

First Set of Contributions to the Working Group on IGF Improvements (WGIGF)

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General Comments

Before providing inputs under the specific heads of the excellent draft structure of the WGIGF report circulated by the Chair of the WG, below are some overall comments.

From our experience of the many discussions on IGF successes and shortcomings, we feel that a discussion on IGF improvements will be very much helped if it takes place separately vis-à-vis

1. 'policy dialogue' as against 'capacity building' functions of the IGF, on one hand, and
2. Global versus regional/ national impacts of the IGF, on the other.

Too often, when one side is stressing the policy related role of the IGF the other is speaking about the capacity building role, and perhaps vice versa. It will be very helpful if we can take these two quite different roles one by one, and examine the issue of IGF improvements separately vis-à-vis each. There will no doubt be some overlap in the two roles, but such is the stalemate so often observed in discussions on IGF improvements with people discussing these two different roles at the same time, that we are convinced that the WGIGF will be able to perform its function much more effectively if these discussions are separated to the extent possible.

Similar is the issue of global role and impact of the IGF versus regional and national level impacts. Here also quite often the discussion gets caught in 'talking across' rather than talking to one another, which may not be productive in terms of looking at real possible structural improvements to the IGF.

It will be most appropriate for the WG to go over the IGF mandate given in Tunis Agenda point by point and see how each component of the mandate may or may not have been achieved by the IGF in its first 5 years. This will set up the needed background for an exploration of the appropriate structural improvements that can help meet all the elements of the mandate.

Proceeding from what we expect the IGF to achieve is also the best way to go onto a discussion on the format of the meeting, working methods of the preparatory processes, funding, outreach etc. This provides the anchor around which the discussions on these sub-topics can remain focussed, and thus hopefully be more productive.

Having made these relatively neutral process related points, we also think that a reading of the paragraph 72 of Tunis Agenda, as well as the preceding paragraphs, makes it clear that a policy related role of the IGF is more primary than its capacity building role. It is also clear that the main focus is global, and not regional or national policy levels. It will be important to keep these hierarchies in mind in structuring the discussion within the WGIGF as well as while writing its report.

Closer in time, the UN General Assembly's (GA) mandate for the WGIGF contains two very

important points of relevance to this issue. The UN GA resolution clearly seeks improvements in the IGF 'with a view to linking it to the broader dialogue on global Internet governance '. It also recognises the complementarity of the IGF to the process of 'enhanced cooperation' which is without doubt a process about global Internet policy issues as per Tunis Agenda. It is therefore obvious that not only the Tunis Agenda but also the recent UN GA resolution considers an effective global policy related role as the key objective of the IGF.

Apart from being the primary objective, the global policy related role is also the area of greatest under-achievement in the first phase of the IGF, with relatively better outcomes on the fronts of capacity building and regional/ national level impacts. This makes it even more imperative that the WGIGF focuses most on the global policy related role of the IGF with a view of looking at the needed improvements to the IGF.

Another general comment before proceeding to the draft text is that in Section V below, it may be rather limiting to only discuss options of voluntary contributions, and leave out completely a discussion on possible public funding options.

Specific inputs as per the draft structure

I. Introduction/Setting the scene

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II. Format of the IGF meetings

While discussing the format of the IGF meetings it will be appropriate to keep in focus what are the primary objectives of the IGF, for that is what the format is supposed to help achieve. As discussed, a discussion on format of the IGF meetings should therefore focus primarily on the global policy related role of the IGF, and its huge under-achievement in this area in the first phase. Following are a few suggestions in this regard.

1. Plenary sessions should have a clear focus on specific key issues concerning global Internet policy (global net neutrality, for instance) and consist of an outcome oriented discussion on them. Capacity building function should largely be left to workshops or other special formats.
2. Feeder workshops held before the relevant plenary session should help prepare the ground for plenary discussions. To once again take the example of net neutrality guidelines, it may be possible for the feeder workshops to converge towards some general agreements on many areas, while it may be found that some other issues have greater divergences, say, whether pay-for-priority can ever be admissible, or whether special considerations for wireless networks are needed. The plenaries can first sum up the emerging areas of agreement for comments; however, the focus of discussion should be those specific areas where differences may still need to be closed.
3. Round tables and/or smaller multi-stakeholder committee meetings should then try to further close the gaps on key policy questions and look at possible outcome documents. These outcome documents carrying IGF recommendations to policy making bodies can put forward areas where there is a relatively high level of consensus, and present clear sets/ models of alternative policy options where the opinion seems to be more divided.

These suggested multi-stakeholder committees, which could consist of members of the Multistakeholder Advisory Group (MAG) plus some appropriate outsiders, may need to continue work through online and possibly inter-sessional meetings to finalise appropriate outcome documents on the concerned global Internet policy issues.

The capacity building function of the IGF can be met by another set of workshops more directly devoted to this function, but including policy dialogue on issues not under the immediate focus of the plenaries. More specific formats like good practises sessions, opportunities for IG related institutions to hold dialogue with IGF attendees, etc. are already being tried at the IGFs and should be further strengthened.

The relationship of the IGF with national and regional level efforts should also be appropriately fostered through special formats. There should be clear guidelines regarding what kind of regional and national efforts can be considered under the IGF rubric.

III. Shaping the outcome of IGF meetings

Some part of our input to this section is already mentioned above.

Tunis Agenda mentions global policy dialogue as the key objective of the IGF. Obviously, the outcomes of a global policy dialogue need to be oriented to global Internet policy making. The measure of effectiveness of a global policy dialogue is in its impact on global Internet policies. This requirement is further confirmed by the recent UN GA resolution seeking IGF improvements 'with a view to linking it to the broader dialogue on global Internet governance ' and asserting the complementarity of the IGF to the process of enhanced cooperation (which, as per the Tunis Agenda, is clearly a process devoted to global Internet policies). Efforts at obtaining clear, tangible and useful global Internet policy related outcomes therefore need to drive the whole exercise of seeking IGF improvements.

Speaking of IGF outcomes only in terms of the impressions and ideas that participants individually take home is hardly enough. IGF is supposed to be a part of an important global political process of Internet Governance, and like all political processes – which concern taking collective decisions in public interest – must strive towards convergences through feeding into appropriate policy making forums.

The following are some suggestions on how the IGF can begin to fulfil its mandate by coming up with useful outcomes.

1. Identifying the most important and urgent global Internet policy issues to be taken up by every IGF. The selected issues should be rather specific and clear, and such that directly concern the public interest. It is not difficult to identify such issues if a focus on global public interest can indeed be maintained by and in the preparatory process. Correspondingly, while IGF agenda setting should remain a multi-stakeholder process, conscious and visible effort needs to be made to ensure against undue influence of special interests trying to block or drag their feet on uptake of key public interest issues. Too often, special interests manage to build an indomitable presence in policy forums through a misuse of the multi-stakeholder platforms. A distinction between upholding public interest and serving special interests needs to be a conscious, constantly alive and visible element throughout the IGF process. This imperative needs to be strongly expressed in the IGF, its preparatory processes and the

facilitative processes provided by the secretariat.

2. Once the key policy issues to be taken up are identified, dedicated issue-wise MAG sub-committees, incorporating some outside participation, need to develop background material on the concerned issues. Outside expertise may be sought in this matter, but due attention needs to be paid to the fact that sourcing expertise itself is a very political activity, and it must be ensured that background material is unbiased and informed only by the highest public interest, and not by special interests. Efforts should be made to obtain a good diversity of views and facts.
3. Inter-sessional thematic meetings may be held on the concerned policy issues that are in focus for the plenaries in order to advance the possibility of coming up with concrete outcomes.
4. The same key policy issue wise MAG sub-committee, under the supervision of the MAG, should develop the format of the plenary discussions at the annual IGF in a manner which is best suited to ensure a focussed discussion on the concerned issue.
5. As mentioned in the preceding section, these MAG-plus sub committees will need to work further after the annual IGF meeting on the basis of the plenary discussions with a view to explore the possibility of coming out with recommendations on the involved policy issues. The outcomes could also be in the form of a set of different options. However, the details have to be sufficiently worked out for the outcomes to be useful to the relevant policy making forums, which is the whole rationale for the existence of the IGF.

IV. Working methods of the IGF, in particular improving the preparation process modalities

A good amount of what we may have to say here is already covered in the earlier sections. The MAG clearly needs to be much more than just a program committee, and it should be focussed on looking at what can that particular year of IGF activity concretely contribute to upholding public interest in the global Internet space. This can be done through meaningful contribution on key Internet policy issues to relevant policy making forums. It is required that such exhortations are made early in the annual cycle of the IGF to inform the whole process around the IGF. It has been 5 years now and we need to get out of an experimental – *things are yet young and fragile* – mode, and get on with grappling with the huge number of very pressing global Internet policy issues that await resolution, and regarding which the IGFs have done little if anything in the first phase.

The MAG has to get functionally more differentiated internally, with different sub-groups taking the responsibility of IGF preparations around every key plenary theme, liaison with different Internet policy institutions and perhaps also for key internal/administrative functions.

The selection of non-government representatives to the MAG has to be made more transparent and democratic/representative, as representing different sections of the society, more so the marginalised. The basic objective of such representation has expressly to be to get a complete picture of the public interest involved, and not of placating special interests. The effort has to be to obtain as globally representative a group as possible, while ensuring that multistakeholderism does not become a route to get special interests into positions of undue influence on policy processes. At present there are no specific processes to ensure these imperatives, and the selection process is largely *ad hoc*.

We greatly recommend trying out the stakeholder selection process of the Brazilian Internet Steering Committee. The business sector members of this committee are representatives of different trade associations like in the areas of telecom, software companies etc. There are no direct company representatives on the committee, which makes perfect sense for keeping out special interests. The selection process for civil society members is similarly democratic. The members are selected by a network of hundreds of NGOs working in areas associated with Internet policies, and thus represent a really broad spectrum of civil society. To get the selection process right is very important for the success of the unique multi-stakeholder experiment in global governance that the IGF represents.

V. Financing the Forum (exploring further voluntary options for financing)

The worldwide democratic norm has always been that policy forums can remain independent only when they are based on public funding. In fact, if we think of our national level institutions it may be almost unthinkable to have private funding based policy forums. In the case of the IGF, unless we resort to some kind of innovative sector specific cess (explored later in this note), it means core UN funding for the IGF. However, voluntary contributions can be allowed as they are indeed welcomed for many other UN agencies. The independence of the secretariat and other facilitative processes of the IGF are frequently spoken of in discussions regarding the IGF. Relying solely on short-term contributions by private actors who may be interested in the outcomes of the IGF goes against this imperative of independence, and all canons of a democratic polity.

The Internet has contributed so much to the global society and to the global economy in the last few years. We should be able to spare a very very small percentage of this for global governance of the Internet.

ICANN collects a certain amount for every domain registration on the Internet, a collection which owing to the complete monopoly service provider status of ICANN amounts to an Internet tax. It could be explored that a certain fixed percentage (but not varying and voluntary) of this global Internet tax collected by ICANN is committed for IGF activities.

VI. Functioning of the IGF secretariat

The secretariat should continue to function out of Geneva, and be in some ways insulated/independent of the 'day to day' supervision of the UN or UN DESA (UN Department of Economic and Social Affairs). It should consist of people who are specifically chosen with the special requirements of the job in mind. These requirements are quite unlike almost all other UN agencies in that the IGF is so quintessentially multi-stakeholder and therefore admits of a very different work culture. Without maintaining and evolving this distinctive work culture, the multi-stakeholder model of the IGF may simply not be sustainable.

However, the secretariat is required to be expanded from its present size to be able to take on the additional work that meaningful improvements to the IGF would entail.

VII. Outreach to and cooperation with other organisations and fora dealing with IG issues

A clear and effective protocol should be established for outcomes from the IGF, and other kinds of communications like specific clarification or information that may be sought, to be conveyed to all

concerned Internet related bodies in a relatively formal manner, with an expectation not only of due acknowledgement but of full response. As a public fora on Internet related issues, the IGF should be seen to have the legitimacy and 'power' of the general people of the world to have their views listened and responded to, and to be able to seek any information or clarification as required. And their considered views should be routed into policy making process. IGF is thus the prime institution of global deliberative democracy in the Internet policies space. Its formal linkages with institutions of policy making therefore need to be ensured.

All the relevant policy making organisations should also be invited to IGF meetings where they should humbly submit to public scrutiny their work and duly respond to all questions that are raised.

VIII. Inclusiveness of the IGF process and of participation at the IGF meetings (in particular with regard to stakeholders from developing countries)

One problem with completely open forums like the IGF is that they get populated by those with resources to attend. This skews the very identity and thus legitimacy of the concerned forum, because it is perhaps more important for those people and groups to attend policy forums who are least likely to have resources to do so. Adequate funds and other forms of support should therefore be made available for participants from developing countries.

It must also be recognised that even within developing countries, and perhaps increasingly more so, there are deep socio-economic divides and other kinds of marginalisations. Special proactive funding and other support for developing country participants should expressly target these groups that represent the marginalised interests.

Inclusion, however, does not stop at ensuring attendance. It means much more; from consciously taking up issues on agenda that relate to the interests of the marginalised groups, getting representatives of these groups on the MAG and other committees, getting them on panels of plenary as well as workshop sessions, and ensuring that policy related outcomes specifically focus on the interests of these groups. Public policies, apart from ensuring 'general' public interest have an important role in correcting power imbalances in the society. The IGF also needs to address itself to this task vis-à-vis the global Internet space in the entire spectrum of its working.

It should be ensured that for every plenary session and every workshop there is at least one person on the panel specifically representing the interests of marginalised groups.

IX. Conclusions and recommendations

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