WSIS and Internet Governance: Towards a Multistakeholder Approach

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International frameworks for ICT

- 1819: Carlsbad Treaty for Printed Material
- 1865: Paris Telegraph Convention
- 1906: Berlin Wireless Convention
- 1936: Geneva Broadcasting Convention
- 1948: Human Rights Declaration
- 1970s: UN Draft Conventions on Satellite Television
- 1980s: UNESCO NWICO Declaration
- 1990s: WIPO, ITU, WTO Conventions
- 2000s: Internet?
Management of DNS & Internet Core Resources

- 1985: Jon Postel
- 1989: IANA / DoC
- 1995: ISOC (failed)
- 1997: IAHC (failed)
- 1998: ICANN 1.0 / DoC
- 2001: ICANN 2.0 / DoC/GAC
- 2003: WSIS?
- 2006: ??? (Multiple Multidimensional Multistakeholder Decentralized Small ICANN-like independent Triangles)
Who are the Actors?

• Constituencies / Stakeholders
  – Technical Developers (IETF, W3C)
  – Private Sector Providers (RIRs, TLD Registries & Registrars, ISPs etc.)
  – Civil Society Users (At Large/ NCU/ CS IG Caucus)
  – Governments (GAC)

• Facilitating Organisations / Networks
  – ICANN (MoU with DoC)
  – ITU (Marrakesh 102 & 133)
**Decision Making DNS Bodies: Multistakeholder?**

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Nv = Non-Voting
What is Internet Governance?

- WSIS does not offer an IG definition, but a controversial understanding of what „Internet Governance“ could be: broad definition (political issues) vs. narrow definition (technical issues)

- The suggestion, to separate „political“ from „technical“ issues won’t work: there are ”technical issues“ with ”political implications“ and ”political issues“ with ”technical implications“

- Need for
  - an issue based management structure (many small ”ICANN- like“ organisations)
  - ”bottom up“ policy development process (management structures only where needed)
  - Participation of all stakeholders (involved and affected groups)
Multistakeholderism?

- Co-Regulation as a new Multistakeholder Partnership Policy Model?
  - Define Substance
    - Layer I: Infra-Structure (Root Server, DNS, IP Addresses, Protocols)
    - Layer II: Infra-Services (Whois, Dispute Resolution, Multilinguism)
    - Layer III: Applications (Spam, Content, Privacy)
  - Define Core Responsibilities
    - Who are the main players in the special field?
    - Who takes care of What?
  - Check Legitimacy
    - Direct and indirect representation of providers and users
    - Technical expertise
    - Market power
    - Governmental Power
  - Define Decision Making Power
    - Who gets which participatory and voting rights from whom?
    - Consensus vs. Rough Consensus
  - Create different triangels for different issues on different layers
The Emergence of a new Trilateralism?

Global Policy

- Private Industry GBDc
- Governments G8 / UNO
- Civil Society ALSO / Attac
Traditional Governance Model

Governments

Industry

Civil Society
Power, Market and Values

Governments
  Taxes
  Infrastructure
  Public Interests

Industry
  Prices
  Markets
  Private Interests

Civil Society
  Gifts
  Values
  Common Interests
What´s New?

Equality

Liberty  Fraternity
Co-Regulatory Model

- Governments
- Civil Society
- Industry
ICANN 1.0 (1998)

- Civil Society
- Government
- Industry
ICANN 2.0

Governments  Industry

Civil Society
A Constructive Participatory Coexistence?

• **Sovereign State Governments**
  - National
  - Laws / Treaties
  - broad mission
  - Top Down
  - Simple Majority
  - Elections by Majority
  - Lobbying by Private Industry Civil Society
  - Restricted Access and limited Participation
  - Mainly Closed
  - Stability

• **Competent Private Networks**
  - Global
  - MoUs / Agreements
  - limited mission
  - Bottom Up
  - Rough Consensus
  - Selections by Competence
  - „Advise“ by Governments
  - Open Access and broad Participation
  - Mainly Transparent
  - Flexibility
Regulatory Frameworks

• Hierarchies
  – Legal Norms / Binding
  – Political Norms / Non-Binding
  – Moral Norms / Unwritten Rules
  – Technical Norms / Architecture

• Networks
  – Technical Norms / Architecture, Code, Software
  – Moral Norms / Netiquette
  – Political Norms / Self-Regulation
  – Legal Norms / Governmental Regulation
A Global Internet Coordination Council?

- Decentralized system of different Organisations with different core responsibilities for different issues and different layers
- Governance structure should mirror Internet Architecture: Weak center, strong Ends and no privileges for individual governments or individual corporations
- Decision making power on the edges (P2P negotiations between providers and users), enabled and coordinated by nodes (technical and political) in between
- From simple top down hierarchies to complex bottom up networks
- It is all about Coordination, Consultation and Cooperation
WSIS IG Task Force

• Option 1: A formal group, composed by all stakeholders, working on a report with negotiated recommendations for Tunis 2005
  – 6 GOV + 6 PS + 6 CS (Voting Rights)
  – 3 IGO + 3 IO (Non-Voting Rights)
  – Total 24 members

• Option 2: An informal process which collects ideas by expert meetings and papers, summarized in a report with options and alternative proposals for further negotiations