APC's reflections on the Fifth Internet Governance Forum held in Vilnius, Lithuania, 14-17 September 2010

23 November 2010

Table of Contents

Preamble

The Association for Progressive Communications (APC), the world's oldest online network of civil society organisations working on ICTs and social justice, has participated in the IGF process since its launch in 2006. We have found the IGF to be a creative and influential forum for policy dialogue and strongly support its continuation. Here we reflect on the Fifth Forum held in Vilnius, Lithuania, from 14 to 17 September 2010.

At the outset of this document we express our gratitude towards all the people who have worked hard to make the 2010 event a success: in particular the IGF Secretariat (Seiiti Arata, Avri Doria, Chengetai Masango, Barrack Otieno, Adam Peake, Irina Satrovaite, Kyle Shulman) working under the able leadership of the executive coordinator, Markus Kummer. That such a small group with limited resources at their disposal pulls the event off so successfully every year is quite remarkable. We also want to recognise the inputs and commitment of the Multi-stakeholder Advisory Group (MAG) skilfully chaired by Nitin Desai and the seamless and friendly hosting by the Lithuanian government.

1.   The future of the IGF

APC is firmly committed to the continuation of the IGF, and to the strengthening of global, regional, and national IGFs. We have seen evidence of how the IGF contributes to a more integrated approach in internet governance practice through informed debate and learning. The lGF process of the last five years has enriched our understanding of internet public policy issues, actors, spaces and challenges.

By offering a platform for open dialogue – including the exchange of ideas among different stakeholders and institutions – we have built relationships and alliances that support our work nationally, regionally and internationally.

We believe that an international space for open exchange on matters of public policy affecting the internet must continue to thrive in conjunction with the regional and national processes which are evolving in accordance with local contexts and priorities.

If the IGF continues, APC would like to see the outcomes of the dialogue extracted succinctly and made more visible in a format that can facilitate uptake by actors involved in internet governance and development. We believe this can be done without compromising the non-binding, non decision-making nature of deliberations.

2.   Human Rights

As a contribution to deepening the discourse on human rights and internet governance in the IGF process, APC, the Centre for Internet and Society, Global Partners, IT for Change and the Internet Rights and Principles Coalition organised an pre-event "*Internet governance and human rights: Strategies and collaboration for empowerment*"[1] at Vilnius.

The workshop was well attended and the quality of discussion consistently high. Much focused on the relationship between different rights, the indivisibility of rights, and on the fundamental facilitating role played by the right to access internet infrastructure, and the right to freedom of expression and association. Participants generally agreed that without access and freedom of expression, the internet cannot be used effectively to support the realisation of other human rights.

During the 2009 IGF, discussion of human rights on the internet was fairly fraught, in part as a consequence of an incident during a pre-event that addressed online censorship. The Vilnius IGF was very different. Human rights was discussed frequently and constructively.

The pre-event mentioned above contributed to this as it provided participants with time and space to discuss, debate and formulate approaches to an extent that isn't always possible in the IGF workshop or main session formats. Pre-events should be encouraged as a format that can contribute to the IGF discourse, and support provided where possible.

The participation of the United Nations Special Rapporteur on Freedom of Expression, Mr. Frank la Rue, contributed to raising the visibility of rights and internet governance during debates. The Special Rapporteur was able to share his substantial expertise and experience as a participant in the pre-event, in many of the workshops that focussed on rights and internet governance during the IGF, as well as during the main session on Security, Openness and Privacy, which he co-facilitated.

However, whilst it is encouraging to see an increasing interest in the relationship between human rights and internet governance, discussions to date have tended to merge universally agreed human rights, with nominal values and principles. Whilst acknowledging that discussion around values and principles are important, and can contribute to the broader realm of human rights, distinctions must always be made and recognised.

Universally recognised and enforceable rights should not be overshadowed by discussions on values and principles.

Two initiatives shared the outcomes of ongoing work exploring the relationship between rights, principles and values and internet governance: the Dynamic Coalition on Internet Rights and

---

1   http://www.apc.org/en/node/10965/

Principles charter[2], and the Brazilian Internet Steering committee's 'Principles for the Governance and use of the Internet[3].

These, and other charters and guides, including APC's Internet Rights Charter[4], represent a significant contribution to deepening our understanding of human rights, principles and values – and how they can be applied to internet governance.

But the same challenge remains: how can we ensure that universally agreed human rights – which can be applied to internet governance are not overshadowed by unenforceable values and principles?

One way of addressing this, is to reach out more to professional human rights workers and mainstream human rights organisations who have expertise in the application and enforcement of human rights. Apart from a few notable exceptions such as Human Rights Watch, very few specialist human rights organisations participate in the IGF. This is a risk for both the internet governance and the human rights communities.

APC is committed to facilitating stronger relationships between human rights actors, and the IGF community, by encouraging them to participate in the IGF and other ICT policy processes, and by working in the policy spaces where they are engaged.

Another way is through capacity building. Securing human rights in the internet environment involves understanding rights frameworks, a wide range of legislation and regulation, different ways of implementing regulation and building consensus among different stakeholders of why freedom of information, expression and association on the internet are so important to harnessing the potential of the internet for human development. Consensus is not a likely prospect, but, the IGF is the ideal forum for debate, dialogue and learning. The IGF should create the opportunities for this to happen, through main sessions on rights issues, and through workshops and learning events.

3.   A development agenda for internet governance

As noted above, we were pleased to see a main session on Internet Governance for Development. In addition to making the IGF agenda more relevant for developing country participants, APC believes that this is an important step towards understanding internet governance holistically and building a development agenda into policy dialogue and decisions.

To do this effectively, the IGF community --which includes current participants-- needs to make concerted efforts to include the participation of developing country stakeholders and include development issues and developing country concerns in the agenda. Internet governance for development is more than 'development of internet governance' or even 'internet governance in developing countries'.

It is about how internet policy impacts on, *and responds to*, social, economic and human development. These impacts can be positive or negative. To explore them will involve the IGF facilitating dialogue between the internet community and development policy-makers and practitioners, many of whom are not currently engaged with internet governance and policy.

To consolidate a development agenda in the IGF effectively we believe that the IGF should approach development from a sustainable development perspective. Sustainable development involves consideration of human, economic, and social development, and the impact of development on the natural environment.

Growth is not always sustainable. Economic growth alone can entrench existing inequalities in

---

2   http://internetrightsandprinciples.org/node/367

3 http://www.cgi.br/english/regulations/resolution2009-003.htm

4   http://www.apc.org/en/node/5677/

access to power and resources, and create new ones, or it can challenge those inequalities: neither is inevitable.

We believe that constructing the main session on internet governance for development as a forum in which panellists and and participants discuss ideas and messages that emerged from workshops will be more effective. In fact we believe that a format of two days of workshops and two days of plenary sessions that build on workshops make for a more coherent structure.

4.   Accountability and transparency in internet governance institutions

Accountability and transparency in internet governance has become increasingly prominent in the IGF since its inception in 2006.

During the 2010 IGF, the issue was raised and debated in workshops and plenaries in relation to the management of critical internet resources (CIR), regulating social media, fighting cyber-crime, successful self-regulatory models, internet governance for development, and, the development of rules, norms, policies and procedures that govern the development, use and evolution of the internet.

It is interesting that in spite of the apparent prominence of transparency and accountability in a broad range of discussions at the 2010 IGF only two workshops focussed on this issue specifically.

One (workshop 110), hosted by APC in partnership with the Council of Europe (CoE) and the United Nations Economic Commission for Europe (UNECE) applied the code of good practice on information, participation and transparency in internet governance[5] we have been developing since the 2007 IGF to a national policy process: the South African national broadband policy which was gazetted in mid-2010. Discussion focused on some of the challenges involved in getting entities involved in internet governance to use such a code, and participate in its ongoing development.

The second (workshop 88) hosted by the Number Resource Organisation (NRO) focussed on the "value of open, wide-ranging communication between the many stakeholders with an interest in internet governance, and that better understanding of the varied concerns of different sectors has helped lead toward effective and sustainable solutions to the increasingly complex issues that the global Internet has presented."

In both workshops, it was evident that there is significant interest from a range of stakeholders in the importance of improving transparency and accountability in almost all areas of internet governance, and that there is a clear need for greater communication, coordination and collaboration between the different initiatives working in this area.

Participants, particularly those from developing countries, saw significant potential in using work developed in this area, as an awareness-raising and capacity building tool in their own local processes and were interested in incorporating more substantial focus on this area in regional (and national) fora.

Government representatives at both workshops saw the benefit of drawing on established best practice in the development and implementation of stakeholder consultations. Private sector entities recognised the value of increased transparency and accountability to small businesses in particular – representatives of which are largely absent from the IGF process.

The increasing concern with improving accountability and transparency in internet governance warrants it being addressed as a sub-theme in the 2011 IGF.

---

5   http://www.intgovcode.org/

5.   Sexuality rights, openness and the internet

Sexuality lies at the heart of debates on the need to limit rights to freedom of expression, information and privacy on the internet. The problem of online pornography is often cited as a primary reason for internet content regulation.

Despite the relevance of sexuality to internet governance discussions, the IGF has been a challenging space for advocates of women's rights, gender equality and sexuality-related rights and their absence reflects on the ways these issues are debated.

To date, sexuality has generally been raised as a negative, rather than a positive, rights issue. Issues of sexual health, sexual education and sexual equality are very rarely tabled as policy dimensions of internet governance. Due to the value-ridden and highly charged character of sexuality, policy needs to be based on research that aims to understand how users' engage with sexual content online. This was a major motivation for APC and partners to organise a workshop on *Sexual rights, openness and regulatory systems*, and we thank the MAG and IGF secretariat for the opportunity to share research that looked at internet content and sexuality issues from a broad range of rights – beyond the perspective of harm. We were also very pleased to see increased space for discussions on positive representations of sexuality and the internet in other workshops.

Given that the internet has a key role in the realisation of a broad range of human rights --such as the right to access information on sexual health and pleasure, the right to privacy including control over personal data and respecting for its contextual integrity, and the rights to opinion, expression and assembly over the internet-- we hope that the space to discuss these issues will continue to grow at the IGF.

6. Participation

Various efforts have been made to respond to the Tunis Agenda in terms of substance and procedure which mandates the IGF to: "Strengthen and enhance the engagement of stakeholders in existing and/or future internet governance mechanisms, particularly those from developing countries". Introducing a plenary session on Internet Governance for Development in the 2010 IGF provided an increased incentive for participants from developing countries to attend and participate in the IGF. So did identifying speakers and facilitators from developing countries for main sessions.

APC again managed to mobilise resources to bring participants from developing countries to the IGF, in particular a group of young women from Africa, Latin America, Asia and the Middle East. And we recognise the efforts of others who supported developing country participation. Nevertheless, additional efforts need to be made to reach out to representatives from developing country governments, business and civil society. This should be considered early in the IGF 2011 planning cycle and efforts to secure financial resources for developing country participation should be increased. The ITU scholarship fund is useful in this respect, but it is quite opaque, particularly to new IGF participants. Efforts should be made to ensure that information about the fund, how to apply, the selection criteria and successful applicants, should be open and transparent.

We acknowledge the significant improvement in remote participation in main sessions and workshops. The workshop on remote participation was particularly useful. The challenge now is to make the shift from remote participation to enhanced participation by using the tools and techniques to enable more distributed and diverse involvement in setting the IGF agenda and making the event as inclusive as possible. We encourage the Secretariat and workshop organisers to make greater use of remote speakers and presenters. We recommend that at least one of the two annual open consultations held to prepare for the IGF be held as online consultations.

We also want to note that a change in the format of the IGF that leans more strongly towards documenting the outcomes and conclusions of workshops and main sessions can be of benefit to participants who are not physically present.

Participation of members of parliament (MPs) appeared to be even stronger than in past events and we found the lunch time round table for MPs organised by Nominet very useful and an excellent demonstration of how the IGF can enrich the thinking of policy-makers.

Final statistics on participation are not yet available. We hope they indicate an increase in participation from the Global South, the number of women present and active as presenters, and diversity in the age and geographic origins of participants.

7.   Regional, national and thematic IGFs: Exploring multiple formats

General consensus has emerged that regional and national IGF processes should be strengthened and that their link with the global IGF space should be flexible rather than formal. This allows the local processes to follow their own dynamics and respond to their regional or national priorities.

The MAG should encourage national and regional IGF related processes to contribute to the open consultations to ensure that the priorities identified at those levels are taken into account when building the global IGF agenda.

There should be a greater exchange and dialogue among the different regions, as a way to identify common challenges that can be taken to the global forum. We propose that the Secretariat facilitates periodic meetings between conveners of national and regional IGFs. This will allow them to share best practices. Global issues impact on regional and national ones, therefore, complementaries between the regional/national and the global space should be explored. The IGF should find a way to keep the balance between taking into account the priorities and particularities of regions without preventing the global dimensions of issues from being fully addressed.

We urge national and regional IGFs to be as inclusive as possible and to respect the WSIS principles at all times. During one of the human rights events, a participant working on freedom of expression and association said that they found it far easier to raise human rights issues at the global IGF than at the regional IGFs.

We suggest that experimenting with thematic IGFs, which for example deals specifically with spam, could add to this evolving mix of formats in the IGF process.

APC observed that the orientation session and the regional perspectives main session worked well and were improved in relation to previous years. Proposing in advance a set of questions for panellists of the regional perspectives session helped to have a much more structure discussion as well as to identify common issues and challenges between regions.

8. Collected recommendations for future IGFs

Our recommendations include a main session on human rights and a sub-session on accountability and transparency for the next IGF, making spectrum allocation, digital migration and intellectual property central and that the IGF should adopt a sustainable development agenda. We would like to see the piloting of thematic IGFs. We continue to recommend improving developing country participation and broadening the stakeholder community. We also have specific suggestions for improving the IGF process to make it more informed and dynamic.

8.1. The IGF agenda

8.1.1 Human rights

- There is increasing awareness in the internet governance community of the links between internet governance and human rights. This is evident from the enhanced presence of human rights discussions at the global IGF and also at regional IGFs. We also see an increase in interest by the mainstream human rights community. The time is ripe for a main session on human rights which could serve as a springboard for enhanced cooperation and the IGF is the ideal forum for debate, dialogue and learning.

- The IGF needs to reach out to professional human rights workers and mainstream human rights organisations who have expertise in the application and enforcement of human rights. They are key to better understanding how can we ensure that universally-agreed human rights are applied to internet governance – and not overshadowed by unenforceable values and principles.

- Given that the internet has a key role in the realisation of a broad range of human rights --such as the right to access information on sexual health and pleasure, the right to privacy including control over personal data and respecting for its contextual integrity, and the rights to opinion, expression and assembly over the internet-- we hope that the space to discuss these issues will continue to grow at the IGF.

8.1.2 Accountability and transparency

- The gradual emergence of the issue of improving accountability and transparency in internet governance is now broadly relevant to a great number of different and diverse stakeholders. The issue has reached a point where there is sufficient critical mass, importance and interest to warrant higher visibility in the IGF agenda, besides intersecting with a variety of issues. It warrants being addressed as a sub-theme in the 2011 IGF.

8.1.3 Access to infrastructure and knowledge

- Spectrum allocation, digital migration and intellectual property are all issues that were conspicuous in their absence (intellectual property was somewhat present, but not sufficiently). APC recommends that these issues are brought to the fore next year.

8.1.4 Development agenda

- Exploring the internet policy impact on social, economic and human development involves the IGF facilitating dialogue between the internet community and development policy-makers and practitioners, many of whom are not currently engaged with internet governance and policy. An IGF development agenda should embrace the concept of sustainable development.

8.2 Developing country participation

Additional efforts need to be made to reach out to representatives from developing country governments and civil society. This should be considered early in the IGF 2011 planning cycle and efforts to secure financial resources for developing country participation should be increased. The ITU scholarship fund is useful in this respect, but it is quite opaque, particularly to new IGF participants. Efforts should be made to ensure that information about the fund, how and when to apply, the selection criteria, and successful applicants, should be open and transparent and should be disseminated in all UN languages.

8.3 Regional and national IGFs

There is a general consensus that regional and national processes should be strengthened and that their link with the global space should be flexible rather than formal, allowing these processes to follow their own dynamics and respond to their regional or national priorities. The MAG should, however, encourage national and regional IGF related processes to contribute to the open consultations to ensure that the priorities identified at those levels are taken into

account when building the global IGF agenda.

We propose that the Secretariat facilitates periodic meetings between conveners of national and regional IGFs and provide avenues for the exchange of information. We urge national and regional IGFs to be as inclusive as possible and to respect the WSIS principles at all times. We also suggest that convenors of national and regional IGFs produce reports which feed the main session on regional perspectives and be tabled in pre-events, workshops and other sessions.

8.4 Piloting thematic IGFs

As with pre-events, thematic events can help to deepen the understanding of complex issues. Thematic IGFs can provide fora for individuals with the appropriate expertise from different stakeholder groups to engage specific issues in greater depth and then communicate the outcomes of their discussions to the MAG, specific institutions and to the internet community at large. Recommendations on issues for thematic IGFs could be made at the end of an IGF year, for thematics during the following year, in the run up to the next annual event.

APC suggests that a pilot thematic IGF on spam is organised.

8.5 Broadening the stakeholder community participating in the IGF

As the internet increasingly impacts all facets of our lives, IGF discussions must increasingly include a broader set of stakeholders. As such, the IGF should have a clear liaison role with regard to informing relevant international processes and institutions of IGF messages and outcomes. For example, with regard to increasing access to the internet, a summary of outcomes and suggestions from the discussions at the IGF should be tabled for discussion in international processes and institutions that deal with policy and regulation that relate to affordable internet access.

Other policy communities, particularly those involved in development policy, environmental policy, trade, access to knowledge, human rights, democratisation and governance should be reached out to.

8.6 Pre-events

Pre-events are good opportunities to focus on a given theme and they should be encouraged as a format that can contribute to the IGF discourse. They can offer added value and attract participants that might not normally attend an IGF meeting. We recommend that ways to provide more support for organising pre-events should be found, particularly at the level of logistics and the necessary assistance for its effective realisation. It would be very useful for both the IGF Secretariat and the Host Country to appoint contact persons with regard to the organisation of pre-events.

8.7 Remote participation

We encourage the Secretariat and workshop organisers to make greater use of speakers and presenters who participate virtually. We recommend that at least one of the two annual open consultations held to prepare for the IGF be held as online consultations. We suggest thinking of remote participation as "enhanced participation" ie as a means of achieving a more participative IGF process as a whole.

We believe that somewhat more structured formats can assist with this, e.g. the use of rapporteurs in workshops and main sessions, and the consolidation by the rapporteur of any messages that the workshop or main session would like to convey to other internet governance fora and institutions.

8.8 Main sessions and new formats

We recommend that the IGF continue to explore innovative and creative meeting formats as well as effective facilitation methods to involve remote participants in sessions and workshops. There was a lack of energy in the main sessions this year. This might be because there were too many main sessions or because there needs to be a stronger link between them and the rest of the activities in IGF. A format which allows for more synthesis at main sessions (eg avoiding lists of what was discussed) could lend some dynamism to these sessions. We also envision experimenting with expert responses to workshops outcomes and posing of further challenges.

In both cases we hope for more discursive dialogue in IGF main sessions.

In our view, it is crucial to ensure that facilitators selected are experts on the issues. We also suggest that at least 50% of the facilitators are from developing countries.

Generally, we recommend that the IGF continue to explore innovative and creative meeting formats as well as effective facilitation methods to involve remote participants in sessions and workshops. Given that there was a general consensus that this year's IGF lacked the same level of energy as previous IGFs, and that to be successful the IGF must continually evolve and adapt, the timing is propitious to experiment with format and process.

8.9 IGF messages

A change in the format of the IGF that leans strongly towards documenting the outcomes and conclusions of workshops and main sessions in the form of "IGF messages" can be of benefit to participants who are not physically present and could lead to more straight forward collaborative action of stakeholders that attend the event.

8.10 Workshops

8.10.1 Application of the multi-stakeholder format

The current mechanism for ensuring multi-stakeholder participation in workshops has become too formulaic. Organisers scramble around chaotically in the months leading up to the event to make sure that they have "a civil society speaker" and "a government panellist". Is this tokenism, or is it succeeding in building stakeholder engagement? We believe that MAG should ask this question at its upcoming consultation. Workshops would benefit from ensuring that they include speakers who are stakeholders in the topic under discussion in the sense that they *have a stake in it*, rather than simply being representatives from different sectors.

8.10.2 Number and merging of

The agendas of many workshops at Vilnus seemed incoherent. When asked, organisers reported that they had been asked to merge with other workshops making it difficult to maintain a common, coherent thread. The increasing number of workshop proposals that are received every year is an indicator of success. However, a balance has to be struck between trying to please everyone (with the possibility of diluting the quality of discussion and debate through multi-mergers), and making hard decisions based on stricter criteria (but thereby increasing the possibility of higher quality discussion and debate).

8.10.3 Number of speakers

Generally, workshops have too many speakers. The Secretariat and MAG should limit the number of speakers and inputs or strongly encourage workshop proponents to do so. The goal of the IGF is dialogue and debate and it is the organisers' responsibility to make sure that workshops enable this. Too many speakers results in monologues and disengagement. The MAG should carefully check this aspect at the proposal submission stage.

8.10.4 Proposal template and format

We recommend that the workshop proposal template be changed to make it clearer that those actively involved in the issues are invited to participate. The number of speakers should be limited and a minimum time allotment for discussion should be enforced. A revised template would encourage people to plan their workshops in such a way that enough time is left for discussion.

8.10.5 Participant evaluations of workshops and main sessions

We propose that the IGF secretariat introduce a simple evaluation form for each workshop and main session which participants can complete online. The results of these evaluations will provide useful input to workshop organisers, the Secretariat and the MAG.

8.10.6 Linking to main sessions

We propose a format that consists of two days of workshops followed by two days of main sessions interspersed with round tables and best practice forums. The main sessions can then

more effectively respond to and build on discussion that took place in workshops.

8.11 The Multi Stakeholder Advisory Group

We are generally satisfied with the work of the MAG. However, the APC believes that once the future of the IGF is decided, a broad consultation should take place in order to ensure that any future MAG best supports the IGF and that the Secretariat should direct more resources towards facilitating the work of the MAG so that it realises its full potential.

Moving forward, we recommend that the Secretariat assign a coordinator to work with the MAG, that the MAG develop a workplan which includes distributing its work more evenly throughout the year, and that the MAG elects a small coordinating group from among its own members to help facilitate its work. This group could assist the chair and the executive coordinator in facilitating the work of the MAG. The positions in this group could be pre-defined eg a liaison for fundraising, for regional meetings, remote participation, for evaluation and feedback to stakeholders.

We also recommend that the MAG makes use of online platforms for meetings in between face-to-face meetings in addition to their existing use of a mailing list.

9.   Continuation of the IGF

As we write this report, the future of the IGF is uncertain. APC strongly hopes that the IGF will not just continue to be a multi-stakeholder space for discussions on internet governance, but that it will continue to innovate and build on the gains it has made.

We believe that the IGF will continue to evolve and we look forward to the suggestions that will emerge from the UN Commission for Science and Technology for Development working group on IGF improvements.

We would like to see the IGF evolve away from its annual event format into a year-round process that allows multi-stakeholder dialogue to inform policy-makers and that effectively facilitates interaction between this dialogue and the forums and institutions where internet governance and policy decisions are made.