Internet governance: mapping the battleground

Global Partners and Associates, 2013

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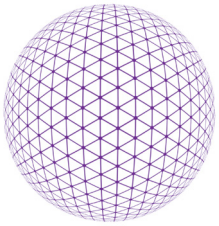

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Contents

Introduction 01

Internet governance – current model and state of debate 03

Background 03
Concerns with the current model 04
State of debate 05

Priority internet governance battlegrounds: mechanisms, processes, and actors 06

WSIS review process 06
International Telecommunication Union (ITU) 08
UN Commission on Science and Technology for Development (CSTD) 10
Internet Governance Forum (IGF) 10

Inter-governmental spaces to watch 12

United Nations General Assembly (UNGA) | United Nations Human Rights Council (UNHRC) 12
Organisation for Economic Co-operation and Development (OECD) | The G-8 13
Trans-Pacific Partnership (TPP) | World Trade Organisation (WTO) 13
Post-2015 MDG Agenda | The World Intellectual Property Organization (WIPO) 14
Shanghai Cooperation Organisation (SCO) 15

Non-institutional forums: avenues for promoting a positive agenda 16

Conference on Cyberspace = the London Process 16
Global Congress on IP and the Public Interest | Stockholm Internet Forum 16
Freedom Online Coalition | Cyber Dialogue | Rights Con 17

Governance of internet's technical resources 19

The Internet Corporation for Assigned Names and Numbers (ICANN) 19

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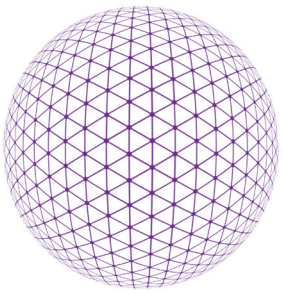

Introduction

This report provides an outline of major upcoming battles in the debate about how the internet is governed, this study aims to feed into existing civil society efforts to engage in this debate. The forums, bodies and conferences are prioritised and grouped depending on their decision-making clout and their likelihood of having an impact on the overall debate outcomes. Priority is given to forums that explicitly deal with internet governance, its mechanisms, processes, and actors. These forums are linked to individual conferences and a brief analysis of the forum type, relevance, and avenue for civil society participation. Forums that address internet governance less explicitly are also outlined. Their impact on internet governance is likely to be more indirect, but no less relevant. They can also be important spaces to develop a positive, proactive agenda across different stakeholder groups.

As the ten-year review of the World Summit on the Information Society (WSIS) approaches, we find ourselves at a tipping point in the debate on the appropriate governance model for the internet. Civil society will have a crucial role in advocating for an internet governance regime that protects and expands the potential of the internet as a conduit for human rights and freedom of expression.

Initially, governance of the internet was synonymous with governing the internet's functional resources. It was marked by an absence of an overarching central authority and relied on decentralised and multi-stakeholder decision-making processes with input from civil society, academics, engineers, and the private sector. During this early period, the internet was of little interest to governments and was largely absent from traditional international governance forums. However, due to the growing socio-political implications of the medium, the internet is now emerging as a stand-alone issue on national and international public policy agendas. As governments try to exert their influence over the field, debates on internet-related issues emerge in inter-governmental forums alongside multi-stakeholder spaces that have developed as part of technical governance of the internet.

Consequently, policies that have an impact on the internet's development are discussed across a growing number of forums that cut across policy areas such as security, development, and free expression. While the current model has its downsides, many see this emergence of governmental interest in the internet as a worrying trend that will have a detrimental impact on the internet's potential to support innovation – a potential which is said to rely on the decentralised, multi-stakeholder and open model of governance.

Internet governance – current model and state of debate

'The development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet.'

– Definition of internet governance from the Tunis Agenda, 2005

Background

Internet governance first emerged on the international stage as a significant issue during the World Summit on the Information Society (WSIS) process in 2003 and 2005. This multi-stakeholder event was an important milestone – its outcome documents gave institutional (governmental) support to the multi-stakeholder model of internet governance and led to the establishment of the Internet Governance Forum (IGF) at the final WSIS meeting in Tunis.

Before WSIS, governance of the internet was synonymous with management and maintenance of its technical resources – domain names, root servers, engineering protocols etc. – which took place at specialised bodies such as the Internet Corporation for Assigned Names and Numbers (ICANN)[1], the International Telecommunication Union (ITU), the World Wide Web Consortium (W3C)[2], and national bodies which administer the national domains. These bodies were mainly concerned with managing and improving the internet's functionality, rather than governing the environment in the way that regulators govern broadcast media. In most part, technical governance of the internet relied on a decentralised and multi-stakeholder decision-making model with input from civil society, academics, engineers, and the private sector, with little government involvement.

The multi-stakeholder model was reaffirmed in the Tunis Agenda during the second phase of WSIS in 2005 as the appropriate governance model for the internet. But in its framing of internet governance, the Tunis Agenda made explicit that internet governance included more than just internet naming and addressing. It drew a distinction between '**international public policy issues pertaining to the internet**,' which are to be developed 'by governments in consultation with all stakeholders', and '**the day-to-day technical and operational matters, that do not impact on international public policy issues**', which are to be managed by 'relevant international organisations' with 'no involvement' by government[3].

The former group includes a plethora of bodies with varying decision-making power, membership and jurisdictional reach, including various United Nations bodies, inter-governmental regional bodies and associations (e.g. EU, OAS, the Council of Europe, APEC, the African Union, OECD, the G77, G20, and the G8), many issue-specific organisations (e.g. WTO, WIPO), various human rights mechanisms (e.g. OHCHR), and non-institutional international initiatives (e.g. Anti-Counterfeiting Trade Agreement (ACTA), and the India, Brazil and South Africa dialogue (IBSA).

Many argue that little coherent policy can emerge from such a morass, that the complexity of engaging in a large number of policy forums disadvantages some stakeholders (such as those from developing countries) from contributing, and that much of the key policy decisions are taken by the private sector with no transparency or accountability.

Concerns with the current model

There are diverging opinions about the current model. Some credit its characteristics – it being industry-led, bottom-up, voluntary, decentralised and consensus-based – as one reason why the internet has been able to evolve and grow so quickly, both as a technological platform and as a means of expanding the free flow of commerce and ideas[4]. Indeed, aspects of the internet have worked extremely well within the current governance system, which has fostered rapid growth, innovation and enterprise, and greater communication capacity with tremendous benefits for democracy and human rights. However, the current regime is complex – it covers a range of issues and bodies that cut across policy-areas – including highly technical issues regarding standards and interoperability, but also issues such as security, freedom of expression, development, privacy, intellectual property, etc. Some bodies that deal with these issues are inter-governmental (e.g. ITU, OECD), while others are multi-stakeholder (e.g. IGF). Some debates are localised, others are global. This makes the system difficult to yield and participate in, even for developed country actors.

Having to deal with this complex space, many democratic states, particularly in the developing world, have supported demands to centralise its governance and, in parallel, bring it under greater government control. Complexity aside, those who favour reform argue that the current model favours early adopters in the Global North and does not adequately address developing countries' legitimate concerns regarding access and affordability. Today, 70% of the population in the Global North is online, compared to only 20% of the population in the Global South. The economy of the internet is dominated by large US companies such as Apple, Google and Facebook, and by European and US based telecommunications companies, raising concerns among developing countries that the economic benefit of the internet is not equitably shared. Charging mechanisms for access to the internet also appear to penalise poorer countries in the Global South. These genuine concerns can coalesce with those of more repressive governments who fear the democratic potential of the internet and wish to constrain and limit how it works.

A combination of these motives has already led to a number of initiatives to reform the current model to one where international governmental organisations and other state-dominated mechanisms play a much larger role. In 2011, China, Russia, Tajikistan and Uzbekistan submitted a draft proposal to the UN General Assembly for 'International Code of Conduct for Information Security'[5] containing no references to multi-stakeholderism or the role of civil society. In May 2011, the internet's role in society and the economy was formally on the G8 agenda for the very first time at the instigation of the French government, and an 'e-G8Forum' held immediately before the governmental summit to help shape the agenda – was limited mostly to government representatives and corporate leaders. In October 2011, India proposed the establishment of a 50 state United Nations Committee on Internet Related Policies (CIRP) to develop policies for the internet, supervise the functional governing bodies, address development issues and deal with disputes. This followed on from a proposal by the India-Brazil-South Africa Dialogue Forum (IBSA) for a greater UN role in internet governance. Tensions finally surfaced at the ITU World Conference on International Telecommunications (WCIT) held in Dubai in December 2012 where attempts to extend the role of the ITU into functions dealt with by other bodies were broadly supported but with strong opposition from the USA, the UK, and others. While no global governance regime has emerged on the back of the WCIT, the fragmentation of positions and heightened tensions made clear that deficiencies of the current model can no longer be ignored and that those who favour reform are growing in number and influence.

State of debate

Since WSIS, the debate on internet governance waned from mainstream UN circles and was largely pursued through alternative forums (e.g. IBSA). However, recent developments may signal a renewed interest in internet governance within the WSIS framework in the run up to the WSIS review in 2015. The ITU itself intends to put forward a range of governance issues to the World Telecommunications Policy Forum (WTPF) meeting scheduled for May in Geneva. WSIS outcome documents and the UN General Assembly Resolution 60/252 resolved to conduct an overall review of the implementation of the WSIS outcomes in 2015 (WSIS plus 10). In addition, in late 2012, the UN General Assembly invited the Chair of the Commission on Science and Technology for Development (CSTD) 'to establish a working group on enhanced cooperation to examine the mandate of the World Summit on the Information Society regarding enhanced cooperation as contained in the Tunis Agenda'[6]. The latter may be the forum in which the most influential proposals emerge, given the likely support for an enhanced co-operation mechanism in the Global South.

A lot remains unresolved, including how the **multi-stakeholder model** is meant to apply to 'international public policy issues pertaining to the internet' and the **'respective roles'of different stakeholders**. Also, does it even make sense to consider internet governance as a stand-alone issue given the fact that it cuts across so many policy areas and existing governance forums? This underlines both confusion about the nature of the debate and a lack of consensus about the forum for debate.

In this context, major battles on internet governance may take place in different forums. Some will explicitly focus on governance mechanisms, processes, and the roles of different stakeholders within the multi-stakeholder framework. The WSIS review forums, the IGF, the ITU, and CSTD fall in this category. Other battles will emerge in forums whose impact on the internet governance regime will be indirect. Here fall traditional state-led forums that address particular internet-related issues – including cyber-security, privacy, copyright, etc., but also a number of non-institutional forums that are likely to be more open to multi-stakeholder participation. Lastly, bodies that govern the technical aspects of the internet have already started to emerge as forums of interest to public policy-makers. Issues that were previously seen as the sole purview of technical bodies, like naming and addressing, are increasingly interlinked with broader policy considerations.

1 http://www.icann.org/ ICANN was founded in 1998.

2 http://www.w3.org/ Founded in 1994, W3C is administered by a consortium of research institutions and universities.

3 Tunis Agenda, Articles 34 and 69

4 Fourth draft of the Secretary General's Report for the Fifth WTPF 2013 (http://tinyurl.com/d5b6hns)

5 http://blog.internetgovernance.org/pdf/ UN-infosec-code.pdf

6 http://unctad.org/Sections/un_cstd/docs/cstd2013d02_Composition.pdf

Priority internet governance battlegrounds: mechanisms, processes, and actors

In the upcoming period and in the run up to the review of WSIS in 2015, a number of forums will aim to address unresolved internet governance issues. They will explicitly deal with mechanisms, processes, and actors in internet governance. Outcomes of these debates will have normative and agenda-setting value. They will also provide an opportunity for stakeholders to address concerns about the current governance regime and develop governance solutions that will harness internet's positive potential, instead of compromising it. Failure to adequately address pending governance issues may result in more actors resorting to traditional inter-governmental structures. This would tip the balance in favour of governmental control over the development and use of the internet, to the detriment of the multi-stakeholder model of internet governance.

WSIS review process

Description: The World Summit on the Information Society (WSIS) was organised in 2003 (in Geneva) and 2005 (in Tunis) by the United Nations with the aim to discuss broad implications of ICTs and their link to development. WSIS outcome documents, the Geneva Plan of Action and the Tunis Agenda, set out a number of Action Lines and called for their implementation through multi-stakeholder efforts under the coordination of the leading UN specialised agencies. The Action Lines most relevant for internet governance are *C.1: The Role of Public Governance Authorities and All Stakeholders in the Promotion of ICTs for Development, and C.11: International and Regional Cooperation.* Since 2005, relevant UN agencies have been monitoring progress on WSIS Action Lines on an annual basis through the WSIS Forum and the WSIS Stocktaking Process. Within the UN system, the United Nations Group on the Information Society (UNGIS) acts as the inter-agency mechanism with the main objective to coordinate substantive and procedural issues facing UN implementation efforts of the WSIS outcomes.

In 2015, the overall WSIS implementation efforts will be reviewed by UN General Assembly (UNGA) in pursuance of Resolution 60/252, marking a ten-year milestone since Tunis. The preparatory process towards the Review foresees a series of events to be hosted by UNESCO in 2013, by ITU in 2014 and UNGA in 2015, with ITU taking the lead managerial role in the process of the Overall Review of the Implementation of the WSIS Outcomes (WSIS+10). The expected final outcomes of the Overall Review include an evaluation of the implementation efforts since 2005, as well as a forward-looking agenda beyond 2015.

By 2015, the preparatory process should feed into the following outcomes of the overall review:

- Report on the outcomes of the Overall Review Process to the 18th Session of CSTD;
- UN General Assembly to endorse the forward looking outcome;
- Contribution to MDG Review Process.

Relevance for internet governance: During the Summit, on the back of heated debates (e.g. on the US' role in ICANN) and after much controversy, the Working Group on Internet Governance (WGIG) came up with a working definition of internet governance[7] which was used in the Tunis Agenda. Additionally, in an effort to allow for wider international debate on internet governance, the governments agreed to establish the Internet Governance Forum (IGF). Thus, WSIS gave **institutional (governmental) support to the multi-stakeholder model of internet governance**. However, WSIS left many questions about internet governance open. By giving the IGF a purely consultative role, WSIS failed to satisfy those arguing for a global mechanism for addressing internet-related public policy issues. It also left other practicalities unresolved, including what was meant by '**enhanced cooperation** (…) [that would] enable governments (…) to carry out their **roles and responsibilities in international public policy issues pertaining to the internet**'[8]. These questions have not been adequately answered since the Summit and are likely to re-surface as part of the review process.

Decision-making power: Outcomes of individual WSIS review events are not legally binding. Although endorsement by Member States at the UN General Assembly in 2015 will not in itself make the 'forward looking outcome' document legally binding, the endorsement is likely to signal the future direction of travel for discussions on internet governance. Similarly to the initial WSIS phases, the WSIS+10 Review is likely to yield soft law outcomes that will have agenda setting value.

Structure and decision-making processes: Ultimately, final outcome documents can only be adopted by Member States of the UN. However, the WSIS +10 preparatory process involves a number of individual events hosted by different UN bodies, with varying level of openness to non-governmental actors. For instance, the WSIS +10 Review conference organised by UNESCO in February 2013 was held in a multi-stakeholder setting, and the UNGIS Plan of Action was developed through an open consultation process. The WSIS Forum conferences are open to all WSIS stakeholders, and provide remote participation options.

Avenues for civil society participation: Multi-stakeholderism has been one of the hallmarks of WSIS, and it is likely that formal WSIS review events will promote this vision further. Civil society is likely to have multiple avenues to feed into the process through open consultation processes and participation in individual events and workshops. However, there is no guarantee that this commitment to multi-stakeholder processes will translate into the review outcome documents in 2015. Much of the leg-work on outcome documents is likely to happen within smaller working groups (e.g. CSTD working group on enhanced cooperation), and the level of multi-stakeholder participation at the High-Level meeting in 2014 is of yet unclear. Voting at the General Assembly, which is meant to endorse the 'forward looking outcome', will only be open to UN Member States of the UN. For this reason, engagement in the above events should be matched by civil society advocacy at the national level.

Upcoming conferences[9]:
According to the WSIS+10 Plan of Action drafted by UNGIS, the following events whose outcomes will feed into the overall review are anticipated in the upcoming period:

I. **Preparations to the WSIS+10 during WSIS Forum 2013:** During the WSIS Forum in Geneva in May, stakeholders are meant to discuss and reach an agreement on the outline of the forward looking outcome.
II. **Preparations to the WSIS+10 during WSIS Forum 2014[10]:** The forward looking outcome is meant to be finalised at this conference in April 2014.
III. **High-Level Meeting on the Overall Review (WSIS+10):** Held back to back with the ITU WTDC, this meeting will serve as platform to present all review reports to Member States and for them to adopt the forward looking outcome.
IV. By 2015, the preparatory process should feed into the following outcomes of the overall review: Report on the outcomes of the Overall Review Process to the 18th Session of CSTD; UN General Assembly to endorse the forward looking outcome; and contribution to MDG Review Process.

International Telecommunication Union (ITU)

Description: ITU is a specialised agency of the UN. It defines and adopts telecommunications standards, for example regulating the use of the radio-frequency spectrum. It aims to develop telecommunications around the world, particularly in the developing nations. ITU operates through its three main sectors: ITU-R (radio-communications), ITU-T (standardisation) and ITU-D (development), and their respective working groups.

Relevance for internet governance: The role of the ITU in internet governance is controversial. Primarily involved in managing telecommunications infrastructure, the ITU has recently taken an interest in broader internet-related issues, including internet governance. Because of its inter-governmental nature and lack of transparency in its processes, many oppose broadening its mandate. In an absence of a viable alternative forum, many governments may resort to the ITU as the convenient avenue to address deficiencies in the current internet governance system and push for stricter regulatory environment. Multi-stakeholder governance and enhanced cooperation are among the topics on the agenda of its upcoming WTPF conference. In addition, the ITU has been listed as a possible facilitator for a number of WSIS Action Lines[11] and has a facilitating role in the WSIS review process. Outcomes of ITU conferences (e.g. WTDC) are meant to feed into the WSIS overall review. It will be important that civil society follows ITU-related developments as part of the WSIS review process as well as through the work of its sectors and working groups.

Decision-making power: WTPF and WTDC outcomes will be non-binding, but they will feed into the ITU Plenipotentiary and may have norm-setting value. The ITU Plenipotentiary can make amendments to the ITU's basic texts (Constitution and Convention), which are binding on signatories.

Structure and decision-making processes: Inter-governmental body comprised of Member States, with large non-voting sector membership. It involves governments from 189 Member States and cca700 fee-paying Sector Members (scientific and industrial companies, public and private operators, broadcasters, regional/international organisations). Governments decide who represents them at individual conferences/working groups – mainly regulators or representatives from Ministries of Communications or equivalent. Member States are the only members with voting privileges.

Avenues for civil society participation: At the moment, civil society has very limited avenues to substantively engage in formal agenda setting activities or decision making processes of the ITU. Option of independent civil society membership to the ITU is not available, although there have been speculations about the possibility for CSOs to gain Sector Membership. But civil society has a number of alternative avenues to participate and follow the proceedings. Developing an active role for civil society is possible through participation on Member States' national delegations. This, however, implies a role for civil society that is subordinate to that of governments, who have the last word in shaping the delegation's outward-looking policy. Other than that, civil society can physically participate in ITU conferences as members of the public, although access to some working groups is likely to be restricted. Another major obstacle to civil society participation is the lack of transparency of ITU decision-making processes. Negotiations largely take place behind closed doors, while most working documents are being kept under password-protected online interface, available only to Members. During WCIT, there have been efforts to improve transparency and civil society participation, which may signal a trend within the ITU towards greater openness that could be beneficial to civil society in the upcoming events. In line with these ITU efforts, many sessions can now be followed online, although there is still a number of working groups that are off-limits for non-ITU Members. During WCIT, the ITU Secretariat also tried to instigate an open consultation process about agenda items, but there was little substantive follow-through beyond collecting public opinions though an online portal. It is unclear whether the Secretariat plans to engage with civil society in a similar way in the future. Participation at the WTPF is open to the public, but conditional upon proven interest in matters related to the WTPF, along with expertise and experience in international internet-related public policy matters[12].

Upcoming conferences:

Besides its role in the WSIS review process the ITU hosts a number of conferences and working groups that indirectly deal with internet-related public policy issues. The overall future role of the ITU and its aspirations to participate in internet policy debates beyond its 'current mandate' will be addressed at the **ITU Plenipotentiary Conference in 2014**, with a number of smaller conferences feeding into it:

I. **World Technology Policy Forum (WTPF):** The conference is to be held in May 2013 and is likely to pick up a number of issues that were left unresolved during WCIT. It will explicitly deal with internet governance matters including the management of internet resources like domain names and addresses (traditionally the purview of ICANN), multi-stakeholder governance, and enhanced cooperation process[13].

II. **World Telecommunication Development Conference (WTDC) and its regional preparatory meetings:** This 2014 WTDC conference will address the role and activities of the ITU Telecommunication Development Sector (ITU-D). The conference will consolidate outcomes of the regional preparatory meetings and set out a forward-looking action plan for the ITU-D sector. Issues that are likely to surface include access to ICTs, security and confidence in the use of ICT applications, capacity building, regulatory conditions for development of ICTs, etc[14]. ITU WTDC conference will be held back to back with the 2014 High-Level Meeting on the Overall WSIS Review, and the WTDC regional conferences will be used to collect views of the WSIS stakeholders at the regional level on the WSIS+10 overall review.

III. **The ITU Plenipotentiary Conference:** The Plenipotentiary Conference is the top policy-making event of the ITU. At the conference, which is held every four years, ITU Member States set the Union's general policies, adopt four–year strategic and financial plans and elect the senior management team of the organisation. By outlining the future role of the organisation, the Plenipotentiary will determine the organisation's ability to affect the development of ICTs.

UN Commission on Science and Technology for Development (CSTD)

Description: Subsidiary body of the Economic and Social Council (ECOSOC) of the UN and was established to provide the UN General Assembly (UNGA) and ECOSOC with advice on relevant science and technology issues
Relevance for internet governance: The CSTD reviews and **assesses progress at the international and regional levels in the implementation of WSIS** Action Lines, as well as overall implementation of WSIS outcomes. It reports its findings back to UN Secretary General alongside other bodies involved in the WSIS review. Furthermore, the CSTD has been mandated by UNGA to establish a multi-stakeholder **Working Group on Enhanced Cooperation (WGEC)** to examine the mandate of the WSIS process regarding enhanced cooperation as contained in the Tunis Agenda, with a final report that will feed into the CSTD 17th Session, UNGA, and the overall WSIS review outcomes. It is seen a possible means for identifying whether a new overarching governance mechanism is required and where it should be housed.
Decision-making power: CSTD outcomes are non-binding.
Structure and decision-making processes: As a UN body, the CSTD is inter-governmental. The commission has forty-three member states elected by ECOSOC for a term of four years. Experts nominated by their respective governments are supposed to possess the necessary qualifications and professional or scientific knowledge. The CSTD Working Group on Enhanced Cooperation (WGEC) is multi-stakeholder. The WGEC is comprised of Member States (22) and representatives of other stakeholder groups (5 business, 5 civil society, 5 representatives from representatives from the technical and academic community, 5 representatives from intergovernmental organisations).
Avenues for civil society participation: As a subsidiary body of the ECOSOC, CSTD sessions may be attended by civil society organisation with ECOSOC Consultative Status[15]. Each organisation in consultative status with ECOSOC can designate representatives to obtain passes for the UN premises and attend meetings as observers. Alternatively, civil society organisations wishing to be accredited may apply to the secretariat of the conference in question. In case of the WGEC, the body has a multi-stakeholder structure with five self-nominated civil society representatives. It is unclear whether public consultations will be part of the WGEC decision-making process.

Upcoming conferences: 16th and 17th annual CSTD Sessions.

Internet Governance Forum (IGF)

Description: The IGF is an annual international multi-stakeholder forum, under the auspices of the United Nations, for internet policy dialogue established by the Tunis Agenda. The IGF process also takes place at national and regional levels in many countries and regions across the world. National and regional IGFs discuss local issues, local perspectives on global issues, and feed in to the main IGF.
Relevance for internet governance: The IGF is the only global, fully open and **multi-stakeholder forum where internet policy and governance is discussed and developed** (albeit in a bottom-up, non-defined and non-binding format). Civil society should engage because it is an important forum for engaging with governments and businesses. It is an opportunity to develop and send clear messages to other stakeholders about what constitutes appropriate/inappropriate internet policy from a civil society perspective, and is an important space to promote a positive public interest agenda.
Decision-making power: The IGF has no decision making powers. While the IGF is the major international forum in which internet policy discussions are held, it has no authority over the internet – rather it functions as a kind of rolling think tank, highlighting issues, flagging up bets practice and acting as a means of exchanging information. Many actors have advocated for a more outcome-orientated IGF for a long time. In March 2012, the CSTD Working Group on Improvements to the Internet Governance Forum released its recommendations including developing more tangible outputs through: formulating a set of policy questions to be considered at each IGF with the results included in outcome documentation; mapping areas of converging and diverging opinions on issues; and enhancing IGF reporting. It remains to be seen to what extent these recommendations will be implemented.

Structure and decision-making processes: The IGF is a fully open multi-stakeholder forum. Anyone may attend if they register on the website. At the 2012 IGF in Baku the participant stakeholder breakdown was as follows: Civil society 33%, government 26%, private sector 17%, internet community 10%, media 8% and inter-governmental organisations 6%. The IGFs are typically made up of a series of main sessions with many smaller workshops which feed in to the main sessions. More recently, there have been attempts to vary the format, for example with roundtables.

Avenues for civil society participation: There are no barriers to civil society wanting to attend the IGF aside from registering on the website and funding needed to attend in person. Civil society can also participate in all workshops and main sessions remotely, through the IGF website. Civil society can also organise and/or participate in workshops. Importantly, civil society can also feed in to agenda-setting throughout the year through the Multi-stakeholder Advisory Group (MAG). Civil society can sit on the MAG as members (if they are nominated and accepted by the UN Secretary-General). Alternatively, it can contribute through online and open consultations.

Upcoming conferences:

I. **IGF meetings 2013**
   - 21–23 May: IGF Open Consultations and MAG meetings at European Broadcasting Union, Geneva, Switzerland.
   - 22–25 October: The Eighth IGF annual meeting has been tentatively scheduled to be held in Bali, Indonesia.

II. **Regional and national IGF initiatives meetings[16]:** In the run up to each IGF, there are a number of national and regional IGFs that feed into the annual conference.

7 http://www.wgig.org/docs/WGIGREPORT.pdf

8 Tunis Agenda, Article 69

9 http://www.itu.int/wsis/review/inc/docs/wsis10_plan_of_action.pdf

10 High-Level Meeting on the Overall Review (WSIS+10) will be held back to back with the ITU World Telecommunication Development Conference initial. The WSIS Forum 2014 will be held in parallel with the High-Level Meeting on the Overall Review (WSIS+10), i.e. 14-18 April 2014.

11 http://www.itu.int/wsis/docs2/tunis/off/6rev1.html

12 http://www.itu.int/en/wtpf-13/Pages/participation.aspx

13 http://www.itu.int/en/wtpf-13/Pages/programme.aspx

14 http://esango.un.org/paperless/Web?page=static&content=intro

15 Please note that there are many more national and regional IGFs than those reported on the site at present.

16 For preliminary list of national and regional IGFs, see http://www.intgovforum.org/cms/component/content/article/121-preparatory-process/1278-2013-calendar

Inter-governmental spaces to watch

A number of inter-governmental forums that address internet-related policies through an issues-specific perspective may also have implications for the direction of broader internet governance debate. Here fall traditional state-led forums that address particular internet-related public policy issues – including security, human rights, privacy, copyright, etc. On the one hand, outcomes of these conferences can have normative-setting value and be used to push positive agendas. At the same time, as inter-governmental spaces, these forums are problematic from a multi-stakeholder perspective, and may undermine efforts to govern the internet in an open and participatory manner as set out by the Tunis Agenda. Avenues for direct civil society participation in these forums are likely to be limited. For this reason, similar to engagement at the ITU level, civil society should consider the possibility of indirect participation through lobbying participating governments.

United Nations General Assembly (UNGA)

During the 68th Plenary Session of the GA, the Secretary General will report on the interim outcomes of the CSTD Working Group on Enhanced Cooperation as part of his report on WSIS implementation. In addition, internet governance will continue to be discussed as part of different GA Committees: the First Committee (**cyber-security**), the Second Committee (**WSIS outcomes and implementation**), and the Third Committee (**freedom of expression on the internet**). In 2015, the GA will hold a Special Session on the review of the Tunis Agenda, which will be based on the results of the two high-level meetings organised by UNESCO (2013) and ITU (2014). The GA is the body meant to endorse the forward looking outcome of the WSIS review process in 2015.

United Nations Human Rights Council (UNHRC)

Until 2011, there was very little attention given to the internet within the OHCHR but since then it has risen up the agenda rapidly. The United Nations Special Rapporteur for Freedom of Expression, Frank La Rue, produced a detailed report on **freedom of expression on the internet**. Building on this, the HRC convened a multistakeholder expert panel on the internet and human rights in February 2011. Most recently, in July 2012, the HRC adopted a resolution on freedom of expression on the internet, which is significant in that it 'affirms that the same rights that people have offline must also be protected online'. The resolution had 85 co-sponsors. The internet is likely to continue to grow in importance at the HRC. Many civil society groups are trying to engage other special procedures on internet issues, and including internet issues in reports submitted to the Universal Periodic Review process. The 22nd session of the Human Rights Council is taking place between 25 February and March 22nd.

REGIONAL HUMAN RIGHTS BODIES

The African Commission on Human and Peoples' Rights (ACHPR) is a quasi-judicial body, established by the African Union to support the African Charter on Human and Peoples' Rights. The Commission is based in Banjul, The Gambia. Commissioner Pansy Tlakula was a joint author of a Special Rapporteurs declaration setting out that freedom of expression applies online. Similarly, the **Inter-American Commission on Human Rights (IACHR)** Special

Rapporteur endorsed the Declaration (as did the OSCE Special Representative on Media). Within Europe the Council of Europe, parent bo body of the European Convention on Human Rights has taken policy positions expressed strong view on the internet. In September 2011 there was a Declaration by the Committee of ministers on internet governance principles which endorsed multi-stakeholder governance and the protection of human rights online. In 2001, it produced the Cybercrime Convention which has subsequently been endorsed by several non-members of the **Council of Europe** including the USA, South Africa, Mexico and Japan.

Organisation for Economic Co-operation and Development (OECD)

The OECD is a forum for inter-governmental co-operation that seeks to promote policies that will improve the economic and social well-being of people around the world. It does not have standard-setting power although its policy reports are very influential. In December 2011 the OECD issued a set of **Principles on Internet Policy-Making**. Civil society feed into the policy work of the OECD-ICCP through the Civil Society Information Society Advisory Council (CSISAC). The OECD Working Party on **Information Security and Privacy** is currently reviewing the 2002 Security Guidelines. A progress report will be considered at the April 2013 meeting of the Working Party.

The G-8

The internet was a prominent issue at the May 2011 meeting summit hosted by France. The summit declaration was entitled 'Renewed Commitment for Freedom and Democracy'and included 19 paragraphs on the internet and related issues but was widely criticised by civil society for its focus on **intellectual property** rights rather than human rights such as the freedom of expression.

Trans-Pacific Partnership (TPP)

TPP is a non-institutional inter-governmental process between 11 countries[17] which is negotiating an ambitious free trade agreement covering a range of regulatory issues including **intellectual property**. There is a high degree of secrecy surrounding the negotiations and a lack of public participation. Draft texts have, however been leaked, and many are alarmed by the intellectual property provisions which include intermediary liability and criminalising circumvention technologies. The next round of TPP negotiations will be held in Lima, Peru, from 15 till 24 May.

World Trade Organisation (WTO)

The WTO has not explicitly dealt with global trade in digitally delivered content products in its rules as yet. However, it does administer the key treaty on **intellectual property**: the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). WTO agreements are signed by member states and ratified by their parliaments and are enforced through the WTO's dispute resolution process and powerful enforcement mechanisms such as trade sanctions and litigation before the World Court. Internet-related issues which could potentially arise at the WTO are **intellectual property theft online** and **cyber-espionage**, as states begin to frame these as economic problems. Policy analysts in the US are flagging up the WTO as a potential avenue for redress[18] and the Obama administration is apparently considering this option.[19] Whether or not this is legally or politically shrewd, this is a space to be watched. There are no formal or informal avenues for multi-stakeholder participation and the WTO is criticised for its non-transparent and closed nature making it very difficult to follow diplomatic dialogue in the run-up to agreements. What is more, power is very much skewed towards European and US trade interests with developing nation members having very little power or knowledge and resources to push back.

Post-2015 MDG Agenda

The MDG review process – which started with the UN's MDG Review Summit on 20–22 September 2010 – has offered an opportunity to reassess the existing UN Millennium Development Goals and to set a new development agenda post–2015 when they expire. In 2012, the UN initiated a High-Level Panel to set the new agenda – with a first set of recommendations due to come out in May 2013. Access to information and the role of ICTs in achieving development goals have already been

highlighted as an area than needs greater priority and focus in the Post-2015 Development Agenda.[20] If this is the case then access will have increasing relevance within the internet governance sphere – determining the roles, responsibilities and processes for providing **affordable access**.

The World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization (WIPO) is a specialised UN agency focused on a range of **intellectual property** (IP) issues such as **copyright**, trademarks, designs, patents, and including how they relate to the internet. WIPO treaties do not have the same powerful enforcement mechanisms as WTO TRIPS Agreement, although they do feed into WTO and Internet Corporation for Assigned Names and Numbers (ICANN) policy and agreements. Civil society participation is possible through an annual accreditation process for 'observer status'. The majority of accredited NGOs are trade industry organisations and come primarily from the Global North. Given the nature of the digital environment – where copying data is both a technical feature and where we now have new virtual spaces to infringe copyright rules – IP is a prominent issue online. It is no surprise, therefore, that the WIPO has been active in internet related issues and that its role has been increased in this sphere. WIPO actively promotes the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), known together as the WIPO Internet Treaties. WIPO also has a close relationship with the WTO – which enforces TRIPS, the world's most central IP treaty. It also has strong relationships with ICANN, and recommended ICANN's regime for trademark dispute resolutions – the Uniform Domain-Name Dispute-Resolution Policy (UDRP) – as well as its controversial WHOIS policy. In 2003–2005, WIPO was involved in the WSIS process but its role there was seen as preventing any serious discussion about IP on the internet more than anything else. In 2005, WIPO was made part of the UN Working Group on Internet Governance (WGIG), but its paper on IPR did not make it into the final report as it was deemed too controversial. While WIPO was not initially involved in the discussions around IP at the IGF, it has become more engaged. At the 2012 IGF in Baku, WIPO embraced the process of multi-stakeholder dialogue for thinking about copyright issues online.

Shanghai Cooperation Organisation (SCO)

The SCO is primarily focused on security issues of its members: China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan. **Cyber-security** and cyber-warfare are prominent items on its agenda. Although civil society engagement with SCO is unlikely, it is worth following its processes. As cyber-security becomes more prominent on the global agenda, civil society will have to be prepared to provide a balanced approach to online security that does not infringe on human rights.

OTHER INTER-GOVERNMENTAL FORUMS

In addition, there are regional economic, political and trade organisations that develop policies and programmes that potentially impact upon internet governance. Civil society should monitor organisations such as the European Union (EU), the Organisation of American States (OAS), Asia-Pacific Economic Cooperation (APEC), the African Union (AU), and the Association of Southeast Asian Nations (ASEAN). In addition, it is worth mentioning non-institutional international initiatives including the Anti-Counterfeiting Trade Agreement (ACTA) and the India, Brazil and South Africa Dialogue Forum (IBSA).

17 There are currently 11 countries involved in the process: Australia, Brunei Darussalam, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, United States, Singapore and Vietnam.

18 https://csis.org/files/publication/130208_Lewis_ConflictCyberspace_Web.pdf and http://articles.washingtonpost.com/2013-02-07/opinions/36973008_1_cybercrime-fly-away-teams-espionage

19 http://www.washingtonpost.com/world/national-security/us-said-to-be-target-of-massive-cyber-espionage-campaign/2013/02/10/7b4687d8-6fc1-11e2-aa58-243de81040ba_story.html

20 https://www.un.org/millenniumgoals/pdf/global_partnerships_Aug.pdf

Non-institutional forums: avenues for promoting a positive agenda

There are a number of non-institutional forums for dealing with internet governance and other internet-related public policy issues. While decisions cannot be made or obligations placed on states within these forums, they are nonetheless important spaces for promoting positive agendas on internet governance issues and as such they do provide opportunities to shape government and company policies. In particular, they provide the opportunity to refine the appropriate processes for internet governance and what and how specific issues relate to internet governance such as cyber-security and access/development– the two emerging issues on various agendas this year. These are also inclusive forums and as such, engage a broad range of stakeholders and interests and allow for alliance-building between these groups. Significantly, governments are initiating and participating and shaping their policies in these spaces.

Conference on Cyberspace = the London Process

Launched in London in November 2011, this government-led annual multi-stakeholder meeting brings together governments, business, the technical community, and civil society to examine how to build and maintain a secure, resilient and trusted global digital environment. Whereas several of the forums and coalitions place great emphasis upon internet freedoms and human rights, the London process (which was hosted by Hungary in 2012 and will be hosted by South Korea in 2013) also has a strong focus on **cyber-security**. As a result there is also participation from countries such as Russia and China which have tended to be more negative about internet freedom.

Global Congress on IP and the Public Interest

In its third year, the Global Congress on IP and the Public Interest is an annual, multi-stakeholder conference. It is driven by civil society (and academic) groups from South Asia, Africa and Latin America[21] and so takes into consideration Global South concerns. The focus is on promoting the public interest in **intellectual property** and information law reform around the world. It looks at **copyright** and **intermediary liability** through a public interest lens. The action agenda for doing this – the Washington Declaration on Intellectual Property and the Public Interest – was produced at the first congress in 2011. Tracking progress against this agenda and expanding the positive agenda has and will be the focus of subsequent meetings. The next Congress will be in Cape Town hosted at the University of Cape Town. Last year's SOPA, ACTA, TPP battles made this a very relevant gathering in the internet governance area. This year will be too with various 'sons' of SOPA and ACTA in the pipeline.

Stockholm Internet Forum

The Stockholm Internet Forum is an annual conference focusing on how **freedom and openness on the internet promote economic and social development** worldwide. It was held for the first time in May 2012. It is a multi-stakeholder body bringing together governments and policy-makers, civil society, activists, ICT businesses and the technical community. It is organised and funded by the Swedish Ministry for Foreign Affairs, SE (the Internet Infrastructure Foundation), and the Swedish International Development Agency (Sida). This year, the focus is on the **relationship between freedom and security** and **freedom and development**.

Freedom Online Coalition

Launched in The Hague in December 2011, the Dutch-initiated Freedom Online Coalition is a group of governments who have agreed to work together support **'internet freedom'**. The Coalition aims to provide a means for governments to coordinate efforts among themselves while working with civil society and the private sector in a multi-stakeholder process to support the ability of individuals to exercise their human rights and fundamental freedoms online. There are 19 member states to date: Austria, Canada, Costa Rica, Czech Republic, Finland, France, Estonia, Ghana, Ireland, Kenya, Latvia, the Republic of Maldives, Mexico, Mongolia, The Netherlands, Tunisia, the United Kingdom, the United States, and Sweden. Last year's conference was held in Nairobi Kenya, and **access** was brought onto the Coalition's agenda by participants from developing nations. The Coalition holds annual conferences which are multi-stakeholder. Participants of its annual conference include government ministers and representatives from member countries, civil society, activists, ICT companies (eg Google), representatives from international organisations such as AU, COMESA, EU, OAS, professional bodies including vendors, consumer/user associations. At present there are some important swing states who are not yet members including Brazil and India. It is important for groups from those countries to participate, regardless, and to put pressure on their governments to join the Coalition as this would provide them with yet another space to engage with them.

Cyber Dialogue

The Cyber Dialogue conference is a multi-stakeholder, civil society/academia-led convening around **cyberspace security and governance**. The Cyber Dialogue conference is hosted by the Canada Centre for Global Security Studies at the Munk School of Global Affairs, University of Toronto. Its main sponsors are Google, AT&T, Affilias, CIRA and ISOC. Conference participants include governments, civil society, academia and businesses. This year's edition is the third annual conference and it is focusing on roles and limits of states, companies and civil society in the governance of the internet. Agenda topics include internet governance (principles), cyber-security & policing, and regulation of the digital arms trade.

RightsCon

RightsCon is an annual gathering of businesses and entrepreneurs, engineers and civil society including human rights groups, academics and policy analysts. RightsCon is hosted by the US civil society organisation, Access, and it is sponsored by a range of ICT and media businesses and funders: Google, Yahoo, Skype, Mozilla, Facebook, Ford Foundation, Media Democracy Fund. Now in its 3rd year (the first being in 2011 in San Francisco), RightsCon alternates between San Francisco and Rio de Janeiro. The conference is multi-stakeholder and civil-society/industry led. Participants include ICT businesses, civil society, policy experts and governments. Governments speaking will be US, Sweden, Holland, Tunisia. Agenda topics include: **human rights principles and laws on the internet**; emerging threats; government relations; how to front load a sustainable user and human rights agenda; internet security; encryption; anonymity; and privacy by design. It could be a useful space for building civil society/industry alliances.

[21] FGV (Brazil), PIJIP @ American University, The American Assembly, Open A.I.R. (South Africa), CIS (India), and ICTSD (Geneva).

Governance of internet's technical resources

According to the Tunis Agenda, 'the day-to-day technical and operational matters that do not impact on international public policy issues,'are meant to be managed by 'relevant international organisations' with 'no involvement'by government. This reflects the way the internet has developed – through an open and decentralised governance process which involved the technical community, civil society, academia, and industry. Despite concerns about government control of ICANN, functional governance works well, the internet has grown substantially, and it continuesto work without engineering collapse (though some argue this situation may not continue[22]). But as economic and political implications of the internet grew, it becomes more difficult to separate technical decisions from their social implications. On the one hand, multi-stakeholder bodies tasked with governing internet's technical resources are becoming more politicised. On the other hand, governmental bodies that previously weren't involved in governance of functional resources – such as naming and addressing – are now interested in extending their reach to theseaspects of internet governance. Civil society has a stake in preserving the governance model that fosters innovation and ensures internet's functionality. It should stay alert to developments relating to these forums.

The organizations responsible for coordination, administration and day-to-day management of internet's technical resources include[23] :

- Technical standards bodies such as the Internet Engineering Task Force (IETF) and the World Wide Web Consortium (W3C);
- Organizations that manage resources for global addressing capabilities such as the Internet Corporation for Assigned Names and Numbers (ICANN), including its operation of the Internet Assigned Numbers Authority (IANA) function, Regional Internet Registries (RIR), and Doman Name Registries and Registrars;
- Companies that provide network infrastructure services such as Domain Name Service (DNS) providers, network operators, and Internet Exchange Points (IXPs);
- Individuals and Organizations the use the Internet to communicate with each other and offer services;
- Organizations that provide education and build capacity for developing and using Internet technologies, such as multilateral organizations, educational institutions, and governmental agencies.
- In the context of internet governance, policy considerations have emerged particularly in relation to the governance of internet core resources – naming and addressing –, managed by ICANN:

The Internet Corporation for Assigned Names and Numbers (ICANN)

ICANN is a non-profit organisation responsible for management of core internet infrastructure – Internet Protocol (IP) addresses, domain names, and root servers. These services were originally performed under US Government contract, making governance of the DNS system one of the rare elements of technical governance that were not decentralised. For this reason, regulators have often sought to gain a purchase upon Internet

governance through ICANN[24]. Controversy around US' role in ICANN was brought up during WSIS and peaked in 2005 when the Bush administration intervened to block the .xxx top level domain proposal. Curbing US influence and challenging ICANN's centralised structure has been one of the major arguments behind attempts to reform the governance model and to give more control over naming and addressing to the United Nations and the ITU in particular. Although there have been efforts to make the body more independent, the US Department of Commerce continues to have final approval over changes to the DNS root zone. As overlaps between technical and policy issues become more prominent, it is likely that governance of the core internet infrastructure emerges on agendas of policy-oriented conferences mentioned in previous sections. Already, the ITU WTPF conference has put naming and addressing on the agenda of its upcoming session in May.

[22] http://www.guardian.co.uk/technology/2013/jan/13/internet-needs-to-get-rebuilders-in

[23] http://www.internetsociety.org/internet/who-makes-it-work

[24] Malcolm, J., 2008. Multi-Stakeholder Governance and the Internet Governance Forum

Internet governance calendar 2013/2014*

- ICANN
- UN
- ITU
- WSIS Review
- Non-institutional Forums
- IGF

February

UN HUMAN RIGHTS COUNCIL (UNHRC) 22ND SESSION
25 Feb–25 Mar
Geneva, Switzerland

March

CYBER-DIALOGUE 2013
17–18 Mar
Toronto, Canada

April

ICANN 46
7–11 Apr
Beijing, People's Republic of China

May

WORLD TELECOM-MUNICATION/ICT POLICY FORUM (WTPF)
13–16 May
Geneva, Switzerland

WORLD SUMMIT ON THE INFOR-MATION SOCIETY (WSIS) FORUM
13–17 May
Geneva, Switzerland

TRANS–PACIFIC PARTNERSHIP (TPP) NEGOTIATIONS
15–24 May
Lima, Peru

IGF OPEN CONSULTATIONS AND MAG MEETINGS
21–23 May
Geneva, Switzerland

STOCKHOLM INTERNET FORUM
22-23 May
Stockholm, Sweden

June

UN COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT (CSTD) 16TH SESSION
3–7 Jun
Geneva, Switzerland

FREEDOM ONLINE COALITION CONFERENCE 2013
16–18 Jun
Tunis, Tunisia

July

ICANN 47
14–18 Jul
Durban, South Africa

Nothing scheduled for August 2013

September

HUMAN RIGHTS CONFERENCE (RIGHTSCON)
24–26 Sep
San Francisco, USA

UN GENERAL ASSEMBLY (UNGA) 68TH SESSION
TBD Sep
New York, USA

October

3RD CYBERSPACE CONFERENCE
When: TBD,
Where: TBD, Korea

INTERNET GOVERNANCE FORUM (IGF) 2013
21–25 October
Bali, Indonesia

November

ICANN 48
17–21 Nov
Buenos Aires, Argentina

December

GLOBAL CONGRESS ON INTELLECTUAL PROPERTY AND THE PUBLIC INTEREST
9–13 Dec
Cape Town, South Africa

2014

ICANN 49
23–27 Mar
Singapore, Singapore

WORLD TELE-COMMUNICATION DEVELOPMENT CONFERENCE (WTDC)
31 Mar–11 Apr
Sharm el–Sheikh, Egypt

HIGH-LEVEL MEETING ON THE OVERALL REVIEW (WSIS+10)
14–18 Apr
Sharm el–Sheikh, Egypt

WSIS FORUM 2014
14–18 Apr
Geneva, Switzerland

UN COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT (CSTD) 17TH SESSION
When: TBD,
Geneva, Switzerland

ICANN 50
22–26 Jun
London, UK

ICANN 51
12–16 Oct
TBD

ITU PLENIPOTEN-TIARY CONFERENCE
20 Oct–7 Nov
Seoul, Korea

INTERNET GOVERNANCE FORUM (IGF) 2014
When: TBD
Where: TBD

* The categorisation is arbitrary – some of the categories may overlap.