



A brief from APC on the Fourth Internet Governance Forum (November 2009)

The Internet Governance Forum¹ is a multi-stakeholder policy dialogue on internet governance, that emerged from the second phase of the World Summit on the Information Society (WSIS). Its purpose is to support the UN Secretary-General to implement WSIS's mandate² in relation to internet governance.

This fourth annual meeting of the IGF will take place in Sharm El Sheikh from 15-18 November³. It's a five year process that started in Athens in 2006. Subsequent meetings took place in Rio (2007) and Hyderabad (2008).

APC has found that the IGF is an experimental and influential policy forum for achieving our mission of ensuring open, universal and affordable access to the internet for all people. At the IGF, we advocate for policies and regulatory approaches that ensure equitable and affordable access, freedom of information and expression, access to knowledge, public participation, human rights, capacity-building and a development agenda for internet governance. And we express our concern about the erosion and diminishing visibility of a rights-based approach to how the internet is governed.

The period in which the fourth IGF meeting takes place in Sharm El-Sheikh has a number of features:

- The changes to the oversight of ICANN and critical internet resources heralded by the expiry of the Joint Project Agreement between the US Department of Commerce and ICANN and the introduction of the Affirmation of Commitments
- The review of the IGF and the debate on whether it should continue beyond its five year mandate as specified in the Tunis Agenda in the Information Society
- An increasing concern in civil society over threats to internet rights and principles by governments, copyright-holders, telecom network operators and conservative civil society organisations
- Recognition that the internet economy, the consolidation of social networking and broadband development is an important driver of economic growth and development in a time of global recession.

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¹ <http://www.intgovforum.org/>

² <http://www.intgovforum.org/mandate.htm>

³ <http://igf09.eg/>

1. The oversight of ICANN

The US Department of Commerce and ICANN published their 'Affirmation of Commitments' on 30 September 2009 which brings the Joint Project Agreement (JPA) to an end.
http://www.ntia.doc.gov/press/2009/ICANN_Affirmation_090930.html

An eleven-year long process of oversight through a direct relationship of accountability between the US government and ICANN is now over. This is a step forward although civil society commentators are clear that this does not mean that ICANN is entirely independent of US control and influence through instruments like the IANA contract, the VeriSign contract and California law.

The main shift is the establishment of four review processes which will assess ICANN's performance in four areas in three-year cycles. These areas are:

- Ensuring accountability, transparency and the interests of global Internet users
- Preserving security, stability and resiliency
- Promoting competition, consumer trust and consumer choice
- The WHOIS data base

The review teams will be jointly established by the ICANN Chair or CEO and the Chair of the governmental advisory committee (GAC). These reviews will replace the role of the US DoC in reviewing ICANN's performance. One can see an increased role for the GAC in oversight of ICANN here, but it is a 'soft' form of oversight - the 'recommendations of the reviews will be provided to the Board and posted for public comment. The Board will take action within six months of receipt of the recommendations'. In other words, there is no enforcement mechanism for the recommendations - the ICANN Board is not obliged to implement the recommendations, i.e. the reviews will have the soft force of persuasion and moral or political pressure but not the instruments of 'hard' oversight. This is reinforced in the Affirmation by the clear statement that 'ICANN is a private organisation and nothing in this Affirmation should be construed as control by any one entity.' So the Board remains the key body of power within ICANN and the least accountable, as there is no democratic mechanism for the bottom-up ICANN community to dismiss the Board.

Nevertheless this is a step forward, with respect to diluting unilateral US oversight of ICANN. It remains to be seen to what extent civil society is represented on any of the review teams and whether the recommendations of the reviews are accepted and implemented by the ICANN Board. The EU has come out in support of the continuation of the IGF 'as it is the only place where all internet-related topics can be addressed by a wide range of stakeholders from all over the world, including Parliamentarians.' It will be interesting to see what role the IGF may be able to play as a space where the reviews can be deliberated on in a multi-stakeholder fashion and boost the transparency of the review process and perhaps its soft power.

At the semantic level there is also a subtle change in the description of ICANN's role. It is now the 'multi-stakeholder, private sector led, bottom up policy development model for DNS technical coordination that acts for the benefit of global Internet users'. 'Multi-stakeholder' now comes first where previously 'private-sector led' was prioritised. This may seem a small and incidental change of emphasis, but it does acknowledge that the efforts of all stakeholders over the past decade who have argued that internet governance is a complex system that requires the participation of all stakeholders and who have shown up at the annual meetings of the Internet Governance Forum to reinforce this position, have been worthwhile.

The extensive work that APC has undertaken with the Council of Europe and the United Nations Commission for Europe in developing Code of Good Practice on Participation, Access to Information and Transparency in Internet Governance⁴ should be of value in developing more robust accountability mechanisms for internet governance institutions, including ICANN.

2. The future of the IGF

A debate has been joined about the future of the IGF and whether it should continue. The opening salvo in the battle over the IGF took place late in 2008 when the International Telecommunications Union (ITU) attacked the IGF as 'going round in circles' and not getting anything done. This was taken further by the statement of the government of China in the open consultations on the IGF in Geneva in May 2009 that expressed the view that the IGF should be closed. In its statement on the next steps on internet governance in June 2009, the Commission of the European Communities noted that part of the success of the internet can be attributed to 'the use of multi-stakeholder processes to initiate and develop consensus on Internet Governance policies'. The Internet Governance Forum is a good example of such a multi-stakeholder forum.

APC is keen to be involved in convening regional IGFs in more places, based on our co-convening roles in LAC and East Africa. The national, regional and global IGFs should more consciously become spaces for the discussion of the use and development of the Code of Good Practice on Participation, Access to Information and Transparency in Internet Governance.

⁴ www.apc.org/en/node/9507

3. Internet rights and principles

In a context of increasing censorship of the internet, limits on freedom of expression on the internet, regulation of access to and free-flow of information, and threats to privacy often in the name of security, civil society organisations proposed that the overall theme of the fourth IGF should be 'Internet Rights and Principles'. This was strongly opposed by authoritarian governments. In August, civil society organisations and individuals made this statement to the IGF secretariat and the Multistakeholder Advisory Group (MAG):

We, the undersigned would like to express our surprise and disappointment that Internet Rights and Principles was not retained as an item on the agenda of the 2009 IGF in any way. Although this topic was suggested as a theme for this year's IGF or for a main session by a range of actors during and in the run-up to May's Open Consultations, this widespread support is not reflected in the Draft Programme Paper, which does not include Internet Rights and Principles even as a sub-topic of any of the main sessions. The WSIS Declaration of Principles, 2003, and the Tunis Agenda, 2005, explicitly reaffirmed the centrality of the Universal Declaration of Human Rights to an inclusive information society. To make these commitments meaningful, it is of great importance that a beginning is made to explicitly building understanding and consensus around the meaning of Internet Rights and Principles at the earliest. We recommend that the Agenda of the 2009 IGF provide the space to do so.

APC is actively involved in the Dynamic Coalition on Internet Rights and Principles which is exploring the value-dimension of internet rights and principles, as well as exploring how to build from the *APC Internet Rights Charter*⁵ in a multistakeholder, open and participatory process to articulate the *Universal Declaration of Human Rights* in terms of the internet, and critical principles necessary for their applicability and realisation. APC is also engaged in the issue of sexual rights and content regulation⁶, by bringing in stakeholders from the sexuality rights movement and their knowledge and perspectives to the IGF process.

4. The Internet Economy, social networking and broadband

There has been renewed attention to the economic dimensions of the internet since the OECD adopted the 'Seoul Declaration of the Future of the Internet Economy' in June 2008. Many countries are currently working on developing national broadband strategies after seeing the important role such strategies have played in extending broadband in Japan, South Korea and Egypt. Web 2.0, and social networking in particular, has become more consolidated within society and the economy and is having direct effects on the future of the music, film and newspaper industries. The dependence of the global financial system on high-speed connectivity has long been recognised. Mobile broadband is starting to take off, while fibre submarine cables are finally landing on the east coast of Africa connecting the last missing link in global internet connectivity.

5. A development agenda for internet governance

A development agenda for internet governance involves making sure policy makers from developing countries participate in global public policy and maintaining the emphasis on issues of relevance to developing countries such as access and capacity building. The 'development agenda' also includes issues such as impact of cloud computing and impact on climate change because rapid growth of ICTs in the south will entail massive increase in emissions and greater waste if not addressed in the development phase. Besides issues of access to the internet, a development agenda would review governance issues such as how ICANN's decisions impact on the market structure of the DNS, e.g. the current issue of the extent to which expanding the number of gTLDs will affect allocation and application processes, including cost, and thereby continue to have high entry barriers for players from developing countries. APC has participated in a multi-stakeholder process to formulate a development agenda for internet governance at the last three IGFs. This process should move a step further at IGF4.

6. Regionalisation of the IGF

6.1 Latin America and the Caribbean

The second Latin American and the Caribbean preparatory meeting for IGF was held in Rio de Janeiro, Brazil, from 11 to 13 August, 2009. The proposal of a regional preparatory meeting for IGF 2009 appeared after the identification of the necessity of a greater "regionalisation" of the IGF in its preparatory process. In order to occupy the space dedicated to Latin America and the Caribbean, NUPEF/RITS, APC, and LACNIC organised the event.

Regarding access, there was consensus on the importance of capacity building, the need for adequate infrastructure to provide affordable connectivity and the promotion of local content, among other things. Related to privacy, the three main issues that emerged were: the need for legal and regulatory harmonisation generally (within and among countries); the importance of user involvement; and the search for appropriate balance between privacy and freedom of expression.

⁵ www.apc.org/en/node/5677

⁶ www.apc.org/en/node/7904

The internet critical resources panel focused on the governance of the DNS -- domain names, IP addresses, and the root structure which enables the global domain name system. There was a consensus that these resources need to be unique and globally coordinated, and the challenges in this regard are, on the one hand, to legitimise this coordination, and on the other, to identify the best global practices to manage these resources.

As for accessibility the importance of access for people with special needs was stressed, which ought to be thought in a broad perspective, from software and hardware design to the types of access available today besides the traditional computer (PDAs, digital TV).

There was an open dialogue on openness, which, according to participants, should be a theme in itself, separated from the privacy-security debate. It includes freedom of expression, access to knowledge and access to information, open source and open standards, among other things. Participants agreed on the need to incorporate these reflections in the global IGF arena.

6. 2 East Africa

The second East African Internet Governance Forum (EA-IGF) was held in Nairobi from September 7-9th 2009. Over 200 participants and observers from fifteen countries representing the private sector, civil society, media, government, regulatory authorities, development partners, internet communities, United Nations agencies, consumer networks and academia came together to discuss local internet governance issues.

The forum agreed on the need for the completion and approval of the East African Communication policy, as well as development of policy frameworks covering broadband, spectrum management, cybercrime, consumer protection and intellectual property.

The need for increased civil society advocacy for better quality of service, universal affordable access, and a legal framework for consumer issues including codes of conduct was also agreed upon. As well as the provision of transparent and accessible complaint resolution channels as well as promotion of informed consumer choice by providing publication of statistics and information to empower consumer choice.

The critical internet resources session recommended the need to strengthen country ccTLDs, create national and regional data centres, strengthen and protect regional and national internet Exchange Points (IXP) and create awareness on the IPv6- transition.

On cybercrime, there was consensus on the need for setting up of national and regional Computer Emergency Response Teams (CERTs) to coordinate and respond to issues of Cyber security in the region. Participants agreed on the urgent need to begin to address the specific needs of vulnerable groups like women and children and how they are affected by cybercrime.

Forum participants also acknowledged the need to follow up on the issues in a sustainable way, using various activities: encouraging further discussions, advocacy efforts, as well as developing necessary policy frameworks at national and regional levels. Participants also agreed that the issues needed to be presented at the global IGF and perhaps exploring ways in which they could be included and integrated within the IGF.

7. APC's approach to IGF4

APC has a number of broad goals for IGF4:

- Continue to push for greater accountability of the ICANN Board to the members of the ICANN community and for a clear role within the review panels for civil society as well as promoting the IGF as an arena where the reviews themselves can be reviewed in a multi-stakeholder context as well as position the Code of Practice as an element of public accountability with regard to internet governance institutions
- Actively support the continuation of the IGF as a deliberative space for multi-stakeholder policy dialogue on internet governance
- Campaign for the issue of Internet rights and principles to have greater agenda and substantive space within the IGF and within the practices of internet governance institutions
- Engage stakeholders on the issue of sexual rights and content regulation on the internet
- Actively support the recognition of the economic and social value of the internet economy in developing countries, including social networking and broadband in a time of global recession
- Continue to advocate for the inclusion of a 'development agenda on internet governance' in the IGF.

8. APC activities at IGF4

8.1 Workshop 1:

A code of good practice on participation, access to information and transparency in internet governance⁷

This workshop is organised jointly with the UN Economic Commission for Europe and the Council of Europe. A draft

⁷ <http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSProposals2009View&wspid=96>

code of practice has been developed in a process which started at the Athens IGF. The workshop will allow different stakeholders an opportunity to discuss the current draft.

8.2 Workshop 2:

Content regulation, surveillance and sexuality rights⁸

"Harmful content" and "protection" have been anchoring the content regulation debates – at the IGF and in national and regional ICT policy. APC's women's programme and the Alternative Law Forum will open this workshop with a video from ONI. We'll present findings from new exploratory research on sexuality and the internet. Speakers will include young people and women – actors consistently cited as the intended beneficiaries of the content regulation debate.

8.3 Global Information Society Watch 2009⁹

For the third consecutive year, APC will launch our watchdog report. Published together with Hivos, this year's report focuses on access to online information and knowledge to advance human rights and democracy. The report will be launched on Monday November 16 in the evening.

8.4 The new APC ICT policy handbook

We'll be announcing the release in digital format of the second edition of APC's policy handbook, first launched in 2003 at the Geneva World Summit on the Information Society and now completely rewritten.

8.5 Coverage

APC staff and members will be doing on-site coverage in English, Spanish and French. We'll be using Twitter (www.twitter.com) using this hashtags: #igf2009; #apc (these tweets will be aggregated on APC.org); #genderigf (these tweets will be aggregated in GenderIT.org). We'll also be updating our Facebook pages (APCNews¹⁰, APCNoticias¹¹ and APCNouvelles¹²), blogging¹³ and doing video interviews.

APC staff: Anriette Esterhuysen, executive director; Willie Currie,, communication and information policy programme (CIPP) manager, Karen Banks strategic uses and network development manager; Natasha Primo, national ICT policy advocacy coordinator, Jac sm Kee, women rights and ICTs project coordinator; Jan Moolman, MDG3 project coordinator; Valeria Betancourt CIPP LAC coordinator; Analía Lavin, specialist editor.

APC members: Al Alegre (FMA, Philippines), Julián Casasbuenas (Colnodo, Colombia), Daniel Pimienta (FUNREDES, Dominican Republic), Graciela Selaimen, Carlos Afonso (NUPEF-RITS, Brazil), Ahmed Swapan (VOICE, Bangladesh), Shahzad Ahmad (Bytes for All, Pakistan), Norbert Klein (Open Institute, Cambodia), Oh Byoung-il (JinboNet, South Korea) and Margarita Salas (Sulá Batsú, Costa Rica).

APC members (recipients of travel grants from APC): Reza Salim (BFES, Bangladesh), Osama Manzar (DEF, India), Sylvie Siyam (Protege QV, Cameroon) y Hamada Tadahisa (Taratta, JCAFE/JCA-NET, Japan)

A number of APC partners are also working together with APC at the forum.

8 <http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=275>

9 <http://www.apc.org/en/projects/global-information-society-watch-2009>

10 <http://www.facebook.com/home.php#/pages/APCNews/192785954922?ref=ts>

11 <http://www.facebook.com/home.php#/pages/APCNoticias/124933902730?ref=ts>

12 <http://www.facebook.com/home.php#/pages/APCNouvelles/171376632139?ref=ts>

13 <http://www.apc.org/en/blog>

Annex 1 – APC schedule at the Fourth IGF

APC members and staff will be present at the following events:

Sunday, 15 November	
0930 – 1030 Room Sphinx	Workshop 314: Human rights and principles in internet governance: Practical steps forwards http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=314
1130 – 1300 Main session room	Regional Perspectives
Monday, 16 November	
0900-1030 Room Alexandrina	Workshop 304: Measuring the impact of Internet governance on sustainable development http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=304
0930-1030 Room Luxor	Workshop 263: Privacy, Openness, Online Advertising and Online Behavioral Targeting Advertising http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=263
1430-1530 Room Suez Canal	Workshop 271: Managing Internet Addresses: Global and regional viewpoint http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=271
TBC 1830-2000	GISWatch 2009 Launch
Tuesday, 17 November	
0930-1200 Room Suez Canal	Workshop 316: Implementing the WSIS Principles: A Development Agenda for Internet Governance http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=316
1000-1300 Main Session Room	Main session: Access and Diversity
1430-1700 Room Red Sea	Workshop 257: The Privacy & Security Implications of Cloud Computing http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=257
1430-1700 Siwa Meetings	Workshop 324: Equality in access to knowledge society through language and cultural diversity http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=324
1500-1800 Main Session Room	Main session: Internet Governance in the light of the WSIS principles
Wednesday, 18 November	
0900-1030 Room Suez Canal	Workshop 96: Code of good practice on participation, access to information and transparency in Internet governance http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=96 See the workshop flyer at: http://www.apc.org/en/pubs/briefs/draft-code-good-practice-information-participation
1130-1230 Room Nile Valley	Workshop 275: Content regulation, surveillance and sexuality rights http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=275
1400-1500 Siwa Meetings	Workshop 216: The Internet and Citizenship: Applying a Gender Lens http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=216
1400-1530 Room Luxor	Workshop 212: Multistakeholderism at the IGF – Assessing impact on participation http://www.intgovforum.org/cms/index.php/component/chronocontact/?chronoformname=WSPProposals2009View&wspid=212
TBC	APC dinner