1. Title: Exploring a Framework Convention on the Internet

2. Organizers and Panelists

Organizers: IT for Change, Bangalore; Hivos, Netherlands; Panos Institute, West Africa - CIPACO Project; Third World Institute (ITeM), Uruguay; Foundation for Media Alternatives, Philippines.

Moderator: Parminder Jeet Singh (IT for Change); Panelists: John Mathiason (Internet Governance Project, University of Syracuse); William Drake (Graduate Institute of International Studies in Geneva); Pankaj Agrawala (Joint Secretary, Ministry of IT, Government of India); Erick Iriarte Ahon (Alfa-Redi) ; Bertrand de la Chappelle (French Government's Special Envoy for the Information Society)

3. Discussion

The moderator introduced the panelists and suggested that each of them address the issue in two parts: first, identify and clarify the nature of the 'public policy crisis' that Internet Governance may be facing today and second, propose solutions to this crisis and consider whether a Framework Convention like process could be a suitable policy response.

The panelists and discussants responded to the first issue in divergent ways. One panelist and a couple of discussants expressed the view that the Internet may not be facing any public policy crisis. They suggested that several governance institutions already existed and were functioning and that there was no point in creating new ones. Some took the view that the general principles which should regulate the Internet were already accepted internationally and that the WSIS document encapsulated all of these. Most of the panelists and discussants however took the view that the Internet was buffeted by many public policy problems/issues that may be of a substantively new character and need a different public policy response.

The workshop drew varied comments to the second question on the appropriate responses to these policy concerns. Some panelists and discussants were of the view that a Framework Convention was both necessary and possible in the near future. A convention approach was necessary to ensure that mutually agreed general principles, representing public interest, can be applied to the development and expansion of the internet. Three proposals on the shape and content of a Framework Convention like process, and its possible outcome, were put forward. APC's proposed Charter of a Bill of Rights for the Internet extends existing human rights protections to the Internet as well as develops some new principles relating to Internet architecture and open standards based design. The Declaration of Lima, 2003, is another effort to develop a statement of principles for cyberspace akin to the public international law relating to the Law of the Sea. A third source of substantive principles for an Internet related Convention would be to elaborate on WSIS principles in more specific contexts. Since the Tunis Agenda had wide inter-governmental support and was an outcome based on the participation of other stakeholders, it could be the basis for future development of Convention principles. While it was felt that a wide range of institutions may be allowed to implement and carry out the mandate of this convention, it was suggested that a statement of general principle may be required at this stage of the development of the Internet.

There were two kinds of opposition to the idea of a Convention that embodied general principles. First, it was suggested that a Convention is only suitable for inter-governmental arrangements and that as Internet Governance was committed to a multi-stakeholder process, it would be necessary to think

beyond existing instruments in international law. Secondly, it was suggested that it was futile to think in terms of a single body of general principles which could respond to the heterogeneous and distributed character of the Internet. It was suggested that such a statement of general principles could freeze the technological development of the Internet and also that Internet law and policy may end up not being responsive to the local contexts and concerns which drive its adoption and acceptability.

The panelists and discussants attempted to move beyond these various oppositions and several options emerged. First, it was suggested that it is useful to start from the normative universe that governs the Internet in terms of the technical architecture of the Internet itself. So if the Internet is characterized as a 'network of networks', we may think of a framework of principles to be evolved as a 'framework of existing frameworks of principles'. It was noted that evolution of some kind of a public policy framework is also mandated in paragraph 61 of the Tunis Agenda. So the task we should commit ourselves to is to critically examine the existing frameworks of local and international regulation of the Internet to eliminate redundancy and consolidate and restate general principles which animate existing frameworks of regulation.

The second mode of reconciling these varied positions would be to focus on developing protocols of good governance which may then be used to confer or deny legitimacy to the functioning of existing institutions of governance as well as those to be created hereafter. These protocols of good governance like the TCP/IP protocol will be process principles which are neutral with respect to the substantive principles which may emerge from these governance frameworks. They will include the process through which agenda setting, participation in the deliberations, decision making and then implementation of principles will take place in the field of Internet Governance. If we can arrive at a consensus among the multi-stakeholders in the Internet Governance arena about the content and adoption of these protocols in all the institutions of Internet Governance at all levels, then significant progress could be made.

In conclusion, a few of the participants proposed to form a 'dynamic coalition' of interested parties to enhance dialogue on the future shape and content of a 'Framework of Principles for Internet Governance'. This Dynamic Coalition would be open and participatory and will explore the various options which emerged at this workshop and will dialogue and develop these views over the next year right up to the next IGF Meeting at Rio de Janeiro, and after.

4. Possible follow-up
- Emergence of a '**dynamic coalition on framework of principles for internet governance**', for continued dialogue on the issue. Interested parties may contact workshop organizers at Parminder@ITforChange.net.
- Link up and dialogue with other workshops/ proposals at IGF like the ones of 'Internet bill of rights', content regulation and opens standards.

5. Useful links
'A Development Agenda for Internet Governance – Call for a Framework Convention on the Internet', see www.ITforChange.net

'A Framework Convention: An Institutional Option for Internet Governance' at http://www.intgovforum.org/Substantive_1st_IGF/igp-fc.pdf

Association for Progressive Communications' Internet Rights Charter, see www.apc.org