

World Summit on Information Society and Development of Internet Diplomacy

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The World Summit on Information Society (WSIS), ending in 2005, was the most recent in the series of global United Nations summits that started with the 1992 Rio Earth Summit.¹ The main objective of the WSIS was to discuss the effects of information and communication technologies (ICT) on modern society.² The unique feature of the WSIS was its two-phase organisation, including two main summit events: one at Geneva in 2003 and the other in Tunis in 2005. The Geneva summit aimed at identifying main issues, principles, and lines of action. The Tunis summit, often described as a “Summit of Solutions”, focused on implementing the broad framework agreed upon at the Geneva summit.³ The Tunis summit also finalised the WSIS negotiations on Internet governance and financial mechanisms, two issues that had remained unresolved after the Geneva phase. The overall WSIS process lasted between May 2002 (the first African Regional WSIS Conference) and November 2005 (the Tunis summit).

Internet governance emerged as the chief issue at the WSIS agenda. Given its specificity, Internet governance required the introduction of a new policy structure in the WSIS process. Participants in the Geneva WSIS Summit in 2003 decided to establish the Working Group on Internet Governance (WGIG) as a specific diplomatic mechanism, based on the equal participation of governments, civil society, and the business sector. After producing the Report on Internet Governance, the WGIG ceased to exist in June 2005. The WGIG was an innovation in the existing, mainly inter-governmental, diplomatic system.

The purpose of this paper is to identify new developments and innovations in diplomatic practice resultant from the WSIS and WGIG. First, I describe the overall WSIS framework and specific aspects of the WGIG. Second, I identify the new developments and innovation in diplomatic practice that I think are likely of lasting importance. I will do so through comparing WSIS diplomatic practice to the practices developed during other major UN summits held since the Rio Earth Summit in 1992. Finally, I discuss if a new type of diplomacy dealing with ICT/Internet issues, usually described as Internet Diplomacy, that has emerged from the WSIS and WGIG processes.

Table 1: Major WSIS and WGIG Official Events

	DATE	EVENT
GENEVA PHASE	May 2002	African Regional WSIS Ministerial Conference in Bamako
	June 2002	Prepcomm 1 in Geneva
	January 2003	Asian Regional WSIS Ministerial Conference in Tokyo
	January 2003	Latin American and Caribbean WSIS Ministerial Conference in Bavaro
	February 2003	Western Asia Regional WSIS Ministerial Conference in Beirut
	February 2003	4th Meeting of the UNICTTF in Geneva
	February 2003	Prepcomm 2 in Geneva
	July 2003	WSIS Intersessional in Paris
	September 2003	Prepcomm 3 in Geneva
	November 2003	Prepcomm3bis in Geneva
	December 2003	Prepcomm3bis+ in Geneva
	December 2003	Geneva WSIS Summit
	TUNIS PHASE	June 2004
November 2004		Establishment of the WGIG
November 2004		1st WGIG meeting in Geneva
November 2004		West Asia Regional WSIS meeting in Damascus
January 2005		African Regional WSIS conference in Accra
February 2005		2nd WGIG meeting in Geneva
February 2005		Prepcomm 2 in Geneva
April 2005		3rd WGIG meeting in Geneva
May 2005		Arab Regional WSIS conference in Cairo
May 2005		Asian Regional WSIS conference in Tokyo
June 2005		Asian Pacific Regional WSIS conference in Teheran
June 2005		Latin American Regional WSIS meeting in Rio de Janeiro
June 2005		4th WGIG meeting in Geneva
July 2005		Final Report of the WGIG
September 2005		Prepcomm 3 in Geneva
November 2005		Tunis WSIS summit

Context And Evoluton Of The WSIS/WGIG Process

The WSIS originated in the 1990s, a period of optimism initiated by the end of the Cold War. The 1990s was also a time of rapid development of the ICT and the Internet. In 1998, in their Resolution 73, participants of the Minnesota Conference of the International Telecommunications Union (ITU) decided to start preparations for the WSIS. Only two years later, however, the global scene for the organisation of the WSIS had changed substantially, due to two major developments.

The first important development was the burst of the so-called dot-com bubble in 2000. The dot-com bubble developed in the period 1995-2000 with the rapid growth of the value of stock in the ICT/internet field. However, the sudden deflation of the value of much of this stock in 2000 led many internet companies into bankruptcy. By 2001, the rhetoric of unlimited possibilities in the development of the Internet that had dominated the 1990s was replaced with techno-scepticism and the level of investment in the ICT/internet area sharply decreased.

The second significant development influencing the organisation of the WSIS was the terrorist attacks of 11 September 2001, which affected the WSIS process just as it did many other aspects of global policy. The post-Cold War era of the 1990s, characterised by an attempt to introduce new forms of diplomatic cooperation, was replaced by the post-9/11 period. The centrality of security concerns re-established the position of states in international relations and substantially reduced enthusiasm for novelty in managing global affairs.

Only a few months after the 9/11 attacks, through its Resolution 56/183 of 21 December 2001, the UN General Assembly made an official decision to hold the WSIS. Although the optimism of the late 1990s shaped the language of the UN resolution, the policy reality— influenced by the dot-com crash and the events of 11 September—had changed dramatically. Both the agenda setting process and the participation in the WSIS reflected the new policy reality.

The Agenda

The **setting** of a diplomatic agenda is a highly important part of any multilateral diplomatic process that can substantially influence the outcome of negotiations.⁴ By setting the agenda, negotiators decide on the scope of negotiations and priority of issues. In the WSIS process, four main challenges characterised the agenda setting process: the agenda delimitation, the multi-disciplinary nature of WSIS issues, uncertainty, and prioritisation.

The Agenda Delimitation

With the pervasive use of ICT and the Internet in modern society, it is difficult to find any aspect of human existence outside its influence. Such pervasiveness led toward the risk that almost any issue might be included in the WSIS agenda.⁵ To accommodate this possibility, the WSIS chose a very broad approach by including a long list of issues in the Geneva summit documents, the Documentation of Principles and the Action Plan. One of the main purposes of the Geneva phase was to map the field, so most issues were merely mentioned and described. The Tunis phase streamlined the agenda in main action lines dealing with Internet governance, e-government; e-business; e-learning; e-health; e-employment; e-environment; e-agriculture; e-science; public governance; and ICT for development, information and communication infrastructure; access to information and knowledge; capacity building; the enabling environment; building confidence and security in the use of ICT; cultural diversity and identity; linguistic diversity and local content; media; and ethical dimensions of the information society.⁶

The Multi-Disciplinary Nature of WSIS Issues

The multidisciplinary nature of the WSIS-related issues added to the complexity of agenda setting. Most issues had a variety of technical, socio-economic, developmental, legal, and political aspects. One of the underlying dilemmas in setting the agenda was whether the WSIS concerned technology itself or the effects of technology on society. This confusion of technical and social approaches was noticeable in all aspects of the WSIS process, not only in setting the agenda, but also playing a determining role in the composition of delegations and the focus of discussions.

Uncertainty

The WSIS operated in the context of much uncertainty regarding the future development of the Internet, and this uncertainty affected the agenda of the WSIS. For example, in 2002 when the WSIS process started, Google was just one of many search engines. At the end of the process in November 2005, Google was established as the primary internet company shaping the use of the Internet. In 2002, the use of blogs was in its infancy. Presently, bloggers sway governments, push the limits of freedom of expression, and have considerable influence on social and economic life. The list could continue with mentions of Skype, YouTube and iPod.

Due to a lack of consensus and understanding of some technical developments, the WSIS followed the least common denominator approach, resulting in vague provisions. The real problem will emerge in the future when some important issues will require policy choices and operative decisions (e.g., spam and internet security). One possible approach, increasingly used in the European Union, is that of technology-neutral regulations, which contain provisions applicable to various technologies. For example, some provisions should be applicable to the Internet, broadcasting, and telephony. With the increasing convergence of digital technologies, (TV over the Internet, Internet telephony) technology-neutral regulations are the only possible solution for preserving a coherent policy framework.

Prioritisation of Agenda Issues

Although it did not figure initially in the WSIS agenda, Internet governance emerged as the prime issue taken up by the WSIS. Its importance was reflected in the time spent on negotiating Internet governance issues, both in the main WSIS process and in the specially designed WGIG. In fact, one of the main criticisms of the WSIS is that the Internet governance debate “hijacked” overall WSIS negotiations and took the focus away from the developmental issues that were supposed to be the main issues on the WSIS agenda. As indicated in the main preparatory documents, the WSIS was designed to provide some solutions for narrowing the digital divide that separates rich countries from poor ones by increasing the use of the Internet and ICT in the developing world. The WSIS was also supposed to provide a stronger link with the Millennium Development Goals. It is widely perceived that the WSIS did not provide a major breakthrough on closing the digital divide.

Participation

It is not surprising that multistakeholder participation was one of the catch phrases of the WSIS process. Prior to the WSIS, the United Nations had expended considerable effort to involve business and civil society in its activities.⁷ In addition to this general policy trend of the UN Summits, multistakeholder participation was natural in discussions of the information society and the Internet, since non-state actors had taken predominant roles in the development and the maintenance of the Internet. The business community had developed the technological infrastructure, including computers, networks, and software. Civil society, academia, and the Internet community had been vital players in the Internet field, including the development of Internet protocols, creating content and developing online communities. On the other side, governments were latecomers in the field. Many expected that the specific positions of stakeholders in the development of the Internet would result in the creation of new forms of global multistakeholder diplomacy. These expectations were partially met, especially through the establishment of the WGIG and the Internet Governance Forum.

The UN General Assembly Resolution 56/183, the formal basis for conveying the WSIS, invited “intergovernmental organisations, including international and regional institutions, non-governmental organisations, civil society and the private sector to contribute to, and actively participate in the intergovernmental preparatory process of the Summit and the Summit itself.” Although it invited other stakeholders to participate, the resolution clearly emphasised the inter-governmental nature of the WSIS.

The expectations that non-state actors would participate equally and the formal stipulation about the inter-governmental nature of the WSIS collided at the first WSIS preparatory meeting (Geneva, June 2002), which drafted rules of procedures. The conflict was unavoidable. Governments refused to grant non-governmental actors equal footing in the WSIS process. Civil society and the business sector received the status of observer that they had held during previous major UN conferences.

After a difficult start, a multistakeholder perspective gradually developed during the WSIS process. While the WSIS remained formally an inter-governmental process, governments informally opened many channels for the participation of non-state actors. The most successful multistakeholder participation occurred in the WGIG process with equal and full participation of all stakeholders.

The multistakeholder work of the WGIG was expected, given the specifics of the Internet governance field. In Internet governance, a regime already functioned around the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Engineering Task Force (IETF), and other organisations. With the exception of the US government, participation of governments in this regime had been low. The major difference between negotiations regarding Internet governance and other global negotiations—such as environmental negotiations—is that, while in other negotiations, inter-governmental regimes gradually opened to non-governmental players, in Internet governance negotiations, governments had to enter an already existing non-governmental, ICANN-based regime.

Governments

With the exception of a few developed countries, most countries were newcomers to the field of Internet policy and governance. Even for advanced ICT/Internet countries, the WSIS posed numerous challenges. The main challenge was to deal with the multidisciplinary nature of WSIS issues that involved technological, social, economic, and legal aspects.

National Coordination

Governments had to organise national participation in the WSIS. They had to make decisions regarding the ministry in charge and how to engage the technical community, the business sector, civil society, and the many other actors who were often more involved in Internet policy than the governments themselves. Most countries started planning their participation in the WSIS through “technical” ministries, usually those that had been responsible for relations with the ITU. Gradually, by realising that the information society is “more than wires and cables,” governments involved officials from other, mainly non-technical ministries, such as those of culture, media, and defence. The principal challenge was to harness support from non-state actors such as local universities, private companies, and NGOs that had the necessary expertise to deal with the issues on the WSIS agenda. Canada and Switzerland, for example, involved non-state actors in national delegations for the WSIS summit.

The whole process of setting national WSIS structures and deciding on national positions on various WSIS issues was a learning experience for most governments. A clear evolution of levels of expertise and quality of contributions occurred during the WSIS process. A feedback process also took place in which many governments shaped their national policy on the Internet under the influence of the global WSIS negotiations.

“Diplomatisation” of Internet Policy Issues

Also relevant to the positions of governments at the WSIS was that the WSIS put the Internet on the global diplomatic agenda. Prior to the WSIS, the Internet had been discussed primarily in non-governmental circles or at the national level. “Diplomatisation” of Internet policy issues stimulated different reactions. As Kenneth Neil Cukier, technology correspondent for *The Economist*, stressed:

by elevating the issue to a formal United Nations summit, this by nature escalates the importance of the topic inside governments. As a result, issues about the Information Society, that were treated by less political and less visible parts of the government—as science and technology and policy or as a media and cultural matter—were shifted to foreign ministries and long-standing diplomats, who are more accustomed to power politics and less knowledgeable of technology issues and the Internet’s inherent requirement for cooperation and interdependence. (Cukier, 2005: 176)

The diplomatisation process had certain positive effects on the discussions at the WSIS. For example, diplomats provided non-partisan contributions to long-standing debates on ICANN-related issues (domain names, internet numbers, and root servers). They had the advantage of being latecomers in an arena of already deeply entrenched positions in the Internet governance debate (e.g., the ICANN vs. ITU debate discussed below). The contributions of diplomats were particularly noticeable in the WGIG debate. The diplomatic leadership of the WGIG (Chairperson Nitin Desai and Executive Director Markus Kummer) created an inclusive atmosphere where differences among representatives, including those of the technical community, did not block the process. The WGIG resulted in the WGIG Final Report⁹ that voiced differences, but also provided process-related solutions to the future discussion by establishing the Internet Governance Forum.

Importance of Geneva-Based Permanent Missions

For many governments, their permanent missions in Geneva were important—if not vital—players in the WSIS process. Most WSIS activities occurred in Geneva, the base of the ITU, which played the main role in the WSIS process. The first WSIS summit in 2003 took place in Geneva and all but one of the preparatory meetings were held in Geneva, making permanent missions based in Geneva directly involved in the WSIS process.

For large and developed countries, the permanent missions were part of the broad network of institutions and individuals that dealt with the WSIS. For small and developing countries, permanent missions were primary and, in some cases, the only players in the WSIS process. The WSIS portfolio added to the agenda of usually small and over-stretched missions of developing countries. In many cases, the same diplomat had to undertake the tasks associated with the WSIS along with other issues such as human rights, health, trade, and labour. Additional pressure on small missions arose because the WSIS process usually involved parallel meetings and workshops. The complexity of the WSIS issues and the dynamics of activities made it almost impossible for many small and, in particular, small developing countries, to follow developments, let alone have any substantive effect. As a result, some small states supported a "one stop" structure for Internet governance issues.⁹ The sheer size of the WSIS agenda and the limited policy capacity of developing countries in both capitals and diplomatic missions remained one of the main obstacles for their full participation in the WSIS process. The need for capacity building in the field of Internet governance and policy was recognised as one of the priorities of the WSIS Tunis Agenda for the Information Society.¹⁰

Business Sector

The business sector had a low profile in the WSIS process. As one of the representatives of the sector indicated, business was involved in "damage control." At the WSIS, the main concern of the business sector was the possibility of opening discussions on intellectual property rights on the Internet. After the WSIS decided to leave the Internet intellectual property issues for the World Intellectual Property Organisation (WIPO) and the World Trade Organization (WTO), the business sector's interest in participating in the WSIS process further diminished.

The biggest ICT/Internet companies such as Microsoft, Adobe, Oracle, Google and Yahoo did not follow actively the WSIS process. No powerful software lobbying associations attended; even the Business Software Association (representing software companies in dealing with international policy issues) had no active representation. Instead, the International Chamber of Commerce (ICC), well known as the main association representing small- and medium-sized enterprises, represented the business sector. The ICC rarely represents the software industry in dealing with delicate policy issues in the context of the WIPO or the WTO. Although the ICC made active, professional input to the WSIS and WGIG, many thought that the representation of the global business sector by the ICC was a signal of the lack of interest on the part of the business sector in the WSIS.

Civil Society

Civil society was the most vocal and active promoter of a multistakeholder perspective at the WSIS. The usual criticism of civil society participation in other multilateral fora had been a lack of proper coordination and the presence of too many, often dissonant voices. In the WSIS, however, civil society representation managed to harness the inherent complexity and diversity through a few organisational forms, including a Civil Society Bureau, the Civil Society Plenary and the Content and Themes Group. Faced with limited possibilities to influence the WSIS through the formal process, civil society groups developed a two-track approach. They continued their presence in the formal process by using available opportunities to intervene and to lobby governments. In parallel, they prepared a Civil Society Declaration as an alternative vision to the main WSIS declaration adopted at the Geneva summit.

At the WGIG, due to its multistakeholder nature, civil society attained a high level of involvement. Civil society groups proposed eight candidates for the WGIG meetings, all of whom were subsequently appointed by the UN Secretary General. In the Tunis phase, the main policy thrust of civil society organisations shifted to the WGIG, where they influenced many conclusions as well as the decision to establish the Internet Governance Forum as a multistakeholder space for discussing Internet governance issues.

International Organisations

The ITU was the central international organisation in the WSIS process. The ITU hosted the WSIS Secretariat and provided policy input on the main issues. For the ITU, the WSIS was important for a number of reasons. The ITU was not the main protagonist of Internet policy developments, and it was losing its traditional policy domain due to the WTO-led liberalisation of the global telecommunications market. The latest trend of moving telephone traffic from traditional telecommunications to the Internet (through Voice over IP) added to the erosion of the traditional telecommunication policy domain regulated by the ITU. Many observers viewed the leading role of the ITU in the WSIS as an attempt to re-establish itself as the most important player in global telecommunication policy, now increasingly influenced by the Internet. The possibility that the ITU might emerge from the WSIS process as the most important global Internet organisation caused concern in the United States and other developed countries—while creating support in many developing countries. Throughout the WSIS process, this possibility created underlying policy tensions. It was particularly clear in the field of Internet governance, where tension between ICANN and ITU had existed—even before the WSIS—since the establishment of ICANN in 1998.

Another issue concerned the problem of how to anchor the multidisciplinary WSIS agenda within the family of UN specialised agencies. It was felt that a predominant role of the ITU was risky, as it could lead towards a techno-centred approach to the WSIS agenda. Non-technical aspects of the ICT/Internet, such as social, economic, and cultural features, are part of the mandate of other UN organisations. The most prominent player in this context is UNESCO, which addresses issues such as multilingualism, cultural diversity, knowledge societies, and information sharing. The balance between the ITU and other UN organisations was carefully managed. This balance is also reflected in the WSIS follow-up process, with the main players including ITU, UNESCO, and the United Nations Development Programme .

Other Participants

Beside the formal stakeholders recognised by the WSIS, other players who were not officially recognised as stakeholders, such as Internet communities, had considerable influence on both the way the Internet runs and how it was developed. They participated in the WSIS process through the presence of the four main stakeholders, primarily through civil society and the business sector.

Internet Communities

Internet communities consisted of institutions and individuals who had developed and promoted the Internet since its inception. Many were based in US universities where they primarily functioned to set up technical standards and to establish the basic functionality of the Internet. Internet communities also created the initial spirit of the Internet, based on the principles of sharing resources, open access, and opposition to government involvement in Internet regulation. From the beginning, they protected the initial concept of the Internet from intensive commercialisation and extensive government influence. The early management of the Internet by online communities was challenged in the mid 1990s after the Internet became part of global social and economic life. Internet growth introduced a

group of new stakeholders, such as the business sector, that came with different professional cultures and understandings of the Internet and its governance, which led to increasing tension. For example, in the 1990s, Internet communities and Network Solution were involved in a so-called DNS war, a conflict over the control of the root server and domain name system.

Today, the main organisational forms that accommodate Internet communities are the Internet Society and IETF. In times of increasing commercialisation of the Internet, it is difficult to preserve the early spirit of Internet communities and the consideration of these communities as a special policy group has been criticised.¹¹ For example, in the WSIS/WGIG process, criticism was expressed that the Internet communities could no longer have a leading role in Internet governance. According to this view, with more than one billion users the Internet has grown out of its initial policy framework. Any Internet governance regime must reflect this growing Internet population and the Internet's influence on social and economic life. In this line of argument, as the boundary between citizens and Internet users blurs, more involvement of parliaments and other structures representing citizens is required, rather than those representing Internet users, such as Internet communities. In the WSIS, this criticism came particularly from those who argued for more involvement of government in Internet governance.

Internet Corporation for Assigned Names and Numbers

The Internet Corporation for Assigned Names and Numbers is the 1998 compromise solution for the DNS war. Formally speaking, ICANN is a private entity established under California law. It received functional authority to manage Internet names and numbers from the US Department of Commerce via a special contract. In the WSIS process, ICANN was frequently criticised for its position in the existing Internet governance regime, and for having special ties with the US government. Through an almost continuous process of reform, ICANN had become increasingly international. It had an international board of directors, meetings held in different regions, and an international staff. However, the "umbilical cord" linking ICANN with the US government remained the main source of concern. In the WGIG debate, various options regarding the reorganisation of ICANN were discussed, including that of developing ICANN as a *sui generis* international organisation that should both accommodate a multistakeholder approach and become anchored in the international legal framework. Formally speaking, the WGIG Report only presented the various options without opting for any in particular.

Organisational Structure

The WSIS followed the typical organisational structure for UN summits with an “organisation trinity” including a presiding officer or chairperson, a Bureau, and a Secretariat. In UN summits, the presiding officer is usually a prominent political figure, while the Bureau is frequently formed of ambassadors resident in the host city of the conference. The Secretariat provides structural support and is the only full-time segment of a summit organisation structure. The Secretariat very often involves people whose careers relate to the subject discussed at the conference. United Nations summits also include other organisational forms such as the Group of Friends of the Chair, subcommittees and subgroups, The High Level Summit Organisation Committee, and host country secretariats.

The Presiding Officer (Chairperson)

The function of the chairperson is essential for the success of any negotiation. Although the formal authority is limited, the chair usually has enough room to have an effect, depending on his or her political position and individual skills. One of the main requirements for successful chairing is impartiality. Beside the main task of steering negotiations towards a successful outcome, the chair also has an important role in building and maintaining the structure of the negotiation process. Through election as chairperson, diplomats take ownership of the process. The success of the negotiation is a matter of personal reputation and that of the country the chair represents. Regional distribution of the chair builds links with various regions as well as increases transparency and legitimacy of the negotiation process.

The chairing structure of the WSIS process included the chairperson of the overall WSIS process and other chairpersons leading numerous sub-committees, groups, and working groups.¹² The WSIS exemplified the positive effect that the selection of chairperson may have on the negotiation process. The WSIS involved various styles and types of chairing. The former Minister of Education of Mali, Adama Samassékou, chaired the Geneva phase, whose main aim was to map the overall arena. His election as the chair contributed in three ways. First, his professional and academic background in culture and languages helped in counter-balancing the potential techno-centric tendency of the WSIS. Second, his African origin helped in bringing development issues to the agenda. Third, his position as a senior African statesman brought wisdom and authority to a frequently “hype-driven” ICT/Internet discussion.

In the Tunis phase, the main emphasis was on the implementation of the principles agreed on in Geneva. The appointment of Latvian Ambassador, Janis Karklins, as the Chairperson of the WSIS reflected this change. His engineering background was an asset in managing the negotiation process and a grasp of the diplomatic process and the UN *modus operandi* acquired during his posting as the Latvian ambassador to the UN in Geneva complemented his management. A businesslike approach helped in driving an extremely complex and diverse agenda towards a successful conclusion.

The most delicate negotiation was required of the chair in sub-bodies dealing with open issues such as Internet governance. Nitin Desai, the chair of the WGIG, faced the challenge of managing highly complex issues and a wide diversity of actors. His understanding of UN procedures and processes, acquired through leadership in previous UN summits, helped him to depart from those rules whenever necessary. He managed to involve non-state actors, primarily from the Internet governance community, and to keep the level of innovation in diplomatic practice acceptable to diplomats.

The Bureau

The Bureau usually has the task of assisting the presiding officer. The WSIS Bureau followed the UN practice of selecting members from UN regional groups (Asia, Latin America and the Caribbean, Africa, Western Europe and Other States, Eastern Europe). It also included representatives of the two host countries, Tunisia and Switzerland. In the Geneva phase, the Bureau had 17 members (three per region and one from each host country). In the Tunis phase, the number of members of the Bureau grew to 32 (six per region and two from the host countries).

The Secretariat

The WSIS Secretariat followed standard UN practice in regard to its functions and organisation. The Secretariat was hosted by the ITU, whose Secretary-General was also Secretary-General of the WSIS.

Both the WSIS and WGIG Secretariats performed the usual tasks of UN Secretariats including logistics, procedural management, providing expertise, drafting texts, and facilitating informal discussion. However, beside these regular tasks, the Secretariats of both the WSIS and the WGIG had the additional tasks of organising various forms of online interaction. For example, all WGIG meetings were transcribed online and broadcast via the Internet. The Secretariat had also arranged for Wi-Fi connection. Apparently, one of the major problems for *in situ* meetings was to supply a sufficient number of power point extensions for notebook power supplies! Sometimes – as happened during the final drafting meeting at the Chateau de Bossy – the WGIG Secretariat had to remove Wi-Fi support in the meeting room since Internet access could have distracted the group members from the main task of finalising the Report.

In traditional conferences, the Secretariat provides support to the presiding officer who is directly involved in procedural management. In the WGIG negotiations, the Secretariat had complete leadership in the online phase, while the chairperson, Nitin Desai, remained in charge of traditional meetings. The Head of the WGIG Secretariat, Markus Kummer, followed the online discussion and provided input whenever needed. It was a particularly challenging task since online communication does not provide sufficient signals to detect the mood of the room as done in a traditional negotiating setting. In some cases, he intervened in emerging controversies; online controversies tend to escalate faster than face-to-face controversies. In other cases, he provided input when online exchange slowed. The Secretariat, led by Kummer, managed to provide organisational energy in online interaction conducted between meetings. The online dynamism blended properly with the traditional WGIG meetings.

One of the main functions of the Secretariat is to draft negotiation documents. The WSIS Secretariat had the particularly arduous task of transforming numerous inputs into basic negotiation documents. In the Tunis phase, the Secretariat was assisted by the Group of Friends of the Chair, who prepared the first negotiating draft. The WSIS secretariat also provided drafting support for the chairs of the WSIS sub-committees. Given the high level of expertise among WGIG members, the WGIG Secretariat had slightly different task of providing the right balance between academic and policy input. It had a more coordinating than drafting role.

The Group of Friends of the Chair

In UN meetings, the typical reason for establishing the Group of Friends of the Chair is to enhance the efficiency of the negotiation process by limiting the number of players in negotiations. Work in smaller groups is usually simpler and more efficient. The usual challenge for the establishment of the Group of Friends of the Chair is how to make it large enough to represent of the primary players and small enough to be efficient.

In the WSIS, the Group of Friends of the Chair was functional and efficient. In the first phase, leading to Geneva, it had a somewhat passive role, assisting the Chairperson in drafting the introduction of the concluding document. In the second phase, leading to Tunis, the Group of Friends of the Chair received a more prominent role in drafting the first version of the negotiating text.

Sub-committees and sub-groups

Sub-committees addressed substantive issues. In the preparation for the 2003 Geneva summit, sub-committees drafted the Plan of Action and Declaration of Principles. The sub-committee on the Plan of Action included sub-groups on media, security, capacity building, enabling the environment, access to information, ICT applications, infrastructure, and cultural diversity. Each sub-group was chaired by a representative of a different country to broaden the number of negotiators and to introduce stronger ownership in the process.

Other organisational structures

The High Level Summit Organisation Committee had the task of coordinating WSIS-related activities of the UN organisations. Two host countries, Switzerland and Tunisia, established host country secretariats. Those secretariats were involved in various WSIS coordination bodies. However, their main task was to deal with organisational issues. Switzerland transferred to Tunisia knowledge and organisational expertise gathered in the preparations for the Tunisia summit.

Procedures And Processes Of Negotiations

Procedures are essential for the smooth running of negotiations. Although some perceive them as an unnecessary formality, they have an essential function in any negotiation. The rules of procedure provide an anchor for potentially chaotic developments in negotiations. They also ensure equity and transparency in the process. To ensure equity and transparency, many small and developing countries favour “formalisms,” which involve a strict adherence to procedural rules. Alternative forms of participation very often require additional human resources, which could lead to *de facto* inequality in negotiations.

The WSIS followed typical UN summit rules of procedure established during previous UN Summits.¹³ The UN summit rules of procedure are close to the UN General Assembly rules of procedure. The WSIS also developed informal practices in conducting negotiations, often referred to at the WSIS, as a “WSIS practice.”

Informal Practice

Many elements shape an informal practice, including participant readiness to interpret rules of procedure in a flexible way, the need to reduce the process transaction cost, and specific professional cultures of communities involved in negotiations. At the very beginning of the WSIS process, in an effort to avoid establishing a precedent that could be used in other multilateral negotiations, many countries refused to allow the full participation of non-state actors.

However, these countries were aware of the specificities of WSIS and WGIG processes and allowed participation of other stakeholders far beyond the formal framework. Most informal practices related to the opening up of the negotiation process to other stakeholders, primarily to civil society and business sector groups. Informal practices were particularly noticeable in observer participation in the meetings, making interventions, and effecting the negotiations.

Observer Participation

No restrictions were placed on the participation of observers in meetings. Observers participated in plenary and subcommittee meetings. In the phase leading towards the Tunis summit, observers also attended meetings of the Group of Friends of the Chair, which played a vital role in drafting the basic negotiating document. Observers intervened in the WSIS by delivering statements in official meetings. During PrepComm meetings prior to the Geneva summit, the observers had 45 minutes every day reserved for interventions. Each main stakeholder—including, international organisations, business groups, and civil society representatives—had 15 minutes for interventions. The minimum 45-minute intervention time was established as a WSIS practice. In many cases, observers were granted additional time for their interventions. Observers were also involved in preparing and running round tables and panels at both Geneva and Tunis.

Observer Participation in Negotiations

Although observers did not have decision-making rights, WSIS informal practices helped them to influence negotiations through various techniques. First, observers' written contributions were included in the compilations of the inputs alongside those of governments. Accordingly, observer proposals became visible to negotiators and, thus, more likely to be integrated in the negotiating text. Second, observers intervened in negotiating sessions by using a "stop-and-go" approach (Kleinwächter, 2004). The chairperson periodically stopped official negotiations, allowing observers to make an intervention. Although it was a discretionary right of the chairperson, the stop-and-go approach gradually became part of WSIS informal practice.

The WSIS leadership clearly intended to increase the inclusiveness and transparency of the process. However, in some cases, inclusiveness and transparency were not impeded by political decisions, but by organisational requirements. First, many actors in attendance had various cultural, professional, and cultural commitments. An already complex group of over 180 governments had to make room for additional non-state entities that, very often, had limited experience in multilateral diplomacy. Organisational forms established by civil society¹⁴ and the business sector¹⁵ reduced the complexity, but they did not solve the problem of managing the large number of contributions to the negotiating process. Second, in critical junctures, the negotiations required deal brokerage with a limited number of participants. It was simply impossible to negotiate deal brokerage with more than 10 or 20 players. For example, the brokerage of the final deal on Internet governance at the Tunis summit involved primarily the EU, the US, China, Brazil, Russia, Canada, and Australia. The WSIS leadership had constantly to keep a balance between transparency and efficiency. Keeping the right balance was often more an organisational than a policy issue.

The WGIG Process

In understanding the way the WGIG operated, it is important to emphasise that the WGIG was not, in a formal sense, a negotiating body. The main function of the WGIG was to exchange information and to provide expert input on internet governance to the main WSIS negotiating process. This specific mandate helped in developing a full multistakeholder practice. The WGIG did not have written and official rules of procedure; rather, business was conducted according to certain rules that were either articulated explicitly or accepted tacitly by participants. The important element in developing this practice was the considerable experience that Chairperson Nitin Desai had gained in organising previous UN Summits.¹⁶ His in-depth knowledge of the UN rules of procedure helped him to distil the best and avoid those that could have led to controversy. The main developments in the WGIG process included changes in rules regarding multistakeholder participation and representation; inclusiveness and legitimacy; time-management; and inductive and deductive approaches.

Full Multistakeholder Participation and Representation

The WGIG included representatives from the main WSIS stakeholders: governments, the business sector, civil society, and international organisations. Other experts and technologists participated, particularly those who attended as part of the civil society contingency, but also as part of government and business sector representation. All participants had equal rights to participate and intervene in WGIG activities.

Inclusiveness and Legitimacy

Although the WGIG included a wide range of representation, in order to expand it even further the WGIG leadership introduced the practice of open meetings before the WGIG regular meetings held at the UN in Geneva. Open meetings attracted many actors who were thus able to intervene directly. The WGIG also facilitated online participation through an Internet broadcast of real-time transcripts, audio-casts, and video-casts of meetings. In this way, the WGIG increased its legitimacy in the Internet community, which was very cautious about the overall WSIS-process.

Time-Management

The WGIG operated under considerable time constraints. In only nine months (between October 2004 and June 2005), it had to provide an authoritative report on Internet governance for the final negotiations prior to the Tunis summit. In this short time-span, the WGIG also had to develop trust among participants who came from different and sometimes opposite positions regarding Internet governance. The WGIG leadership used a blend of various traditional and online approaches in order to complete its task in the limited period.

Online phases harnessed various views. Prior to each session, the Secretariat summarised the main developments in the online phase and proposed a list of a limited number of issues for face-to-face meetings. For highly controversial issues, the Secretariat proposed that a few members who represented different views prepare background material. The WGIG was also ready to alter any approaches that would lead to an impasse (e.g., premature discussion on the definition of Internet governance).

Inductive and Deductive Approaches

In early meetings, the issue of a definition of Internet governance took precedence. At the meeting in February 2005, the group entertained a prolonged discussion regarding normative vs. descriptive definitions of Internet governance. The WGIG leadership decided to change this top-down approach requiring a definition first and a subsequent discussion of concrete issues. The group selected an inductive approach to matters by analysing concrete issues and gradually building a broader framework, including a definition of Internet governance. For highly controversial issues, such as control of the root server, the WGIG leadership decided to go into "issue dissection" to identify sub-aspects. This helped to move from rhetoric to a substantive discussion. Ultimately, issue dissection reduced suspicion, identified common points, and substantially improved the level of discussion.

Texts And Drafting

A **text** is the backbone of diplomatic negotiations. Ultimately, any negotiating activity, from formal to informal, results in the adoption of a final text. The WSIS was a text-intensive exercise. The number of contributions grew due to the submission of contributions through the web. This option led to greater expectations regarding the inclusion of ideas and concepts in the final text. In the Geneva phase, the Secretariat and Chair had to analyse almost 3,000 pages of participant contributions to produce the nine pages of the Declaration of Principles and the 13 pages of the Plan of Action. It made the drafting process both a policy and technical challenge.

Types and Forms of WSIS Documents

The selection of the type and form of a diplomatic document is part of the negotiation itself. ¹⁷ For example, the most frequent use of a Chair's text was to propose the next version of the text after tidying up various amendments and inputs. Sometimes a Chair's text serves to provide face-saving for parties who have to make potentially embarrassing concessions.

As well, "non-papers" have specific functions in multilateral negotiations. Non-papers are usually "trial balloons" aimed to explore new ideas and options; they are informal and unofficial documents, often produced on paper without logo or any other official sign. In the WSIS, the "anonymity" of non-papers disappeared. Clear signs indicated the country that proposed a non-paper. For example, Switzerland used non-papers to introduce new ideas for the Tunis phase. Although having higher official relevance in the WSIS-process, the document's description as a non-paper indicated its informal character. ¹⁸ The WSIS extended the traditional use of non-papers by using them as Chair texts. In November 2003, the WSIS Chairperson, Adama Samassékou, used a non-paper to introduce a new version of the negotiating text (Building the Information Society, 2003). The text was the result of consultations and negotiations and was produced on summit letterhead. Essentially, it was a Chair text, but the indication that it was a non-paper strengthened the exploratory and informal nature of the proposed text.

The final documents of the WSIS were legally non-binding documents, similar to general UN declarations. They have different names, distinguishing them and reflecting their content. The Geneva Summit adopted the titles, Geneva Declaration of Principles and Geneva Plan of Action. The Tunis Summit adopted, Tunis Commitment and Tunis Agenda for the Information Society.

The Drafting Process

Careful steering of the drafting process is essential for successful negotiation. Specific textual development can keep the momentum of negotiations. It may also reinvigorate negotiations. As the conductor of negotiations, the chairperson (supported by the Secretariat) has to detect the mood in the room and to use a drafting process as appropriate, mainly by introducing new versions of the text.

At the WSIS, the drafting process followed a typical UN textual development sequence. It started with contributions submitted by various actors on the main themes of the conference. The Secretariat transformed these raw texts into a compilation, a precursor text in UN language. The compilation introduced the structure of future documents with its main headings. It also reduced duplication of texts and suggested points of convergence and divergence among participants. The compilation was not yet a negotiating text, but it was the first hint of the shape of the future document.

The WSIS Secretariat chose various approaches in the preparation of compilations to include all contributions and to make them easily available to participants. First, the Secretariat prepared a Reading Guide to inputs with four columns: the number of an article or paragraph, convergent views, divergent views, and new items (see Table 2.). Later, the Secretariat chose the simplified form of compilation in three columns (see Table 3).

Table 2. Excerpt from the Reading Guide¹⁹

Par	Convergent views	Divergent views	New items
	<i>General comments</i>		
12	The Information Society must serve the interests of all nations.	<i>Different proposals concerning the list of countries and groups to be specifically addressed (e.g., LDC, Africa, SIDS, Landlocked etc...)</i>	<p>Government</p> <ul style="list-style-type: none"> - Empowerment of developing countries - Pay attention to groups that are socially exploited <p>Observers</p> <ul style="list-style-type: none"> - ICT to support sustainable development - Mention human rights, gender equity, and freedom of expression - ICT to be used across the economy - Knowledge as heritage of humanity and basis for citizen choice - Traditional media are still majors providers of information - Media have a central role in the Information Society

Table 3. Excerpt from WSIS Compilation of Comments²⁰

Existing text	Sources of proposed text	Proposed text
1. We recognise that it is now time to move from principles to action, by encouraging stakeholders to take the Plan of Action one step further, identifying those areas in which progress has been made in implementing the commitments undertaken in Geneva, and by defining those areas where further effort and resources are required.	Informal Coalition on Financing and Gender Caucus (joint submission)	<i>[replace with]</i> 1. We recognise that it is now time to move from principles to action, while considering the work already being done for implementing the Plan of Action and identifying the areas of such progress, all stakeholders must define those areas where further effort and resources are required, and jointly develop appropriate strategies and implementation mechanisms at global, national and local levels. In particular, we need to identify peoples and groups that are still marginalized in their access to and utilization of ICT.
	Togo	1. ... those areas in which progress has been made, or is being made , in implementing ...

A critical phase in the drafting process is the transition from the compilation to a negotiating text. Often at this transition an informal and collegial atmosphere evolves into a very formal one. Conference leadership must select the right time and the right approach for the introduction of a negotiating text. One of the differences between a compilation and a negotiating text is in the format. Unlike the compilation, a negotiating text does not make any attribution to contributors. All individual contributions merge into a common negotiating text, where different proposals for the same text are introduced, distinguished by square brackets. Another important difference between the compilation and a negotiating text is a change of language style, which becomes more formal or official with careful selection of the words "shall," "should," "must," "may," and "will." A Chair text often introduces the first negotiating text and subsequent versions of the negotiating text. The negotiating text is revised through numerous iterations until different possibilities and, perhaps, disagreements disappear (and all square brackets have been removed) and the final conference text is adopted.

Drafting Techniques

In the process of drafting documents, the WSIS negotiators utilized a few drafting techniques. One of the key negotiators in the Geneva phase of the WSIS, the Finnish ambassador, Asko Numminen, clustered drafting techniques into five main groups.²¹

- a) if a problem is a matter of language: the Chair will draft a proposal

The WSIS Secretariat edited and tidied texts and formally introduced them through Chair's papers.

- b) if the problem is not a new one in the UN: let's seek a precedent

Some issues, such as the status of occupied territories, appear almost in any major international negotiation. For those issues, the WSIS borrowed the formulation already used in other international documents.

- c) if the problem is one where ICT expertise is needed: let's ask for advice and language from the ITU

In the WSIS, the main expert input came from the ITU. However, for issues such as Internet governance, where expert input could have influenced policy outcome, the WGIG was established. The delicacy of Internet governance negotiation can be illustrated by the fact that the UN Secretary General conveyed the WGIG, not the ITU.

- d) if the problem is a matter of balanced substance: let's form a small group to strike the balance

For issues that required careful balancing and compromise, the WSIS passed drafting activities to sub-groups. In the preparation for the Geneva Summit, sub-groups were frequently established. This distributed drafting tasks to a wider group and made the drafting process more efficient. It also increased ownership of the process by including more countries in the sub-groups. A number of issues required careful balancing acts: freedom of expression vs. protection of public order, security vs. protection of privacy and other human rights, and proprietary software vs. free and open source software.

- e) if the problem is impossible to resolve at this stage: let's leave it for the final stage

The two-leg nature of the WSIS allowed negotiators in Geneva to postpone or extend discussion on controversial topics to the Tunis phase. This occurred with two major issues: Internet governance and financial mechanisms. For both, new bodies analysed the issues and proposed solutions. However, the two bodies established for the purpose differed in their approaches, which reflected the difference in the nature of the issues. The financial task force followed the typical UN practice. A low-profile group, it completed its report in February 2005. Internet governance was a much more complex issue and it required detailed elaboration. The WGIG had four meetings and it concluded its work in June 2005 by producing the Report.

Reference Framework: Language And Cognition

The WSIS and WGIG were important steps in the development of a global Internet policy and an Internet governance regime. Experience from other international regimes (e.g., environment, air transport, and arms control) has shown that such regimes tend to develop a common reference framework, including values, perception of cause-and-effect relationships, modes of reasoning, terminology, vocabulary, and jargon. The reference framework is highly relevant in the international political arena as it shapes how actors see particular issues and what actions they take.

In the WSIS and WGIG processes, the involvement of diverse professional cultures, including that of diplomats, technologists, media specialists, and human rights activists complicated the development of a common reference framework. These groups entered the WSIS/WGIG processes with specific languages and different understandings of important concepts. Negotiating parties tried to affect the WSIS by influencing the development of the reference framework. In particular, three elements contributed to the shaping of the WSIS/WGIG reference framework: i) the use and interpretation of important terms and concepts; ii) approaches and patterns; and iii) use of analogy.

Use and Interpretation of Important Terms and Concepts

Different professional and national cultures assign different interpretations to different terms. Reducing interpretational differences was a significant challenge to normal communication at the WSIS/WGIG. Considerable progress was made between the first preparatory meetings in 2002 and the Tunis summit in 2005.

Internet

One of underlying issues of the WSIS process was Internet governance. The ITU and many developing countries wanted this issue on the WSIS agenda. Others, such as the US and other developed countries, did not want Internet governance on the agenda. Consequently, in the early meetings of the WSIS the Internet did not figure in the WSIS documents and discussion; for example, the 2002 Pan-European Bucharest Declaration does not refer to the Internet at all.²² The Internet emerged as a topic for discussion at the WSIS regional West Asia meeting in February 2003 and Internet governance appeared on the WSIS agenda only after that meeting. At the next WSIS PrepComm, held in February 2003, the question of Internet governance was introduced. Subsequently, Internet governance gradually became the central issue on the WSIS agenda.

Diplomatic signalling using the term "Internet" continued after the WSIS. In November 2006, at the ITU conference, the term appeared in the ITU resolution on Internet governance with lower-case "i" instead of the usual, upper case "I." The US ambassador in charge of Internet governance expressed concern that the ITU spelling of the word without a capital letter might signal an intention to treat the Internet like other telecommunication systems internationally governed by the ITU (Shannon, 2006).

Prefixes: "e-" – "virtual" – "cyber" - "digital"

The prefixes "e-", "cyber," "virtual," and "digital" are used to describe various ICT/Internet developments. Their use originated in the 1990s and implied different social, economic, and political influences on the development of the Internet. For example, academics and Internet pioneers used both "cyber-" and "virtual" to highlight the novelty of the Internet and the emergence of a "brave, new world." The prefix "e-" is usually associated with e-commerce and the commercialisation of the Internet in the late 1990s. "Digital" came into use primarily in technical fields and received prominence in the context of the "digital divide" discussion.

In the international arena, the prefix “cyber-” is rarely used, with the exception of cyber-crime found in the title of the Council of Europe’s *Convention on Cyber-Crime* (Council of Europe, 2001). The word “virtual” also rarely appears in international documents.

The prefix “e-” has garnered particular favour in the EU, where it describes various policies related to e-science and e-health. In the WSIS, “e-” was introduced at the Pan-EU Bucharest Regional Meeting and became predominant in all WSIS texts, including the final documents.

Governance

In the 2003 WSIS debate on Internet governance, a controversy arose over the term “governance”²³ and its various meanings. According to one meaning, governance is synonymous with government. Many national delegations had this initial understanding, leading to the interpretation that Internet governance should be the business of governments. This interpretation clashed immediately with a broader meaning that includes governance of affairs of any institution, including non-governmental institutions. This was the meaning accepted by Internet communities, since it describes the way in which the Internet was initially governed.

An additional source of confusion was the translation of the term governance into other languages. In Spanish, the term refers primarily to public activities or the functions of government (*gestión pública, gestión del sector público, and función de gobierno*). The reference to public activities or government also appears in French (*gestion des affaires publiques, efficacité de l’administration, qualité de l’administration, and mode de gouvernement*). Portuguese follows a similar pattern by referring to the public sector and government (*gestão pública and administração pública*).

The early confusion about the term was clarified through the work of the WGIG. The broader definition was adopted, which includes management functions in governments, the business sector, civil society, and international organisations. The broader understanding of the term also inspired the creation of the Internet Governance Forum (IGF), which became the main WSIS follow-up body in the field of Internet governance. The IGF includes equal participation of all main stakeholders.

Approaches and Patterns

Other elements that contributed to the shaping of the WSIS/WGIG reference framework were the approaches and patterns of negotiations. During the WSIS and WGIG, some clear approaches and patterns in negotiations emerged. They shaped discussions and aided in the alignment of different interests and perceptions in debate. Different attitudes could be found in regard to approaches to technical and policy aspects, to “old-real” vs. “new-cyber” understanding of Internet policy, and regarding an “if it ain’t broke, don’t fix it!” attitude.

Technical vs. Policy Aspects

The relation between technology and policy was one of the significant and underlying challenges of the WSIS process and one frequently mentioned in policy statements. At the Opening Session of the WSIS-Geneva in December 2003, then UN Secretary General, Kofi Annan, stressed that in the WSIS “we are embarked on an endeavour that transcends technology. Building an open, empowering information society is a social, economic and ultimately, political challenge.” (United Nations, 2003) The question of the relation between technical and policy aspects of the Internet turned out to be highly complex and it became difficult to draw a clear distinction between them. Technical solutions are not neutral. Ultimately, each technical solution or option promotes certain interests, empowers certain groups and, to a certain extent, affects social, political, and economic life.

With the Internet, the early online community was the original arbiter of technical and policy issues. With the growth of the Internet and the emergence of new stakeholders in the 1990s—mainly the business sector and government—the unity between technology and policy was broken. The Internet community no longer had predominant policy control and control devolved to business entities such as Network Solutions. The reform of Internet governance, including the creation of ICANN in 1998, was an attempt to re-establish the lost balance between technical and policy aspects.

“Old-Real” vs. “New-Cyber” Approaches

Two distinct approaches to many WSIS and WGIG issues became apparent: “old-real” and “new-cyber.” Groups using the “old-real” approach argued that the Internet had not introduced anything new to the field of governance. In this perspective, the Internet is just another new device, no different from its predecessors—the telegraph, the telephone or the radio. For example, in legal discussions, proponents with this approach argued that existing laws could apply to the Internet with only minor adjustments. As long as it involves communication between people, the Internet is subject to the same regulation as other telecommunication devices (Goldsmith, 1998: 1199).²⁴ In the economic field, those with this approach argued that no difference exists between regular and e-commerce. Consequently, society needs no special legal treatment of e-commerce. Proponents of the old-real approach were also against e-tax moratoriums. In the WSIS negotiations, those with an old-real approach influenced the decisions to exclude a discussion of intellectual property issues in the context of the WSIS. According to this approach, no reasons sufficed to treat intellectual property rights on the Internet differently than their treatment in the WTO and WIPO.

Proponents of the “new-cyber” approach argued that the Internet was a fundamentally different device from all previous ones. Thus, it requires fundamentally different governance. This perspective was particularly popular during the early days of the Internet and individuals even hoped that the innovative, early method of governing the Internet, utilising a “rough consensus and running code,” might become the model for regulating other areas of human activities. The main premise of the new-cyber approach was that the Internet managed to de-link our social and political reality from the world of sovereign states. Cyberspace is different from real space and it requires a different form of governance. However, despite its early popularity, the new-cyber approach did not have a decisive influence in WSIS debates.

“If it ain’t broke, don’t fix it!”

As soon as the Internet governance debate started in the WSIS, supporters of the ICANN-based system launched the slogan, “if it ain’t broke, don’t fix it!” The slogan represented the opinion that the current, ICANN-run Internet infrastructure was robust and highly functional. It also reflected the professional concern of many technologists about the alteration of a system that worked well. During a WGIG discussion, the debate became more sophisticated. While consensus existed regarding the achievements of ICANN in running the Internet infrastructure, many governments pointed to the problem of the link between ICANN and the US Department of Commerce. They argued that the “if it ain’t broke, don’t fix it!” approach could provide blanket immunity from any changes to current Internet governance, including changes not necessarily related to technical issues. One approach that the WGIG adopted was to dissect problems and analyse specific aspects of the Internet governance system. Detailed analysis of problems and issues anchored discussion in real advantages and disadvantages of possible solutions and avoided simplification and potential tension.

Use of Analogy

Since the WSIS was a new field, it stimulated an intensive use of analogy. Analogy helped participants to understand a new concept by comparing it to what they already knew. In the initial phase of the WSIS, the Internet community used analogy primarily to explain basic concepts to diplomats and other newcomers to the field. With increasingly informed discussion, all main stakeholders involved in the process used analogy as rhetorical tools.

Internet – Telephony

During the early days of the Internet, the use of the telephone for dial-up access strengthened an analogy between the Internet and the telephone. In addition, a functional analogy holds between the telephone and the Internet, since both facilitate direct and personal communication. At the WSIS, those who opposed the regulation of Internet content used this analogy to support their position. If the Internet were analogous to the telephone, the content of Internet communication would not be subject to control, since the telephone is not subject to content regulation. A more recent analogy between the telephone and the Internet appeared in discussions on managing Internet numbers and names. Volker Kitz argued that Internet names and numbers could be managed in the way that telephone numbers are managed internationally (by national operators and the ITU as international coordinator).²⁵

Internet – Mail/Post

The analogy between the Internet and the mail is an analogy in function—namely, the delivery of messages. The name itself, “email,” highlights this similarity. In the WSIS process, Paul Twomey, the Chairperson of ICANN, used an analogy between the postal system and the function of ICANN:

If you think of the Internet as a post office or a postal system, domain name and IP addressing are essentially ensuring that the addresses on the front of an envelope work. They are not about what you put inside the envelope, who sends the envelope, who’s allowed to read the envelope, how long it takes for the envelope to get there, what is the price of the envelope. None of those issues are important for ICANN’s functions. The function is focussing on just ensuring that the address works (BBC News, 2005).

In this analogy, Twomey highlights the limited technical role that ICANN plays in overall Internet governance. This analogy also answers frequent misinterpretations of the role of the ICANN as “global Internet government” in charge of all aspects of the Internet, including the content.

Other analogies appeared in Internet-related discussions, but were not particularly apparent in the WSIS debate. These include analogies between the Internet and television, the Internet and libraries, the Internet and VCRs or photocopiers, and the Internet and a highway.

Use Of Internet-Based Diplomatic Tools

The summit dealing with the Internet was intended to use the Internet in its operations. Participants were supposed to “walk the talk.” Accordingly, numerous ICT/Internet-based tools and techniques were introduced during the WSIS process.

Use of notebooks and the Internet in conference rooms

An important innovation occurred with the introduction of wireless technology (Wi-Fi).²⁶ At the beginning of the WSIS process in 2002, Wi-Fi was a relatively new technological innovation used by participants from technically advanced countries and even then only in specially designated areas. At the end of the WSIS process, in 2005, Wi-Fi had become a mainstream tool for many participants.

Wi-Fi access introduced many developments to traditional conference diplomacy. It facilitated the participation of an increased number of civil society and business sector representatives at the WSIS meetings. For most of them, the WSIS activities ran parallel to their day-to-day work. However, participation in WSIS meetings required prolonged absence from work. Through Wi-Fi, they managed to be present at WSIS meetings and to continue their regular work through the Internet. This facility allowed more people to participate in WSIS meetings.

For diplomats, a Wi-Fi connection provided constant contact with their ministries of foreign affairs and other government departments dealing with WSIS issues. In some cases, a Wi-Fi network of notebooks enabled the co-ordination of initiatives among representatives physically present in the conference room. Computer exchange complemented and sometimes replaced the traditional ambiance of diplomatic meetings involving short chats, *tête-à-tête* exchanges, and corridor diplomacy. In person, physical movements can reveal the dynamics of negotiations or even be part of diplomatic signalling. This aspect of *in situ* diplomatic negotiations will change with the use of Wi-Fi.

Some small states created virtual Wi-Fi based networks in the conference room and were able to react quickly to proposals, amendments, and other interventions proposed at meetings, all without leaving their seats or computers. It was an effective way of coordinating national positions in multilateral negotiations. Wi-Fi connections also provided real time reporting from diplomatic meetings. Participants, especially those from civil society, commented on developments in the conference room via blog, chat, and other internet-based facilities. Wi-Fi facilitated real time consultation via the Internet.

E-drafting of diplomatic documents

The WSIS was an exercise in complex text management. As noted above, the final text was the result of many inputs, amendments, and comments. ICT/Internet provided numerous tools for group drafting, starting from the simple use of the “track changes” tool in Word for Windows and WIKI-based tools, to more sophisticated drafting platforms.

Most WSIS text drafting utilised a LCD projector displaying the negotiated text on a large screen with an assisting operator inputting changes in the main text as proposed by delegates. The room could immediately see the amended version of the text. This tool was particularly effective with the track changes option, which showed deletions and insertions in the text. The WSIS frequently relied on such e-drafting. It subsequently became a methodology adopted by all stakeholders involved in the WSIS deliberations, introducing a faster negotiation process, a simpler control of changes and avoidance of mistakes in the text, and the preservation of a log of proposals and amendments.

Mailing lists

Mailing lists are often used for communication in international circles. They can be helpful in testing new ideas and in diplomatic signalling. They were particularly important during the WSIS process. Some mailing lists, such as the Internet governance list, became focal points for shaping views on Internet governance issues.²⁷ Although civil society made the majority of postings, all stakeholders, including diplomats and governments, followed the public lists.

A mailing list was also the official exchange tool of the WGIG. During and between the four meetings of the WGIG, the 40 members relied on a mailing list for ongoing discussions. These members exchanged thousands of messages between regular meetings. The multistakeholder composition of the Working Group (diplomats, business people, NGO representatives, academics) was also reflected in the utilisation of the mailing list. Non-governmental representatives (civil society, academics, and business) posted the majority of messages. Diplomats, by contrast, were very reluctant to use the mailing list as a medium of communication, confirming the in-built professional caution to put matters in writing that might eventually create an official commitment.

e-Transcripts and diplomatic reporting

The role of diplomatic reporting, at least in multilateral diplomacy, may change with the introduction of real-time e-transcripts. This innovation was introduced in public meetings of the WGIG in April 2005. All interventions were transcribed simultaneously by special stenographers and displayed on the big screen in the conference room. While delegates were speaking, transcriptions of their speeches appeared on the screen. Given the centrality of text in diplomatic activities, the e-transcription innovation had an important effect on the diplomatic *modus operandi*. A verbatim, written record made many delegates choose carefully the level and length of their verbal interventions.²⁸ This development considerably increases the transparency of diplomatic meetings and will inevitably have an effect on diplomatic reporting summarising the findings of the event.

Websites

Both the WSIS and WGIG made use of websites as official communication tools.²⁹ The WSIS website was particularly important in providing an overall map of the highly complex negotiation process. Websites provided announcements and updates about the process and had an important management function in planning WSIS activities.

In three distinct ways, websites were an important tool in the management of documents in the WSIS/WGIG processes. First, they served as a repository for all documents and materials, including all official documents, lists of participants and contributions by various stakeholders. Second, through the websites all stakeholders were in a position to submit their contributions in preparations for meetings. Even those stakeholders who could not physically attend meetings could provide input. Third, the possibility of posting contributions online helped in bypassing organisational controversies about the rights of stakeholders to distribute documents at the official negotiation venues. For example, while at the first WSIS preparatory meetings, complaints arose concerning non-governmental organisations' distributing documents at the official WSIS venue, postings to websites circumvented this issue at later meetings.

Conclusion

In general, the WSIS/WGIG did not create substantive or, as some have argued, revolutionary changes in diplomatic processes, at least in a short-term perspective. However, in a long-term perspective, some WSIS/WGIG innovations, especially in the field of Internet governance, could lead towards more substantive changes in diplomatic practice.

The main yardstick to use in this assessment is the practice developed during previous UN summits. In many respects, no major differences from previous summits are notable: the formal process of the WSIS was inter-governmental and states were not willing to alter the formal rules of procedure. As in previous summits, innovation happened in informal practice. States were more open to innovative diplomatic practice through flexible interpretation and implementation of rules of procedure. The innovations introduced through informal practice aimed, for the most part, at increasing the participation of non-state actors in the WSIS proceedings.

Straying from the UN model, however, the WGIG introduced a few unique changes in diplomatic practice, with the potential for further development in the future. The WGIG was more than an expert, advisory group, but less than a decision-making body. It did not produce official UN documents, but it substantially influenced WSIS conclusions on Internet governance. The WGIG was a compromise in which pro-ICANN governments let Internet governance issues officially emerge and be placed on the multilateral agenda and in which other governments, mainly from developing countries, accepted multistakeholder participation. This compromise resulted in the success of the WGIG. Internet governance will remain on the global agenda through the Internet Governance Forum, established as a follow-up to the WSIS. In this context, the WGIG will be a useful example for the future development of multistakeholder partnerships on the international level.

Use of ICT/Internet-Based Tools in Multilateral Diplomacy

Due to two factors, the WSIS and WGIG made a major advance in the use of ICT and the Internet in multilateral diplomacy. First, during the WSIS process wireless technology matured and became both functional and affordable. It enabled participants to access the Internet using their computers in the conference room. Parallel to the development of wireless technology, a boom in Internet applications, including blogs and WIKI (usually known as "Web 2.0"), substantially increased the participation of Internet users in the development of the content and interaction of the WGIG. The second factor affecting the WSIS/WGIG was that many summit participants were ICT-informed people and technologists. They introduced a new diplomatic playing field by intensive use of online tools. Others had to follow.

Perhaps the most important impact of WSIS/WGIG on diplomatic practice was the novel use of online tools, which also influenced various aspects of diplomatic practice including higher transparency, broader participation via the Internet, e-reporting, and higher efficiency of the drafting process.

Emergence of Internet Diplomacy

It remains to be seen if the WSIS/WGIG contributed to the development of a new Internet diplomacy for dealing with ICT/Internet issues. The WSIS/WGIG clearly showed that it is very difficult to develop one international regime that will deal with all ICT/Internet issues. Numerous regimes already focus on specific areas such as Internet governance (ICANN), intellectual property, standardisation, and privacy protection. Each of these regimes has its specific forms of practice.

Given the focus of the WSIS/WGIG discussion, the most relevant is the ICANN-led regime for Internet governance. ICANN was developed by non-state actors with limited governmental participation (with the exception of the role of the US government). Some attempts at the WSIS to create a new global Internet governance regime were questioned by those who pointed out the existing, fully functional, and robust Internet governance regime found in ICANN. The prevailing view was that instead of creating a new Internet governance regime, it would be better to fix the deficiencies of the current ICANN-based system.

The WSIS/WGIG dynamics that pushed the internationalisation process of ICANN could as well lead to the creation of a new type of international mechanism combining the best elements of ICANN practice (a multistakeholder perspective, transparency, flexibility) and those of international organisations (legitimacy, accountability, due process). These developments could lead to some qualitative changes in diplomatic practice, including the development of a new type of diplomacy—Internet diplomacy.

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Endnotes

¹ Kremenyuk and Lang stated the following criteria for classifying a UN event as a summit: i) the event is global in nature and open to all governments; ii) it covers global issues with multidisciplinary aspects; and iii) new actors, in addition to national states, are involved in various capacities. The WSIS fulfilled all of these criteria. See Victor A. Kremenyuk and Winfried Lang (1993) "The Political, Diplomatic and Legal Background", in G. Sjostedt, ed., *International Environmental Negotiation*, London: Sage, pp. 1-16.

² The WSIS was the first comprehensive (in issues) and global (in participation) attempt to address an effect of the ICT/Internet on society. Previous attempts to address some international aspects of the ICT have occurred. One of the first was the G7 Ministerial Conference on Global Information Society held in 1995 in Brussels, followed by other meetings held in the framework of the G7 (later G8). In the UN framework, besides the "ritual" UN General Assembly Resolution on Information Society, more concrete action was stimulated by the Y2K or Millennium bug. At that time, the UN General Assembly adopted Resolution 52/233, "Global Implications of the Year 2000 Data Conversion Problems", suggesting numerous concrete actions and promoting a multistakeholder approach.

³ The reference to a "Summit of Solutions" was frequently made by Yosio Utsumi, Secretary General of the ITU and Secretary General of the WSIS. See Daniel Stauffacher and Wolfgang Kleinwächter, eds. (2005) *The World Summit on the Information Society: Moving from the Past into the Future*, New York: UN ICT Task Force Series 8, p. xviii.

⁴ For empirical research on the importance of agenda-setting for negotiations, consult Charles R. Plott and Michael E. Levine (1978) "A Model of Agenda Influence on Committee Decisions", *American Economic Review* 68: 14-160; Michael E. Levine and Charles R. Plott (1977) "Agenda Influence and Its Implications", *Virginia Law Review* 63: 561-604.

⁵ For more information about internet governance issues and the WGIG agenda, consult Jovan Kurbalija and Eduardo Gelbstein (2005) *Internet Governance: Issues, Actors and Divides*, Malta: DiploFoundation, available from <http://textus.diplomacy.edu/textusbin/env/scripts/Pool/GetBin.asp?IDPool=641>.

⁶ For a list of the issues, consult WSIS implementation by action line from <http://www.itu.int/wsis/implementation/index.html>.

⁷ In relations between the United Nations and the business sector, the main initiative is the UN Global Compact, launched in 2000 to involve the business sector in global affairs. In relations with civil society, the main development was the *Cardoso Report on the UN-Civil Society Relations*. The report proposes numerous measures for more intensive involvement of civil society in UN activities.

⁸ The WGIG report is available from <http://www.wgig.org>.

⁹ The convenience of "one stop shopping" was one of the arguments for establishing the ITU as the central internet governance player.

¹⁰ Capacity building for internet governance and policy is mentioned in paragraphs 23, 51 and 71(h) of the Tunis Agenda for the Information Society (2005) World Summit of Information Society, 18 November, WSIS-05/TUNIS/DOC/6(Rev. 1)-E, available from <http://www.itu.int/wsis/docs2/tunis/off/6rev1.pdf>.

¹¹ For a comprehensive review of criticism of the current positions of internet communities consult Willy Jansen (2005) "Internet Governance: Striking the Appropriate Balance Between all Stakeholders", in William J. Drake, ed., *Reforming Internet Governance: Perspectives from the Working Group on Internet Governance (WGIG)*, New York: UN ICT Task Force Series 12, pp. 35-40.

¹² A list of the WSIS chairs is available at <http://www.itu.int/wsis/basic/chairpersons.html>.

¹³ According to the WSIS Secretariat, the WSIS Rules of Procedure followed the template of the World Summit on Sustainable Development (Johannesburg 2002) and the Finance for

Development Summit (Monterrey 2002). For more information, consult <http://www.itu.int/wsis/basic/multistakeholder.html>.

¹⁴ Civil Society organisational infrastructure included a Civil Society Bureau, the Civil Society Plenary, and the Content and Themes Group.

¹⁵ The business sector established the Coordinating Committee of Business Interlocutors (CCBI).

¹⁶ Nitin Desai was the organiser of the Johannesburg Summit on Sustainable Development (2002), the Monterrey Conference on Finance for Development (2002), the Copenhagen Summit on Social Development (1995), and the Rio Conference on Environment and Development (1992).

¹⁷ Sometimes, the choice of a particular type of document is a diplomatic signal, particularly in bilateral relations. For more details on the use of types of documents in diplomatic negotiations consult, G.R. Berridge (1995) *Diplomacy: Theory and Practice*, London: Prentice Hall, p. 161.

¹⁸ The Dutch government used a non-paper in a similar way in the UN Security Council discussion on a professional, rapidly-deployable UN force. For more on this consult Johan Kaufmann (1996) *Conference Diplomacy: An Introductory Analysis, 3^d Edition*, London: Macmillan, p. 151.

¹⁹ Reading Guide (Document WSIS03/PCIP/DT/6 (2nd July 2003); Online: http://www.itu.int/dms_pub/itu-s/md/O3/wsispcip/td/O3O721/SO3-WSISPCIP-O3O721-TD-GEN-0006!!PDF-E.pdf.

²⁰ Compilation of Comments on Chapter One (Implementation Mechanism) and Chapter Four (The Way Ahead) of the Operational Part (Document WSIS-II/PC-2/DT-6 (Rev. 2). Online: <http://www.itu.int/wsis/docs2/pc2/working/dt6rev2.doc>.

²¹ Asko Numminen, Search for Consensus. In: D. Stauffacher and W. Kleinwachter (eds.). *The World Summit on the Information Society: Moving from the Past into the Future* (2005: United Nations ICT Task Force, New York), p. 68.

²² For the evolution of the use of the word "Internet" in the preparation for the Geneva summit consult, DiploFoundation (2003) *The Emerging Language of ICT Diplomacy – Key Words*, available from <http://www.diplomacy.edu/IS/Language/html/words.htm>.

²³ Governance is from the Latin *gubernare* meaning to steer a ship.

²⁴ Here, Goldsmith argues that the Internet is not functionally different from other communication media (e.g., telephone, mail). Hence, existing legal rules and procedures based on the conflict of law can be applied to the internet-related cases. New cyberspace law is not required.

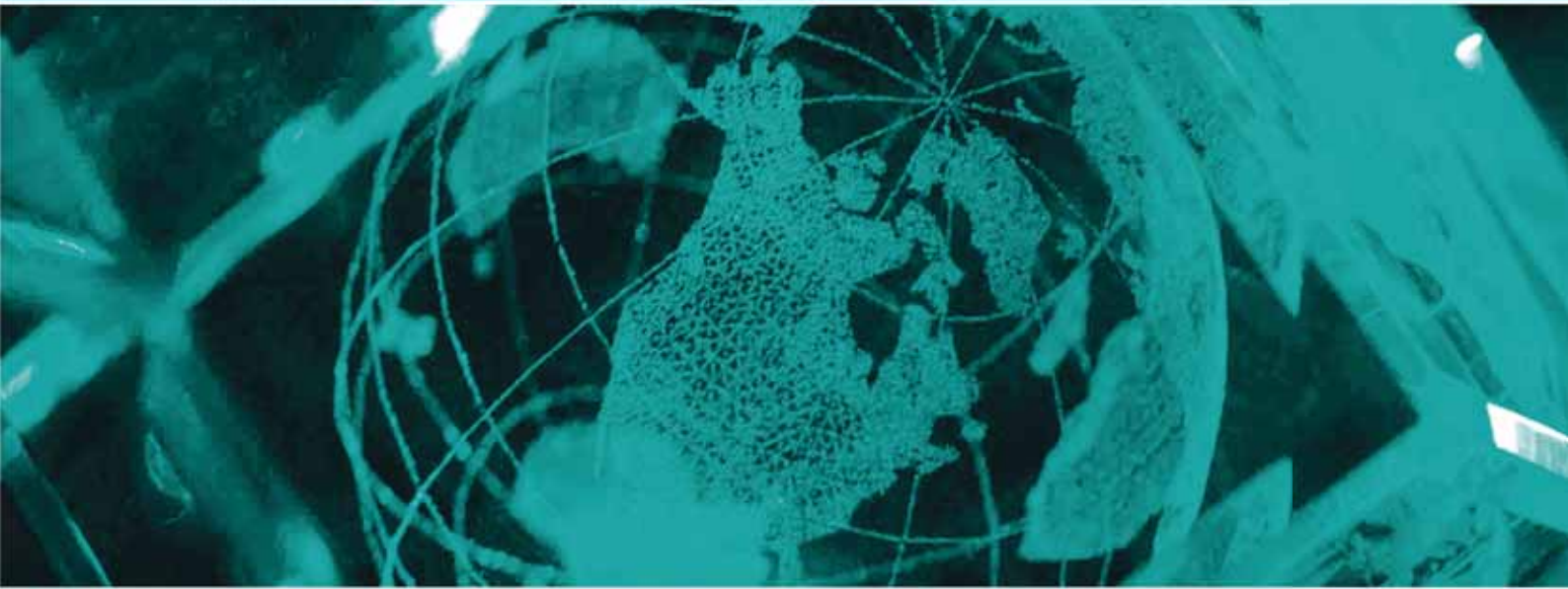
²⁵ Volker Kitz provides an argument for the analogy between administration of telephony systems and internet names and numbers. See Volker Kitz (2004) *ICANN May Be the Only Game in Town, But Marina del Rey Isn't the Only Town on Earth: Some Thoughts on the So-Called "Uniqueness" of the Internet*, available from <http://www.smu.edu/csr/articles/2004/Winter/Kitz.pdf>.

²⁶ "Wi-Fi" is underlying standard which is used for wireless communication by computers, cameras, TV sets and other digital devices.

²⁷ The governance mailing list was hosted by Computer Professionals for Social Responsibility. It can be accessed at: <https://ssl.cpsr.org/mailman/listinfo/governance>.

²⁸ One can find an example of a transcript from the WGIG meeting at <http://www.wgig.org/June-scriptmorning.html>.

²⁹ Institutional affiliation appeared in the addresses of the WSIS and WGIG website. The WSIS website had the address <http://www.itu.int/wsis/>, which indicated an ITU ownership of the WSIS process. The hosting of the WGIG was controversial at the negotiations. After the refusal to have the ITU host it, the UN Secretary General conveyed it and, consequently, the WGIG had an "independent" address, <http://www.wgig.org>.



List of Discussion Papers:

1. The Network Neutrality Debate and Development
2. Promoting e-Commerce in Developing Countries
3. A Study of the UN Working Group on Internet Governance

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