UNESCO and the World Summit on the Information Society
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This report is concerned with the final summit meeting of UNESCO's World Summit on the Information Society (WSIS), November 13-18, 2005 in Tunis, Tunisia, which I attended for NCLIS as a part of the official United States Delegation.

What are UN summits? World summits are one-time conferences organized by the United Nations to address pressing global issues.[1] Preparatory meetings and follow-up processes occur over a number of years. A summit creates a window of opportunity for an important world issue that opens briefly and closes again. Summits affect policy discourse; they legitimize and validate policy concepts; they lend prestige to the issues and ideas discussed.

Why are summits held? To give global issues (e.g., global climate change; human rights; populations control; women's rights) a world stage on which to hammer out agreements. Further, the ideas and attitudes aired and agreed upon become the starting point for all further discussions. For example, it would be very difficult, after Beijing in 1995, for any world leader to *proclaim* that women are second class citizens. Some leaders may act on that retrograde idea, but they are careful to hew to the rhetoric of Beijing. The standard had been set: women's rights are human rights.

In any summit the most intense activity occurs in the preparatory phase; PrepComs and regional meetings are held to prepare for the main meeting. In the case of the World Summit on the Information Society (WSIS), it was proposed in 1998, authorized in 2001 and WSIS Phase I was held in Geneva in 2003, which I also attended. The ideas and issues endorsed in the preparatory phase become imbued with the prestige of the summit.

World summits produce statements of principles and plans of action and often they stop there—at the level of words and ideas. UN agencies have frequently implemented summit policies, but the most effective mechanism for policy implementation is often national governments. It is always easier to issue declarations than to implement them and were the subjects not serious, enduring and almost intractable, they would probably not rise to the level of a UN summit. Social change encompasses the most difficult problems and requires the most challenging adjustments. Yet summits bring to the attention of the world these very difficult problems and, in my view, are extraordinarily important for the diplomatic agreements they engender and the heightened awareness of the important issues with which they deal. In the case of WSIS, by the very nature of the Internet we can be sure WSIS ideas will not die. The continued evolution of the Internet will ensure that discussions on access to information and free flow of information will continue. Telecom ministers from many countries attended in

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[1] My discussion of UN Summits leans heavily on Hans Klein, *Understanding WSIS: An Institutional Analysis of the UN World Summit on the Information Society*, Internet & Public Policy Project, School of Public Policy, Georgia Institute of Technology, www.IP3.gatech.edu

Tunis and it is clear that WSIS will be used for further discussion within their countries. Even before the Tunis meeting, India, in preparation for WSIS, took new steps to share scientific information.

There was sharp disagreement about where WSIS should be held. Some people felt strongly that Tunisia's deplorable record on human rights should not be rewarded with the prestige and financial benefit a major conference would bring. I, myself, thought that just *because* human rights are almost non-existent in Tunisia that the meeting should be held there to expose Tunisians to free and open discussions of human rights, the world's free and open information situation and the issue of cultural diversity. Sunlight, in my opinion, can be the best medicine, even when it shines only briefly. At the end of the WSIS meeting, the U.S. Delegation offered a *Press Note* that stated, "We hope that the successful outcome of the second phase of the World Summit on the Information Society in Tunisia will provide additional incentive to the government in Tunisia to match its considerable economic and social accomplishments with comparable progress in political reform and respect for the human rights of its people." Because of the threat of terrorism while in Tunis, the U.S. delegation lived under extraordinary security precautions.

The recently concluded summit produced two major output documents: the *Tunis Commitment* and the *Tunis Agenda for the Information Society*. The documents are available at: http://www.itu.int/wsis/ The *Tunis Commitment* reaffirms the WSIS participants' support for the *Geneva Declaration of Principles* and *Plan of Action* adopted at the first phase of the WSIS in Geneva in December 2003. The second document, the *Tunis Agenda for the Information Society*, outlines the recommendations on Internet governance and the financial mechanisms for meeting the challenges of Information and Communication Technologies (ICT) for development.

Two important questions were to be decided in Tunis. The first was Internet governance; the second was cultural diversity. I had decided from both interest and knowledge that my effort would be to support our diplomats in their efforts in the field of Internet governance. Free access to information and the free flow of information is an overriding requirement for the future. Our diplomats worked hard to maintain the current Internet structure—coordinated by the Internet Corporation for Assignment of Names and Numbers (ICANN) in California, which operates based on agreements with the U.S. Department of Commerce (Commerce). The two delegates to WSIS from the Institute of Museum and Library Services (IMLS) (Nancy Weiss, IMLS General Counsel and Mary Chute, IMLS Acting Director) were concerned with access to and preservation of information and the free flow of ideas and cultural diversity. The Internet governance question emerged as the most heated, confrontational and important issue before WSIS in 2005.

Why should the management and coordination of the Internet stay the way it is? First and foremost is the fact that the system is working well. ICANN has in no way abused its power, nor has it manipulated the Domain Name System (DNS) or been unfair to other countries. Considering that the Internet is only a few decades old, I consider it a

modern miracle that the "tsunami-like" spread of the Internet has been controlled at all. Further, I believe that the ICANN Board of Directors, led by Vint Cerf, has made every effort to be fair and deal equally with all other countries (18 countries have had representatives on ICANN's Board, including some from the developing world.) The decision of Commerce to maintain its oversight function seems reasonable to me because of the enormous amount of commerce now done on the Internet and the disaster that could strike were some entity like the UN to take control of ICANN and fail in its effort to run it efficiently and fairly. The world potential for e-commerce is absolutely staggering and should, in my view, be protected.

Since the PrepCom meeting in Geneva in 2003, world opinion (except for that of a very few countries) has turned against the United States. What had been a low rumble against the U.S. role in ICANN in 2003 became a roar in 2005. Even the European Union, once a close friend of the U.S., declared just before the Tunis meeting that control of the Internet should pass to the UN. After receiving what was reported to be a strongly worded letter from Secretary of State, Condoleezza Rice, the EU arrived in Tunis with a much muted message.

Negotiation on the final document (*Tunis Agenda for the Information Society*) began on November 13, 2005. Our team from the State Department, Ambassador David Gross, Bureau of Economic and Business Affairs; Richard Beaird, U.S. Coordinator for International Communications and Information Policy in the Bureau of Economic and Business Affairs; John Schnitker, Senior Deputy Attorney, and Sally Shipman from the Office of International Communications and Information Policy, worked tirelessly for three days to "hold the line." This meant seeing that the current management of the system was maintained and that the roles of ICANN and the Department of Commerce were unchanged. The position of Commerce was greatly resented by most other countries. After three days of non-stop negotiating late into the night, our team was successful and, as of this writing, the Internet will stay with ICANN and with the U.S.

The final document of WSIS—*Tunis Agenda for the Information Society*— affirmed much and hoped much. It stated, most importantly, that "freedom of expression and the free flow if information, ideas, and knowledge are essential for the information society and beneficial to development." The digital divide between developed and developing nations has always been a concern of UNESCO. "**We underline** the importance of removing barriers to bridging the digital divide" was another important statement. The U.S. has always made *voluntary* contributions; the position of the U.S. is not to tax Information Communication Technology but to promote it. The Task Force on Financial Mechanisms (TFFM) made their report, and "[it] sets out the complexity of existing mechanisms, both private and public, which provide financing for ICTs in developing countries. It identifies areas where these could be improved and where ICTs could be given higher priority by developing countries and their development partners." The Digital Solidarity Fund begun in Geneva in 2003 continues to seek funds to promote ICT for development. It is important to understand that ICT and development are inexorably linked in these documents. In paragraph 20 of the *Tunis Agenda* it is explicitly stated "**We encourage** all governments to give appropriate priority to ICTs,

including traditional ICTs such as broadcast radio and television, in their national development strategies." In an unusually felicitous phrase, the *Tunis Agenda* "reaffirmed our commitment to turning the digital divide into digital opportunity."

Internet Governance continued to be the most important and most problematic subject of the meeting. Here I quote from the *Tunis Agenda*, "the Internet has evolved into a global facility available to the public and its governance should constitute a core issue of the Information Society agenda. The International management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism." As we left Tunis, the governance of the Internet was unchanged as was the oversight role of Commerce. Praise for ICANN is embedded in paragraph 55 of the *Tunis Agenda***: "We recognize** that the existing arrangements for Internet governance have worked effectively to make the Internet the highly robust, dynamic and geographically diverse medium that it is today, with the private sector taking the lead in day-to-day operations, and with innovation and value creation at the edges." Diplomatic language for Joan Challinor's "If it ain't broke, don't fix it" is contained in paragraph 57: "The security and stability of the Internet must be maintained." Yet the future appears in paragraph 60: "**We further recognize** that there are many cross-cutting international public policy issues that require attention and are not adequately addressed by the current mechanism," and in paragraph 67: "**We agree**, *inter alia*, to invite the UN Secretary-General to convene a new forum for multi-stakeholder policy dialogue," and in paragraph 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." In paragraph 72 the future has arrived: "**We ask the UN Secretary-General**, in an open and inclusive process, to convene, by the second quarter of 2006, a meeting of the new forum for multi-stakeholder policy dialogue—called the Internet Governance Forum (IGF)." There follow 12 instructions for this forum and 10 more paragraphs give instructions to the UN Secretary General concerning this forum.

Concerning the Forum, paragraphs 73 and 77 state "The Internet Governance Forum in its working and function will be multilateral, multi-stakeholder, democratic and transparent. The IGF would have no oversight function and would not replace existing arrangements, mechanisms, institutions or organizations, but would involve them and take advantage of their expertise. It would be constituted as a neutral, non-duplicative and non-binding process. It would have no involvement in day-to-day or technical operations of the Internet." The IGF will deal with further questions of the Internet and, to my great surprise, will meet in a very short time—late spring 2006 or summer 2006. The delegate from Greece offered a building that had been used for the Olympics as a meeting place for the Forum. It is important to realize that the IGF is "convened" and is not "established" by the UN Secretary General. This means that it has a lower standing and its deliberations do not lead to an official UNESCO agenda. The Forum can be constructive because it will allow all countries to participate and, further, it will also

provide a good opportunity for experts to come together and talk about global development of the Internet and ICTs. The IGF is particularly appropriate as a venue to discuss cyber crime, spam and other global problems.

Why does my report lean so heavily on these paragraphs? Because this is what the diplomats were coping with. There were many paragraphs in the documents to which everyone at the beginning of the meeting did not agree—paragraph by paragraph our team worked their way through the wording of all paragraphs still unagreed upon until everyone assented to the paragraph on the large screen in front of the assembled negotiation. Then "agreed" would appear after the paragraph. We then moved on to the next one, and the one after that and the one after that. Finally, after three full days of work, in a room appropriate for 150 people, but which was crammed with 500—15 minutes before the deadline—the task was completed and every one of the 122 paragraphs had "agreed" after them.

Before I left for Tunis, Elliot Siegel of the National Library of Medicine (NLM) asked me if I would stand-in for NLM and accept the World Summit Award (WSA) for the Best in Health e-Content and Creativity. The award ceremony was held in a theatre-like space in the Summit Exhibits Hall; about 200-300 people attended, including about 20 Heads of State. The WSA is a global initiative to identify high-quality e-content products and to promote the most outstanding achievements of creativity worldwide. The main aim of the WSA is to help bridge the Content Gap and narrow the Digital Divide.

Those of us accepting the award climbed onto the stage, were given the microphone and were then asked about our organizations. I had imagined such a scenario and was prepared with two sentences that explained the work of NLM. Because there were Heads of State present, I said "Along with our present efforts to improve the health of the globe through information, we should pay particular attention to women. Women are 50% of the world's population. There *is* a digital divide but it is not only between the developed and developing nations but in large measure between women and men. Until women have the same and equal access as men to Information Communication Technology and until they are as adept at using it, we will never, ever, improve the health of the globe. Women, not men, will deliver health care to the children of future generations." My words were well-received.

When the negotiations ended, the delegations moved to a large hall where all sat at a series of long tables with each country's place assigned alphabetically. Our delegates thus sat between those of the United Kingdom and Uruguay. The many Heads of State who attended WSIS spoke from a large stage and it was important that the U.S. place be fully staffed at all times. I sat and listened to many speeches by the Heads of State. The one that remains most clear in my mind was that of Dr. Vaira Vike-Freiberga, President of Latvia. She spoke movingly about the needs of all people to have access to the miracle of ICT. I am afraid to say that some Heads of State were enunciating fine-sounding words while governing countries in which human rights and free access to information are absolutely unknown. It was in this hall that President Bush's Science Advisor John

Marburger spoke; his excellent speech can be found at
http://usinfo.state.gov/gi/Archive/2005/Nov/19-134756.html

The entire U.S. delegation considers the Tunis part of the World Summit on the Information Society to be a resounding success. And they have every right to think so. The principles of free and open access to information and the free flow of information were firmly established. Further, according to Paul Uhlir, Director of International Scientific and Technical Information Programs at the National Academies in Washington, D.C., WSIS was a major step forward in science information sharing. The Internet is still safely in the hands of ICANN under the supervision of Commerce.

We should all recognize the talents necessary for diplomatic work and a rightful regard for these skills seems appropriate at this moment. We should put negotiators on an equal footing with our martial heroes; diplomats should take their place beside generals and admirals in our pantheon. The test of statesmanship is not only in the will to win, but even more in the will to build a world in which fairness and equality are part of every negotiation and, eventually, part of every citizen's rights. On all these grounds I think we can be grateful to and applaud: Ambassador David Gross, Richard Beaird, Sally Shipman and John Schnitker.