

## Part II

---

# MULTISTAKEHOLDER MODEL FOR INTERNET GOVERNANCE



**THE WORLD SUMMIT ON THE INFORMATION SOCIETY (WSIS):  
FROM GENEVA (2003) TO TUNIS (2005).  
A DIPLOMATIC PERSPECTIVE.**

*Petru Dumitriu*

The World Summit on the Information Society (WSIS) is the most recent global meeting in the series of conferences convened by the United Nations at the level of heads of state and governments. Unlike previous UN Summits, WSIS is not a one-time event. It was conceived in two phases of equal political importance, in order to demonstrate the need for an enhanced partnership in reducing the so-called “digital divide,” the differences between industrialised and developing countries in technological development.

Another distinct feature of this Summit is its topic. While previous high-level conferences had a clear subject to discuss, be it environment, population, status of women, or social development, the new Summit was devoted to a very broad and not clearly defined concept: the Information Society. In fact, the UN General Assembly assumed that member states had no common understanding of the Information Society and asked them to construe such a concept. This is not to say that during the diplomatic preparatory activities, no attempts had been made to define the new catchword. For instance, the challenge of drafting a definition was taken by one of the regional preparatory meetings, the Pan-European Ministerial Conference, held in Bucharest, from 7 to 9 November 2002. A special workshop was organised to that effect. Eventually, a group of government representatives, university teachers, and civil society activists agreed upon a definition. While not the most comprehensive, it gives a rough idea what Information Society means in the UN context: *“Information society – a sustainable process of humanity that is conducted by evolving knowledge management, where society develops as a community of highly educated individuals and where the knowledge economy promotes a growing welfare of the society and every individual.”*

The first phase of the WSIS took place in Geneva from 10 to 12 December 2003. The second phase will be hosted by Tunisia, from 16 to 18 November 2005. The time elapsed between the phases is very short for a thorough judgement of the impact of the first phase. Nevertheless, the preparation of the second phase implies that an assessment is necessary to allow all participants in the Summit to make corrections, readjust priorities, and open new avenues,

which will be reflected in the final documents to be adopted in Tunis. The purpose of this paper is to offer a preliminary evaluation of the main results of the Summit, from the perspective of a diplomat who participated directly in various stages of the formal and informal processes that are leading to Tunis, via Geneva.

### **The Initial Mandate of the Summit**

An assessment of the results of the World Summit on the Information Society should not be undertaken in the abstract. Nor should results be measured by the poor immediate response to proclaimed priorities for the development of the Information Society. The outcome should not be hastily evaluated as having been inadequate to bridge the digital divide, although such a goal was trumpeted in press communiqués and political speeches. A decent analysis of the progress made from December 2003, when the first phase of the Summit took place, to date, as the second phase approaches, ought to be undertaken in light of its initial mandate.

The first official description of the mandate was adopted in 1998 by the Plenipotentiary Conference of the International Telecommunication Union (ITU) in Minneapolis (Resolution 73). The ITU assumed the responsibility: (i) to establish an overall framework identifying a joint and harmonised contribution of the Information Society; (ii) to draw up a strategic plan for concerted development of the Information Society by defining an agenda; and (iii) to identify the roles of the various partners to ensure co-ordination of the establishment of the Information Society in all member states .

The United Nations placed this mandate into a more comprehensive perspective directly related to the overall development objectives previously agreed upon by the heads of state and governments who participated in the 2000 Millennium Assembly. To this initial mandate, the General Assembly lent a substantial political message and added goals inspired by the potential of information and communication technology (ICT) in service of the actions previously agreed. On 21 December 2001 (Resolution 56/183), the General Assembly recognised the need: (i) to harness the potential of knowledge and technology in order to promote the Millennium Development Goals; (ii) to promote development with respect to access to, and transfer of ICT through partnership with all relevant stakeholders; and (iii) to construe a common vision and understanding of the Information Society .

The Secretary-General himself added the hope that the WSIS would turn into a unique event that would represent a new generation of Summits. This appears to have been wishful thinking, in fact, after the last decade of the 20th century overcharged with UN World Conferences at the top political level, which led governments to a notorious “summit fatigue.”

### **A Few Lessons Learned**

Even before December 2003, the preparatory process leading to WSIS Geneva proved that the Information Society, with all its enormous potential, does not automatically provide fast lanes to the achievement of the Millennium Development Goals. Clearly, ICTs must not be restricted to communities that are already well off, but they must also be carried to those who hope that ICTs will work as an accelerator for their own development. The preparation of the World Summit on the Information Society failed to demonstrate exactly how advanced technologies could work where basic infrastructure was missing. Even if such ways had been designed, diplomats and ICT professionals realised that harnessing ICTs and bridging the digital divide would place the UN in need of additional resources. Referring to differences between the developed world and the undeveloped world in matters of technology, content, gender equality, and commerce, the UN Secretary-General stated: “We cannot assume that such gaps will disappear on their own, over time, as the diffusion of technology naturally spreads its wealth. An open, inclusive information society that benefits all people will not emerge without sustained commitment and investment. We look to you, the leaders assembled here, to produce those acts of political will”(Annan, 2003).

Bridging divides is an objective that has been around since the first UN Decade for Development (1961-1970), but which for that matter is not easier to accomplish. Thus, the symbolical importance of the proposal of establishing a Digital Solidarity Fund becomes apparent. Establishment of the fund found no agreement among government delegations that negotiated the Geneva Declaration of Principles and Plan of Action. The formula retained in the Plan of Action (chapter D2, paragraph f) was the expression of a diplomatic compromise, rather than of a political commitment: “While all existing financial mechanisms should be fully exploited, a thorough review of their adequacy in meeting the challenges of ICT for development should be completed by the end of December 2004. . . . Based on the conclusion of the review, improvements

and innovations of financing mechanisms will be considered including the effectiveness, the feasibility and the creation of a voluntary Digital Solidarity Fund, as mentioned in the Declaration of Principles.”

Somehow, surprisingly, the diplomatic preparatory process of the Geneva Summit brought to the attention of the international community a new area of global interest, namely the Internet Governance. The concept was not envisaged by the drafters of the initial mandate or by diplomats in the early stages of the negotiations. For example, not a single reference to the Internet can be found in the document adopted by the Pan-European Ministerial Conference, which was attended by the most technologically advanced countries in the world. The topic seems more important than initially perceived, because the Internet Governance has important social, economic, cultural, and national security connotations.

Therefore, the Digital Solidarity Fund and the Internet Governance have become central topics in the preparation of the second phase of the Summit. Both issues are additions identified by the first phase as major issues, not leftovers. Meanwhile, it is pertinent to say that the overarching mandate to find ways and means to use the potential of the Information Society in service of the Millennium Development Goals remains.

The preparatory process revealed the considerable gap in perception between diplomats and ICT experts in their understanding of the Information Society and, in particular, in the understanding of the terminology associated with it. It was a singular case among UN Summits, in which diplomats did not control the substance of the debate. Nonetheless, eventually the Declaration and the Plan of Action were taken over by the usual political UN phraseology.

The difference of approach was equally visible when some topics were debated. The ICT people did not fully understand all the talk about the human rights dimension of the new era of communication. The diplomats revealed their limited understanding of the functioning of the Internet. These distinctions placed protagonists on defensive positions, consuming a considerable amount of time in the preparatory process. Admittedly, the diplomats and their “business as usual” approach were more responsible for the delay in the focussed dialogue. They tended to over-emphasise the issue of procedures, which they master better. Only late in the day did they begin to listen to and understand the people who talked about root servers, firewalls, and domain names, or just about codes and protocols that were not exactly what they thought they were.

## The Current Preparations

The participants in the previous negotiations are now aware that miracles will not happen in the preparation of the second phase. The preparatory process to date has been relatively stagnant in producing ideas and concepts on how to use ICTs to start a new era of development in marginalized countries and communities. The persistent controversies and the reluctance of many governments to create a Digital Solidarity Fund do not augur well for the future of this Fund. The usual norm is that Funds are easy to create, but subsequently, for various reasons, they are not fuelled up as intended and may fall gradually into obsolescence.

However, good progress has been made towards a common perception among stakeholders of the challenges of the Information Society. The dialogues between various actors in the early stages of the preparation of the Summit have contributed to a clearer identification of the main issues for each. The technical terminology used is less obscure to the diplomats, while the UN parlance and procedures no longer appear as a waste of time to the business community. On the contrary, recourse to the lowest common denominator, the unavoidable technique used in multilateral diplomacy to achieve consensus, was sufficient for participants to identify a minimum platform of common interests. This, after all, is major progress.

Certainly, the special guest star on the agenda of the Tunis phase seems to be the Internet Governance. This is a normal development since the initial representations of negotiators about the relevance of this particular subject for a UN Summit were very different. However, it appears doubtful that shedding light on the Internet Governance will bring more ideas to the overarching political objective, namely, action in service of development. On a positive note, governments on all continents know more about the current distribution of power and influence in the Internet world and about the problems related to cost sharing or to cybercrime. This adds to the achievements of the process, inasmuch as construing “a common vision” is part of the mandate.

Moreover, many governments understand what decentralisation and freedom mean for the existence of the Internet and the new era of communication. They are ready to preserve them as the expression of the original potential of the Internet. At the same time, they feel uncomfortable about accepting dark areas that are totally beyond their grasp. What worries some governments more is that the Internet will deepen the traditional development divide, rather than narrow it. They do not

believe that “invisible hands” and codes will take care of their economic, social, and cultural concerns.

### **Expectations and Fears**

Assessing the first results of WSIS is a matter of fine-tuning between expectations and fears. The business community expects from governments an enabling environment, one conducive to investment in ICT development. Governments expect the business community to pay more attention to the social environment in which they operate. Civil society organisations expect from governments a deepening of human rights protection, rather than infringement on those rights by use of new technologies.

Fears were an inhibiting factor in the early phase of the preparatory process. The existing major actors in Internet Governance feared the emergence of dumb monsters taking the form of international regulatory bodies that would replace the splendid freedom of cyberspace with the ineffective dictatorship of bureaucracy. Some nongovernmental organisations feared that freedom of expression would be affected under the pretext of containing the abuses of the Internet made under the protection of anonymity and impunity. Other organisations feared that the rule of profit would prevail over the rule of law and that powerful companies would be disrespectful of social and cultural concerns of peoples in the Information Society. Traditional mass media feared that the digital media would take over and end the Gutenberg era.

The expectations are well-founded. The suspicions are exaggerated. The most disturbing is the association of the UN, by some media, with a threat to freedom and the independence of cyberspace. In reality, with all its sins, the UN has been always the flag bearer of freedom.

### **Common Interests: a Summit of Partnerships?**

Hopefully, one can count on a few minimum attainments of the second phase of WSIS. First, an encouraging trend makes me hope that mutual trust among stakeholders will be enhanced. Second, I anticipate that the summit will manage to eliminate dark areas in the understanding and the distribution of roles of various stakeholders in a new partnership based on the recognised competence and comparative advantages of each. Third, I expect that



agreement could be forged on the need for all stakeholders to reflect upon some minimum soft rules regarding the conduct of all players in cyberspace. Those rules may be the expression of “permissive, not restrictive” governance (Sadowski et al., 2004, p. 187). Rules may be deemed useful to promote accountability and not to allow impunity. The idea to design regulations that take into account the interests of all stakeholders and not impose some against others might appear acceptable after all. Fourth, I look for a review of the mantra of the “neutrality of technology” and a reinforcement of the principle that ICTs should serve society, not only their creators. Fifth, I hope that the Summit, as a UN event, might do its fundamental job, like any other UN activity, namely to stimulate the creativity of stakeholders in mobilising new resources. I do not mean necessarily financial, but human resources, since talents exist abundantly in all countries.

A special note is needed with respect to the relation of governments with the business community in the WSIS context. More consideration could be given in motivating the private sector to co-operate with the public sector in undertaking socially relevant projects. Governments should continue to accept a more active role from business in the decision making process. Nobody suggests a surreptitious change of the fundamental rules of the UN. However, nothing in the current legal configuration of the UN system prevents a pragmatic infusion of the political principle used in designing global projects with inputs and resources from the private sector, including those of transnational corporations. In turn, the business community should move away from merely claiming “an enabling environment” towards a responsible awareness of the social challenges that governments have to pursue to provide a stable and sustainable environment for any economic project.

One should remember that WSIS was not the first case in which the UN and the business community identified common interests and availability of co-operation in ICT related areas. For instance, the General Assembly largely opened its doors to the private sector when the latter wanted to warn the world (and, in many respects, to advertise) of the coming of the famous, for some time, Y2K or Millennium bug. One may recall that, in a manner quite exceptional, on 26 June 1998, the UN General Assembly adopted a resolution entitled “Global Implications of the Year 2000 Date Conversion Problem of Computers” (Resolution 52/233). It is a unique resolution whose every paragraph deserves retrospective analysis. I mention only operative paragraph 3 that “calls upon Governments, public and public sector organizations and civil society to share locally, regionally and globally their experiences in ad-

“...dressing the year 2000 problem.” Probably we will never know to what extent this interaction between the UN and the private sector was prevention or just marketing.

More recently, the Global Compact has been a pioneering success story about partnership between the intergovernmental system represented by the UN and major business entities. Based on this positive experience, a Digital Global Compact could be established, which would open a new era for mutually beneficial co-operation and association between the global moral authority of the UN and the resources of major companies.

The World Summit of the Information Society claimed to become a development Summit. We are not yet there. However, if solidarity is not enough to alleviate poverty, in economic and knowledge terms, government and business may try hard to expand the platform of their common interests. For instance, any poor and socially problematic area in the eyes of governments may look like a potential market for private entrepreneurs. Investments in the technologically underdeveloped regions could help the emergence of new consumers.

### **Internet Governance: What about Values?**

Undoubtedly, the Working Group on Internet Governance will provide exceptional conclusions about the configuration of interests and the distribution of power and resources over the Internet. The Tunis phase of the Summit might help us to understand better how we could use the Internet as an innovative means to facilitate and to assist projects of public interest or even of global public interest. In fact, this is a fundamental issue, because the whole WSIS process was meant to find out how the international community can use new technologies in order to solve old problems of development. In reality, the Internet can be a facilitator of development, not a substitute for it.

In order to help governments reach their economic and social aims, one should not look for methods to control the Internet, but for means to use its comparative advantages and prevent ICTs from becoming a factor that broadens, instead of narrows, divides. In other words, we need to turn the technologic advances into economic and social benefits; to attach societal assets to technological virtues, and to explore potential that has been uncharted.

The UN is not a financial agency. Its first responsibility is to create awareness and to promote values. WSIS should not limit itself to the issue of infrastructure and management. To take advantage of the potential of the Internet, the Summit should identify and build upon common values and create incentives for all stakeholders, enabling them to work not only for their own interest, but also for the public good. One should remember that effective work of the UN starts by raising awareness and creating broad support around some basic ideas. Concrete measures and financial commitments might come in time, once the values are clearly asserted and accepted.

In the specific case of Internet Governance, the embryo of a “grand collaboration” already exists. The idea is not completely Utopian since the Internet is fundamentally rooted in a collaborative approach. The Tunis phase of WSIS may not bring all the expected light, nor a consensus formula on how Internet Governance should be improved, but it could contribute to the expansion of in-built values of the Internet as pre-requisites for further development.

*a) Inclusiveness*

The Internet has been driven “from the bottom up.” This feature could be enhanced by consolidating or by building from scratch governance structures that are genuinely open and inclusive of governments, the private sector, and civil society from developed and developing countries. This drive should include the three categories of players, not only in generic terms, but also in the specifics of their functions of regulators, developers, and users of technologies, networks, services, and applications.

*b) Functionality*

The Internet did not have a form at its inception. Its development actually started from the need to perform a function. Function has prevailed over form. The Internet was a tool to address a particular issue. If we decide to use the Internet as a tool for achieving social and developmental objectives, the governance model we follow should not be meant only to monitor, to restrict, and to regulate. We need to allow and enhance functionality by representing and adequately using a balance of interests, capabilities, and needs that exist in real life.

*c) Specialisation*

One of the lessons already learned is that inclusion does not rule out specialisation as a prerequisite for efficiency and effectiveness. Internet governance

should count on the value of specialisation. The separate and complementary functions of public and private governance structures, the legitimate roles of different actors, and the need to create organic and mutually supportive links between them should be recognised as building blocks.

*d) Consensus*

The development of the Internet has been the spontaneous expression of the consensus and discipline of the main players on the use of standards and protocols. If we replace the naturally normative work that has been emerging spontaneously with more systematic work, we need a common understanding on what should be expected from the parties involved. After defining those contours of governance, we may gradually move towards agreement on rules, decision-making procedures, and institutions.

*e) Commonality*

The Internet is based on global, open, and non-proprietary standards. Certainly, the benefits accruing from the Internet and access to it are unequal, but the networking protocols upon which it is based can be freely adopted by anyone. They are published and accessible without payment of fees. The community developing core standards and practices includes the Internet Architecture Board, the Internet Engineering Task Force or World Wide Web Consortium, and technical experts located in universities, research institutes, consultancy firms, corporations, and governments. We need to keep those doors open. Nevertheless, maximum caution is necessary when attempting to privatise essential commons.

*f) Accountability*

The highly technical nature of the work on standards and protocols does not imply ignoring consequences to society. Technical designs and processes frequently have social and economic consequences. Standards, software designs, Internet identifiers, and interconnection arrangements have effects on competitiveness of markets, on the exclusion or inclusion of people and on their position in society. This denotes the need to cultivate awareness and accountability. The “technical” entities should be aware of the social implications of their work. Governments should be knowledgeable about prospects in the technical field. The same conclusion is valid for the national policies and laws of the powerful countries when they set rules that affect the global community.

*g) Self-restraint*

While accepting the need for more governance, it is equally important for public policy to refrain from regulating what does not need regulation. Normal democratic procedures, particularly when applied at an international or, as one may aspire, at a global level, will inevitably be slow in an environment of rapid change and technological development. At the same time, the areas that need more governance, such as trade, taxation, privacy, security, cost sharing, consumer protection, education, and spam should be dealt with collaboratively.

### **A Proposal**

The time remaining until the Tunis phase of the Summit will not be sufficient to bring more results. We are not yet close to a new generation of Summits. The current preparatory process is affected by the old symptom of *summit fatigue*, with negative consequences on the ambitious goals assumed by heads of state and governments in Geneva. For the time being, nothing indicates the willingness of governments to engage in a traditional, institutionalised follow-up to the Summit.

This is the reason why non-state actors may deem useful a post-Summit of their own, to which governments could be invited in a genuine multi-stakeholder approach. In this renewed framework, all stakeholders could use their creativity and resources to consolidate what has been established and to develop new forms of dialogue and partnership among themselves, beyond the traditional intergovernmental framework, after the end of the formal WSIS process. This might ensure that the objectives of the Information Society will continue to stay on the active agenda of multilateral diplomacy. Moreover, such an undertaking might create an audacious bid to inaugurate, eventually, a new generation of Summits.

#### **References:**

- Annan, Kofi. (2003).** *Address to the World Summit on the Information Society*, Geneva, 10 December 2003 [online]. Available from: [www.itu.int/wsis/geneva/coverage/statements/opening/annan.doc](http://www.itu.int/wsis/geneva/coverage/statements/opening/annan.doc). [Accessed 11 May 2004]
- Sadowski, G., Zambrano R., and Dandjinou P. (2004).** Internet governance: a discussion document. In: Don MacLean (ed). *Internet governance: a grand collaboration*. New York: United Nations ICT Task Force, pp. 183-219.

