Preliminary Report of the Working Group on Internet Governance (WGIG)

Introduction by the Chairman, Mr Nitin Desai

Geneva, 24 February 2005

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1.   The First Session of the Preparatory Committee of the World Summit on the Information Society (WSIS), held at Hammamet, Tunisia, on 24 – 26 June 2004, requested the Working Group on Internet Governance (WGIG) to present a preliminary report on the status of its work to its Second Session. The Preliminary Report was made available on 21 February on both the WSIS and WGIG websites.

2.   The report gives a factual overview of the process leading to the establishment of the WGIG and the work carried out so far. At the outset, I would like to add a few personal comments regarding the "human factor". The working group consists of 40 individuals with different backgrounds – government, private sector, academia, civil society, Internet community – who were nominated in their personal capacity. It is truly a multi-stakeholder group. Given the fact that their background, both regional and professional, is so diverse, it was remarkable how the group came together and developed a sense of common identity. Of course, individual members have different opinions on the various issues, but they found a common language and methodology to address these issues and they clearly work as a team.

3.   The report emphasizes the importance of the process and the need for the WGIG to be open, inclusive and transparent. The group members also felt strongly that it was necessary to point out that the WGIG sees itself not as a negotiating body, but as a working group with the task of preparing the negotiations to be carried out by the WSIS Preparatory Committee. Furthermore, the report also underlines that the WGIG relies on external contributions and comments as well as on the input received during the open-ended consultations held in conjunction with all its meetings. These form an integral part of its work. The WGIG in particular took note of several regional and sub-regional meetings or thematic meetings that had addressed issues related to Internet governance.

4.   In its report, the WGIG will have to address three main questions: develop a working definition of Internet governance; identify the public policy issues that are relevant to Internet governance; and develop a common understanding of the respective roles and responsibilities of the different actors. At its first meeting the WGIG discussed which was the best point of entry and came to the conclusion that it would be best to adopt an inductive approach, by starting with the identification of public policy issues.

5.   It was generally felt that it would be easier to get started with a "fact finding phase" rather than a more abstract discussion on definition, principles or architecture. The group felt it first needed to develop a common understanding of the issues involved. To this end the group adopted a tentative "list of issues". This would lead to a better understanding of the issues involved and lead toward an implicit definition of the term "Internet governance". A common template served as a basis for the examination of each issue.

6.   WGIG members worked extremely hard during the time between the first and the second meeting to develop "working papers" on these issues. 21 papers have been published on the WGIG website and more than 46 contributors commented on the papers. The papers together with the comments now form part of the raw material which will be used when drafting the WGIG report. Due to the heavy workload, it was not possible to produce papers on all issues. Some papers are still in the pipeline and will be published in the coming weeks,

among them papers on legal aspects as well as on media and freedom of information. At this stage, no issue is off the table.

7.   This fact-finding phase was very important. The WGIG was able to establish a dialogue of good faith among all members of the group and with all stakeholders, and collectively we reached a high level of quality in this dialogue.

8.   The open consultations held on 15 – 16 February 2005 were very important in this regard. Many experts from capitals were present in the room as well as top professionals from entities dealing with the Internet, such as RIRs or ccTLDs. We were particularly honoured to have one of the "Fathers of the Internet" and co-inventor of the TCP/IP with us, Dr Robert E. Kahn, who engaged actively in this dialogue. He said in one of his interventions that the discussion concerning Internet governance had matured significantly, and that now there was a deeper understanding of the diversity of issues involved. I take this as a great compliment to the work carried out by the WGIG.

9.   In parallel, the WGIG held an on-line discussion on the working definition and pursued this discussion at last week's meeting. Some of the elements that would need to be taken into account are listed in the Preliminary Report. It was felt that one possible approach could consist of having a definition in two parts, one part descriptive and the other prescriptive. Should such an approach be taken, there was a general sense that the prescriptive part should have an enabling dimension and reflect "agreed language" taken from the WSIS Declaration of Principles.

10.   Several definitions were put forward in these discussions. A drafting group composed of several WGIG members proposed a working definition of Internet governance with both descriptive and prescriptive elements, the latter reflecting agreed language as contained in Paragraph 48 of the Geneva Declaration of Principles. The discussion showed that the WGIG members shared many common thoughts on the definitions, but were not yet in a position to agree on all of its elements as long as the work on the other tasks was not further advanced.

11.   Several definitions of both the Internet and Internet governance are already posted on the WGIG website. For ease of reference a definition around which the discussion in the group was organized is attached at the Annex. All stakeholders are encouraged to comment on these definitions or to put forward their own versions. In this context, the word "working" in the term "working definition" should not be overlooked. The Preliminary Report notes that this term does not imply a perfect or permanent definition, but rather an approach towards a definition that would enhance the preparation of the content of the report. Work on the definition will continue in parallel and, as decided by the WGIG at its first meeting, be concluded at the end.

12.   The WGIG now has reached a stage where the facts are on the table. It will, as a next step, verify whether all these issues are indeed "public policy issues". It will also assess the adequacy of present Internet governance mechanisms related to the issues measured against the principles contained in the WSIS Declaration of Principles. However, it appeared that some of these principles need to be looked into further, and some common criteria would need to be developed to gain a better understanding of how they related to the Internet. This analysis should reveal the weak points in present governance mechanisms, the areas where improvement was needed. The WGIG, in its final phase, would then consider "proposals for action, as appropriate", as called for by the WSIS Declaration of Principles.

13.   Looking ahead, whatever we do, we need to bear in mind that the Internet is a fast moving technology. The WGIG and the WSIS need to take this into account and make sure that Internet governance is flexible and supportive of technological innovation.

Annex

The draft working definition referred to in the text reads as follows:

First *descriptive* sentence:

> *Internet governance means the collective rules, procedures, and related programs intended to shape social actors' expectations, practices, and interactions concerning Internet infrastructure and transactions and content.*

Second *prescriptive* sentence:

> *Internet governance should be multilateral, transparent and democratic, with the full and balanced involvement of governments, the private sector, civil society and international organizations. It should encompass both technical and public policy aspects, ensure an equitable distribution of resources, facilitate access for all, and maintain the stable and secure functioning of the Internet, taking into account multilingualism.*