

**At Large Advisory Committee' sStatement
on WSIS Declaration of Principles and Plan of Actions**

20 January 2004

At the World Summit on the Information Society held on December 10 to 12 in Geneva, the member states of the United Nations adopted the Declaration of Principles and the Plan of Action that include specific language on the issue of “Internet Governance” (as attached).

ICANN’s At Large Advisory Committee welcomes the fact that these statements clearly recognize the role of civil society as a full participant in the international management of the Internet, and bring attention to the need for a deep involvement of individual users into its governance.

Specifically, we believe that the technical management of the Internet should remain as much as possible in the private sector and civil society, or providers and users of the specific services, and include governmental participation only as overseer and ultimate guarantor of the public interest. We are concerned that excessive intervention by governments into technical Internet operations, in local, regional and international arenas, might interfere with its smooth and healthy operation, limit innovation and cause over-regulation, countering the existing workings of the Internet and the principles that caused its success as a tool to foster economic development and to increase freedom of communication.

This is why we strongly endorse the idea of a community-driven consensus that is behind the very existence of ICANN. We would also like to mention, however, that user participation in ICANN activities has not yet been given the full attention or support it deserves, and call for further improvements of the users’ role inside the ICANN framework. This should be an issue of primary importance in the Internet governance discussions between now and the second WSIS phase in Tunis, together with other fundamental items such as increasing ICANN’s international footprint, internal diversity, and multilingualism.

However, the scope of ICANN activities should remain limited to technical matters that require world-wide coordination, understanding that in some areas they cannot be parted from their social and political consequences, and that these consequences must

be considered in the technical policy-making process. ICANN can be successful only if it focuses on those issues that it can address. Issues such as the Digital Divide, in-country competitive and pricing policies, and, more generally, those that pertain to Internet usage control rather than to Internet technical coordination, should be left to those fora best-suited to handle them.

The At Large Advisory Committee, as mandated by the ICANN Bylaws, is currently setting up a practical organizational structure to foster the representation and participation of Internet users and their civil society organizations from around the globe. This structure will be based on Regional At Large Organizations (RALO) that will be constituted in each of the five ICANN Regions by a set of accredited At Large Structures (ALS), or civil society groups and organizations who represent different types of Internet users and different countries of the world. This ambitious program will create an effective and diverse instrument for participation to global and regional Internet policy-making processes by all netizens of the world.

For this reason, we declare our willingness to participate in the forthcoming multi-stakeholder working group activities organized by the Secretary General of the United Nations, to channel into these activities the voices of the global user community on Internet name and address resource management issues, as mandated by our mission.

Moreover, while pointing out that ICANN-specific issues only constitute a part of the broader set of issues labeled as "Internet Governance", we also think that the experience gathered in these years of ICANN could be positively used to draft a workable model for the multi-stakeholder governance of other issues. We want to remain focused on finalizing and operating an effective user participation mechanism within ICANN, but at the same time we think we can bring an important contribution to the next phase of Internet Governance discussions at WSIS.

Finally, we support the Civil Society Declaration, "Shaping Information Societies for Human Needs", which clearly endorses inclusive participation, transparency, and democratic accountability and recognizes the need for "full and effective participation of marginalized stakeholders like developing and transitional countries, global civil society organisations, small and medium-sized enterprises, and individual users." This, in the interest of the global network, should be considered one of the main objectives of any revised structure for Internet governance.

Reference 1

Declaration of Principles of WSIS Final version as adopted on Dec 12, 2003 in Geneva

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

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

policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues;

the private sector has had and should continue to have an important role in the development of the Internet, both in the technical and economic fields;

civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role;

intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues;

international organizations have also had and should continue to have an important role in the development of Internet-related technical standards and relevant policies.

50. International Internet governance issues should be addressed in a coordinated manner. We ask the Secretary-General of the United Nations to set up a working group on Internet governance, in an open and inclusive process that ensures a mechanism for the full and active participation of governments, the private sector and civil society from both developing and developed countries, involving relevant intergovernmental and international organizations and forums, to investigate and make proposals for action, as appropriate, on the governance of Internet by 2005.

Plan of Actions of WSIS

C6. Enabling environment

13. To maximize the social, economic and environmental benefits of the Information Society, governments need to create a trustworthy, transparent and non-discriminatory legal,

regulatory and policy environment. Actions include:

a) Governments should foster a supportive, transparent, pro-competitive and predictable policy, legal and regulatory framework, which provides the appropriate incentives to investment and community development in the Information Society.

b) We ask the Secretary General of the United Nations to set up a working group on Internet governance, in an open and inclusive process that ensures a mechanism for the full and active participation of governments, the private sector and civil society from both developing and developed countries, involving relevant intergovernmental and international organizations and forums, to investigate and make proposals for action, as appropriate, on the governance of Internet by 2005. The group should, *inter alia*:

- i) develop a working definition of Internet governance;
- ii) identify the public policy issues that are relevant to Internet governance;
- iii) develop a common understanding of the respective roles and responsibilities of governments, existing intergovernmental and international organisations and other forums as well as the private sector and civil society from both developing and developed countries;
- iv) prepare a report on the results of this activity to be presented for consideration and appropriate action for the second phase of WSIS in Tunis in 2005.

c) Governments are invited to:

- i) facilitate the establishment of national and regional Internet Exchange Centres;
- ii) manage or supervise, as appropriate, their respective country code top-level domain name (ccTLD);
- iii) promote awareness of the Internet.

d) In cooperation with the relevant stakeholders, promote regional root servers and the use of internationalised domain names in order to overcome barriers to access.

Reference 2

"Shaping Information Societies for Human Needs"

Civil Society Declaration to the World Summit on the Information Society

Unanimously Adopted by the WSIS Civil Society Plenary on 8 December 2003

(http://wsis-online.net/smsi/file-storage/download/WSIS-CS-Decl-08Dec2003-eng1.htm?version_id=313554)

2.4.7 Global Governance of ICT and Communications

International "rules of the game" play an increasingly central role in the global information

economy. In recent years, governments have liberalised traditional international regulatory regimes for telecommunications, radio frequency spectrum, and satellite services, and have created new multilateral arrangements for international trade in services, intellectual property, "information security," and electronic commerce. At the same time, business groups have established a variety of "self-regulatory" arrangements concerning Internet identifiers (names and numbers), infrastructure, and content.

It is not acceptable for these and related global governance frameworks to be designed by and for small groups of powerful governments and companies and then exported to the world as *faits accomplis*. Instead, they must reflect the diverse views and interests of the international community as a whole. This overarching principle has both procedural and substantive dimensions.

Procedurally, decision-making processes must be based on such values as inclusive participation, transparency, and democratic accountability. In particular, institutional reforms are needed to facilitate the full and effective participation of marginalized stakeholders like developing and transitional countries, global civil society organisations, small and medium-sized enterprises, and individual users.

Substantively, global governance frameworks must promote a more equitable distribution of benefits across nations and social groups. To do so, they must strike a better balance between commercial considerations and other legitimate social objectives. For example, existing international arrangements should be reformed to promote: efficient management of network interconnections and traffic revenue distribution, subject to the mutual agreement of corresponding operators; equitable allocations of radio frequency spectrum and satellite orbital slots that fully support developmental and non-commercial applications; fair trade in electronic goods and services, taking into account the developing countries' need for special and differential treatment; an open public domain of information resources and ideas; and the protection of human rights, consumer safety, and personal privacy. In parallel, new diverse international arrangements are needed to promote: financial support for sustainable e-development, especially but not only in less affluent nations; linguistic, cultural, and informational diversity; and the curtailment of concentrated market power in ICT and mass media industries.

In light of the relevant controversies in the WSIS process, special attention must be given to improving the global coordination of the Internet' underlying resources. It must be remembered that the Internet is not a singular communications "platform" akin to a public telephone

network; it is instead a highly distributed set of protocols, processes, and voluntarily self-associating networks. Accordingly, the Internet cannot be governed effectively by any one organisation or set of interests. An exclusionary intergovernmental model would be especially ill suited to its unique characteristics; only a truly open, multistakeholder, and flexible approach can ensure the Internet's continued growth and transition into a multilingual medium. In parallel, when the conditions for system stability and sound management can be guaranteed, authority over inherently global resources like the root servers should be transferred to a global, multistakeholder entity.

The international community must have full and easy access to knowledge and information about ICT global governance decision making. This is a baseline prerequisite for implementation of the principles mentioned above, and indeed for the success of the WSIS process itself. We need public-interest oriented monitoring and analysis of the relevant activities of both intergovernmental and "self-governance" bodies including, inter alia, the International Telecommunication Union, the World Trade Organization, the World Intellectual Property Organization, the United Nations Conference on International Trade Law, the Organization for Economic Cooperation and Development, the Hague Conference on International Private Law, the Council of Europe, the Asia Pacific Economic Cooperation, the North American Free Trade Agreement, the Internet Corporation for Assigned Names and Numbers, and the Wassenaar Arrangement.

As a viable first step in this direction, we recommend the establishment of an independent and truly multistakeholder observatory committee to: (1) map and track the most pressing current developments in ICT global governance decision-making; (2) assess and solicit stakeholder input on the conformity of such decision-making with the stated objectives of the WSIS agenda; and (3) report to all stakeholders in the WSIS process on a periodic basis until 2005, at which time a decision could be made on whether to continue or terminate the activity.