United Nations E/2009/92*

Economic and Social Council

Distr.: General
16 November 2009

Original: English

Substantive session of 2009
Geneva, 6-31 July 2009
Agenda item 13 (b)
Economic and environmental questions: science and technology for development

Enhanced cooperation on public policy issues pertaining to the Internet

Report of the Secretary-General

Summary

The General Assembly, in its resolution 63/202, requested the Secretary-General to submit to the Economic and Social Council at its substantive session of 2009, on the basis of his consultations with all relevant organizations, including international organizations, a report that might contain recommendations on how the process towards enhanced cooperation on public policy issues pertaining to the Internet should be pursued.

The present report responds to that request and seeks to take stock of steps taken to enhance cooperation and to summarize recommendations proposed by all relevant organizations on the way forward.

* Reissued for technical reasons.

09-36604* (E) 171109

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I. Background

1. The World Summit on the Information Society took place in 2003 in Geneva, and in 2005 in Tunis. The Summit adopted four outcome documents: the Geneva Declaration of Principles (see A/C.2/59/3, annex), the Geneva Plan of Action (ibid.), the Tunis Commitment (see A/60/687) and the Tunis Agenda for the Information Society (ibid.). In these documents, Internet governance, carried out according to the Geneva Declaration of Principles, is recognized as an essential element for a people-centred, inclusive, development-oriented and non-discriminatory Information Society. In particular, the Summit, in paragraph 69 of the Tunis Agenda recognized "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". In paragraph 71 of the Tunis Agenda, the United Nations Secretary-General is requested to initiate a continuous process of enhanced cooperation by engaging the relevant stakeholders, including Governments, the private sector, civil society, academia and practitioners.

2. The General Assembly, in its resolution 63/202, encouraged strengthened and continuing cooperation between and among stakeholders to ensure effective implementation of the outcomes of the World Summit, and encouraged United Nations entities, within their respective mandates, to contribute to the implementation of the outcomes of the Summit, and emphasized the need for resources in that regard. Recognizing the urgent need to harness the potential of knowledge and technology, the Assembly encouraged the United Nations development system to continue its effort to promote the use of information and communications technologies as a critical enabler of development and a catalyst for the achievement of the internationally agreed development goals, including the Millennium Development Goals. In that context, the Assembly also requested the Secretary-General to submit to the Economic and Social Council at its substantive session of 2009, on the basis of his consultations with all relevant organizations, including international organizations, a report that might contain recommendations on how the process towards enhanced cooperation should be pursued.

II. Review of steps taken towards enhanced cooperation

A. Progress towards implementation of paragraph 71 of the Tunis Agenda for the Information Society

3. In response to paragraph 71 of the Tunis Agenda, the Special Adviser to the Secretary-General for Internet Governance carried out a series of bilateral discussions in 2006 with the representatives of all stakeholder groups — Governments, the private sector, civil society and the technical and academic communities. In 2007, the United Nations Department of Economic and Social Affairs was entrusted by the Secretary-General to continue the consultation process and to facilitate the reporting process on enhanced cooperation on public policy issues pertaining to the Internet. On 12 March 2008, the Under-Secretary-General for Economic and Social Affairs invited 10 organizations to provide an annual

performance report on the steps they had undertaken towards enhanced cooperation on Internet-related public policy issues pertaining to the Internet.[1]

4. A summary of the responses has been incorporated into the report of the Secretary-General on progress made in the implementation of and follow-up to the World Summit on the Information Society outcomes at the regional and international levels (A/64/64-E/2009/10).

5. All organizations reported that they had made efforts to reach out to other stakeholders. The Government-led organizations had undertaken activities to broaden cooperation with business, civil society and the Internet community. Meanwhile, the Internet community organizations reported on their outreach to Governments, business and civil society. Almost all organizations indicated that they had actively participated in the Internet Governance Forum, and most of them (including the Internet Corporation for Assigned Names and Numbers (ICANN), the Internet Society (ISOC), the International Telecommunication Union (ITU), the Organization for Economic Cooperation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) were also represented in the Multi-stakeholder Advisory Group of the Forum. A number of organizations (including the Council of Europe, ISOC, ITU, OECD, UNESCO and the World Wide Web Consortium (W3C) participated in the creation of Dynamic Coalitions within the Forum.

6. Organizations highlighted capacity-building events such as educational programmes, conferences and workshops. Several organizations indicated a focus on facilitating multi-stakeholder dialogue. Reference was made by some to participation in forums developing Internet governance procedures and policies, with the Council of Europe outlining its responsibility for facilitating the negotiation of treaties on Internet policy. The World Intellectual Property Organization highlighted its extensive contribution in mediating intellectual property disputes with regard to domain naming, and ITU referred to its work on uniting existing cybersecurity initiatives to provide an overarching framework for multi-stakeholder consensus on a coordinated set of actions to strengthen cybersecurity on a global basis.

7. The performance reports suggest that the call for enhanced cooperation stated in the Tunis Agenda had been taken seriously by respondents.

8. Several common elements have emerged from experience to date. Most organizations interpret enhanced cooperation as a process to facilitate and contribute to multi-stakeholder dialogue, through formal or informal cooperative arrangements. The forms of cooperation that have emerged range from information and experience-sharing, consensus-building and fund-raising to the transfer of technical knowledge and capacity-building. Some of these global, regional and national cooperative arrangements are already in place among the 10 organizations.

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[1] These organizations are: Internet Corporation for Assigned Names and Numbers (ICANN), International Telecommunication Union (ITU), World Wide Web Consortium (W3C), Council of Europe, Internet Society (ISOC), Organization for Economic Cooperation and Development (OECD), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Intellectual Property Organization (WIPO) and Number Resource Organization (NRO). One additional organization, the Internet Engineering Task Force (IETF), submitted a contribution of its own accord.

9. One challenge to the effective monitoring of progress towards implementation of paragraph 71 of the Tunis Agenda is the absence of practical guidance on what constitutes an enhanced level of cooperation.

B. Recommendations for enhanced cooperation

10. On 23 December 2008, the Under-Secretary-General for Economic and Social Affairs again wrote to the same group of 10 institutions, with a further request for their recommendations on how the process towards enhanced cooperation should be pursued. Of the 10 organizations that were requested to submit their recommendations, responses were received from ICANN, ITU, W3C, the Council of Europe, ISOC and OECD. These responses are summarized in the table below. Excerpts of these responses are incorporated in the annex and will be made available online at http://www.unpan.org.

Recommendations	*Organizations*
• It is important for all stakeholders, in particular Governments and civil society, to continue to attend the various Internet governance forums and to participate actively in their respective processes.	ICANN
• ICANN believes that the progress made since the World Summit amply demonstrates the advantages of not trying to impose the constraints of a single controlling mechanism; rather, all stakeholders should continue to encourage the evolution of existing organizations.	
• The current Internet governance framework could be enhanced to ensure that Governments play a greater and more active role in the formulation of international public policy for information and communications technologies. Such measures could ensure better cooperation between Governments and other stakeholders in the policy formulation process.	ITU
• There already exist intergovernmental bodies under the United Nations umbrella with the strong participation of Governments, as well as the experience and the necessary mandate. Improving the governance framework, rather than attempting to create new frameworks, could leverage the existing entities to enhance Government participation.	
• Caution must be exercised when suggesting that the Internet Governance Forum could play a decision-making role or provide oversight functions in Internet-related public policy issues. Such activities do not fall within the mandate of the Forum, according to paragraph 77 of the Tunis Agenda for the Information Society, which states that the Forum 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; that would be constituted as a neutral, non-duplicative and non-binding process; and that would have no involvement in day-to-day or technical operations of the Internet.	

Recommendations	*Organizations*
• An improved governance framework could be formed, in which all countries would have an equal say in Internet-related public policy issues and in the management of critical Internet resources.	
• An intergovernmental organization such as ITU has the necessary mandate and hence could play a leading role in the creation of this governance structure.	
• The role and functions related to policies governing the harmonized and global coordination of services for country-code top-level domains (ccTLDs) should be assumed by a relevant intergovernmental body with a mandate from Governments and experience in providing such services so that concerns and interests of sovereign States can be taken into account.	
• In the case of Internet governance-related public policies that diverge from international law and treaties, an intergovernmental organization could serve as the forum for discussions and agreements between the parties concerned. This forum, within the appropriate organization, would ensure that international laws and treaties are taken into consideration in the formulation and implementation of Internet-related public policies that could have an impact on the treaties and international laws governing international organizations.	
• The legitimate interests of each country, as expressed and defined by each country in diverse ways, regarding decisions affecting their ccTLDs, need to be respected, upheld and addressed through a flexible and improved framework and mechanisms. The delegating body could retain an advisory role, if required, at the request of the country concerned. Any difference that may arise between the two entities could be resolved through an international/intergovernmental organization with the necessary mandate.	
• Each professional community, technical professional, Government, civil society and industry should do what they are best at, and cooperate with other communities that have different expertise. Engineering communities should continue to define and develop technologies. Governments should define and enforce laws, and all stakeholders need to understand new technologies as they are developed. Engineers need to better understand social and ethical aspects of the new technologies being developed. All communities should keep in mind the overall mission of promoting the human rights of access to information and freedom of expression and communication.	W3C

Recommendations	*Organizations*
• Governments should play an important role as sponsors and users of Internet technologies, but not as network architects. Governments and civil society need to create enabling environments.	
• Allowances should be made for flexibility and innovation, and at the same time, efforts should focus on functional requirements, not technology-specific rules, which means that a rich cross-layer coordination is required.	
• The Internet Governance Forum should discuss the important topic of open standards for the Internet and the Web. Direct participation by any stakeholder in setting the technical and procedural agenda of organizations such as W3C should be encouraged. The United Nations should encourage its Member States to allocate more resources to every area (be it standards, accessibility, privacy, etc.) at the appropriate level.	
• Dialogue and enhanced cooperation between Governments on Internet public policy is to be recommended. Such cooperation should be enhanced to ensure that freedom of expression and access to information via the Internet is not compromised by private ownership and management of the Internet's critical resources. Equally important is the need to establish policy on the next steps/strategy for ICANN following its release from the Joint Project Agreement under which it is tasked to comply with a series of "responsibilities" deemed necessary for its release from official oversight of the Government of the United States of America.	Council of Europe
• Regional "bottom-up" style initiatives, such as the Pan-European Dialogue on Internet Governance (EuroDIG), should be supported and fostered as a catalyst for public policy; in this context, Governments, relevant intergovernmental organizations, international non-governmental organizations and representatives from civil society and the private sector should be encouraged to cooperate.	
• All stakeholders should take advantage of the opportunity to become more involved in Internet community organizations, which develop technical standards and discuss issues at the intersection of technology and policy.	ISOC
• It is vital for all stakeholders to take up the challenge by participating in these new forums, which are so critical to the responsible development of the Internet.	

Recommendations	*Organizations*
• The United Nations should take steps, through its component organizations, to create awareness of the opportunities to engage with others in developing a holistic approach to Internet-related public policy principles. It should go even further by supporting capacity-building programmes to help Member States understand how best to become involved in relevant organizations, how and when they can contribute to discussions, and how to develop the expertise required to do so meaningfully. Support and encouragement from the United Nations could make local, regional and global forums concerned with Internet technology and policy and their intersection more dynamic and inclusive.	
• Governments and international institutions should make their Internet policy-related and decision-making activities more open and inclusive of all stakeholders.	
• The United Nations should consider the OECD example of including the Internet technical community and civil society in their Internet-related policy work as a case study for increasing openness in its own organizations, and for recommending mechanisms that Member States could implement locally and regionally.	
• Efforts to enhance cooperation must be founded on a commitment to openness, inclusiveness and outreach, so that the entities that may be affected by decisions are able to participate in the development and implementation of those decisions.	
• Debates preceding a decision should be made much more open to all stakeholder contributions.	

Annex

Summary of specific in-text recommendations made by respondent organizations

Internet Corporation for Assigned Names and Numbers (ICANN)

Recommendations

With regard to the question on how the process towards enhanced cooperation should be pursued in the future, we believe that the continued evolution of current mechanisms is crucial. The continued collaboration and cooperation among respective entities and organizations on issues within their own mandates serves to encourage open consultation, and the evolution of new methodologies, while avoiding futile competition among agencies established to perform other tasks.

Some areas where we have seen encouraging developments recently include:

The Internet Governance Forum, an output of the World Summit process, has in three years already provided a platform for discussion on a wide range of Internet-related issues, reinforcing existing and providing for new cooperation among organizations. With open participation in the Forum, all stakeholders interested in attending and engaging have the opportunity to do so.

It is important for all stakeholders, particularly Governments and civil society, to continue to engage in the various Internet governance forums, and to participate actively in each other's processes.

The evolution of domain names is another example of the ongoing process of cooperation among respective stakeholders to reach a common perspective.

Other organizations are also taking steps to review their process and practices and new relationships are developing as a result.

ICANN believes that progress made since the World Summit amply demonstrates the advantages of not trying to impose the constraints of a single controlling mechanism. Rather we should all continue to encourage the evolution of existing organizations which is already under way. Building on existing developments will facilitate an enhanced cooperation unlike any seen before, as parties are encouraged to establish ways to work together to achieve joint, and often new and exciting objectives. Barriers to this healthy and vigorous process do still exist among some organizations. I believe your efforts to publicize the progress made to date while encouraging the open participation of all stakeholders will prove to be an important contribution towards building upon what we have already achieved in pursuit of enhanced cooperation.

International Telecommunication Union

Recommendations

Role of Governments in Internet governance

The current Internet governance framework could be enhanced to ensure greater and more active participation of Governments in the formulation of international public policy for information and communications technologies. Measures taken could ensure better cooperation between Governments and other stakeholders in the policy formulation process, pursuant to paragraph 68 of the Tunis Agenda for the Information Society, which recognizes 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.

It should be noted that there already exist intergovernmental bodies under the United Nations umbrella that have strong participation of Governments, the experience and also the necessary mandate. An improved governance framework could leverage such existing structures to enhance Government participation, rather than attempting to create new ones. Also, caution must be exercised when suggesting that the Internet Governance Forum could play a decision-making role or provide oversight functions in Internet-related public policy issues. Such activities do not fall within the Forum's mandate, according to paragraph 77 of the Tunis Agenda for the Information Society, which states that the Forum 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; that would be constituted as a neutral, non-duplicative and non-binding process; and that would have no involvement in day-to-day or technical operations of the Internet.

Preventing capture of the Internet governance mechanism

An improved governance framework could be formed within which all countries would have an equal say in Internet-related public policy issues and in the management of critical Internet resources.

An intergovernmental organization such as the International Telecommunication Union (ITU) has the necessary mandate and hence could play a leading role in the creation of such a governance structure. Resolution 102 of the 2006 ITU Plenipotentiary Conference instructs the ITU Secretary-General to take the necessary steps for ITU to continue to play a facilitating role in the coordination of international public policy issues pertaining to the Internet, as expressed in paragraph 35 (d) of the Tunis Agenda, interacting as necessary with other intergovernmental organizations in these domains.

Management of critical Internet resources — domain name system security extensions (DNSSEC) root signing authority

The root signing authority is of critical importance to the security, stability and reliability of the Internet. The role and functions related to policies governing the harmonized and global coordination of such services for country-code top-level domains (ccTLDs) must be assumed by a relevant intergovernmental body with the

mandate from Governments and the experience in providing such services so that concerns and interests of sovereign States can be taken into account.

This delegation decision could be a result of coordination among all relevant stakeholders, through discussions and debates at appropriate forums such as intergovernmental council meetings.

Management of critical Internet resources — the management of generic top-level domains (gTLDs)

In the case of Internet governance-related public policies that diverge from international law and treaties, an intergovernmental organization could serve as the forum for discussions and agreements between the parties concerned. This forum, within the appropriate organization, would ensure that international laws and treaties are taken into consideration in the formulation and implementation of Internet-related public policies that could have an impact on the treaties and international laws governing international organizations.

Management of critical Internet resources — management of Internationalized domain name ccTLDs

A country would retain sole control over the management of its assigned ccTLD in accordance with paragraph 63 of the Tunis Agenda for the Information Society which states that countries should not be involved in decisions regarding another country's ccTLD; and that their legitimate interests, as expressed and defined by each country in diverse ways, regarding decisions affecting their ccTLDs, need to be respected, upheld and addressed through a flexible and improved framework and mechanism.

The delegating body could retain an advisory role, if required, at the request of the country concerned. Any difference that may arise between the two entities could be resolved through an international/intergovernmental organization with the necessary mandate.

World Wide Web Consortium

Recommendations

Each professional community, technical professional, Government, civil society and industry should do what they are best at, and cooperate with other communities that have different expertise. Engineering communities should continue to define and develop technologies. Governments should define and enforce laws, and all stakeholders need to understand new technologies as they are developed. Engineers need to better understand social and ethical aspects of the new technologies being developed. All communities should keep in mind the overall mission of promoting the human rights of access to information and freedom of expression and communication.

Governments should play an important role as sponsors and users of Internet technologies, but not as network architects. Governments and civil society need to create enabling environments. Regardless of the brilliance of technology, its benefits are unevenly distributed and ultimately depend on wise policy action to ensure equal access around the world.

The most unique challenge base technology providers (e.g. ICANN, IETF/ISOC, W3C) face is to develop a shared infrastructure of resources and standards for addressing issues that have significant social impact, but that also require technical expertise and operational consensus in order to do so effectively. Allowances should be made for flexibility and innovation, and at the same time, efforts should focus on functional requirements, not on technology-specific business, political or social rules, which means that a rich cross-layer coordination is required. This is where most of the limited "policy" time of a small entity such as W3C is spent.

W3C is also attempting to continue pushing the open standards agenda by participating more actively in the Internet Governance Forum Dynamic Coalition on Open Standards (IGF DCOS).

The Geneva Declaration of Principles states that standardization is one of the essential building blocks of the information society. The priority for W3C is that Internet organizations that have made and that continue to make the Internet a reality are engaged in that debate.

The work of W3C in the areas of internationalization and accessibility are examples of its desire to include all users and all cultures, and to reach out and assemble the right constituencies for the future development of this revolutionary platform.

In 2008, in the area of enhanced cooperation, it is worth mentioning that W3C has finally created the World Wide Web Foundation, which it hopes will help to not only provide additional resources for web standards and science, including Internet governance and policy liaison issues, but also address the digital divide issues in the Tunis Agenda by starting "Web for Society" projects, which leverage the Web to empower people, especially those in underserved populations. The mission of the Foundation is to ensure that over the long term, the Web is accessible and useful to people from different cultures around the world with differing levels of language and literacy skills, including people with disabilities.

The Internet Governance Forum should discuss the important topic of open standards for the Internet and the Web. Direct participation by any stakeholder in setting the technical and procedural agenda of organizations such as W3C should be encouraged. The United Nations should encourage its Member States to allocate more resources to every area (be it standards, accessibility, privacy, etc.) at the appropriate level.

Council of Europe

Recommendations

Dialogue and enhanced cooperation between Governments

Dialogue and enhanced cooperation between Governments on Internet public policy is to be recommended. At the pan-European level, the Council of Europe will be establishing public policy frameworks and action with its 47 member States on the occasion of the first Council of Europe Conference of Ministers responsible for Media and New Communication Services (Reykjavik, 28 and 29 May 2009). It is expected that this Ministerial Conference will identify areas for international law development in the form of Council of Europe conventions.

In this context, it is recommended that such cooperation be enhanced to ensure that freedom of expression and access to information via the Internet is not compromised by private ownership and management of the Internet's critical resources. Equally important is the need to establish policy on the next steps/strategy for ICANN following its release from the Joint Project Agreement, under which it is tasked to comply with a series of "responsibilities" deemed necessary for its release from official oversight of the Government of the United States of America.

Enhanced cooperation for State and non-State actors to work together at the global level through the Internet Governance Forum

Enhanced cooperation with and through the Internet Governance Forum on public policy issues pertaining to the Internet has helped the Council of Europe to formulate new standards and tools to protect and promote human rights, democracy and the rule of law on the Internet. This has been achieved through greater multi-stakeholder dialogue with State and non-State actors.

The Internet Governance Forum has, over the past two years, inspired the Council of Europe's conceptualization of more than seven Committee of Ministers recommendations in the media and information society field and two sets of human rights guidelines for key non-State Internet actors, namely online games providers and European Internet service providers. Important issues such as public participation in Internet governance, gender equality, youth participation and regard for people with disabilities on the Internet have also emerged and are stirring public policy in and through the Internet Governance Forum.

The Internet Governance Forum is effectively enhancing cooperation on public policy and has considerable value as a platform for global networking and cooperation. It is therefore recommended that the Forum be sustained and developed.

Enhanced cooperation for State and non-State actors to work together at the pan-European level through the EuroDIG process

At the pan-European level, the Council of Europe and other State and non-State actors have also come together in the Pan-European Dialogue on Internet Governance (EuroDIG: www.eurodig.org). EuroDIG provides a platform to discuss and shape European multi-stakeholder perspectives on Internet governance (i.e., universal access, security, privacy and openness on the Internet, critical Internet resources). Such "bottom-up" cooperation is mobilizing and motivating a range of actors at local, regional and national levels in Europe. It is fostering communities of practice which would not have otherwise existed and is complementing the "top-down" approach to public policy formulated by Governments. It is therefore recommended that regional "bottom-up" style initiatives, like EuroDIG, be supported and fostered as a catalyst for public policy; in this context, Governments, relevant intergovernmental organizations, international non-governmental organizations and representatives from civil society and the private sector should be encouraged to cooperate.

Internet Society

Recommendations

All stakeholders should take advantage of the opportunity to become more involved in Internet community organizations, which develop technical standards and discuss issues at the intersection of technology and policy. In that regard, in its Memorandum on the Future of the Internet in a Global Economy, addressed to OECD ministers at their meeting on the future of the Internet economy, held in June 2008, the Internet technical community formally invited Governments to join it in an open and collaborative community, together with business and civil society, to extend the benefits of creativity and convergence to all communities, in all parts of the world.

At present, few Governments, international organizations or civil society groups take advantage of the opportunities that are available to them. The Internet brings technology and policy together in unprecedented ways. New approaches, new venues and new forums have arisen to respond to the opportunities thus created. It is vital, in turn, for all stakeholders to take up this challenge by participating in these new forums, which are so critical to the responsible development of the Internet.

The United Nations should take steps, through its component organizations, to create awareness of the opportunities to engage with others in developing a holistic approach to Internet-related public policy principles. It should go even further by supporting capacity-building programmes to help Member States understand how best to become involved in relevant organizations, how and when they can contribute to discussions, and how to develop the expertise required to do so meaningfully. Support and encouragement from the United Nations could make local, regional and global forums concerned with Internet technology and policy and their intersection more dynamic and inclusive.

Governments and international institutions should make their Internet policy-related and decision-making activities more open and inclusive of all stakeholders.

ISOC points to the steps taken by the OECD to include the Internet technical community and civil society in their Internet-related policy work. The Internet Society welcomes these opportunities and suggests that the United Nations consider the OECD example as a case study for increasing openness in its own organizations, and for recommending mechanisms that Member States could implement locally and regionally.

Efforts to enhance cooperation in governmental, intergovernmental, non-governmental and international organizations must be founded on a commitment to openness, inclusiveness and outreach, so that the entities that may be affected by decisions are able to participate in the development and implementation of those decisions. This approach is obviously fundamental to the development of an Internet that itself will be open, inclusive and beneficial to people around the world. And yet ISOC has repeatedly observed that some organizations have not implemented mechanisms allowing all stakeholders to participate in discussions and debates, even when these are often specifically related to the management or deployment activities of non-government stakeholders, or to technical and operational matters that do not have an impact on international public policy issues. In particular, ISOC has found that opportunities to participate are most restricted when actual binding decisions

are being made; for example, at global assemblies and treaty-making conferences. ISOC further states that the debates preceding a decision should be made much more open to all stakeholders' contributions.

Organization for Economic Cooperation and Development

Reference to the Seoul Declaration for the Future of the Internet Economy

OECD would like to highlight the outcomes of an OECD Ministerial Meeting on the Future of the Internet Economy (www.oecd.org/FutureInternet) held in Seoul, Republic of Korea, on 17 and 18 June 2008. The main outcome of the Ministerial Meeting was the adoption of the Seoul Declaration for the Future of the Internet Economy by 30 OECD member countries, as well as nine non-members and the European Community.