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Using the results of WSIS to design a development-oriented Internet governance framework

As we all know, a wide range of issues related to Internet governance have been discussed and debated by a wide range of players in various fora in recent years. As a result, the subject of Internet governance is a bit like the proverbial elephant that is described differently by a group of blind people depending on where they touch the beast – i.e. how you “see” it depends on where you come from and where you stand, the context in which discussion is taking place, what you hope to achieve, etc.

To make progress, it will be essential for the working group to develop a common view of what Internet governance means, the issues that are related to it, and the best way of moving forward. It seems to me that the best way to do this is to situate our discussion of Internet governance in the WSIS context – i.e. in terms of what the WSIS process is trying to achieve and the parameters that were laid down in the Declaration of Principles and Plan of Action of phase one – rather than in terms of the kind of abstract model that is presented in the matrix.

The basic goal of WSIS is to find new and more effective ways of using ICTs to achieve sustainable development goals, particularly the MDGs. It follows that the basic task of the working group should be to look at how Internet governance – including the overall objectives, policies and strategies on particular issues, institutional arrangements, and practical working methods that make up the “Internet governance elephant” – can contribute most effectively to this basic WSIS goal – while bearing in mind that Internet governance arrangements also aim at achieving other economic, social and scientific objectives outside the development sphere.

From this perspective, the WSIS Declaration of Principles and Plan of Action had quite a bit to say about Internet governance, both explicitly and implicitly, in terms of:

1. Governance objectives – including “an equitable distribution of resources, facilitate access for all, ensure a stable and secure functioning of the Internet, with multilingualism”
2. General ICT4D issues that have significant, Internet-related components – including “access to infrastructure and services, access to information and knowledge, confidence and security in the use of ICTs, social and economic applications, cultural and linguistic diversity, freedom of communications media, ethical dimensions”
3. Institutional arrangements – which should be “multilateral, transparent, democratic, with the full involvement of governments, the private sector, civil society and international organizations”

4. Practical working methods – including “partnerships among all stakeholders, capacity building, international and regional cooperation”.

It seems to me that, instead of using the OSI-derived layered model presented in the matrix, it would be more productive to use these elements to construct the basic framework that the working group will use to carry out its work – i.e. *inter alia* to develop a working definition of Internet governance, to identify the public policy issues that are relevant to Internet governance, and to develop a common understanding of the respective roles and responsibilities of different stakeholders.

Building on the results of the first phase of WSIS should make it easier for the working group to communicate its recommendations to negotiators, and for negotiators to incorporate these recommendations in the preparations for the second phase of the summit. This is not to suggest that the working group should necessarily confine its deliberations to the parameters set out in the Declaration of Principles – simply that it should take them as a point of departure and seek to build on them, rather than attempt to introduce an entirely new perspective into the debate.

Another reason for developing a different approach is that many of the most important issues the working group will likely want to address more than one layer and require coordinated action at different levels for successful resolution. At least, this has been my experience in work I have done in the Canadian context on issues such as broadband access, e-commerce, e-government and spam.

Using the framework to Identify priority issues

In a first stage of analysis, an approach that sought to identify Internet governance issues that are related to the general governance objectives and ICT4D issues mentioned in the WSIS Declaration would likely generate a lengthy list of issues and a complex map of stakeholder roles and institutional responsibilities. Indeed, a number of contributions to the work of the UN ICT Task Force and other bodies have done this kind of work and successfully demonstrated the complexity of the Internet governance universe.

At a second stage of analysis, it would therefore be necessary to identify priority issues that could be resolved using the kinds of institutional arrangements and practical working methods spelled out in the WSIS Declaration, in a way that would make demonstrable progress toward the achievement of the governance objectives it postulates.

Examples of Internet governance priorities that might arise in relation to the WSIS Declaration’s governance objectives and ICT4D principles could include:

- resolving the information and network security issues that currently threaten the stable and secure functioning of the Internet for consumers, businesses and citizens

- (e.g. spam, phishing and other forms of fraud, privacy, cyber-crime and cyber-terrorism);

- facilitating access to IP-based networks and services (e.g. leased line and interconnection charges, broadband deployment, VoIP and NGNs)

- facilitating access to information and knowledge resources, and promoting cultural and linguistic diversity (e.g., IPRs, open source, DRM, multilingualism);

- promoting economic and social applications (e.g. e-commerce, e-government)

- promoting greater equity in the distribution of Internet-related technical, policy and financial resources (e.g. names and addresses, technical, policy and regulatory capacity-building, innovative financing mechanisms)

- promoting and protecting freedom of communication and the media (e.g. the end-to-end principle).

Recommending innovative governance arrangements

To help set priorities, as part of this analysis a distinction could be made between issues that are being satisfactorily dealt with in existing international fora, and those that should be addressed as a matter of urgent priority but currently do not have a home.

In order to address the challenge of developing Internet governance mechanisms that are “multilateral, transparent, democratic with the full involvement of governments, the private sector, civil society and international organizations”, the working group would then be in a position to recommend:

- improvements to the institutional structures and working methods of intergovernmental or other international organizations that are already dealing with Internet governance issues, to bring them up to the governance standards set out in the WSIS Declaration;

- the creation of new governance arrangements that embody these standards, in order to deal with one or more high priority issues that currently are not being addressed at the global level.

Addressing the capacity-building challenge

Work done for the G8 DOT Force and the UN ICT Task Force has demonstrated that, in order to achieve the goal of inclusive governance – i.e. governance arrangements in which governments, the private sector and civil society from developing and developed countries fully participate – it is not enough to reform existing governance arrangements, or even to devise new ones.

To create truly inclusive governance arrangements, it is also necessary to build the technical and policy capacity required to forecast, assess, research and analyze issues; to develop negotiating positions; to participate effectively in decision-making fora; and to implement and evaluate the results of governance decisions.

A number of initiatives have been put in place to help build this capacity in developing countries. The working group should review these mechanisms and recommend whatever measures may be required to strengthen them, particularly in relation to the priority issues it identifies.