APC's assessment of the fourth Internet Governance Forum, Sharm El-Sheikh, 15-18 November 2009

November 26 2009, Johannesburg, South Africa -- The Association for Progressive Communications, the world's oldest online network of civil society organisations working on ICTs and social justice, recognises the importance of the Internet Governance Forum as a unique opportunity to promote debate and dialogue between all stakeholders, and supports its continuation. Here we assess the fourth forum concluded on 18 November 2009 and make a number of recommendations moving forward.

Increased recognition of the importance of human rights in internet governance

Human rights were far more prominent in this year's IGF as reflected in workshops and main sessions. Most significant was the consensus among panelists from all stakeholder groups in the main session on 'Security, Openness and Privacy' that privacy and security are not to be traded off against one another or seen as opposing priorities which need to be balanced. Both are equally important.

Workshops focusing on social media, freedom of expression, freedom of information and sexuality rights all concluded that technical, legal and other interventions aiming to regulate use of the internet should be based firmly on internationally recognised human rights instruments, and leave people with ultimate control over their own being, actions, interactions, expressions and data online.

Broad consensus was reached that the development of the internet should take into account existing human rights frameworks (e.g. the Universal Declaration of Human Rights) that can help ensure the enhancement of individual and collective rights related with online communications. Many agreed that the IGF should identify concrete mechanisms to defend, ensure and uphold internet rights in practice and contribute to challenges expressed at national and international levels for the development of regulations and/or guidelines that support the application of already agreed upon rights frameworks.

At the content regulation and sexuality rights workshop organised by the APC women's programme (APC WNSP) and the Alternative Law Forum workshop participants argued that user education intended to address potential harm in an increasingly networked world must integrate a positive sexual rights approach to adequately respond to both the positive and negative potential of the internet, especially in relation to children. Over-emphasis of the "dangers" of the internet could prejudice its comprehensive use by all users, young and old. As recommended by Wieke Vink from the Youth Coalition on Sexual and Sexual Reproductive Health Rights, "What we could do – what we should do, is think creatively about age-appropriate access to pornography and about developing content which is more gender-just and open, and about encouraging people to protect their sexual health, e.g. by using condoms – both in the online and offline world."

APC is with the many civil society groups who felt that a fresh attempt should be made to propose that human rights be one of the main themes in the fifth IGF to be held in Lithuania in 2010.

Social networking, media and privacy rights

'Social media' was the subject of the 'emerging issues' final session and various workshops which directed attention to the concerns of individual users. These concerns included privacy rights, the right to anonymity online, the 'right to delete and forget', the impact of data being used for purposes other than which the user intended, data being collected without the user's knowledge, and users not knowing what others know about them .

APC is extremely pleased that this area is gaining prominence in the IGF. The power of the internet today is felt through user-generated content, content sharing, and the use of social networking tools in mobilising people against oppression and repression. It is vital that policy and regulation enable this while also protecting individuals against abuse.

An interesting thread in these discussions was the role of user-education. Some people felt that educating children from a very early age to be aware of their rights to privacy and safe internet use should become priority. Others felt that children and young people are increasingly using the internet on their own terms, and that efforts to guide them are very unlikely to be successful.

APC believes that privacy advocates need to find a way to articulate their concerns in a way that makes sense to internet users, and as an internet community we should consider establishing norms that can be used to better inform users when they register for social networking sites. In the use of social networking services, users must be able to retain control over their data and privacy, and as far as possible, to develop both technical and legal instruments that enables this in the simplest way. This requires the owners and operators of social networking sites to be transparent and accountable to their users what their privacy policies are and enable users to have control. It was evident that research and dialogue on policy and regulation and the behaviour of users and commercial entities is needed and the IGF is the ideal space for continuing this exploration.

Access[1]

At the first three IGFs 'access' was a priority issue for APC. We published an issue paper in 2008[2] on the consensus that was reached with regard to the roles of different stakeholders (government, civil society, business, etc.) and the importance of coherence between ICT and development policies and public interest regulation. For IGF4, the challenge was to build on this consensus and to showcase and share innovative practices by operators and regulators that have successfully advanced people's access to the internet. Unfortunately, the opportunity to share workable strategies was not maximised and the proposal expressed in the 2008 IGF stocktaking session to have smaller roundtable discussions on issues where there is consensus was dropped, and the potential for groundbreaking engagement was lost.

A major concern for APC was an observation that many actors felt that extensive mobile penetration has resolved the access challenge. Many parts of the world still need large scale deployment of optic fibre to facilitate affordable access for people for whom last mile or last metre connectivity is or will be wireless. In this light we emphasised the importance of broadband backbone, internationally, regionally and nationally.

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1   At this IGF, access was treated broadly to include internet connectivity, affordability, linguistic diversity, digital literacy as well as access for people with disabilities.
2   http://www.apc.org/en/pubs/issue/openaccess/all/building-consensus-internet-access-igf

Very few people can - as yet - speak coherently about mobile broadband. Where mobile devices were spoken of, it was mainly in relation to smart phones and their facility for social networking. Mobile internet is immensely powerful and will resolve access issues for billions of individual users, particularly if 'budget telecom' models are used that make cheap 'pay as you use' internet access available. National broadband strategies that set out the key players and their responsibilities as well as targets for broadband roll-out that will benefit the majority of our populations are also needed.

Cost and affordability remains at the centre of the access challenge. Regulators are still not effectively preventing practices by powerful operators such as inflated pricing and anti-competitive behaviour. Yet, the debate around curtailing monopolies over international gateways and extortionate interconnection fees - especially in Africa and Latin America - is lacking in the IGF. This is an issue area where dialogue and greater transparency is sorely needed and the IGF is an ideal space for kick-starting such discussions.

These concerns were only partially addressed during this IGF, however, access is now well established as a critical component of the governance of the internet. The successful promotion of broadband strategies that address the above issues are critical for the next stage of the internet's evolution as a space for greater exchange of information, education and culture and as a platform for user-generated content and participatory democracy.

A Development Agenda for the IGF

Development including measuring the impact of sustainable development, was highlighted in many workshops and in the main session on internet governance in the light of the WSIS principles. There was a strong feeling that with the exception of 'access', development issues have not received adequate attention in the IGF.

Developing country participation was noticeably low and increasing it has to be a priority for the next IGF. The responsibility lies not just with the secretariat and workshop organisers, but with developing country stakeholders themselves. However, the issue of financial resources will have to be addressed, particularly to support participation from civil society, researchers, and small to medium businesses in developing countries.

One way in which this can be done is to make support available for speakers and session moderators from developing countries. During the IGF it was very noticeable that more questions and comments were received from the floor when session chairs, moderators and speakers were from developing countries.

Articulating a development agenda in internet governance would help the IGF address a range of issues such as capacity building, developing country participation in internet governance and in the IGF, and substantive policy issues of concern to developing country stakeholders.

Regional perspectives

National and regional IGFs continue to grow from strength to strength and is a very clear indicator of the impact of the IGF. A panel on regional perspectives was included in this year's agenda. We feel these spaces have an important role to play in linking national, regional and global dimensions of internet governance within the IGF as a complex policy system. The IGF should find ways to reflect regional inputs in the global IGF agenda in a more systematic way. In addition, the regional and national

processes have to be strengthened in their own right and the nature and character of those processes should be defined by the regional, national and local actors.

One concern that APC has is that in the absence of more widespread regional IGFs taking place the issues of certain regions are not being addressed at the IGF. We urge the participants from regions such as Central Asia, island states and Southern Africa where regional events are not currently being convened to endeavour to do so in the next year.

Critical internet resources (CIR)

The CIR main session discussed the new Affirmation of Commitments (AoC)[3] between the US government and ICANN and was seen as an important step forward in internet governance. The AoC has generated a new mood within the IGF in which the old stand-off regarding US control of ICANN is no longer a central issue. Stakeholders are visibly more relaxed about engaging on the critical issues in managing the internet. Nevertheless, the continued US control over the root zone file remains contentious and APC proposed that responsibility for the root zone file be transferred to ICANN as soon as possible.[4]

Application of the WSIS Principles: Towards a code of good practice on access to information, transparency and participation[5]

This joint initiative between the Council of Europe, the UNECE and APC took further steps forward in consulting stakeholders on a draft code of good practice which was well received and a number of internet governance institutions participated in reviewing the code and expressed willingness to make use of the code to assess their processes as soon as the next iteration becomes available[6]. The draft document recommends
that:
   • The development and administration of Internet policy and standards should be open, transparent and inclusive
   • Organisations active on Internet governance should disseminate information about their work in diverse languages
   • Opportunities to participate in the work of Internet governance entities should be widely publicised
   • Internet governance entities should actively foster participation in their work by all those who are affected by the decisions they make, and independently of their physical location and financial resources
   • All information which is relevant to Internet governance and decision-making should be publically available
   • Organisations should regularly review their policy and practice with regard to information, participation and decision making processes.

The Code of Good Practice is an instrument that can play a role in the practical implementation of the WSIS principles of multilateralism, transparency, democracy and multi-stakeholder participation in internet governance. APC's Anriette Esterhuysen co-moderated the main session on Internet Governance in the light of the WSIS principles[7]. The session explored the extent to which the IGF had fulfilled its mandate

3   http://www.icann.org/en/announcements/announcement-30sep09-en.htm#affirmation
4   http://www.intgovforum.org/cms/2009/sharm_el_Sheikh/Transcripts/Sharm%20El%20Sheikh%2016%20November%202009%20Managing%20Critical%20Internet%20Resources.pdf (See Willie Currie intervention)
5   http://www.intgovcode.org/index.php/Main_Page
6   Participating institutions included the Internet Society (ISOC), the World Wide Web Consortium and ICANN.
7   http://www.intgovforum.org/cms/2009/sharm_el_Sheikh/Transcripts/Sharm%20El%20Sheikh%2017%20November

in paragraph 72.i of the Tunis Agenda on the Information Society to 'promote and assess, on an ongoing basis, the embodiment of WSIS principles in Internet governance processes'. In this session it became apparent that the WSIS principles have certain lacunae when it comes to promoting human rights and development in internet governance.

Participation

The lack of sufficient developing country participation was already mentioned above. Also important is the participation of women. If the IGF is to be a real multi-stakeholder platform, then serious attention needs to be paid to the still very visible gender gap at all levels of access and participation to this forum, including agenda shaping, representation and diversity within each stakeholder groups.

Of a positive note was the participation of young people and more effective remote participation. There appeared to be distinct drop in the average age of IGF participants this year. This is a great achievement and is particularly important as we address emerging issues such as the public policy challenges posed by social networking.

Nevertheless, many of the workshops and main sessions that addressed issues related to the youth, did not have young people as speakers. Remote participation, while still challenging at times, worked far better than in previous IGFs. We want to commend all who worked to make this happen and thank the remote participants for the effort they made to join.

Worrying events at the 2009 IGF

ONI poster incident

On the first day of the IGF, at a lunch-time event organised by the Open Net Initiative, a poster promoting a new book called "Access Controlled" was removed by security personnel on the grounds that contained a sentence that violated UN policy. The sentence in question read "The first generation of Internet controls consisted largely of building firewalls at key Internet gateways; China's famous "Great Firewall of China" is one of the first national Internet filtering systems." Apparently, the motivation of the United Nations Security office actions was that the poster displeased Chinese government officials attending the IGF. APC understands that the IGF has to adhere to UN protocols and policies. However, it is unfortunate that some governments, by virtue of their power and position, use protocols to stifle debate and discussion on issues relevant to internet governance, the very objective of the IGF.

Host Country Honorary Session

On the final day of the IGF, Mrs Suzanne Mubarak, the wife of the president of Egypt, hosted a session. The event and resulting shifts in the programme was only made known to workshop and main session organisers two days before the Forum com-menced. The insertion of an unscheduled event on the last day of the Forum by the host-country disrupted the work of the Forum. The intense security required, which in-cluded participants being prohibited from bringing their mobile phones and cameras into the venue, undermined the atmosphere of open and constructive engagement among stake-holders which is a key attribute of the IGF. It marred the otherwise ex-emplary efforts of the Egyptian Ministry of Communications and Information Techno-logy in hosting the IGF.

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The future of the IGF

APC made a statement to support the continuation of the IGF beyond the expiry of its five-year mandate in 2010 in the "taking stock session"[8]. We highlighted the value of national and regional IGFs and proposed that thematic IGFs be adopted as a way of exploring issues in more depth in between the annual meetings.

Conclusion and recommendations

The fourth IGF was a little cautious with regard to making any new innovations or including new controversial subjects for discussion. This caution can be partly attributed to the IGF review process and a desire not to offend any constituency when the IGF's future is at stake. The US government's Affirmation of Commitments which gives ICANN greater independence from US control also took the sting out of the contentious debates of the past IGFs on critical internet resources management and enhanced cooperation on public policy principles affecting such management. The issue of linguistic diversity has been emerging strongly albeit primarily through the focus on Internationalised Domain Names). The consensus on privacy and security being equally important aspects of internet governance rather than critical issues that need to be balanced or traded off against one another is significant and paves the way for the discussion of a global privacy standard. Perhaps these are signs of maturity – that the IGF has reached a certain equilibrium and acceptance of itself as an open space for constructive, forward-looking policy dialogue.

Going forward APC would like to recommend the following:

1. Regional and national IGFs

APC as a co-convenor of the Latin American and Caribbean and East African IGFs supports the idea of regional IGFs that can serve the purpose of defining regional priorities and enabling greater participation from multiple stakeholders at regional level. We believe that national IGFs are a powerful mechanism for learning, problem solving, collective action and building partnership among different stakeholders at national level. We can commit to participating in convening regional IGFs in Southern Africa, Southern Europe and South East Asia - all regions which we feel are not adequately participating in the global IGF.

2. Thematic IGFs

To address the need for more in-depth discussion of certain issues in a maturing IGF APC recommends the introduction of thematic IGFs between global IGFs. Thematic IGFs can provide forums for individuals with the necessary expertise from different stakeholder groups to engage specific issues in greater depth and then communicate the outcomes of their discussions to the internet community at large, or to specific institutions.

Issues which require more in-depth multi-stakeholder engagement that emerged at the 2009 IGF include the development of global privacy standards, user literacy and education, the future of the root zone file, and a Development Agenda on internet governance.

3. Main sessions on development and on human rights

As stated above we believe that a main session on human rights in internet governance and a development agenda for internet governance should be included in the next IGF. We propose that a draft outline of issues that can form a development

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8 http://www.intgovforum.org/cms/2009/sharm_el_Sheikh/Programme.MainSessions.html

agenda in the IGF be developed and discussed just before the February 2010 open consultation. It can then be presented for feedback at regional IGFs.

4. Effective resourcing of the [IGF](#) secretariat

Over the years of its existence the IGF has developed an adaptive ecosystem in which all stakeholders can interact on the basis of equality of input. This is an important dimension which depends on the adroit and careful shepherding of the IGF performed by the IGF secretariat under the effective and diplomatic leadership of Nitin Desai and Markus Kummer. The vital role of the IGF secretariat in its current form to the success of the IGF should not be under-estimated. We have heard a lot of corridor talk that the status of the secretariat should be changed in some way and located more firmly in the UN system. We feel that the IGF should continue to operate under the auspices of the UN while continually aiming to enhance its multi-stakeholder nature. If the IGF is to continue to succeed and make further strides in fulfilling its mandate, the secretariat needs to be properly resourced.

Some stakeholders think that those countries who provide financial support to the IGF have more say over its annual programme as a consequence of their funding of the IGF secretariat. We have not found this assertion to be true. The IGF secretariat needs independence from any form of undue influence. We propose that a terms of reference for donations could be put in place to protect the IGF secretariat's independence. In addition, there should be a travel fund for speakers from developing countries that is accessible and transparently managed by a multi-stakeholder group, in order to prevent a single stakeholder exerting undue influence over the selection of funded participants in the IGF.

5. Multi-Stakeholder Advisory Group meetings and open consultations

We propose that the open consultation be extended to two days and the MAG meeting reduced to one day. This would maximise the openness of the process by which input is received and discussed.

6. Innovative and creative meeting formats

We recommend that the IGF continue to develop innovative and creative meeting formats. The suggestions made earlier in the year at the open consultations on the IGF programme to have round-table discussions aimed at building consensus on issues like accessibility, access or child protection were not taken forward. The super sessions were a step forward and because they were three hours long it was easier for facilitators to involve remote participants in the workshops. We feel that a fresh attempt should be made at IGF5 to experiment with round-table discussions.

7. Learning from experience in taking stock and going forward

We encourage the secretariat and the hosts of the first four IGFs, Greece, Brazil, India and Egypt to convene to share lessons learned from hosting the IGFs and to submit a report to the UN Secretary General and the Commission on Science and Technology for Development (CSTD) as part of the input into the continuation of the IGF.

Finally, we would like to thank all who contributed to the fourth IGF: the government of Egypt, the IGF secretariat, the Multi-Stakeholder Advisory Group, dynamic coalitions and workshop organisers, those who provided financial support, speakers and moderators, the Egyptian volunteers who provided technical and logistical support, and all the IGF participants who help make this such a unique event.