

## **REPORT ON CONSULTATIONS ON ENHANCED COOPERATION**

**by  
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The Tunis phase of the World Summit on the Information Society agreed on two proposals on Internet governance – the establishment of an Internet Governance Forum (IGF) to provide a space for dialogue between stakeholders and the commencement of a “process towards enhanced cooperation”. The Secretary-General has already taken action to summon the first meeting of the IGF. With regard to the second he was required to start the process by the first quarter of 2006. This start was provided by his instruction to me, as his Special Adviser on this matter, to consult with stakeholders in order to find common ground for further action. This report gives the results of these consultations that took place over the period April to July 2006.

The consultations have included a wide range of meetings with government representatives and other stakeholder groups as well as some of the key persons involved in the negotiation that led to the outcome in Tunis. Online contributions were also received for consultation requests.

### **Background**

As a background on the Internet’s history and on how it works, I refer to the Report of the Working Group on Internet Governance (WGIG) and the Web site of the Internet Society (ISOC) and its document entitled *A Brief History of the Internet* (<http://www.isoc.org/internet/history/brief.shtml>).

The WGIG Report and ISOC’s *Brief History of the Internet* provide summaries of the origin and history of the Internet as a large number of interconnected networks, including the functioning of Internet Protocol (IP) Addresses and the Domain Name System (DNS). The DNS was created to make it easier for people to use the Internet, as it translates domain names (e.g. www.un.org) into an IP address, therefore making it unnecessary to remember the numeric addresses.

The WGIG Report identifies the administration of the DNS and IP addresses as issues relating to the management of critical Internet resources. It includes among these issues “the administration of the root server system, technical standards, peering and interconnection, telecommunications infrastructure, including innovative and convergent technologies, as well as multilingualization”<sup>1</sup>.

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<sup>1</sup> Report of the Working Group on Internet Governance, Para 13

It should be noted however that WSIS adopted a broad definition of Internet governance that goes well beyond the management of the core resources. The WGIG report made clear that “Internet governance includes more than Internet names and addresses, issues dealt with by the Internet Corporation for Assigned Names and Numbers (ICANN): it also includes other significant public policy issues, such as critical Internet resources, the security and safety of the Internet, and developmental aspects and issues pertaining to the use of the Internet.”<sup>2</sup> In particular, questions related to access and content and the use and abuse of the Internet, such as freedom of information, cybercrime and spam have come to the fore in discussions on Internet governance. An important issue that emerged from WSIS is the promotion of a multilingual Internet.

### **The Tunis Outcome on Enhanced Cooperation**

The Tunis outcome on the subject of enhanced cooperation is contained in four paragraphs of the Tunis Agenda:

68. *“We recognize that all governments should have an equal role and responsibility for international Internet governance and for ensuring the stability, security and continuity of the Internet. We also recognize the need for development of public policy by governments in consultation with all stakeholders.*

69. *We further recognize the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues.*

70. *Using relevant international organizations, such cooperation should include the development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources. In this regard, we call upon the organization’s responsibility for essential tasks associated with the Internet to help create an environment that facilitates this development of public policy principles.*

71. *The process towards enhanced cooperation, to be started by the UN Secretary-General, involving all relevant organizations by the end of the first quarter of 2006, will involve all stakeholders in their respective roles, will proceed as quickly as possible consistent with legal process, and will be responsive to innovation. Relevant organizations should commence a process towards enhanced cooperation involving all stakeholders, proceeding as quickly as possible and responsive to innovation. The same relevant organizations shall be requested to provide annual performance reports.”*

The origins of this outcome lie in the discussions during the WSIS negotiations on the involvement of other countries in the areas where at present the US government exercises some oversight functions over the institutions that manage the Internet’s core infrastructure resources. The key points of this agreed outcome are:

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<sup>2</sup> *ibid.* Para 12

- that “all governments should have an equal role and responsibility for international Internet governance”,
- that governments should do this in consultation with stakeholders,
- that such cooperation must include the development of public policy principles associated with the coordination and management of critical internet resources,
- that this should be done using relevant international organizations,
- that organizations responsible for managing the Internet should facilitate this.

### **Views expressed in the consultations**

Consultations with the representatives of countries elicited a range of views on the implications of what was agreed at Tunis. The principal difference between countries is whether the agreed language implies a new process or not. The range of views is broadly as follows:

Some governments emphasized the language about the role of governments in the “development of globally-applicable principles on public policy issues associated with the coordination and management of critical Internet resources”. In their view, some type of intergovernmental process is required.

Attention was also drawn to the main issue of how all governments can have “an equal role and responsibility” in the management of the core resources of the Internet. With regard to the modalities for doing this, several countries have suggested the Secretary-General call a meeting of country representatives to discuss how this process should be organized.

Some countries suggest starting a dialogue to fully engage all governments. First reflections could help identify relevant international public policy issues and thus, create the base for the process towards enhanced cooperation

Some other countries refer to the language asking relevant international organizations to commence a process leading to enhanced cooperation and assert that no separate process or meeting is required. They point out that the WSIS Tunis Agenda does not call for additional meetings or for further negotiations related to enhanced cooperation. Rather, in their view it is the responsibility of each stakeholder to carry out the call for enhanced cooperation, consistent with their respective roles and responsibilities. It was proposed that the Secretary- General encourage these relevant organizations to get on with the task. It might be accepted that some form of reporting to the Secretary-General could be required.

Non-governmental stakeholders insist on the involvement of all stakeholders to promote greater cooperation among existing organizations, both Intergovernmental Organizations (IGOs) and those that are private sector-led. They also hold the view that all stakeholders be involved on an equal footing in the enhanced cooperation consultation process. By implication they seem to accept that a consultation process may be required.

A matter of particular interest was the special role of governments as stakeholders and therein, the evolving role of the Government Advisory Committee (GAC) of ICANN. It was acknowledged that key issues of public policy ought to be brought to the attention of governments in the GAC in a way they can respond. The view was expressed that there was a need to give time for GAC reform to evolve.

In view of these differences, I canvassed the possibility of a virtual process that would operate through the Internet. All countries would be asked to name a focal point and they would interact with the help of a moderator. However, it was made clear that this option would not find sufficient support.

## Conclusions

In light of the continuing differences of views on what is implied by the agreed language of the Tunis Agenda on enhanced cooperation, one option would be for the Secretary-General to call an open consultation to discuss the issue. While some governments have indicated that they do not see any purpose being served by summoning a meeting right now, others have called for at least an exploratory meeting to work out a road map towards enhanced cooperation.

Some countries suggested that the process of enhanced cooperation focus on issues regarding the management of the DNS and the so-called IANA functions relating to the Internet Assigned Numbers Authority (IANA) and the United States Department of Commerce, while others take a broader view of the issues that should be covered. It was pointed out that Internet security and contingency planning for maintaining service be one of the first broader themes that should be taken up for discussion in a process for enhanced cooperation.

There are at least two processes under way which would lead to some changes in the present structure of Internet governance. One is the exercise on the reform of the GAC of ICANN and the linked discussion on the status of ICANN. The other is the negotiation of a new Memorandum of Understanding between the US Department of Commerce and ICANN.

Taking into account the differences about how to proceed with the process towards enhanced cooperation and the ongoing efforts in these directions, a prudent and possibly more fruitful course of action on this matter could proceed in the following manner:

1. Relevant organizations have been asked to “commence a process towards enhanced cooperation involving all stakeholders, proceeding as quickly as possible and responsive to innovation.” They are also required to “provide annual performance reports”.

- *The Secretary-General (through an appropriate representative) may write to all organizations involved at present in the management of core Internet resources, to report on the steps they have taken towards enhanced cooperation. The organizations relevant for Internet governance*

*include those responsible for the management of core Internet resources, such as, ICANN, ISOC/IETF, ITU, NRO and the regional Internet Registries as well as the W3C. There are also other UN agencies, such as UNESCO and WIPO, and regional organizations, such as the OECD and the Council of Europe, dealing with some broader aspects of Internet governance.*

- *The received reports should be posted on the Web with an analytical summary.*

2. A progress report on the steps taken to implement the Tunis agenda will have to be tabled in the General Assembly and ECOSOC.

- *The Secretary-General's progress report on Tunis should contain a section reporting the information received from relevant organizations and the outcome of the consultations on enhanced cooperation to urge all countries to continue the dialogue on how the process towards enhanced cooperation should be pursued. In that context, there is a possibility of an open consultation once the results from the processes that are under way would be available.*

(NITIN DESAI)  
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