Presentation of the Report of the Working Group on Internet Governance*

18 July 2005

[afternoon session]

Note
The following is the output of the real-time captioning taken during the morning session of the WGIG open Consultations held 14 June in Geneva, Switzerland. Although it is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the session, but should not be treated as an authoritative record.

CHAIRMAN DESAI:

> Can I call everybody to attention. Can you please settle down, everybody. And if somebody from conference services can come and explain to me how to switch off these buttons which I was fiddling around with, and there is something ringing outside.

> (Laughter.)

CHAIRMAN DESAI:

> And I can't figure out how to stop it. So somebody from conference services can -- AH, it stopped.

> Okay. I think we have had a fairly useful general discussion in the morning, and the thought was that perhaps at this stage we would get into a little more of a dialogue on the more specific parts of the report. And we thought a useful way of starting, perhaps -- well, I thought it was going to a useful way of starting but I lost my presenter, Bill Drake. I just saw him. He was here a minute ago.

> The idea is that we would do these -- what I suggest, then, is that maybe I would request that Donald MacLean would say a little bit about the type of -- the process of thinking which went behind the proposal for a forum, and we'll revert to the four clusters when Bill Drake is back here.

> So maybe if I can turn to Don MacLean and maybe he can say a little bit about the forum.

DONALD MacLEAN:

> Yes. Thank you, chairman. I thought it might be useful to recap a couple of the points that were made during the morning's discussion on what the forum is and is not and what it

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Out of place capitalised words have been changed to sentence case. A lot of the paragraph breaks after single sentences have been removed. The speakers' words have been indented from the speaker's name to make it more readable. No spelling or transcription errors have been corrected.

would do, and then to, as you say, give a little more background on the thinking that went into the working group's proposal.

I think the word "forum" has a number of different meetings, and I therefore thought it might be useful to begin with a definition, just as we did with Internet Governance. Unfortunately, unlike WGIG, I was able simply to go to the dictionary and get a good definition.

The Oxford dictionary defines forum as a place of or meeting for public discussion. And Webster gives a very similar definition of forum as a public meeting place for open discussion or a medium of open discussion and expression of ideas. And I think these definitions capture the sense in which WGIG is using the word "forum" in our first set of recommendations.

In other words, the forum function would be, as we said, a space for dialogue among all stakeholders from developed and developing countries on an equal footing.

It is important to stress the forum would not be a policy-making body. Although it might conduct studies and make proposals, it would not take decisions.

Although it might assess the extent to which WSIS principles were being embodied in governance processes, it would not provide regulatory oversight. So hopefully this has come through very, very clearly in our report that we're talking really about a discussion forum.

I think it's also important to note that our report talks about -- not about a forum but about a forum function. While we think it is essential to create an Internet Governance discussion space, we didn't attempt to go into any details at all about how this function would be performed. And happily leave the question to WSIS participants to decide.

But I think it should be clear that we're not intending necessarily to recommend the creation of a new organization. We said, on the contrary, that it should be very, very light. And I think this is really an opportunity for participants in negotiations to think very creatively about how the forum function could best be fitted into the many existing Internet Governance structures.

Secondly, as to what the forum function would do, we said in general that it would address current and emerging Internet-related public policy issues. And here I quote that are cross-cutting and multi-dimensional and that affect either one institution or are not dealt with by any institution or not addressed in a coordinated manner. In other words, the forum function would not duplicate the work of any existing body.

I think it's not difficult to think of issues that satisfy those criteria. Considerable mention was made this morning, for instance, of Spam and the many issues related to Internet, information network security and concerns relating to human rights and privacy, for instance, as issues that clearly fulfill these criteria.

So hopefully those are sort of useful clarifications on what the forum would be in our view and the kinds of things it would do.

It's probably also worth drawing attention to the fact that although we didn't make any specific suggestions as to how it would be performed, we did identify a number of criteria that it should meet in terms of issues such as participation, balance, linkage to the U.N.

system. And also made a very clear statement that it should not be WGIG. It is not a employee to continue WGIG just under another name, but should be a very, very different kind of creature.

Now, in terms of the rationale for the forum function, why is it needed. As the WGIG report and the background paper hopefully demonstrate, Internet Governance includes a very wide spectrum of issues.

These issues range from very specific and highly technical issues related to the development and management of the Internet's physical and logical infrastructure at one end of the spectrum to very broad issues related to the economic, social, and cultural impact of the Internet at the other.

As the papers also seek to demonstrate, a large number of organizations are dealing with these issues. Some are under governmental, some are private, some are civil society, some are mixed.

Many different stakeholder groups are engaged with Internet Governance issues through these different organizations. However, in spite of all this activity, the working group found and again I will quote from my report, that there is a vacuum within the context of existing structures as there is no global multistakeholder forum to address Internet-related public policy issues.

Research originally done for the G8 dot force and the U.N. I.T. Task Force has shown that to participate effectively in the complex world of Internet Governance, governments and other stakeholders must be able to do several things. First they must be able to follow what is going on in relation to multiple issues in multiple fora. They must be able to see connections between issues and understand how decisions taken in one area will affect other areas as well. They must understand what is at stake for them in relation to particular stakes up for decision. And they must have the capacity to assess developments in terms of their own interests and priorities and coordinate action at the regional, national and international levels.

In other words, a lot of things that are prerequisite to effective participation in Internet Governance.

I think it's probably fair to say that in the current situation, effectively participation is a challenge, even for stakeholders from the most highly developed countries. Organizations such as the OECD help these stakeholders from these countries cope with the complexities of Internet Governance.

However, coping with these complexities is an almost impossible task for stakeholders from developing countries, which have limited resources and no organizations comparable, for instance, to the OECD, to support them.

This picture of increasing complexity and unequal levels of capacity represents the reality of Internet Governance today as WGIG found it.

This picture stands in sharp contrast to the picture of what Internet Governance should be that is set out in the WSIS declaration of principles. That is, Internet Governance that is coordinated, multilateral, transparent, democratic, and with the full involvement of all stakeholders from developed and developing countries.

The forum function as we have recommended it is obviously not a silver bullet that will immediately simplify the complexities of Internet Governance. Nor will it immediately put stakeholders from developing and developed countries on a fair and equal footing with their developed country counterparts.

However, in our view, it is an essential first step in leveling the playing field between stakeholders from developed and developing countries, and in moving the global Internet Governance community towards achievement of the goals and vision articulated in the WSIS declaration of principles.

There is, I guess, one other part of our recommendation that I would like to highlight, since it hopefully symbolizes the innovative spirit that underlies our recommendations regarding the forum function, and that's the issue of partnership with academic and research institutions. There's a lot of very good work being done on Internet Governance issues by academic and research institutions in both developed and developing countries. In our view, it would be very beneficial for the forum function to establish partnerships with these institutions.

As we have said, this should be done in a way that reflects geographic balance and cultural diversity and promotes cooperation among all regions.

The benefits of these partnerships would flow in several directions. Participants in the forum function would benefit by having access to knowledge resources and expertise that could help ensure informed discussion on Internet Governance issues.

Researchers in developing countries would benefit through partnerships with researchers in developed countries. These partnerships would help build capacity not only in the research community but also among policymakers and practitioners participating in the forum function.

And finally, partnerships with academic and research institutions would help keep the forum structure light as we have recommended. Instead of hiring Secretariat staff to conduct research and prepare analyses, as some organizations like the OECD do, this work could be carried out through research partnerships.

Since the goal of WSIS is to build a global knowledge society, it seems only knowledgeable and desirable to link discussions about Internet Governance with the knowledge, resources that already exist and are continuously being developed by the academic and research community.

We've already had indications that academic and research institutions are interested in forming partnerships that could potentially support the work of the forum function.

For example, during the open consultation that took place at our second WGIG meeting, we had a presentation on the Net Dialogue project that has been developed by the Berkman Center for Internet Society and Society at Harvard and the Center for Internet Society at Stanford to provide information and facilitate discussion on a wide range of Internet Governance issues.

In May, the Oxford Internet Institute and the Berkman Center co-sponsored a discussion forum on Internet governance, oxford, in support of the WGIG, a forum that arrived at many of the conclusions very similar to those arrived at in the working group.

As we were reminded again this morning, throughout the WGIG process, members of the Internet Governance Project, which is a partnership between researchers at Syracuse University, the Georgia Institute of Technology, and the Center for International Comparative Studies in Zurich, authored a series of papers on various aspects of Internet Governance and participated actively in our open consultations.

John Mathiason continued this tradition of active involvement this morning, and we thank him again for a stimulating intervention.

More recently the academic council for the United Nations system and the center for international governance innovation began exploring the possibility of supporting the creation of one or more global communities of Internet Governance researchers from developed and developing countries.

These are only some examples of the many initiatives that are underway in academic and research institutions around the world that could help inform discussions in the forum function recommended by WGIG, and other Internet Governance fora as well.

A number of my WGIG colleagues are involved in initiatives of these kind and I'm sure might be pleased to speak about their work as well in the discussion. Thank you, Mr. Chairman.

CHAIRMAN DESAI:

So the thought behind this was more to give you a sense of the flavor. Much of this material is also contained in that more detailed background report. So just so you get the sense and a flavor of the discussions which went on in the group.

Are there questions that people want to pose, further questions on this issue? Can we move on? Okay. Then can I turn to Bill Drake who is going to tell us a little bit about the thinking on the -- first on the definitions issue.

WILLIAM DRAKE:

Thank you, Mr. Chairman. Unfortunately, I'm confronting a technology governance issue, which is that my computer takes 20 minutes to boot up. So I can't look at my presentation yet.

CHAIRMAN DESAI:

Does it work on electricity?

(Laughter.)

WILLIAM DRAKE:

It's Windows. If you'll give me just a minute, maybe we could.... Okay. Here we go. Well, thank you. And sorry. We had a little experience with the weather on the way back from lunch as well, so we were a little bit slow getting back into position.

Words matter, and the words of how you define Internet Governance matter. And sometimes that was not always, I think, apparent in some of the conversations.

I know that when I've spoken to some people in the larger universe outside the walls of the WSIS and WGIG processes and have told them about what we were trying to do vis-a-vis the definitional question, they were a little befuddled and thought this is very amorphous and mysterious and why should this be a big deal, and why are you spending all this time on it.

But, in fact, as we've seen in many international policy environments, how you frame issues directs, channels, guides, governs how the debate evolves going forward. And it was clear from early on in the WSIS process when Internet Governance issues were coming up that there was a sort of a disconnect that was taking place where people had rather different conceptions of what Internet Governance might be that led to a high degree of polarization, probably more than was necessary.

I think that this was related in part -- or heavily to confusion on two scores. One is the scope of Internet Governance, what is the range of issues that are entailed by the term, and there was a tradition that emerged in the 1990s in the Internet community of equating the concept of Internet Governance with the management of naming and numbering and, hence, by extension, ICANN so that, then, when the second source of confusion came up, which was who governs, the domain of governance, and some people read that as meaning government, the equation then became are you necessarily talking about imposing government control over ICANN?

And this became very polarized. And of course the reality is that on both scores, that is a misunderstanding of the nature of governance.

Governance, as we talk about in the report, comes from the ancient Greek word "kyber-" -- I can't speak it or say it correctly, and the Latin word "gubernare," both of which mean to steer. And the fundamental thrust of governance is that this is about the process of steering. It's not about who steers.

And it's not limited to any particular domain by definition. Governance, in fact, exists in many realms of life. We talk about corporate governance; we talk about governance in the NGO community; we talk about governance in many, many different environments.

So the important point was, and I think people began to come to this view very early in the WGIG process, that governance is very much a neutral term. With respect to who governs, what is governed, and how it is governed, the institutional forms that governance might take. Governance could rest on governmental authority or its absence, it can be top-down, bottom-up, negotiated, spontaneous, imposed. There are a lot of different ways that governance can actually play out. And in the Internet environment, governance entails a very heterogeneous and highly distributed array of arrangements rather than any kind of comprehensive or one-size-fits-all mechanism.

So as the WGIG process unfolded and we began to talk about the definition at the first meeting and continued on throughout the process, both in our online discussions, which

were very, very active and quite raucous sometimes, and in our meetings, our physical meetings, it became clear that we needed a definition that captured this kind of broader reality. And we essentially, without specifically saying at the outset this was our intention, ended up approaching it from two different and complementary directions.

One was to approach the question deductively and try to move from sort of general principles to specific propositions. The other was to go inductively from looking at particular examples or real-world empirical experiences and then reasoning backwards towards what a definition might be.

And having gone through both of those processes, I think we were able, over time and through a lot of iterative dialogue, to come up with a definition that meets a number of important criteria and which we heard from people this morning, that they found to be reasonably satisfactory, although there were one or two points that were made about that which I'd like to return to quickly.

I just want to say quickly, with regard to the deductive side of the coin that we basically thought that the definition was going to have to meet five important criteria. It would have to be adequate, it would be nice to have a single universally accepted scientific definition that everybody for all time would accept, but we knew that that was not possible. And indeed, we're trying to do a working definition, so really, the bar could be a little bit lower. We needed something that was sufficient, that represented rough consensus and that could facilitate dialogue going forward.

It had to be generalizable, it had to be able to apply to and entail a full range of governance mechanisms, public and private, all different forums. It had to be descriptive. This is very important, because for some time, some of our discussion tended towards a more normative approach where we were saying that governance should do this or should do that. And as we talked it through, we came to the recognition that as important as normative proscriptions are, and we paid a lot of attention in the WGIG report to the WSIS principles that at the end of the day a definition needed to be strictly descriptive and capture what the process is rather than what the process should be in our particular views.

It had to be concise. We didn't want to have a very long and unwieldy, multi-part definition that had 13 commas and 12 clauses that nobody would ever be able to remember. And it had to be process oriented. It had to emphasize the process of governance rather than who does the governance.

So with those kinds of criteria in mind we then looked at a variety of different definitions that have been put forward in our inductive exercise, looked at the commonalities among those different definitions, how they were related to actual experiences of governance that we reviewed at length in the background report, and we came at the end of the day, then, to a definition, which everybody will have seen by now. Internet Governance is the development and application by governments, the private sector and civil society in their respective roles of shared principles, norms, rules, decision-making procedures and programs that shape the evolution and utilization of the Internet.

And happily, there are less than ten commas there.

(Laughter.)

WILLIAM DRAKE:

So we were quite pleased with that alone.

In the background report, we explained some of the different terms that are used in that definition and why they're appropriate. I don't have time to go through each of those at length here. I would simply like to comment on a couple very specifically, because in particular, the representative from Australia this morning raised some questions about them.

One question that was raised this morning was the relationship between international or global governance mechanisms and national-level mechanisms. I think that the understanding throughout this process was that we were trying to look at governance mechanisms that are not purely national; that we were looking at collective, shared rules that apply to the international community.

But I would suggest that the definition, as it's framed, could easily be applied at the national level as well. It could easily entail legislative, regulatory and other types of mechanisms at the national level through which various parties work out agreements, frameworks, principles, for organizing themselves in a more localized manner.

So I don't think that that in itself is particularly problematic, and I think that the notion of shared principles, norm, rules, so on, that's the key. Because we're talking about shared. We're defining this in terms of something that collectivity, a community of actors all recognizes to be relevant to them, to be applicable to them, irrespective of those rules, principles and so on are devised by one actor or many actors.

One other point I would like to flag, just with regard to the elements, and we can come back to any of these in the discussion, the representative from Australia asked about the inclusion of the term "programs" in the definition.

The notion of programs was intended to capture something that's fairly important, which is that a lot of international collaboration and a lot of international programs, through government, the private sector and other players, are quite consequential for the way that the Internet is organized and works, are not really about setting rules, principles, guidelines and so on that shape the behavior of the action of all actors in the field. They're goal directed, focused, programmatic activities. One can cite for example changes to the root zone file which is a programmatic activity undertaken by a particular actor. It's not something that is a function of some collective, global rule system.

There are many times of programs that are important in terms of producing and disseminating information, monitoring events, managing shared resources and facilities and so on, that can impact significantly the capabilities of the actors to participate in governance activities and in the Internet environment more generally, and that impact the actual evolution and use of the net.

So we felt that the term "programs" had to be included in the definition. That doesn't mean that all programs would qualify as Internet Governance, but there are some programmatic activities which clearly are consequential enough to rise to the level, we felt, of constituting a form of governance.

And the last point I would make about the elements, when we say development and utilization of the Internet, again we are indicating here the broad scope definition. It is not just naming and numbering. It is the full range of mechanisms, public or private,

multistakeholder or not, top-down, bottom-up, spontaneously emergent, whatever it might be that shape both the organization and development of the resources and their use. And the use is an essential part of Internet Governance.

So that is what the definition does, and we found that that definition, when we compared it to the criteria we started out with, adequate, descriptive, concise, process oriented, fit perfectly. That it was fully generalizable, that you could use that definition to look at a full range of government mechanisms as we do in the report, irrespective of their substantive focus, irrespective of the particular functions they serve or whether they're nested in an international organizations or other agreement, whether or not they're strong agreements or binding agreements or voluntary and purely normative. Whether they have this kind of decision-making procedure or that procedure.

It didn't matter. The definition seemed to entail all of those types of possibilities.

So we were fairly content that we had done the job of at least coming up with something that scales and that is neutral, that does not bias towards one particular set of interests or particular view of the world, and can serve as a vehicle, we hope, going forward through which the different parties are able to communicate with each other about how governance might be improved over time, both in the WSIS process and beyond.

And to conclude, we also would point out that this broad kind of approach and the framing that we have opted for really lends itself to and is commensurate with the sort of holistic systematic analysis that the WGIG did as a first -- first-level effort in reviewing the broad range of governance mechanisms according to a certain set of criteria, trying to think about them in an integrative, holistic way, trying to identify strengths, weaknesses, tensions, gaps, and so on. Having this kind of definition opens the door to that kind of approach. WGIG only had a little bit of time and was running on volunteer labor and was not necessarily something that could resolve all these issues. But we were able to raise them all.

And one would think that if there is a forum or some other mechanism going forward to continue these kinds of conversations that this definition would lend itself to the work of those entities. So I'll stop there. Thank you.

CHAIRMAN DESAI:

Any questions? Comments? Okay. My next step is going to look at the issues which we had, if you recollect in our earlier consultations we had grouped into four clusters. And instead of going issue by issue, I'm going to request four people to present it by clusters. And the first cluster, if you remember, this was a cluster on issues relating to infrastructure or management of particular Internet resources including administration of the domain name system, et cetera, et cetera, et cetera.

This is on the core structure. And I think I will turn to Raul to give the group here a sense of the way the group went about this and how it's thinking evolved and what you see here in the report.

RAUL ECHEBERRIA:

Thank you, chairman. First of all, and because I did not do so this morning, I would like to express my satisfaction for having been a member of this working group because of the quality of the discussion within the group and the spirit of the work in WGIG. In addition, I

would like to express thanks to the chair, Nitin Desai, and the Secretariat, Markus Kummer, for the excellent work done.

As you said, I am to present the recommendation on cluster 1. And I shall try to do so in just a few minutes' time.

As you all know, in the background report, there are references to various positions. They enable us to see all of the concerns expressed in each and every case. In addition, the report contains a great deal of information on present governance schemes and the ways in which systems work in relation to the various Internet components. The opinions in the background report are not just based on consensus.

I'll also be referring to comments in the WGIG report, the final report of the group. And I would ask everyone to add to the information we are presenting here in the background report.

Cluster 1, as the chairman has said, includes the administration of domain names, I.P. addressing, the root server administration, peering and interconnections. Telecommunication infrastructure, and multilingualism.

All of these aspects have been discussed broadly in the working group and covered widely in the working group. The group didn't feel it necessary to make specific recommendations on each and every one of these points. I shall mention the main points that the group felt to be relevant, including specific recommendations the group had.With respect to domain names, concrete recommendations were made in chapter 5 of the report.

The group, in paragraph 3-21, mentioned the need to develop policies for the administration and future development of domain names, given the impact they have in other areas.

One of the aspects dealt with in the group that has to do with procedures and the development of policies is that of having a clear vision of the future development of domain names.

In connection with I.P. addressing, the group expressed its recommendations with respect to the transition to I.P. version 6. The main point expressed even in the report was that fair access be given to these resources. This is a view that was widely shared by all actors, including those directly involved today in the administration of I.P. addresses.

In connection with the administration of root servers, it's difficult to refer to this point without mentioning the link with oversight. And therefore the recommendations I'll be mentioning have to be seen as in addition to what was said with respect to oversight.

The recommendations in this respect are those included in paragraph 76 of the report and are the following:

Define the institutional arrangements and responsibilities between the institutions involved in guarantee continuity and secure funding of the root server system; carry out studies and analyses with respect to the present protocol limitations and the present architecture of the system in delimiting the maximum of root service possibilities.

And one point mentioned that has to do with who operates the root services and where the servers are located may be resolved through restricting the number of root services to not more than 13.

It may be possible -- there may be possible changes agreed in the governance system. Whatever the changes that are agreed on, there is a need to clarify the institutional arrangements needed to guarantee continuity of a stable and secure functioning of the root system during and after a possible transition period.

In other words, in addition to whatever agreements are reached, if these agreements imply transitions, the recommendations should see to it that these transitions do not affect the stability and secure functioning of the root servers.

With respect to interconnection costs, something that will concern governments greatly from now until the summit, in chapter 3, mention is made of the aspects involved in each and every one of these areas.

It is stated that the two fundamental aspects connected with interconnection costs include the unfair distribution of costs since the main backbones, mainly the developing countries, have to pay 100% of the connection costs.

And, second, and perhaps just as important, the absence of an appropriate and effective global mechanism of Internet governance to resolve this matter of interconnection costs is also a problem.

In chapter 5, on recommendations, a number of recommendations are given on interconnection costs.

These recommendations have more to do with building regional backbones and the establishment of interconnection points both at the local and regional level than the development of palliative mechanisms to deal with the problems raised.

But this is one of the typical areas where there are differences of views in sectors and countries. This matter certainly will continue to be discussed in the coming months.

With respect to multilingualism, problems were identified. We stated that WGIG had not made enough progress in this area and that the language content was not sufficient and that there was a lack of coordination between organizations involved in this aspect of multilingualism.

Recommendations were divided into two areas:

Recommendations that had to do with multilingualism connected with domain names, and multilingualism connected with content.

With respect to domain names, emphasis was placed on the lack of coordination. And the lack of participation and lack of coordination seemed to be the main problem.

Recommendations were based on strengthening cooperation between the Internet engineering task force and other bodies, including the registry IDN and the aspect of multilingual domain names and fostering more participation among all parties involved.

With respect to contents, emphasis was placed on the fact that greater efforts had to be made to promote content in various languages and all stakeholders should produce content in local languages and make it available on Internet.

Those are the recommendations for cluster 1. Thank you.

CHAIRMAN DESAI:

Thank you. I think maybe I should go through the three -- set of four clusters and then see whether there are questions, unless somebody needs a very strong immediate clarification. Then, cluster 2, this is the cluster which really deals with issues which are more like user Internet issues about spam, about network security, et cetera. Jovan.

JOVAN KURBALIJA:

Thank you, Mr. Chairman. I think that the metaphors and kind words for the extremely skillful chairmanship and coordination which was done by you and Markus are depleted and it's difficult to invent new ones and appropriate terms for what you did over the last six months in harnessing the complexity and trying to get this common line for our discussion.

I just counted last night that we had almost 2,200 E-mail messages in our mailing list, and probably 30 or 40 hours of face-to-face discussion. It is a considerable amount of materials, documents, and ideas.

And the whole process was an enormous learning process. Not necessarily learning how the TCP/IP functions and those basic things, but learning about different professional perspectives, about different contexts in which I.T. issues are discussed.

And it led us from Diplo to start a small research project in order to keep this volume of knowledge and experience and expertise and to keep it beyond anecdotal level into more organized form. And our researcher, Patrick Kalas, who is with us, is conducting interviews with the members of the WGIG.

And we hope we will have a report ready over the next two months about the multistakeholder approach of the WGIG and what it can contribute toward similar initiatives.

Therefore once more thank you very much to both of and you to the Secretariat.

Well, I got this task, I don't know if it is a difficult one, but definitely it's a challenging one, to present our findings on the so-called second cluster, dealing -- or cluster that could be called the security and stability cluster, dealing mainly with issues about security of the Internet, and as you indicate, spam, cybercrime.

Well, although you can consult what was our final -- what was the outcome of our discussion in the short report, in the background report, I will try just to provide some sort of general information that could help in contextualizing our findings and some sort of preparatory for the final document that we agreed upon.

Well, first of all, all of us are aware that discussions on the use and misuse and abuse of technology are not new. There is always humanity, and many technologies throughout history use useful tools for society and weapons. And in that respect, Internet is not

different. This issue is discussed in many private, technical, global policy forums. And most of us are involved in ongoing efforts to find the answer to the question how to benefit from the Internet and how to reduce misuse and abuse of the Internet.

Obviously, the WGIG discussion reconfirmed all the still-relevant thought that there is no silver bullet answer to this question. Again, historical wisdom teaches us that we have to make careful balancing act in order to minimize risks and to maximize benefits from technology.

There were basically three main areas which led the discussion on security and stability cluster, or three main reasons.

First is the increasing dependence of modern society on the Internet. And I'm sure that there is no need to go into details. All of us in our personal life and professional life can experience that dependence. And Internet is a part of critical infrastructure of national societies, and it is also part of a global critical infrastructure. And it deserves in that context special protection.

Second element which was highlighted in the WGIG discussion is the importance of trust, concept of trust, the idea of trust in the Internet development.

Since the very early days, trust was, in a way, motivator and engine behind the Internet development, trust in the network, trust in reliable communication, trust in certain behavior on the Internet.

Obviously, the Internet community was significantly broadened, and what was applicable in the '80s for the small academic community cannot be applicable nowadays for a community of almost one billion users.

But trust in network still remains extremely important issue. And more or less all surveys and research about readiness of the customer to use e-Commerce tools is focusing on trust as one of the main elements which inhibits further use of e-Commerce in modern society.

Therefore, it is the second reason which was frequently mentioned in our discussion.

The third aspect, which is a bit unusual from -- usual discussion on the Internet governance and security issues is development aspect.

Usually, security and stability is discussed in forum in developed countries in the context of protection of critical infrastructure, in the context of increasing security concerns, especially over the last five years.

In the WGIG, it was clearly pointed out that security and stability has a strong developmental component and aspect, because it is not enough to have a computer.

In order to participate actively in the Internet life, one has to have a functional computer. And functional computer could be only made in that way if it is secure, if it is clean of viruses, if it is not bombarded by spam messages, et cetera, et cetera.

There is a famous -- there is well-known study of the impact of spam on developing countries, on the limited bandwidth that developing countries have.

Now, from the very beginning, the WGIG put the question of security and stability high on our agenda. And it is not surprising. It reflects global concern about security.

And the fact that security, Internet security, and Internet stability is very high on agendas of other organizations, such as ITU, ICANN, OECD, and others involved in the discussion on the Internet governance. In discussion on security and stability issues, we have had a few significant advantages. And most of the members of the WGIG had a solid background in this field. And they were participating in parallel processes on security and stability.

Therefore, we were -- we had the constant reality check, and we were not falling in the trap to discover something which is already discovered.

Therefore, we had quite a solid input into the process and open discussion with clear comments if somebody comes with a solution that was already defined and discussed. It was extremely useful.

The other aspect which was already mentioned was multistakeholder approach. I can still recall our discussion on spam, where most of us agreed that we benefited a lot from the pure fact that all members were bringing their professional, national, and regional perspectives to discussion of spam, which is sometimes difficult to find in specialized agencies dealing with technical aspects of spam, legal or socioeconomic. Therefore, it was a unique advantage and I think it was well-reflected in the background report.

In this cluster, there were basically a few main issues. There is a question of classification which could be probably added to Bill's discussion on definition of the Internet.

And the Working Group on Internet Governance made, I think, in the very spontaneous way, through few iterations, quite correct and solid classification of Internet governance issues.

And classification is another big topic in any field, what are the issues that should be put in one cluster or basket.

And we managed somehow smoothly to go through these potentially controversial issues, and here is this cluster on security and stability.

When it comes to security and cybercrime, the first issue, the WGIG discussion focused on difference between network security, protection of infrastructure, and information security, mainly protection of data.

The network security includes protection of network notes, routers, switches, the transport infrastructure, the software running on hosts and connected devices.

It was also highlighted that there is a considerable difference between security of the core infrastructure, which is properly protected, which is managed by professional institutions, and the security on the edges of the network, individual users, institutions.

And usually weaknesses and loopholes on the security of the edges of the networks are back door for numerous security breaches.

Then we had the -- obviously, the question how to address Internet security and stability issues on the global level.

We started from the (inaudible) altruism that network -- Internet is a global network.

Therefore the threats are usually global. And it leads to conclusion that there is a need for some type of global action to address global threats. And one of the main challenges for many countries is how to respond to those threats which are coming to the network from, very often, individuals and institutions outside national jurisdiction.

In an attempt to rectify this situation, many countries started developing both bilateral and regional arrangements for the cooperation in the field of Internet security.

There are also a few multilateral instruments, including the council of Europe convention on cybercrime, the OECD, and the ITU's soft law instruments in the field of Internet security and cybercrime, guidelines, tool kits, resolutions.

And in that context, the WGIG discussed various aspects which were raised by those instruments of the Internet security, including ensuring availability, introducing of common security operation standards, national security consideration, sharing information, and emergency communication.

The report highlights that Internet security measures should not endanger the privacy of Internet users, as well as the core values of Internet, such as openness and freedom of communication. There is a need for balancing act.

And as you can notice throughout the report and throughout the discussion on Internet governance, there is a need for many, many balancing acts between different interests or between different realities.

The second big issue, which attracted a lot of attention, and I think we have the most substantive discussion, was spam. And probably it is not surprising that spam is in the focus of international community. It is a big problem. It affects ordinary users. It is a problem which is addressed by national authorities, international organizations.

In that context, we highlighted a few points. First, there is a need to incorporate a wide variety of efforts in action towards combatting spam. The WGIG's multistakeholder composition was particularly useful and relevant in discussion of spam. And the problem was addressed from various perspectives.

And the report proposes various actions and approaches which include legislation and cross-border enforcement, industry self-regulation, technical solution, partnership between governments and international community, awareness raising, and user education.

All of those measures should complement each other and should lead towards the effective strategy of combatting spam.

Second, as I already indicated, the spam -- the WGIG in its discussion highlighted the development aspect of spam. Spam is causing serious but still manageable difficulties in developed countries.

In developing countries with limited bandwidth, spam creates a crippling effect on the Internet infrastructure. In some developing countries, spam threatens the basic access to the Internet.

Coupled with the problem of the lack of technical resources and expertise, spam widens the existing digital divide between developed and developing countries.

Our report clearly highlights the need for global coordination in the antispam activities. As we know, most spam originates from abroad. It is global problem requiring if not a global solution, at least global coordination.

Fourth, the WGIG report made a concrete proposal to the WSIS process to adopt the joint statement on spam during the WSIS in Tunis. And it should be the concrete policy action on policy proposal that should be followed up on.

In conclusion, as I already indicated, there is a need for many balancing acts.

And all of us know that the Internet is based on digital binary structure, logic on 1s and 0s. And paradoxically, it cannot be handled with this digital logic, binary logic of true/false, good/bad. It needs analog thinking, analog approaches. It needs inclusion of a variety of options. It needs many balancing acts. It needs shades of meaning. And it is a huge challenge for all of us.

It is obvious that faced with the growing security threats, we will need a lot of wisdom to make a choice of action which will strengthen security and stability of the Internet while night at the same time compromising some core values of the Internet, including its openness and creativity. Thank you.

CHAIRMAN DESAI:

Now the third cluster. This is a cluster where our report has identified it, there are only a few areas that we focused on, for instance, including consumer rights, which WAS going to be represented by Juan Carlos Solines Moreno, but he has some responsibilities in his own country, so he cannot be here, so Bill Drake is stepping into the breach and at the last minute doing a brief presentation.

We are running into the time for the stakeholder forum, and I am rather keen that we have the stakeholder forum.

WILLIAM DRAKE:

Thank you, Mr. Chairman. I will be brief.

The category here is one that I have never been very comfortable with the formulation of, issues which are relevant to the Internet but with impact much wider than the Internet, which I always thought was sort of a little -- kind of a throwaway category.

I think, really, these are issues pertaining to the use of the Internet, the utilization of the Internet for communication and commerce.

I'm in the curious position of very quickly saying that these are really, really important aspects of Internet governance, that they will become increasingly more important in the years ahead, and that we have no recommendations about them.

So just to quickly identify the issues.

There was in this space a sort of set of boundary questions about what counts as Internet governance and what doesn't.

And we spent some time debating questions of competition, policy, liberalization of telecommunications regulations, and so on. And we came to recognize that these kinds of changes in the larger ICT environment can have an impact on the way the Internet is configured and used but are really not geared directly towards trying to be Internet governance mechanisms.

And so we sort of decided to put those aside, really, and focus only in this cluster on those issues that really were specific to the Internet space, but, as the title said, maybe has broader aspects.

Three in particular. E-Commerce.

There is a great deal happening around the world, quite obviously, with regard to the development of different types of rules systems, public and private, mostly private, pertaining to e-Commerce.

You have a lot of self-regulatory work going on in industry associations and so on to set rules for B-to-B transactions in particular. But also some B-to-C type activity.

There are also intergovernmental negotiations pertaining to e-Commerce, particularly with regard to E-contracting issues.

One notes, for example, Uncitral's MODEL law on e-Commerce and the fact that Uncitral's currently negotiating a draft convention on the use of electronic communications and international contracting.

These are important things that will impact and shape the conduct of commerce over the Internet.

Jurisdiction.There's the Hague conference on private international law, which is trying to set an international agreement on how one sorts out the very complex trans-territorial jurisdictional issues.

There are other arenas relevant here, taxation, the OECD and other bodies trying to reach some convergence on these issues. So e-Commerce is a big area where there's a lot going on, particularly in the private sector, that does, in fact, shape what the Internet is and how it's used in a day-to-day way.

The second area is trade policy. And there, clearly, the World Trade Organization agreements are particularly relevant.

One of the great disconnects in the Internet governance environment is between trade policy discussions and Internet governance discussions. And this is a longstanding concern of mine because I'm a trade guy. And when I try and talk with colleagues about trade issues, they often stare at me blankly.

But there are, in fact, a lot of ways in which trade agreements are being developed that will impact the Internet, both its infrastructure and, in particular, transactions over it.

Some of the questions about infrastructure are controversial. There are those who have talked about interconnection issues for the Internet in that context.

But what clearly is not controversial is trade over the Internet, both under the general agreement on trade and services and under the general agreement on tariffs and trade for goods, the GATTs, which would apply to digital products, books, other types of products delivered over the Internet.

There are also cross-cutting negotiations that also are directly relevant to the Internet happening with regard to issues like trade facilitation and domestic regulation in the current trade round.

So -- and, of course, the WTO is not the only source of trade rules. There are other bilateral, regional trade agreements.

So, again, my point would simply be trade rules are increasingly going to be very important in the Internet environment in shaping how people configure and utilize the net for commerce.

Finally, intellectual property. Clearly another very big issue and one in which I think it's fair to say the group was very deeply divided.

We spent a lot of time, particularly in the early stages when we were doing the vertical issue exercise talking about intellectual property issues. And the broader division in the international community between those who advocate much stronger protections for intellectual property and those who favor more open knowledge public sphere kind of approach were reflected in the group as well. And we often found it very difficult, I think, to agree to any text on these points.

Nevertheless, it's very clear that if one looks at what's going on in WIPO, in the World Intellectual Property Organization, and also in the WTO, with the trips agreement, that there is quite a lot happening in the way of collective rule systems.

There are the Internet treaties negotiated in '96 by WIPO, the proposed database treaty which could touch on the Internet, the proposed broadcasting treaty, which could cover Web casting.

These are all very important to Internet governance.

Nevertheless, at the end of the day, as we looked at these issues, we decided that because they are divisive issues, complex issues, issues that we couldn't get into very deeply and do all the other work that we were doing, and because they are subject to very well institutionalized processes that involve many, many stakeholder interests from around the world in ongoing negotiations and so on, it didn't make a lot of sense for the WGIG to be coming out and taking positions on what should be happening in the DOHA round trade negotiations or in the WIPO negotiations about the development agenda or public broadcasting treaty, et cetera.

So we just decided to flag the issues, say they're very, very important, but that we do not offer any specific set of recommendations with respect to what the international community should do in these arenas. Thank you.

CHAIRMAN DESAI:

Thank you very much. I think it's a very clear explanation. I would just simply, however, point out one thing. It's not that we have adopted them completely but if you see the reference to the forum, and particularly para 45 which talks to the forum, one of the things which is clearly identified is that one of the functions of the forum would be interface with intergovernmental bodies and other institutions on matters under the purview which are relevant to Internet Governance, such as IPR, e-commerce trade and services, and the Internet telecommunications convergence. So in that sense there's an institutional response but not a substantive response. There are no substantive proposals on what can and should be done.There is a reference to consumer rights which may be of some relevance.

I turn now to the fourth cluster which is the cluster which deals with the interface with development. And Karen, would you, please.

KAREN BANKS:

Thank you, chair.

The fourth cluster, issues relating to developmental aspects of Internet Governance; in particular, capacity building in developing countries.

I think for many of us, this speaks to the heart of the broader WSIS process, and in some ways, also, not as easy to deal with within the framework of looking at Internet Governance in a narrower context. Nonetheless, many issues that are terribly important, and if I could just look at two issues, I think, that is obvious when you look at developmental aspects.

The issues -- there's a lot of overlap with the other clusters. That's one thing. So we would consider that there are aspects of Spam, IPR, trade, definitely interconnection costs that clearly have developmental aspects in relation to Internet Governance, which have been dealt with in other clusters.

And I think that, also, that when you look at capacity building, that we're looking at that in a whole range of levels in terms of many of the issues that are prioritized for action in terms of technical, policy, et cetera, capacity building.

And also in terms of some of the specific issues which I'll go into. For your reference, it's pages 44 through 53 of the background report.

We did a quick overview, assessment, and then looked at some broad suggestions in relation to affordable and universal access, national and regional backbone infrastructure development, international interconnection costs, multilingualism, content accessibility, and cultural diversity. And we did look at technology choice, including open source and free software.

If I could just go straight to the assessment.

I think that looking at, for example, national regional backbone infrastructure, the report notes that there are new ways of deploying infrastructure to enable development that are -- we consider to be a matter of public policy that should be looked at.

And we would be recommending, I think in many cases, that the forum is a very useful potential space for discussing some of these issues that don't necessarily have a home at the moment, or at least not one that's in a place that everyone can come to easily. A sort of clearinghouse, if you like.

International interconnection costs I won't go into again because it's been mentioned I think twice now, which only underscores, I think, the importance of this issue for all of us who are concerned with development aspects of Internet Governance. And I hope we can have some comments on that, because it's one that we've really prioritized as an issue of great concern.

Access to content and multilingualism, cultural diversity and choice of technologies, et cetera, a lot of the issues we looked at in the development cluster are largely subject to what we'd call sort of soft forms of Internet Governance mechanisms. Rules, guidelines, tool kits, et cetera. So it was hard to find a hook in terms of hard Internet Governance mechanisms. But again, I think that doesn't mean that they are not issues that are terribly important. They may be being dealt with by other bodies, other international or intergovernmental organizations. But I think through our discussions we discovered that there are certainly connections between issues, for example, of access to content which maybe people would largely consider to be within the realms of UNESCO, but they could also be usefully explored in relation to content that is produced and made available by the international community.

I think similarly, if you looked at questions multilingualism, you could say the same thing. Capacity building is a fundamental contributing factor to achieving one of our other main cross-cutting goals, which is meaningful participation in global policy development. And I won't go through the list of recommendations we have here, but I think to say that a lot of work has been done. There was a lot of very useful feedback through the open consultation, and two in particular that I found of great interest were the African countries' statement on Internet Governance and the APDIP/ORDIG survey which both had very useful and constructive recommendations for capacity building needs in developing countries. And I think also that we should be aware of and looking at the link between this area of work and the work around financing that's happening also in the WSIS process, because there's a lot of connections between the two issues.

I think I'll probably leave it there. Yeah. That's enough.

CHAIRMAN DESAI:

Waudo Siganga, would you like to add something?

WAUDO SIGANGA:

Thank you, Mr. Chairman. I think in terms of the issue I think Karen has basically said it, but I just wanted to add a word. I think for those of us from the developing world, it was very important for us to participate in this process of the WGIG. And I think I'd like on behalf of my other colleagues, some of whom are not here, to pass my thanks, my special thanks to Mr. Markus Kummer who went out of his way to ensure that the developing world was represented on the WGIG.

And we look at this as a beginning, as a start that we hope that will be sustained in the future as the recommendations of the WGIG and the requirements of the WSIS have indicated that the developing world will be incorporated in the decision-making and in the governance mechanisms of the Internet and of the ICT in general. Thank you.

CHAIRMAN DESAI:

Thank you. I think this was essentially to give you a sense of flavor of where the group came from. And also, I think how -- that in many ways, what you see is a consensus. It's something which the group believes in.

It's not a negotiated compromise. Where there are differences, these are reflected. But as a range of views which would be available for everybody.

I would now like to turn to the multistakeholder exercise. Wolfgang. So who are the others that are coming up? Maybe Ayesha? Jacqueline.

WOLFGANG KLEINWAECHTER:

They are leaving.

CHAIRMAN DESAI:

No, no, they are getting up to come here. So if I could now ask them, and I would urge you to pose questions to them so that they, in a sense, reflect the different stakeholder interests which were reflected in the group. And I would urge you to ask questions while I back out a little and leave the floor to Wolfgang to coordinate.

WOLFGANG KLEINWAECHTER:

Ladies and gentlemen, we have a very small technical problem, because the third stakeholder is still missing. I thought the idea here was to have three stakeholders on the podium, that means representatives of the three stakeholder groups, and we have asked Jacqueline Morris to represent the civil society, in case she has disappeared then we would ask for somebody else because the whole -- the whole interaction we want to have here on the podium works only if all stakeholders are on board.

So otherwise, you know, the basic idea of this final session wouldn't work. So I hope Jacqueline will arrive here within the next two minutes.

You know, the plan we have, probably I can fill the gap so far, is that in the first round, I will ask all the panelists here representing different stakeholders what they have learned and benefited from the interaction with the other stakeholders. So that means Willy Jensen who represents the governmental group should summarize his experiences with the cooperation he had with the working group on Internet Governance with civil society people and private sector people. And I would ask Ayesha Hassan from the international Chamber of Commerce about her experiences working together with governments and civil society. And I would ask Jacqueline, who is just arriving, what are her experiences in working together with private sector and government, so that we have different perspectives. And this would be a first round. And then we would go to a second round that all the three panelists describe

in very short words, you know, where they see the opportunities and also the risks of a interaction among the different stakeholders and the multistakeholder approach.

And in a second -- and in a third short round, we would go into more substantial issues. That means I would ask the three panelists, you know, how -- what is their vision about the multistakeholder cooperation in the new forum or in the models for the oversight function and also with regard to the management of the different issues we have in this top-priority list.

And we are certainly very open, also, for your comments. That means after the first two rounds of interventions from the podium, we invite you to make comments to ask questions directly to the panelists. And without further long introductions, I would start the procedure and ask Willy. Willy, was it new for you to work so closely for eight months together with the private sector and civil society and what do you think about your colleagues from these two different stakeholder groups?

WILLY JENSEN:

Thank you. Thank you, Wolfgang. It's really a pleasure to be in this group and in this work, and even now in the aftermath of this work.

But Wolfgang, to your direct question, for me, it was not really very new. It was exciting, and I'll come back to that, but it wasn't really new.

We have had and we have, fortunately, in our country a tradition to involve maybe not all stakeholders but at least many stakeholders. And in particular, we are -- I guess from tradition -- spending a lot of time talking to and with industry.

So in a way, I was used to it. I still found it very, very useful and also very, very pleasant. But I think I should perhaps start by saying that the success of the group and the way we worked together is or was, to a large extent, due to the chairman's ability to create mutual trust and respect among ourselves.

We had an atmosphere of friendliness and informality, and I personally, at least, believe that that fact and that process was more important than the fact that we came from different stakeholder groups.

There were 40 individuals converging in the way that we learned to work together very, very well. And I tend to think that this was perhaps more due to the chairman and us as individuals than it was to the fact that we represented different, if you like, stakeholder groups.

Nevertheless, I mean, following that, it's clear that it became very easy to agree completely, in fact, in encouraging inclusiveness, transparency, participation of all stakeholder groups. There was a very good intellectual honesty and curiosity.

But I think we should keep in mind that it is a larger challenge to agree on or to decide on how to identify the various roles relative to the different types of issues. I mean, we agree that all stakeholder groups must be completely involved in the Internet Governance. I don't think anybody disagrees on that. But that is not the same as to say that all stakeholder groups should play the same role in all issues.

And when we return to the vision question, which is pretty difficult -- perhaps we can come back to this, this management of roles.

What did we learn? I think I learned a lot of things, of course. But maybe the best -- the most important thing I learned, personally, was to understand the very different views these stakeholder groups had on central issues. And again, that was not only because we represented different stakeholder groups, but also because we came from very different national cultures, very different ethnical cultures, very different professional experiences. And all this diversity, I think, was great. It was just simply great to be part of that diversity.

I think I struggled, for example, for several weeks accepting this notion that a government is more or less, by definition, nondemocratic, nontransparent, and largely ineffective and inefficient. That was pretty hard to swallow. In the end, I didn't swallow it, but, okay, I accepted there are people who think that, and then it's up to us from government to prove that's not true. So again, an example of this diversity which, in itself, is a value. I stop there.

WOLFGANG KLEINWAECHTER:

Thank you very much. It's interesting to hear that you say, okay, we feel pushed by the other stakeholders either to make clear that we are better than the perception is by the rest of the world or really identify where our weaknesses are and doing better.

Ayesha, as representative of the private sector, what have you learned from this interaction, both with the government and the civil society, which are different bodies, with regard to your constituencies and was it your intention to push the government a little bit forward?

AYESHA HASSAN:

Thank you, Wolfgang. Well, I would pick up on some of the things that Willy has pointed out, in first of all, emphasizing the fact that our chair and our executive coordinator set up an environment that helped us to push each other and helped us to communicate.

One of the most important things that I have come out of this experience with is the fact that this space allowed for dialogue amongst business, government, and civil society as well as international organizations in a way that is very different from the environment that we had throughout the WSIS process.

A couple of the key points of why this was such a different environment was that we were all around the table as equals, bringing different expertise, different thoughts, different views, but we were not in a decision-making mode. We were in a mode of exchanging information and experience. And it allowed us to drill down and ask the question, but why? And if we didn't understand in the clarification, but why? And the constant weekly, daily, minute-by-minute communications that happened at certain points I think were invaluable in terms of what I was able to explain to people, what I was able to understand from people. I could continue to disagree, but at least I could understand better what was the reason behind the position or prioritization that was being taken.

And I think that's a useful part of both the process as well as the outcome documents for us to keep in mind going forward.

So a very first point was involving all stakeholders really does help to deepen understanding. And I think by understanding each other's priorities and positions and

interests better, we worked towards finding solutions or compromises or ways to work in a better way.

I also think it's an important part of this experience that with individual and small groups of government representatives or civil society representatives, there were different rapports and communications that went on. And that's part of the behind-the-scenes that may not be apparent in the outcome document but I think it's important to express that here.

It was those individual and small-group communications with members of civil society and members of governments that allowed us to push forward.

And you asked if it was my intention to push governments forward. I think each of us came with a desire to understand and push forward in terms of making sure that this was a productive experience. And so my intention was not directed towards any one stakeholder group. And in the end, I think it was a mutual push-and-pull that brought us forward.

I think this whole process, including the use of the online tools and the way in which we interacted with our constituencies and the public consultations as well helped to bring down some of the barriers of understanding. And again, that would be something that I would push for in the future in the processes that we're going to be talking about regarding Internet Governance.

A last point is perhaps to pick up on what could be improved. I think it's important to really emphasize that being a part of this group was a privilege and an honor, and I'm very pleased to have served in this group.

I think some of us had an opportunity to participate more than others, and the reality is that for groups like this to really, really function, I would come away saying that, essentially, people need to be seconded for three to six months and that this really needs to be their life in order to get what needs to be done. But I would like to applaud my colleagues for all the work they contributed, but that is something I really took away from this experience. Thank you.

WOLFGANG KLEINWAECHTER:

Thank you very much. Jacqueline, when I remember the start of the whole process in June 2002, PrepCom 1 when the rules of procedures has been drafted by the subcommittee 1 and civil society was removed from the room, there was a lot of turmoil. There was more turmoil than trust. And then during the process, in particular after intercession of the meeting in Paris, we moved a little bit from turmoil to trust.

Now the civil society was more or less an equal member in the group, you know. How would you reflect about this process and how you would see how this has helped civil society to get more matter and how you see the interaction between civil society, governments, and the private sector within this group, with all the turmoil we had three years ago.

JACQUELINE MORRIS:

Okay. It's interesting because in 2002 I was working for the government of Trinidad in Tobago. I wasn't in civil society in 2002. I left and came and started working with the

agenda caucus in 2003. So I went over to what was going on in the beginning. I was actually on the other side of the table.

But with regard to how the WGIG process has been working, one of the things that I noted really early on is that besides the Chatham house rules that we got that one basically said to not talk out of school, mainly, was a really big part of building the trust that we had that allowed people to just not be particularly wedded to the stakeholder group that they're from, but to be able to speak as an individual, to find the points that were really, really important.

Because sometimes when you're being spoken -- when you're speaking as a member of a group, a stakeholder group, a particular group, you tend to be very wedded to the position, the official position of that group. But once you're in a space where you feel free to speak and it's a space where you're not being -- defending any one position and you're all together, which is one thing I noticed, that we're all together looking for a solution to a problem that has opinion very thorny, that we were able to step back from those preconceived notions and go forward on a kind of intellectual quest for interesting and innovative solutions or options or approaches.

And during the process, one of the things I noticed about that is that there are many people who honestly I couldn't tell you until I look back who is government, who is private sector, and who is civil society. Because the positions that you normally would expect, say the government representatives tend to have a particular position in the WSIS, at least from what I have seen, and the private sector have a position that they follow and civil society has another position, when we were talking about the issues, sometimes -- like I, for one, was sometimes with governments when we were talking about things that were dealing with Caribbean issues. I wouldn't be on the civil society group because my government, my country representation felt stronger at that point. Or when we were talking about intellectual property, I tended to stand more with the private sector and not with the -- you know what I mean. Because on every issue, one has different -- none of us come in with only one affiliation. We all come in with different ones.

So I am the agenda caucus, but I also have a history with the government, I have a history with the private sector, and all of those things come into how I think about an issue. And I think that was one of the things that came out a lot in this group; that we didn't all stick to the preconceived notions that we tend to have.

WOLFGANG KLEINWAECHTER:

I think this is an interesting point you note, that all these restatements are all in the same line. While we were different, you know, we have a nice climate, we have benefited from the interaction, and let's move forward. It's a fine way.

But on the other hand, you know, the different stakeholders have not only different roles to play and have the different functions. They represent, also different interests.

And interestingly, it was Willy who referred to that we have to agree to disagree sometimes, and different positions of that.

That means where are the differences based on the experience in WGIG.

Is it more or less, you know, difference in the forum or difference in the substance and does it help if you have such a climate than to bridge substantial differences and to find the middle of the road, the 50 or 60% consensus?

And let me add another point here. Because one observation which I made was that, indeed, there is a conflict of -- or a potential conflict of different cultures.

You know, Jovan has remembered us on the thousands of E-mails. And when I would have grouped the E-mails into the three baskets, then I would say there are 80% coming from civil society, probably, you know, 15% from the private sector, and only 5% E-mail from governments.

So that means this is a different culture how to make use of this new technology by talking about the future of this new technology. And insofar I would be interested also in Willy's response to that.

Do you see this confrontation of two different discussion cultures on the list server on the one hand and the negotiation group on the other hand, Do you see a conflict, or is this an enrichment which brings us further together?

And how do you see in the future the conflicts between the different stakeholders on the basis of the good climate which was achieved in the WGIG process?

WILLY JENSEN:

Wolfgang, it's a good question. First of all, the fact that there were only 5% E-mails from the governments does not mean that we are not used to communicate electronically. It means, whether you believe it or not, that we had other things to do as well.

(Laughter.)

WILLY JENSEN:

And I think Ayesha's point about seconding people more or less full time is not a joke. It's real. And I think what saved me -- and I really tried consciously to read all E-mails. What saved me was that 70% of them were almost sort of private and joking E-mails.

When Jacqueline's hurricanes passed the Caribbean, we were sort of following this hurricane meter for meter. And that was 100 E-mails in itself. So not all of these 3- or 4,000 E-mails were equally important and substantial.

No, really, Wolfgang, I think that there is no cultural working habit bridge between government and nongovernment in that sense. But it has to do with the time one could invest every day in this work. And I think that is a lesson we should look at for the next time.

I suppose we will further go into what can be improved. But I could already now flag that -- what should be better next time. But I don't really know how is the balance, the intensity by which the different groups could participate.

I don't think that there are deep, substantial conflicts on the table. Of course, there are disagreements. But not really substantial conflicts.

The main difference was -- in the group was the -- related to the volume of work we could put in. And I mean, for me, I would have liked to see more industrial -- louder industrial voices, several voices.

I would have liked to see from governments spending more time and participate a bit more actively than we did. But on the other hand, the result was good. And we are not -- we are capable of dealing with this 80% input from civil society. So it was all (inaudible). Thank you.

WOLFGANG KLEINWAECHTER:

I have -- like you said, there have been no substantial conflicts, which sounds that at the end of the day, you know, if we sit together and talk long enough, we find easily a consensus.

Would you agree that there are no substantial conflicts?

And what would your idea about further improvement of this trilateral mechanism in that group?

AYESHA HASSAN:

I think -- I can see what Willy is trying to convey in terms of no substantial differences.

One of the things this group was able to do is keep pushing the barriers of understanding about perspectives and priorities regarding substantial issues, as I mentioned before, to understand better what was behind it.

Because often, if we had the right expertise, the right voices from the different constituencies helping us to understand what happens if you treat X subject in X way, or what happens if X, Y, Z regulatory framework is imposed, by understanding that, we all can come to a better understanding of what it is would work best for all of the common interests.

Reaching a consensus by spending more time together, you know, that's a possibility. I would not say that it's out of the realm. I think it's the kind of time that you spend together, it's the way in which you're interacting and the way in which you're sharing information and the honesty in terms of direct communication.

The less posturing, the more honest discussion, the better understanding, the better possibility there is for reaching some kind of a rough consensus or compromise that works.

So -- and in terms of improvement on the communications or improving this group further, another thought that came to mind was, we were working with many online tools and we were really using the communication tools that we had, and the in-person opportunities that we had.

But what we didn't have, which it's a resource issue, is the capacity to allow people to speak in their native language, not only speak, but also write.

And I think that that may have been an obstacle to certain members of the WGIG in terms of their comfort level to participate more than they did. Thank you.

WOLFGANG KLEINWAECHTER:

Jacqueline, you told us that you have had different hats in the past and have the understanding, you know, from different perspectives, working together with different stakeholders.

Speaking about, you know, the -- let's say the problems in the cooperation or interaction between civil society, private sector, and governments, where do you see after the experiences of the working group of Internet governance the main problems from the civil society perspective in cooperation -- in cooperating with private sector and governments and what you would propose to improve the relationships to these two other stakeholder groups?

JACQUELINE MORRIS:

Well, one of the things that I did notice between the WSIS process that I was involved in -- only from 2003, though -- and the WGIG process is something that Ayesha was starting on, I would add into your list of things, respect that was there for everybody. Everyone in the group seemed to be respected by everyone else.

And that is something that I didn't feel in Geneva in 2003 that civil society had from everyone, which, of course, to me, made it feel -- it makes -- well, I can't say for the whole of civil society, but I can say that for me, when I was here in Geneva in 2003 and feeling a lot of people going, "Oh, well, they're civil society," you kind of get an aggression to get your point across.

And that does not make it easy for everybody to understand everyone else.

So if we have a group, a space in which there is that mutual respect, where people understand that you are there for a particular reason and you're there because you have something to offer, then it's more likely that everyone will talk on a level where we can listen to each other, because once there's that aggression, defensiveness stuff going on, then nobody is listening and you don't hear where people are coming from, and, as you were saying, Ayesha, the "why."

And sometimes you will say, "This is the position." And if you find out why that is the position, then you may say that may not necessarily need to be your position in order to get what you want. But people often don't say what they want; they say what they think they want.

WOLFGANG KLEINWAECHTER:

It's interesting. And Willy will reply.

But before I give him the floor, I want to encourage you to make contributions and to, in particular, from one member of the Working Group on Internet Governance, to give us your observation how you have seen the process of multistakeholderism in WGIG from the edges, observing what the WGIG has done and what your evaluation.

Do you agree with this positive evaluation of the experience or do you have another impression?

But, Willy, you wanted to reply to Jacqueline.

WILLY JENSEN:

Well, not really to Jacqueline, though I must say I'm surprised that what you said was not what you meant.

(Laughter.)

WILLY JENSEN:

No, no. To more serious contribution, Wolfgang, you asked a couple of moments ago about the conflicts. And, you know, thinking back to the process, there were apparently not many conflicts.

If there was a conflict, then there is this conflict that still is there. And that's between those who don't want any change and those who want a change. And that is a complex thing. That has nothing -- not very much to do with conservatism or radicalism. It may have something to do with civil society and government, because perhaps government feel that the balance is not yet right.

But that was the conflict line between those who wanted some changes, big or small, and those who really didn't see the need for any change.

Concerning improvements and then going back to Ayesha's point about being seconded, I think the next working group, in which -- whatever theme, one should try to get a similar diversity among the participants, but somehow ask or require these participants to reorganize their lives a little bit.

I think the -- maybe the biggest mistake -- maybe -- and that has to do with resources, was the concern about the languages. The fact that everything went on in English and Markus was kind enough to offer some practical help for our French friend, or French-speaking friend, that helped to some extent.

But I'm sorry, Markus, I almost felt better that we couldn't do better for him and perhaps for other non-English speaking friends as well. So I think that was perhaps the single one major issue where we should have improved matters. Okay.

WOLFGANG KLEINWAECHTER:

Okay. Are there any interventions from the audience? Okay. There's an intervention. Paul.

PAUL TWOMEY:

Thank you, Wolfgang. Paul Twomey is my name. I'm the CEO and president of ICANN. I just wanted to take this opportunity to both on behalf of ICANN, but particularly personally just to thank the activities and the efforts of the working group. I know that's the usual sort of diplomatic speak and every speech in this town starts with that paragraph. But I think in this case I'd particularly like to make it and stress it.

I think it was a very interesting and productive process to bring together people of such a diverse background. We certainly would not describe them, to pick up from Nitin's

comment this morning, we certainly wouldn't think of them as 40 thieves. His joke about Ali Baba.

The -- I think the diversity of the group, I think the strength and the obvious passion of the discussions, I think the variety of positions that were discussed I think was all exceptionally healthy.

We are certainly pleased by a number of things we've seen come through in the report, more in the lines that I think we're in a different space of discussion than we were at the end of WSIS stage 1.

Nitin last year when he first took up the role -- actually in March last year, said to me something, which was that 90% of the value of U.N. processes is educational. I don't know whether it's 90% of the value of this report. I think there's more than -- more than 10% in terms of content. But I do think the educational aspects of people understanding different positions has been very valuable.

We have been very pleased to participate as we have. And we look forward to the ongoing discussion.

And I just wanted to finally thank both the chair and particularly the Secretariat for the kind work they have done, but particularly to the members, because I think as volunteers, as individuals who have put a lot of your time and passion into this, I think you've added a lot of value to the community.

WOLFGANG KLEINWAECHTER:

Thank you very much. Marilyn Cade.

MARILYN CADE:

Thank you. And I would like to also comment on something that I heard discussed and add a word of caution from others in the business community about the idea of secondment. I know it is ideal to have secondment when you're focused on a work program.

I commend all of the hard work that you all did, particularly since you didn't have that, and you had your day jobs to attend to. But I would just point out that there are many, many businesses with executive or technical expertise or experts that would not be able to put someone forward if it meant a three-month or ten-month or two-month assignment.

So you must think about, if you decide to go that route, you may find that a government agency isn't able to give you the expert, or even civil society can't give you the expert you need, or business can't.

At the same time, you know, perhaps you could look at other ways of working by working for a week at a time, but less frequent meetings, or other kinds of things of that nature.

But I just wanted to both commend you for your dedication in working without that benefit, but note that there may be other considerations.

WOLFGANG KLEINWAECHTER:

Raul.

RAUL ECHEBERRIA:

Thank you, Wolfgang. Just as I mentioned this morning, I think that the WGIG process was fantastic. In addition to the results and the quality of the report, I'm not going to evaluate it, but I think others have to, but I think that the experience was a very good one, and the type of exchange we had between people from different sectors, people of different languages and cultures, was excellent.

When we discussed very crucial issues, still, we didn't lose the rules of cordial discussion and good relations.

And this leads me to a paragraph in the background report. There was a paragraph that discussed what would be the pillars of a governance system of the future.

I think that at this juncture, my personal view is that this is a multistakeholder approach. That would be the basis of governance. There's no restriction that could be applied to issues that have to do with Internet or an information society. And I think this experience is very valuable. Things can be improved.

Everything has to do with trust placed in representatives of other sectors. And I think that this is a gymnastics exercise, and we need to continue to improve systems that are the basis of future Internet governance systems in various areas.

With respect to specific areas, I would like to mention something included in the report under "roles and responsibilities."

And that's the importance of the community mentioned today by Chairman Desai, the importance of the academic and technical communities in the development and administration of systems that have to do with how Internet operates.

And that's a challenge before us, in particular, for me. I belong to an organization that's difficult sometimes to classify it among the three sectors, just like many other organizations that have a relevant role in Internet.

But when looking at the filter of three sectors, it's very difficult to know whether we belong to the civil society or the private sector. And this is something that has to be borne in mind.

There is the importance of the contribution of sectors that have to do more with the academic sector and with technical areas. And they have sections among themselves and sectors connected with the three sectors that have been mentioned. And this is a challenge for us and a challenge for the other stakeholders.

We need to find the best channels for participation in a subject that we have all agreed upon by consensus as the basis for the multistakeholder approach. And we need to benefit from everyone's opinion in this area. Thank you.

WOLFGANG KLEINWAECHTER:

Thank you, Raul. You know, listening to all these positive statements, my feeling is that we know that the Internet is a system of collaboration. Probably Internet governance is a system

of communication. And communication helps to settle the issues. But probably there are some more controversial statements.

We have one gentleman in the back, and then Bill Drake. And then you, the next three speakers. Please take the floor, sir.

BORIS ENGELSON:

Yes. I don't know if -- I may have my views, I don't know in which capacity. My name is BORIS Engelson. I am just a local journalist freelance, but I have been attending all meetings in Geneva since PrepCom 1.

I used to claim I represent the "et cetera" that is all the stakeholders which do not belong to the official catalogue. I was wondering how I would start my intervention. But the gentleman from ICANN gave me the direction.

He said that in this city, all interventions have to start with some kind of congratulations and statement of consensus. So I am not going to, because Wolfgang knows I always disagree with everything, and especially the basics.

I am a very lucky man, because I have few ideas. Basically, I have one. But it is a nonconsensual idea, so it never gets into the record. So I can start always with the same idea, and it always sounds like a novel idea.

What is this idea? Among you -- and maybe this is the reason there is so little conflict between you -- there's a common assumption that de facto government of the Internet is ICANN.

And my view is that the de facto government of Internet governance is Google. And it is not just a matter of the name. Depending which approach you have, the implications are completely different. If you think that the de facto government of the Internet is Google, then the basic issues are:

Is Google legitimate? Is Google classification on access to information content understandable and does it give fair access.

What should we think of the initiative of Google concerning inputting 20 million books on the net?

What is the role of libraries in this process?

What is the respective legitimacy of search engines versus libraries?

Why are libraries silent?

What is the role of the publishing industry?

Why don't we try to have the publishing industry having a classification system so that each document on electronic format can be rationally classifiable.

What should scientific documents, journal documents, and commercial documents be labeled differently?

How should we deal with picture, et cetera, et cetera.

These are very crucial issues. To me, this issue is much more significant in terms of Internet governance than all the different issues which -- directions and technical issues, which you have been dealing with. I have been repeating that every time. Maybe I am wrong. But since I don't want to keep silent when I disagree, I restate my statements. So it was short.

WOLFGANG KLEINWAECHTER:

Thank you very much. And this time, your statement will go into the records and will remain forever on the WGIG Web site, so you can refer to your own intervention.

And I think your statement makes clear that there will be never an end of the discussion, and we will be confronted with new problems.

And as Chairman Desai said this morning, five years ago, you know, the results of this group would have been totally different. And so in five years, we will have a different agenda.

But to go from now to the year 2010, you know, the report can help us to move forward by having identified a number of issues. And one of them is certainly the search engines. Only a very short comment directed to this.

Otherwise, I would go to Bill Drake and give him the floor.

BORIS ENGELSON:

No, I just mean that even the notions you are referring to, like access, multiculturalism, it makes sense only if you have a cultural diversity. Even in English, the issue of multiculturalism is not only to translate the content. If you don't have cultural diversity, even in English, because there is no rational approach to Internet content, there will be no cultural diversity in any language.

WOLFGANG KLEINWAECHTER:

All of this goes into the record. Bill.

WILLIAM DRAKE:

Thank you. Thank you, Wolfgang. I just want to make two points that I think are -- I've enjoyed the conversation, and it brings back some memories. And we all have our perceptions of these things.

My perception, Willy was actually that most of those 2,000 E-mails were pretty substantive and not so much of them were goofing around. And I thought that that was actually quite extraordinary, the character of the debate that was had.

But my first point would be, I guess, that there's multistakeholderism and there's multistakeholderism. You know, in the WSIS process, we've called this multistakeholder. But what it's meant is primarily the governments talking, with the observers having some

small slices of time to make statements in plenary sessions and so on. This was a pure level multistakeholder process.

That is, in the evolution of the global policy processes around information communication technology that I've been around for 20 years, pretty extraordinary. I've never seen anything like that.

And it really did mean that rather than doing what often happens in intergovernmental settings where people read out statements of positions and then sit back and then have to try to figure out how to square those circles, this was all about persuasion.

It was -- people really took the time to talk through issues and to press each other to justify, explain, rationalize, and so on. And it was, I think, quite extraordinary in that sense. There was an incredible amount, I thought, of collective learning that went on there that, inter alia, resulted, in my view, in some shifting in positions.

I -- you know, if I look over the course of the WGIG process and the WSIS process as well during the same period, some of the positions that some players had at the front end of that are not where they are now. And I think that this mattered in that context, then.

So I think that it's very significant and it's a model that I hope, going forward, we can use in other environments, whether it's figuring out what a forum might look like or the actual conduct of a forum, should one be established, or anything else.

Because in this environment, where so much of the technical expertise and involvement is in the private sector and civil society, it seems very appropriate that -- Karen's causing trouble for me.

She's appropriated my water -- I think it's very appropriate that we look at scaling that kind of model.

The other point I would just make, though, is that it's very unfortunate, in my view, that this character of the WGIG process is not well understood outside.

If you've read the press coverage about WGIG over the past nine months, and particularly a lot of the coverage that's coming out now on some of the Web sites, et cetera, about the report, it is constantly the same -- particularly from certain intellectual or political bent kind of journalists, I guess you would say, there's this constant drumbeat of the U.N. wants to do this, the U.N. wants to take over, et cetera.

Somebody just sent me the most appalling article I've seen in quite some time about the WGIG report called, "remember Srebrenica", in which it argues that because the U.N. didn't stop the massacre in Srebrenica, it should have nothing to do with the Internet. And you read these kinds of things, and there's a lot of this kind of stuff being said. And the perception out there is that the WGIG process was this purely intergovernmental thing. And it was not.

And I hope we can find a way to convey more effectively to people in the wider world who have not been engaged in this process what has been achieved by doing this and why it's unique and why it's something that should give the kinds of recommendations that we've made and the analysis we've put forward a little bit more credibility and legitimacy more broadly. Thank you.

WOLFGANG KLEINWAECHTER:

Let me add here a personal comment. While I fully agree that communication leads to change, and one change that I have experienced is that in the process of communication, a lot of debate became de-ideologized and practical standards oriented.

And the phenomenon we see now is that people who have been not part of this process trying to re-ideologize the debate. And I think this could be a problem for the future, you know, how to make clear that substance comes first and not ideology comes first. I think you, sir.

PATRICK KALAS:

Thank you very much. My name is Patrick Kalas. I was introduced earlier by Jovan. I'm actually performing the research product on the working group on Internet Governance.

And it's not an intervention but rather an encouragement at this point, and the introduction couldn't have been better by the previous interventionist. And I want to encourage all the WGIG members, during your stay here in Geneva, to hopefully give me a few minutes of your time. We've devised a systematic structure of investigating the multistakeholder partnership at this level. And a few WGIG members have already kindly agreed to sit down with me during these two days -- two, three days, and talk a little bit more about their experiences. And I was pleased that during this session I already heard how honestly you were talking about your experiences of the process. And as a second encouragement, to really get at the bottom of this, what made the process work, we've designed an online survey which the results of both of this will be presented at the Tunis phase of the WSIS process. And I would just encourage you and thank you for letting me advertise my work here.

Thank you.

WOLFGANG KLEINWAECHTER:

Thank you very much. You are welcome. And this goes also into the record. And Adam and then Izumi.

ADAM PEAKE:

Thank you. I am Adam Peake. I'm one of the -- the other co-coordinator of the civil society internet governance caucus. I would like to continue the question format and ask you, all of you panelists, a question, if I may. And it's really with what I think is the obvious success of the WGIG and the acknowledged positive role of the nongovernmental partners. I think that should give us confidence that multistakeholder processes can and do work.

I think we also know that traditional modalities can be quite limiting. We've seen that sometimes in the PrepComs.

So WGIG shows us that the private sector and the civil society are here to help. We can provide expertise, and we are committed to the process.

So with that, how would you like to see the lessons of WGIG carried forward from here. Specifically, what changes would you like to make to the intergovernmental process for continuing work on these issues from now on?

So what can we take from WGIG to work better together on an ongoing basis?

WOLFGANG KLEINWAECHTER:

I will give the three panelists time to think about the answer, and Izumi can fill the gap.

IZUMI AIZU:

Thank you, Wolfgang. My name is Izumi Aizu, again, and I am with the civil society caucus and at the same time the Internet Governance Task Force which are not necessarily fully civil society but more of the Internet community and the Internet technical community. So you may be confused, but as Jacqueline said, we have multiple hats and one is sometimes for work and one is for more OF the personal individual commitment.

But setting aside, I have one sort of question following what Adam and others may have said already.

What are the lessons you can take -- to bring to the fore to the next process about the participation of mostly the civil society and perhaps the private sector.

But I see that still the vast, more participation from the north and the west than from the south and from the east.

I have been to Iran, Kuala Lumpur for the past month, or even less than so, and Singapore, and I will be going to Tunisia at the end of August all on Internet Governance. And they are very interested in what's going on. They would like to participate more, but as they don't have, sometimes, means or organized sort of attempts and stuff like that, especially from the civil society, it's very difficult to have a meaningful participation, which itself is our subject from in the beginning.

I haven't really seen any concrete measures to support these participations in the WGIG report yet. I think it's a left-out challenge that we all have to face. But I still do like to know what element have you discussed and would like to really push it? Do you really want to say all the bodies like ICANN, ITU, these sort of governing mechanisms to make self-effort of, you know -- including funding areas, or to have some kind of outside sort of subsidies from foundations or the governments collectively? Unless you have some meaningful measures, it's very, very difficult to achieve the ideals, working principles into practices.

So I'd like to hear what kind of lessons you'd like to offer with us.

WOLFGANG KLEINWAECHTER:

Thank you. The question is a little bit bigger. Who wants to start? Ladies first.

AYESHA HASSAN:

Thank you. I'd be pleased to address Adam's question. I think we're at a critical juncture ahead of PrepCom 3, and it would be very useful to build on the momentum of the WGIG

work and process and the outcome in terms of ensuring that the work to communicate before PrepCom 3, both in terms of any kind of consultations as well as written exchange and comment processes should be very -- should include all stakeholders.

And in terms of the PrepCom 3 process, we would hope to see a continued full inclusion of business and civil society and all stakeholders together to ensure that the expertise on these issues is not lost from the WGIG process. As Wolfgang pointed out, a lot of progress has been made in terms of understanding the various viewpoints on the issues, and perhaps by building on both the written work as well as the different expertise that has been built up, both through consultations as well as within the WGIG group, during PrepCom 3 would be a positive. Thank you.

WOLFGANG KLEINWAECHTER:

Okay. Jacqueline.

JACQUELINE MORRIS:

For Adam's question, I think I tend to go a little wild sometimes. Rather than say, okay, we have the plenary and we have our 15 minutes and so forth, I really don't see why we can't have -- somebody can think about this -- civil society and the private sector functioning in the meetings as members, and understand that governments are the ones who vote and who negotiate. But if we have members of the private sector and civil society who are useful, who can add to the discussion, then why can't -- why do those people have to be restricted to sharing 15 minutes at the beginning or the end of the session, at which point we are not very useful because the session is already done. Most of the time we talk at the end and the sessions are already done. And that's not really that helpful.

But if we can talk at a point when it is useful to make an intervention, then maybe the president of the PrepCom or maybe the -- on the subcommittees, the chair people of the subcommittees can know who is available and what expertise they have and say, okay, if you are willing to talk at a particular point, then they can call on Adam, Izumi, Ayesha, whoever is available to say, hey, do you have a particular point to make on this issue? Rather than -- I understand it's a problem with people making it into a bazaar and free for all. But I don't see what they have to lose by allowing us to talk like humans.

WOLFGANG KLEINWAECHTER:

I think it's good that we have the ladies first because an additional (inaudible).

WILLY JENSEN:

I needed some time to think.
There is still not much to add to what Jacqueline just said. I cannot either understand why we, in important international processes, cannot allow for more time and more participation from, say, nongovernmental sectors. Really.

But at the same time I don't, sort of, understand maybe the implications of Adam's question. Because it sounds as if there is a battle between civil society and governments. Of course there is no battle between civil society and governments. In fact, governments are also governing civil society.

So this -- this misconception of this conflict is -- I know it's there, and therefore, it's so real we have to handle it. But I don't think it is a necessary situation. So by all means.

But there was another thing I felt very strongly for, and that was the comment from our Japanese friend about the geographical --

(Music playing)

(Laughter.)

WILLY JENSEN:

-- About the -- is it Wolfgang's?

(Laughter.)

WILLY JENSEN:

Because I feel that it is perhaps more important that we make a good balanced distribution between -- between the various reasons of the world, because -- the various cultures of the world, then between the civil society and the rest.

I think that is much, much more important. And if you allow me, I want to stress again the fact that the good atmosphere and all the entertainment we had, entertainment in positive sense, entertainment we had in the WGIG was the fact that there were 40 people were very different sorts of multidimensional differences.

And as Jacqueline just also said just now, we rarely felt that there is civil society speak or that it's industry speaking or government speaking. And I think that was a very crucial point for the progress we made in the group.

So by all means, I think the point about better regional, political, geographical distribution is very, very important. Thank you.

WOLFGANG KLEINWAECHTER:

Thank you, Willy. Those are very encouraging words, and I hope that this message will go over beyond Geneva and to New York, because what I see is that our experiences here could become, in the years ahead, part of the bigger reform of the United Nations.

But our Indian colleague has already asked for the floor, and then Bertrand de la Chapelle.

INDIA:

Thank you, chair. Certainly the last nine months when we had this sporadic opportunity to view the working of the Working Group on Internet Governance from the side, from the margins, as it were, was very educative.

It was also an opportunity for us to learn how alternative systems can make useful contributions to what was, certainly till a few decades back, seen essentially as an intergovernmental function.

We all recognize that issues, especially issues that are complex, require much greater deliberation and from more than just governments. And that is one thing that certainly highlighted the WGIG process.

However, let me be a little provocative and ask, if the root of the issue before us was, in a sense, legitimacy, then we must ask ourselves when we are discussing a medium such as the Internet, which touches the lives of many more people than virtually anything one can think of, certainly if one goes by the figures that one reads, we are looking at hundreds of millions of people. The question then naturally arises as to who represents these people? Especially in a democratic setup, you have a pre-identified representatives of people in the form of governments. The problem of course is that representatives of governments are not usually well informed on most issues on which they are required to take a position. Which is why the rule of civil society, at least in the form of experts, is always welcome.

But when we look at something like the Internet, where the constituency is far, far larger than any group of civil society representatives can claim to represent, we must ask the question, are we not risking capture of the process by a few -- a few well-organized people with very clear perspectives? Often, at least in theory, possible that the alternative perspectives which are equally deserving of attention get blocked out because the more knowledgeable, the more organized find representation in bodies like these.

So what you have is a situation where not only is the fundamental asymmetry between developing countries and developed countries there, which inevitably leads to situations where the outcome reflects more the interest of developed countries vis-a-vis developing countries, but you have that situation greatly exacerbated by representatives of civil society and representatives of the private sector who come and, in the name of speaking for this larger constituency, propound or put forward viewpoints which do not, for the most part, represent the views of the millions, perhaps even billions in developing countries whose viewpoints are scarcely heard in this forum.

So we have this question of legitimacy which perhaps was at the root of this process that got started after the first summit, perennially annoying as to whether this question of legitimacy is resolved by having a process like this.

And I think in a way, in a way only, it is -- it is resolved perhaps partly satisfactorily because the first step in understanding a process -- in addressing a process, is in understanding it.

And I think as I noted earlier, representatives of governments are usually not very well informed about issues, and I think someone who represents civil society or an industry group is usually much more informed and they educate us about the issues that are involved.

However, there is, as I said, always this fear of capture. Capture of a process by different groups.

And my concern is that should these viewpoints continue to be articulated and should the other elements, non-government elements, continue to demand a sort of equal say in the process, -- for example, in the WSIS -- and perhaps even later, then what we could find, what we could find is that the viewpoint of dominant groups and dominant classes prevailing over the vast majority of those who not feel sufficiently well equipped or do not have the opportunity to express their viewpoints.

So we need to remember that when there are a billion users -- I don't know if that's a correct number -- that when you have a billion users of the Internet and certainly. Us interact with the Internet several times a day so we can all claim to be regular users, that only those who spend long hours on the Internet, those who understand its technical intricacies, somehow have a better claim to speak on behalf of the larger community outside of governments. I think that is basically a wrong way to approach it.

We must recognize that civil society is -- has an important contribution, but that civil society must recognize the limitations of its authority, must recognize the limitations of its legitimacy. And that is why, to the extent that they provide expertise, their views certainly are welcome. But it should never be confused with a claim that they represent a much larger audience than do governments, who indeed, if any, have a much better claim to validate the legitimacy that is perhaps lacking in the current process in which civil society and industry no doubt had a much greater role than governments, per se.

So if it is legitimacy that we are after, then it's perhaps time for civil society and industry groups, having provided the expertise, having helped in our understanding, to stand aside and leave it to governments on the basis of that understanding to form -- to formulate something which governments, in their wisdom, feel would be a fair, more equitable, and more legitimate basis for Internet Governance. Thank you.

WOLFGANG KLEINWAECHTER:

Thank you very much. And by the way, you know, in the group we had a long discussion about the sources of legitimacy and of relationship between representative democracy and participative democracy, and I'm very curious to see the reaction of the three panelists here to your question in particular to the questions of legitimacy, risk of capture, and comprehensive representation or balanced representation of interests of, let's say, all groups on the Internet.

And I ask that we hear first the direct reactions from the three panelists and then to listen to your intervention. Who wants to start?

JACQUELINE MORRIS:

There's a lot to go for there. As a person from a developing country, one that most people really don't pay attention to given that we only have one million people, and that is highly underrepresented in almost all of these processes, one, to Izumi's question, I would really say that use of the Internet in this particular process has been very, very important to allow a lot more of us to find out about it, to access it, because we really don't get to come to Geneva. We're not necessarily part of the whole -- not even the civil society, NGO root that people tend to have.

And that is one way, I think that, we can work on getting more people who are not currently in the process involved in the process, to use the tools that we have, the Internet tools.

With regard to the other part, one of the things that I have noticed is that -- I was thinking about this a while ago -- governments were formed in a particular environment. Right now, I belong to -- I belong to a country, I voted for a government, but then I also belong to a lot of constituencies and groupings that are cross border that are small in my country or in any country so they are not necessarily listened to or represented by the government of that

country of but we get together across borders on the Internet, across groups. And there are organizations that we create that basically represent us as a grouping.

So that is definitely a thing that would be legitimate. I don't think that civil society can say that any particular Internet-based civil society group can say that they represent more people than a government does. But then, of course, there are also governments where -- in my case, again -- half of my country does not believe the government represents them because the government won by one seat. I think it was something like a thousand people. And there was a very diverse -- you know, very controversial election.

But -- so there are many, many people who do not believe that the government of my country represents them, and they would argue with you on that, sir.

But I don't think that -- I agree that the governments at this time are the ones that have to make the decision. But I don't think that we, the civil society and the private sector, should be along the lines of create a report, hand it over to the governments, and then let the governments discuss, because there are times during our discussions that I think that intervention from a different perspective would help in moving it along. End.

WOLFGANG KLEINWAECHTER:

Okay. Ayesha. Legitimacy of the private sector.

AYESHA HASSAN:

Well, first of all, what I wanted to say was that I think that this gives us an opportunity to emphasize the importance of consultations at the national and regional levels. I think that all stakeholder groups face the same problems of resources in terms of getting every single sector, every single size of company, every single geography represented in the room for PrepCom meetings. So in turn, consultations, some governments we know consult with their business communities, have ongoing meetings, have ongoing dialogues, draw upon the expertise and get the problems, you know, from their business community and actually work with them.

Others don't.

And so that's something that I think this whole process has highlighted, is a very useful dialogue to continue to build at a national level.

Secondly, I think I have said this in many interventions throughout the process, but I think it's worth underscoring that part of the reason the business group and the WSIS process organized itself in the way that it is with a number of organizations that represent businesses, whether sector specific or geography specific, being part of the CCBI group as well as the ICC network, was to pull together all of our online networks to enable us to give an opportunity to business communities and business representatives around the world to feed into the process. Is it perfect? No. But no process is perfect. This whole process has encouraged us to help motivate at a national level the business communities and the various companies and different sectors. And we look forward to continuing to work in that way. Thank you.

WOLFGANG KLEINWAECHTER:

Willy.

WILLY JENSEN:

Clearly, the basic legitimacy is with the government of a state and is associated with the sovereignty. I don't think there can be any doubt about that. However, even if the government is well educated in a certain matter like Internet Governance, even if the government has its own expertise, they should take the little time needed to discuss with other groupings of that state or of an international scene.

I cannot see what we -- what we, the governments, could lose by doing that. It is a win-win case. It may take a week extra, but so what?

I share our -- my Indian colleagues fear for this capture by the few enthusiastic English-speaking netizens. I think that is a real danger. And I think -- I'm sure that has to do with resources, it has to do with -- I don't know. It has to do with how clever one is. It has to do with time. And it has to do with the understanding of the different roles.

So I -- personally, I absolutely share that concern. I even think to some extent this matter of representativity goes further in the sense that there is a rather large group of the world's population that is hardly represented anywhere in this matter. And that are those who are not yet the Internet users, who are not yet the netizens.

And not to offend civil society, but the main message or the main affiliation of our civil society friends are, I think, within those who are the experts of Internet and who has been the users of Internet since -- I don't know, '78. Not personally. And -- but I think that is a danger.

And my interest in this story began two or three years ago when I realized that everybody speaking about Internet Governance are the Internet users. Who speaks for those who are not yet the Internet users.

And for me that is definitely a responsibility of the governments, because the governments have the legitimacy of the whole population. Thank you.

WOLFGANG KLEINWAECHTER:

One big barrier against capture is certainly openness and transparency, and now we move to the end of the session. I have still Bertrand and Brazil on the list, and Alejandro.

I would ask you to reduce your statement, you know, to one minute and 30 seconds. To be as brief as possible, because between your intervention and -- after your intervention we will have the cocktail and some people are ready to go and we want that everybody is still here in the room and can listen to your statements. Bertrand.

BERTRAND DE LA CHAPELLE:

Thank you, Wolfgang. I think the WGIG has demonstrated more than we ever expected the benefits of getting the different stakeholders around the table, because it allows to paint a complete picture on a given issue. Aggregating the different viewpoints. This is the main benefit, knowing what are the different facets of a problem.

I will not get into the details of the issue raised by our distinguished colleague from India because it is the re-opening of a debate which we'll have the whole PrepCom 3 to address, which is an interesting and important question.

Still, I just would like to note one thing, is I don't think any member of a civil society organization or private sector organization, for that matter, has ever pretended to represent that much people. I think the role of civil society organizations and private sector actors is mostly to guarantee the representation of viewpoints and the diversity of interests.

In the ultimate situation,.

(No audio).

Getting beyond the mere majority rule is very important.

I want to stop on that issue, but it is a very, very important issue, and the question of representation and representativity is coming again and again, and I think the WGIG has demonstrated that if we set that aside for a minute and just address the key question, which is how can we get the stakeholders to contribute to a solution of a problem, then we find a solution to the legitimacy problem which is, is legitimate what provides a solution?

But beyond that, I just wanted to raise two additional -- or three additional questions, just the lines, following the work of the WGIG, and ask maybe the members of the panel to not necessarily reply, but to keep that in mind for further discussions.

The first thing is, whatever multistakeholder process will be put in place, it will raise issues of common concern or interest.

How will the different stakeholders be selected or aggregated around a given issue?

How can you select who should be around the table or not within the different constituencies?

The second point is, in terms of the functioning of the WGIG, what kind of improvement can be made on one of the elements that can still move further, which is the articulation between the internal group and the external environment?

It worked already very well. Don't misunderstand me. But there's probably additional steps that can be made. And I think it's a space worth exploring.

And the last point is related to what Ayesha was mentioning earlier. How much of the experience of the WGIG can be transposed into the so-called national steering groups that are going -- or that are recommended?

And how many governments today have already attempted to establish that kind of national entities to follow Internet governance issues? Thank you.

WOLFGANG KLEINWAECHTER:

Thank you. Brazil.

BRAZIL:

I think, Mr. Chairman, I promise to be very brief. I just want to agree and give my support to what has been said by my Indian colleague.

We do share most of his thoughts on this matter. And you can see that with the exception of our colleague, Carlos Afonso, from civil society in Brazil, there's no other Brazilian representation here. It is very expensive to be here.

And then it's easier for people from Europe, the civil society from Europe to come to Geneva than from South America. This is a good point. And this point of representation in legitimacy is of our utmost concern.

One of the ways that we use in Brazil to deal with this matter is, as our agent just explained to us, is the hearing system. The government, before deciding, we call the civil society and the business sector to participate in hearings. We collect the opinions, and then we come to a conclusion. And then that is the position, normally, foreign affairs delivers outside of Brazil.

Whenever I read something here, this has been done over consultations with our civil society, business sectors, and different members of the government. That's the way we do in Brazil.

And to conclude, this system is going to be explained tomorrow by the chairman, which is here beside me, of the Brazilian Internet steering committee. I think tomorrow morning, he will give you an in-depth analysis and explanation on how the Brazilian Internet steering committee works. And I think that this will be a good contribution for our debate here. I thank you very much.

WOLFGANG KLEINWAECHTER:

I thank you very much. Alejandro.

ALEJANDRO PISANTY:

Probably I can be very brief, Wolfgang. I think that the WGIG experience with the public consultations, with the methods that Markus very ably transposed from other communities and work experiences, with the ability to come to concrete arrangements and moving forward and continuing to beat the status quo here in the understanding that the status quo is the old telecommunications, old networks establishment, highly concentrated, with attention concentrated on transport, not content, has been changing and evolving to all of these multiple stakeholders where content is a driver, where service is a driver, and not only laying cable and ensuring service are the only measures of success.

In this perspective, one can say very briefly that one should not underestimate the Internet community.

One should not underestimate its ability to move forward, its ability to create new institutional arrangements in order to respond to changes in the technology, to the abilities that this and our society has.

 One should not underestimate the Internet community's ability to make different opinions -- people of different per situations, conflicting and opposed interests to come together and find a way to work together and move forward.

One should not underestimate the Internet community's generosity and planning and views and responsibility for the oncoming Internet users who are today not yet connected or not even born and therefore less able to be connected to the Internet.

And, finally, one basic reason why this should not be done, one should not underestimate the Internet community, because everyone in this room is a member of the Internet community.

WOLFGANG KLEINWAECHTER:

Thank you. Thank you very much. And Markus got so many compliments, so he should have the last word. But the very last word will be with His Excellency, Minister Furrer, who will speak directly after Markus.

SECRETARY KUMMER:

All I was going to say was that I take it that the Swiss delegation has an important announcement to make, and that before closing the meeting, we hope that we see as many of you as possible to the workshop tomorrow, which our Brazilian friend has already alluded to.

But let's listen to the head of the Swiss delegation.

SWITZERLAND:

Thank you very much, Mr. Chairman. And I don't want to do an anticlimax. Probably everybody guesses what comes now.

It's a big pleasure for me to invite you all for a cocktail. And I think you well deserve it. We meet just after this meeting at 6:00, which means after five minutes, five minutes ago, we meet at the restaurant Lausanne Swiss, that, if I am right, is more or less opposite the U.S. mission. So it's a pleasure to welcome you all there. Thank you.

WOLFGANG KLEINWAECHTER:

Thank you very much. I thank all the panelists. I thank you and the audience for your contribution.

And let me conclude by quoting in a creative way John Lennon, who said, "Imagine all the stakeholders living life in peace."

See you next session.

(Applause.)