internet access and intellectual property regimes that do not strangle creation and innovation¹¹.

Nevertheless, many of the participants at the IGF were taken by a surprise into a pro-ICANN and anti-ICANN discussion, which was not in the original documents of the WSIS, or the WGIG. This discussion was mainly between governments, however civil society participants also had their contribution.

A new division was formed

During the WSIS and especially during the IGF, a clear division in two groups was observed. The division, initially thought to have been driven mainly by the general foreign policy of the countries, rather than the policy of their technological bodies, has proven, especially around the second IGF in Rio something different:

The countries which complain from the current status of the way the Internet is running, are the countries which are not the technologically developed. Countries, which are still in the beginning of the development of the Internet seem more interested in its regulation. The countries, where the Internet flourishes, are more interested in ways to ensure high-speed access for all citizens, building the super fast information high-ways, ensure e-commerce, working e-government, provide good conditions for businesses to develop online, etc., - rather than spend time and money on discussions about the way the Internet works.

There was also a distinction between participants, who have solved the problems around the governance of the Internet (in its very narrow scope – DNS/IP addresses), and the larger issues about the critical Internet resources, and the others, where these problems are just beginning to shape. One such a positive example is the Republic of Bulgaria, which has

10 See for example the following articles: [US control over Net debated in Brazil](#), [Russia will deprive the USA of control over the Internet](#)

11 See [IP-watch](#) and the [scripts from the opening session](#).

managed to accept adequate changes in the legal framework, and only then it started to discuss the questions on the international level¹².

The other group consisted of participants, who have not solved any of the problems (including, but not limited to supporting or drafting, or passing legislature for competition in the field of Internet Service provision, leading to lower prices and higher bandwidth), but have ideas about a “global solution”.

Thus the paradox – the participants, who could have given the best examples of governing the Internet – in the broader definition of the WGIG – were left to talk at late hours, with not enough audience, as if they were of no interest for the IGF.

There was an attempt to try to re-shape the scope of the Forum, and move it from its discussion mode into the mode of a taking-decisions-body, making recommendations to the UN Secretary-General for creation of special working groups (yes, more!), re-defining what Critical Internet Resources are, and engaging private and governmental entities into a heated debate, thus undermining the achievements of the first phase of the WSIS and the work of the WGIG.

The IGF can not go beyond its mandate, and it is to discuss the issues, and one should not interpret the CIR as something that fits her/his agenda, but be more precise. Recent reports coming from, for example, The Guardian¹³, show how information can be wrongly interpreted. The Internet experts must become more aware of the fact that their words may be interpreted differently from what they wanted to say.

The way forward

If the IGF is to become a place for a real discussion about issues, related to Internet Governance (that is still to be proven), one of the ways to do so, is to return back to the original documents, and ensure that the full participation and engagement of everyone is taken seriously.

So, the IGF has two choices, in fact:

Continue the discussion, and continue to try to focus around the “hot” topic – ICANN, or choose a different approach, and aim its efforts at providing access to the Internet, make sure the Internet is up and running 24 hours, 7 days a week, with no restrictions and no censorship.

The Bulgarian Internet Society has focused its attention in the last years, since the WSIS, on the issues that matter most for the Bulgarians – access to the Internet, access to knowledge, free and open source software usage, lighter copyright regimes and open licensing. We have put behind us the issues of the DNS and IP addresses, esp. that they are regulated by the Bulgarian Law on Electronic Services, where ISOC-Bulgaria contributed some of the texts.

We watch what ICANN is doing; we appreciate the fact that it now provides translation of the main sessions at the ICANN meetings in several languages (English, French, Spanish, Russian). We see that more and more governments participate in its work through the

12 The Bulgarian Government's presentation from Rio is here: <http://intgovforum.org/BPP2.php?went=17>

13 <http://www.guardian.co.uk/technology/2008/jan/03/internet.censorship>

Governmental Advisory Committee (GAC), and users are working on enhancing the work of the At-Large Advisory Committee.

Finally, we have the following questions.

Our first question goes to the governments, and it is: What are you, the 175 heads of states, ministers and deputy-ministers who got together in Geneva and in Tunis, going to do to make sure the Internet reaches the 5 billion people who are still not online?

Our second question is for the businesses: How would you support this?

Our third question is for the Civil Society: How would you contribute to this process?

Our fourth question goes to the intergovernmental organizations: Would you continue to encourage the broad participation, the so-called multi-stakeholders approach to the issues around the Internet, and not be lured into trying to gain somewhat control over the way the Internet is running?

You may ask, why no question for the technical community? Because they are the ones, who actually do things, create the standards, allow anyone to participate, and then just make sure that the Internet is up and running. We don't believe they should do more than that.