# Review of the Mandate of the Internet Governance Forum:

A response from the International Institute for Sustainable Development

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# 1.0    Introduction

The final meeting of the World Summit on the Information Society (WSIS) in November of 2005 in Tunis saw the creation of the Internet Governance Forum (IGF), a multistakeholder space aimed at crossing gaps in culture, vocabulary, priorities and goals of the various stakeholders (business, civil society, academia and the technical community).[1] The IGF has not been structured as a decision-making body, but the dialogue it enables may well affect the many issues surrounding the evolution and deployment of the Internet.

Paragraph 76 of the Tunis Agenda requests the United Nations (UN) Secretary-General "to examine the desirability of the continuation of the IGF, in formal consultation with IGF participants, within five years of its creation, and to make recommendations to the UN Membership in this regard."[2]

The Multistakeholder Advisory Group (MAG) and the Secretariat have, based on various inputs from IGF stakeholders, chosen to approach this examination as an internal process rather than commissioning a more independent, external review of the IGF. Inputs from stakeholders have been requested by the Secretariat for inclusion in a synthesis document. The formal consultation will be held at the fourth annual meeting of the IGF, at Sharm El Sheikh, Egypt in November 2009.

With that context in mind, IISD has prepared the following response for the synthesis document, in answer to the seven questions posed by the Secretariat:

> 1. To what extent has the IGF addressed the mandate set out for it in the Tunis Agenda?
> 2. To what extent has the IGF embodied the WSIS principles?
> 3. What has the impact of the IGF been in direct or indirect terms? Has it impacted you or your stakeholder group, institution or government? Has it acted as a catalyst for change?
> 4. How effective are IGF processes in addressing the tasks set out for it, including the functioning of the MAG, Secretariat and open consultations?
> 5. Is it desirable to continue the IGF past its initial five-year mandate and why?
> 6. If the continuation of the IGF is recommended, what improvements would you suggest in terms of its working methods, functioning and processes?
> 7. Do you have any other comments?

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[1] Maja Andjelkovic, Internet Governance: Background to the Internet Governance Forum, IISD, 2007, p. 3.
[2] http://www.itu.int/wsis/docs2/tunis/off/6rev1.html

## 2.0    IISD Responses

### 2.1    To what extent has the IGF addressed the mandate set out for it in the Tunis Agenda?

With respect to questions 1 and 2: It is IISD's view that the IGF should evolve beyond its foundations set in the context of WSIS. It should take an adaptive approach to its work, based on its own experience of the evolution of relationships with the IGF and the identification of critical issues by all those directly involved with, and affected by, Internet policy, technology and deployment. This review of the IGF mandate provides an opportunity for the UN Secretary General to reframe the mandate in a way that gives room to evolution while committing the IGF to remain relevant and influential.

### 2.2    To what extent has the IGF embodied the WSIS principles?

WSIS affirmed that "The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organisations." In this context, IISD believes that IGF has been very successful in multistakeholder engagement, more so than most other arenas dealing with information and communications technologies policy and deployment. As we will further comment below, there is considerable room for the IGF to broaden its reach into other stakeholder communities affected by and dependent upon the Internet. Nevertheless, it has created a multilateral and transparent space for a much broader assembly of stakeholder interests that simply did not exist previously. The ability for all participants to have voice within the IGF is particularly laudable.

### 2.3    What has the impact of the IGF been in direct or indirect terms? Has it impacted you or your stakeholder group/institution/government? Has it acted as a catalyst for change?

The IGF is developing a unique international policy dialogue function. It provides a venue for sober second thought, overcoming traditional reluctance to have public or private sector policy decisions openly discussed and debated at the international level. The IGF also appears to be catalyzing equivalent open bottom-up multistakeholder discussions at the national and regional level, increasing attention to this policy domain at a level where decisions can most effectively be made and implemented (the subsidiarity principle).

The direct impact of the IGF on individual participants has been considerable—in creating a space for the pursuit of their interests, concerns and commitments.

With respect to IISD's agenda to promote the need for effective Internet policy as a critical factor in

the pursuit of sustainable development, the IGF has been an extremely important arena for IISD's work. The IGF provides a space where IISD can explore with other stakeholders the implications of Internet policy and governance decisions on global sustainable development objectives, as well as the implications of global sustainability challenges on the future of the Internet. Other international initiatives have explored aspects of these issues, however, their processes have not been as open to multistakeholder participation, which is a key ingredient for making progress. IISD can point to a number of important indications of progress, where its work has influenced others through the mechanism of the IGF:

- APC now explicitly lists sustainable development (SD) as a goal of its Internet program.
- Governments (including the Canadian government) have talked about SD issues in their statements at the IGF as a direct result of engagement with IISD;
- Industry Canada is introducing SD thinking into its national level work on the digital economy.
- Recognizing accountability and transparency as general SD principles, the Canadian Internet Registration Authority entrusted IISD with responsibility for submitting recommendations on these principles to the International Corporation for Assigned Names and Numbers (ICANN) in late 2006.
- The Diplo Foundation has offered to include an SD module in its Internet governance course for developing country government representatives.
- Attention given to SD issues by IGF participants has also resonated within other forums, including the OECD, ICANN and the International Telecommunications Union (ITU). There is significant overlap of players in these circles, and IISD has been specifically approached to comment on, contribute to or join these other efforts as a result of participation in the IGF.
- Finally, SD was recognized as an emerging theme at the second meeting of the IGF in Rio 2007.

For a three-year-old forum, these are relatively notable linkages and successes; we would not have been able to advance our agenda without an arena like the IGF.

However, while those of us within the "core community" of the IGF may be able to demonstrate impact, it is less clear that the IGF has had direct or indirect impact beyond that community. At a national level, as is the case at least in Canada and the United Kingdom, engagement with the IGF is relatively narrow and does not involve many of the major actors within the Internet sphere. Beyond that sphere, many who might be engaged (rights agencies, development NGOs and others) are not. In Canada, there is no evidence of the IGF having any impact on domestic debates for many of the key issues being discussed at the IGF (such as development, security, content or open access). Many of these issues are being discussed right now in government hearings and public forums, but there

does not appear to be any reference to the substance of equivalent discussions occurring at the IGF.

On the international front, the IGF does appear to have had a direct impact on diffusing tensions related to the Internationalization of Internet governance institutions. One of the most important ways in which the IGF might add value is in acting as a preliminary discussion space, which then has impact on the quality of decision-making in more established Internet governance (IG) forums, including ICANN, the Regional Internet Registries, the Internet Engineering Task Force (IETF), the World Wide Web Consortium (W3C), and others. But it is difficult to tell whether any particular decision in one of these forums has been different because of IGF discussion—though it is possible that some decisions have been affected by the nature of debate in IGF and participation in it by key actors. Attributing discussions in the IGF to influence on decisions in other forums is an important issue in evaluating the IGF, but it is unclear whether the current internal review process will be able to make these connections with any degree of certainty.

More broadly, however, the IGF has had no discernable impact, either direct or indirect, on the sustainable development community with respect to the role that decisions about IG could potentially play in helping to mitigate climate change, support adaptation to its consequences or address other issues of environmental, economic and social sustainability. Although some of these topics have been discussed in IGF sessions on emerging issues, been the subjects of workshops and in one case led to the formation of a dynamic coalition, the IGF has not yet acted as a catalyst for change in the sustainable development domain. The divide between the sustainable development community and the Internet community is considerable and there are barriers on both sides of the paradigm gap. Prominent actors in the IG community do not see the relevance of sustainable development to IG discourse. On the other side, in spite of growing (and well resourced) efforts made by the Information and Communications Technology (ICT) sector in recent years (as well as by international organizations such as the ITU and the OECD) to call attention to the potential linkages between ICTs, climate change, the environment and sustainable development do not as yet appear to have had much impact on the sustainable development policy community.

## 2.4    How effective are IGF processes in addressing the tasks set out for it, including the functioning of the MAG, Secretariat and open consultations?

The IGF structure needs more analytic capacity to maintain and strengthen its credibility and relevance on the global stage. The ways this could be achieved include:

- augmenting the resources of the secretariat (the OECD model);
- coordinating the IGF's policy research needs with the work being done by academic research networks and/or other independent sources of expertise in IG (the GigaNet model); and
- establishing working groups of IGF participants to undertake analytic tasks and report back (the ITU and IETF model).

The feasibility, costs and benefits of these different approaches should be considered in the review process.

The Secretariat is under resourced; in order to strengthen the Secretariat and its role in guiding the IGF, the resource issue will need considerable attention.

The IGF is not connected to other policy forums, operating in isolation from other global issues, including:

- the Millennium Development Goals, which are at the heart of the UN system;
- climate change as the most significant environmental challenge; and
- the breakdown of financial institutions, triggering the current economic crisis.

Having made space for the identification of emerging issues, there does not appear to have been any effort to communicate and work on those emerging issues with other forums.

The emerging issues process needs work. One of the tasks set out in the IGF mandate is to "identify emerging issues, bring them to the attention of the relevant bodies and the general public, and, where appropriate, make recommendations." The relationship between IG, climate change mitigation and adaptation, and the broader environmental, economic and social challenges of sustainable development, is one such emerging issue set. To some extent, IGF processes have been successful in identifying it through the use of open sessions on emerging issues, workshops and dynamic coalitions at IGF meetings, as well as at open consultations. However, these processes have not yet succeeded in bringing this issue set to the attention of relevant bodies and the general public. Nor have they been successful in making appropriate recommendations. In addition, it appears that the MAG has resisted allowing the IGF to play the kind of role envisaged in its mandate statement in relation to the emerging SD issue set and other issue sets.

The structure is not yet adequate for moving discussions forward toward appropriate resolutions or actions. While the IGF has been very effective at convening different stakeholders in initial discussions of Internet related public policy issues, its processes (and lack of analytic capacity) have not been sufficient to foster and support progress on those issues. The Secretariat and MAG have acknowledged this and have attempted to come up with a more effective process. Considerable process improvements were made from the first meeting in Athens 2006 to the second meeting in Rio the following year. Less progress was made in 2008 at the third meeting in Hyderabad, India. Proposals to experiment with alternative discussion formats (submitted in writing and presented in the open consultations) that might possibly encourage the airing of opposing viewpoints and stimulate debate appear to have been rejected by the MAG. Nevertheless, the fact that the IGF has tried to make improvements in the process from year to year should be applauded.

At times the MAG itself appears to resist growth and evolution of the IGF. As the body advising

the Secretariat, its opinions carry considerable weight, but there is limited transparency about MAG proceedings and limited accountability to the IGF as a whole. More thought should be given to strengthening the communications and engagement between MAG members and the broader stakeholder constituencies across the IGF to ensure that there is no disconnect between MAG interests and the interests of all those engaged in the IGF. There are ways in which MAG transparency and accountability could be increased while respecting the confidentiality of MAG discussions. These could include:

- working from a more detailed agenda in the open consultations, based on written proposals received;
- requiring MAG to report on what it had noted with respect to each agenda item during the open consultations, what advice it had given, and why; and
- providing a feedback loop during the annual IGF planning cycle on MAG's advice, either online or at the subsequent open consultation.

The public consultations may be in decline, as they appear to invest more time than is warranted on logistical matters rather than substantive issues of greater relevance to participants; the quality of debate could be improved. The online input mechanisms are barely used. As noted strengthening the analytic capacity of the IGF, establishing more focused working groups, developing a more detailed and substantive agenda for the consultations, and strengthening the accountability and transparency of the MAG through reporting mechanisms at the public consultations will serve to revitalize and increase the relevance of the public consultations.

## 2.5 Is it desirable to continue the IGF past its initial five-year mandate, and why/why not?

IISD believes strongly that the IGF is an innovation in global governance, has built relationships and catalyzed progress on some issues, plays a unique policy monitoring role in the Internet domain, and has considerable potential to advance Internet policy and governance as an important global agenda. IISD affirms that the IGF should renew its mandate for a second five-year term.

Were the IGF not present, the vacuum would be noticed by business, government and civil society stakeholders alike. And, while there is considerable scope for improving developing country engagement, it is the only arena where developing country government interests can meet alongside private sector and civil society actors as equals.

In renewing the mandate, however, it must be clear that IGF needs to continue to progress (from being a discussion forum focused on an annual physical meeting with an agenda that remains general and repeats from year to year) toward a multi-function body that:

- explores emerging issues, debates contentious matters and catalyzes action in areas where

there is consensus through appropriate structures and processes (as was proposed at Hyderabad, supported at the February open consultations, but rejected by MAG);

- improves the quality of its inputs and outputs, increases its reach and enhances stakeholder engagement by: strengthening linkages between workshops and open sessions, as well as with national and regional IGFs and other IG processes, including those of other relevant international organizations; and more effective use of online tools;

- extends its reach into communities that are affected by the Internet (rather than just those engaged in it);

- mainstreams sustainable development and capacity-building; and

- improves the transparency and accountability of the MAG governance process.

Finally, it should not seek to acquire decision-making roles. Its strength lies in its structure of voluntary participation, but this gives it no decision-making legitimacy.

## 2.6    If the continuation of the IGF is recommended, what improvements would you suggest in terms of its working methods, functioning and processes?

In addition to its comments on improvements under previous questions, IISD would suggest the following.

1. Extend the reach of the IGF across to other policy forums and down to more regional and national interests. IISD believes in particular that national and regional IGFs should be seen as opportunities for national and regional Internet communities to consider issues of importance to them locally and to engage with the wider communities in their nations or regions. However, while they should be encouraged to provide inputs to the IGF (and the IGF should be informed by what is evolving closer to the users and beneficiaries of the Internet), care should be taken that these emerging mechanisms remain focused on and driven by their national or regional interests and priorities, and not appropriated by the IGF *per se.*

2. Consider establishing working groups on issues, which are themed, made up of people with different experiences and genuine expertise, and designed to develop common understanding (and perhaps options for discussion rather than recommendations) in areas of importance, such as spam, IPv6,[3] among others. Key to these working groups is the deliberate selection and inclusion of a diversity of viewpoints (including developing country perspectives) to be represented within the group. These might be seen as thematic equivalents of IETF and W3C working groups. IISD believes such groups would be more

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[3] Internet Protocol version 6

effective than "dynamic coalitions," which have become, in most cases, coalitions of the like-minded.

3. Make a greater effort to take advantage of the time between IGF meetings to move discussions forward and prepare for more substantive discussion and debate at the IGF. The current workshop proposal process simply encourages participants with similar and compatible viewpoints to interact and collaborate during the preparatory phases. The IGF Secretariat and MAG should, as part of the preparatory process, encourage the facilitation and engagement of work carried out online during the year, through thematic working groups or other ad hoc discussion forums. Such facilitations and engagements should form the basis for the IGF agenda, rather than the current process for solicitation of workshop proposals.

## 2.7    Other comments

IISD believes that the IGF will only have serious credibility outside its core community if it reaches beyond that core community to engage with other public policy forums and actors. This is not so much of a problem with the "narrow" IG issues (those that concern the working of the Internet itself) because there is sufficient participation in the IGF from those with relevant expertise. However, when the IGF discusses broader governance issues that reach beyond the Internet itself, there is far too little participation from those whose expertise lies in the public policy areas with which the Internet intersects. IGF will only become useful and relevant to the wider public policy community involved (for example, the development community, the rights community and the environment community) if its debates are rooted in dialogue between the Internet and other communities, and if the Internet community recognises its lack of knowledge and expertise in these wider areas.

## 3.0    A comment on the review process itself

The decision of the MAG and the Secretariat to approach this review as an internal, self assessment by stakeholders is problematic. The value of the IGF should not be based on assessment by insiders alone. Insider assessment has limited credibility outside an organisation and so does little to reach out beyond the IGF to the wider policy community. It tells us only about satisfaction levels among participants—those who have decided that the organization is valuable to them—not about its value to the wider community or about why others feel it unnecessary to them to take part.

One of the key criticisms is that it is insufficiently inclusive, in spite of its multistakeholder mandate. For example, many governments do not take part, large areas of civil society concern are either poorly or not represented, business participation is concentrated within the ICT sector rather than among businesses that make use of Internet services, some major parts of the Internet community are poorly represented (such as Internet Service Providers and national registries), and there is limited representation from users (both business and individual) and their representatives. This needs to be better understood. It can only be assessed by reviewing the external, and internal experience and impact of IGF. Such a review would also help the IGF to take the opportunity to refine what it can usefully do during a renewed mandate period.