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## FEATURE ARTICLE

### WHO SHOULD GOVERN THE INTERNET?

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**Abstract:** *In its first decade, the creation of the Internet and the World Wide Web were solely the province of consortia, their institutional members, and individual engineers. But after ten years, these new tools had not only become vitally important to a bewildering number of aspects of modern life, but their potential to change the lives and future of those in the third world became equally evident. As a result, in late 2001 the United Nations convened a multi-year effort called the "World Summit on the Information Society." One of the unresolved questions the WSIS has charged itself with answering is the important query, "Who should govern the Internet?" Besides the importance of that question, there are general concerns over whether societal and technical priorities will be properly balanced. In this article, the author reviews the specific text of the WSIS "Plan of Action" for indications of how the United Nations and the WSIS participants believe these questions should be answered.*

**"We, the representatives of the peoples of the world, assembled in Geneva . . .** declare our common desire and commitment to build a people-centered, inclusive and development-oriented information society . . ." [Declaration of Principles A.1, WSIS, 12 December, 2003]

**Introduction:** On December 21, 2001, the General Assembly of the United Nations passed Resolution 56/183, that endorsed convening a "World Summit on the Information Society," or WSIS. Meeting that goal would involve raising millions of Swiss Francs in cash and in-kind support from interested nations; the accrediting of participants from government, the private sector, NGOs, and other interest groups; and the planning of not one, but two, major international conferences. The first was held on December 10–12, 2003, in Geneva, Switzerland, with 11,000 participants from 175 countries participating. The second, and final, meeting will be held in Tunis, Tunisia, on November 16–18, 2005.

The Geneva meeting resulted in a number of decisions, as well as the ratification of a detailed Declaration of Principles and a related Plan of Action. These two formal documents contain a multitude of laudable affirmations and goals, recognizing the vast potential that information and communications technologies (ICTs) have to benefit humanity. But, the documents also express concern that these benefits will not be equitably shared by all absent coordinated action on the part of the United Nations and national governments to ensure that result.

Most of the implementation goals contained in the Plan of Action are neutral or positive with respect to the work plans of the standard setting organizations (SSOs) that enable the Internet, the Web, and related telecommunications services, devices, and software. But some strike closer to home, with one in particular catching the attention of many. That goal claims the right for world government to become involved in "the governance of the Internet."



*We recognize that education, knowledge, information and communication are at the core of human progress, endeavour and well being. Further, Information and Communication Technologies (ICTs) have an immense impact on virtually all aspects of our lives. . . . The*

*capacity of these technologies to reduce many traditional obstacles, especially those of time and distance, for the first time in history makes it possible to use the potential of these technologies for the benefit of millions of people in all corners of the world.*  
[Declaration of Principles A.8, WSIS, 12 December, 2003]

**New Goals:** To date, the Internet and the Web have been driven by SSOs that are mainly concerned with conquering technical challenges. True, the motivations of some of the most influential visionaries behind these new technologies, such as Tim Berners-Lee, have been informed by the good that could be achieved through creating royalty-free knowledge and communications resources. However, those motivations have been at a high and generalized level. In contrast, consider the more specific goals embodied in the WSIS Declaration of Principles:

. . . [T]o harness the potential of information and communications technology to promote the . . . eradication of extreme poverty and hunger; achievement of universal primary education; promotion of gender equality and empowerment of women; reduction of child mortality; improvement of maternal health; to combat HIV/AIDS, malaria and other diseases, ensuring environmental sustainability; and development of global partnerships for development for the attainment of a more peaceful, just and prosperous world.”  
[Declaration 1.2]

Clearly, more will be needed than additional flavors of web services specifications to meet such ambitious goals.

Arguably, no governmental involvement at the technical level at all may be needed to achieve such goals, given the more immediate and daunting challenge of providing millions of new Third World access points to the Internet as a first step in achieving any social goals. But, the Declarations also include language that touches on technical decisions, such as the following: “We agree that to meet these challenges, all stakeholders should work together to . . . create an enabling environment at all levels; develop and widen ICT technologies; [and] foster and respect cultural diversity.” [Declaration B.19] Even leaving technical decisions aside, this type of goal could lead to the types of mandatory, multiple translations that bog down the operations of some existing world and regional governmental structures.

Other goals are clearly technical in nature:

Strengthening the trust framework, including information security and network security, authentication, privacy and consumer protection, is a prerequisite for the development of the Information Society and for building confidence among users of ICTs. A global culture of cybersecurity needs to be promoted, developed and implemented in cooperation with all stakeholders and international expert bodies. [Declaration B.35]

Such goals are central to the work of many SSOs. However, to date, government involvement in these organizations has been relatively light. Greater, more determined involvement at the national and international level by governments and the United Nations would hold the promise of more effective and consistent controls of abusers who hide behind international boundaries, while also changing the dynamics of existing SSOs.

There is also a reassuring affirmation of the vital role that standards play:

Standardization is one of the essential building blocks of the Information Society. There should be particular emphasis on the development and adoption of international standards. The development and use of open, interoperable, non-discriminatory and demand-driven standards that take into account needs of users and consumers is a basic element for the development and greater diffusion of ICTs and more affordable access to them. . . . Declaration B.44]

The Plan of Action contains similar language: “Governments . . . should promote the development and use of open, interoperable, non-discriminatory and demand-driven standards.” [Plan of Action C6.13.p] But with the recognition of the importance of standards, will there be a greater incentive on the part of governments to become involved in governing what those standards enable?

The answer, according to the Declarations, is clearly “yes.”



*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. [Declaration B.48]*

**The Plan of Action:** Perhaps it is not surprising that a conclusion such as that expressed above should be included in the Declarations. The Internet and the Web are undeniably of vital world importance, and the world is daily becoming more dependent on them. True, the Internet governance structure that has evolved to date has been technically effective. However, that structure does not have a democratic basis in the traditional sense of being subject to broad public supervision, or being managed under an all-inclusive, democratic, representative process. In fact, there have been inequities of administration and access that have often been noted by those adversely affected, such as the assignment of more domain addresses to Stanford University than to all of China.

Still, the following words from the Plan of Action are enough to raise the concern of any engineer in an SSO working group:

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 the Internet by 2005. [Declaration B.50]

The goals that such a working group would pursue are “to put the potential of knowledge and ICTs at the service of development...” [Plan of Action B.4] But what, precisely, would that mean? And what technical concessions or other compromises might be entailed in placing “ICTs at the service of development?”

The Declarations of Principle and the Plan of Action are less specific in this regard. Most of the detailed activities in the Plan involve setting “e-strategies” that would serve goals such as development, or calling for programs to stem illiteracy. Other items in the Plan, however, call for studies by the International Telecommunications Union (ITU) to explore the feasibility of more diverse and pervasive broadband services [Plan of Action C2.9.d] and fostering “increased awareness, assessment and evaluation of different software models and licenses.” [Plan of Action C3.10.j]

In areas such as these, will governments defer to technical experts on technical issues, or will the types of interconnecting compromises that blur other international decisions affect standard setting as well? And will involving governments in governance inevitably result in new and more intractable delays on the process of standard setting than already exist?



*The ability for all to access and contribute information, ideas and knowledge is essential in an inclusive Information Society. [Declaration B.24]*

**What Does “Governance” Entail?** Although very detailed in many respects, the Plan of Action offers few clues about what the “governance” of the Internet might entail. In fact, one of the first tasks of the new working group is to “develop a working definition of Internet governance”. Its other tasks include:

- 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 organizations 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. [Plan of Action C6.b]

In short, to paraphrase Georges Clemenceau, the participants in the first phase of the WSIS have concluded that the Internet is too important to be left to the engineers. It is somewhat disconcerting, however, to learn that the decision has been taken to assume the right to govern, first, and determine what that means only second.

How big a genie is out of the bottle? It is hard to say at this time. However, United Nations Secretary General, Kofi Annan, has singled out ICANN (the Internet Corporation for Assigned Names and Numbers) for criticism over its control of domain names. It has not helped that Verisign sued ICANN last year, alleging contract violations and antitrust abuses. Nor has it gone unnoticed in the wider world that the United States, Canada, Japan, and Europe have a disproportionate interest in controlling domain names specifically, and Internet standards generally.

More disturbing are statements such as that of Khalid Saeed, Pakistan's secretary of the Ministry of Information Technology, who stated that Pakistan must "play an active role in all layers" of the organizations that control the Internet. Given that representatives from any country are already entitled to participate entitled to take part in all such organizations, there is a danger that the situation could become sufficiently politicized to engender artificial—and harmful—"solutions."

At the same time, of course, it should be noted that the United Nations embarks on many activities, and adopts many resolutions, that are roundly ignored by nations whose cooperation is essential to give them meaning. Therefore, it may be more useful to view the WSIS process as emblematic that a milestone has been passed, beyond which the Internet and the Web will increasingly become the focus of active government interest.

At this time, no one can guess what impact social concerns may have on the Internet and the Web. Perhaps the future will hold nothing more than the type of regulation that other telecommunications services and standards have encountered. Or, perhaps, the concept of "governance" will take hold, and something far different may lie ahead. Given that uncertainty, the standard setting organizations involved in enabling the Internet and the Web would be wise to prepare for either contingency.

**Conclusions:** Where is the WSIS process likely to lead? While it is more common in journalism to be an alarmist than a pragmatist, following the latter path is usually more productive. It could hardly be assumed that anything as important and enabling as the Internet and the Web would escape significant government attention forever. As observed by the W3C's Danny Weitzner in a CNET News.com piece posted on April 6, 2004: "Simply put, the era in which the Internet technology design can pretend to be neutral as to public policy and social needs is over."

And in fact, the Internet needs government involvement in any event. Current cybersecurity threats and spam can doubtless only be curtailed (if they can be countered at all) through worldwide coordination at the government level. And recently, there have been a number of new advocacy groups formed by technology companies for the specific goal of involving government more directly in solving cybersecurity issues.

We believe the way forward is clear: organizations such as the W3C and the IETF need to embrace, rather than resist, the inevitably growing interest that governments will take in the Internet and the Web. Happily, the W3C (in particular) has a history of engaging and involving government, as well as a culture of social responsibility in its activities from its inception. SSOs will serve their goals best by establishing themselves as essential partners in the WSIS process and whatever else may follow.

The time for securing a seat near the head of the Internet governance table is certainly now, while the definition of governance is still being worked out. Respect for engineering principals will need to be as important as social values if we are to have a robust, as well as a socially responsible, Internet to serve us in the future.

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***Relevant Links:***

The ITU maintains an extensive website supporting the WSIS at <http://www.itu.int/wsis/>. The site hosts copies of the Declaration of Principles, Plan of Action, and other relevant documents; press releases; meeting schedules; funding details; a FAQ document; and much additional data.

Daniel J. Weitzner: "Governments and Governance," CNET News,  
[http://att.com.com/Governments+and+governance/2010-1028\\_3-5185845.html](http://att.com.com/Governments+and+governance/2010-1028_3-5185845.html)