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Comment of the Center for Democracy & Technology on the Composition and Focus of the United Nations Internet Governance Forum

The Center for Democracy and Technology works to promote democratic values and constitutional liberties in the digital age. With expertise in law, technology, and policy, CDT seeks practical solutions to enhance free expression and privacy in global communications technologies. CDT is dedicated to building consensus among all parties interested in the future of the Internet and other new communications media.

Introduction

During the two years of rancorous debate over Internet governance that came to dominate the United Nations' World Summit on the Information Society (WSIS), one theme remained constant. Though nations clashed over the extent to which governments should be involved in Internet management, virtually all agreed that the people, organizations and nations that felt under-represented by existing Internet governance structures must be given a place to voice their concerns and seek solutions. To respond to that concern, the world leaders who gathered in Tunis for the final meeting of the summit last November jointly called on the United Nations to create a new forum to address Internet governance matters of global concern.

Under the Tunis agreement, the Internet Governance Forum (IGF) is intended to be a "multilateral, multi-stakeholder, democratic and transparent" entity that will discuss "key elements of Internet governance in order to foster the sustainability, robustness, security, stability, and development" of the global Internet.

The creation of the forum offers a unique opportunity. Although most in the American Internet community rightly opposed efforts — led by some of the developing nations in the WSIS process — to put more power over the Internet into the hands of world governments, it remains critically important that we understand and respect the sentiment behind those efforts. People and institutions in every nation on earth have come to rely on the Internet as a communications medium, but for many in the developing world, access to that medium remains extremely limited. Many in those developing nations feel that their needs are simply not being addressed in any existing structure. It is important to respond to that sense of displacement and address the growing concerns regarding development.

Rightly designed and implemented, the IGF could be a valuable tool to address those issues. To the extent that the forum provides all stakeholders a meaningful opportunity to express their concerns about access and infrastructure development, exchange ideas and work with their peers toward solutions, the forum will have met its promise. Meeting that promise may also alleviate the pressure to insert governments more directly into the Internet governance process.

But creating a forum capable of meeting those lofty aspirations poses significant challenges. The United Nations is to be applauded for reaching an agreement calling for the creation of a truly "multi-stakeholder" entity. Unfortunately, the United Nations' has little real world experience giving non-governmental organizations and companies an equal seat at the bargaining table. If the IGF is to work, it can't simply become a mini-UN, where governments dominate and other participants vie for artificially limited access. Internet development relies more heavily on the contributions of companies, public interest groups and individuals than it does on the efforts of governments, and those public and private sector stakeholders must have at least an equal seat at the table. Since the UN is leading the process of convening the forum, it must look outside its own structures and previous experience in forming this new organization.

Another threat to the success and legitimacy of the forum comes in the form of stakeholders who would seek to use it as an end-run around Tunis agreements surrounding the Internet Corporation for Assigned Names and Numbers (ICANN) and the global Domain Name System (DNS). If, rather than a referendum on the serious challenges facing developing nations, the forum degenerates into a shouting match over who controls ICANN, it could quickly lose credibility. Also the forum must be carefully crafted so that it does not take on the qualities of a quasi-regulatory body, which could cause many governments to pull back from the effort.

The developers of the Internet Governance Forum face a challenging task, fraught with very serious risks, but if they are able to navigate the obstacles in their path, the entity they create could generate valuable work that benefits the global Internet community for years to come.

Equal Seats at the Table

Easily the biggest challenge facing the coordinators of the IGF will be living up to the Tunis edict that the forum be "multilateral, multi-stakeholder, democratic and transparent." Not only does this require that coordinators devise creative ways to involve representatives from countries that haven't traditionally been involved in the Internet governance process, it also requires that they create an environment in which representatives of civil society and companies feel welcome and on equal footing with their government counterparts.

This is no small task, particularly for the UN, which limits the involvement of non-governmental stakeholders in its own proceedings.

IGF coordinators must determine from the outset that representatives from government, industry and the public will be true equals in each phase of the IGF process. To the extent the forum creates agendas, drafts documents and directs its own internal activities, representatives from each of the three stakeholder groups must be directly involved.

"Multi-stakeholder" cannot mean that members of civil society and business community are invited to offer comments to the forum under certain prescribed conditions, but rather

that they share organizational and leadership responsibilities and have an equal role in setting the agenda.

While there are companies and civil society groups that care deeply about Internet policy and governance and are already engaged in the process, the forum must not be dominated by those "first to the table." the organizers of the IGF will also have to devote effort to actively recruiting a broad cross section of representatives from the different stakeholder groups and making leadership positions available to newer participants in order to create a truly diverse entity.

Serious effort must also be taken to engage representatives of developing nations that have not traditionally played a role in governance discussions, but which have a vested interest in the development questions before the forum. In many cases the Internet "delegation" of these nations consists of one or two people, if it exists at all. The forum will almost certainly have to devote some time and resources toward helping those nations make their voices heard. This may require both that forum organizers provide financial assistance to some delegations and that coordinators devise creative ways for nations that can't send delegations to forum events to participate remotely.

The strength and global value of the IGF will rise and fall on the breadth and inclusiveness of its participant base. Therefore, forum organizers should set as their top priorities: 1) establishing a structure in which representatives from government, industry and the public interest community are true equals and 2) determining what outreach is needed to ensure truly representative participation in the forum.

Focus and Scope

The motto of the World Summit was "Information communications technology for all," which aptly reflected the UN's stated goal of expanding access to the Internet and advanced telecommunications services, particularly in developing nations. Unfortunately, rather than focus on the serious obstacles to increasing capacity and reach in the developing world, the summit was forced off track by those who preferred to focus on the specific question of what nation oversees management of the Internet's addressing system.

Not only did those discussions fail to yield any real movement over the course of two years, they sapped time, resources and public awareness away from the difficult challenges of development.

Under the terms of the Tunis agreement, the IGF will not be a treaty body, and will not have the authority to alter the existing Internet management structure. Given that as a structural starting point, it would be disappointing if the forum became little more than a platform from which to continue the narrow debate over DNS management. Although forum participants should feel free to address any issue of concern relating to Internet governance, care should be taken to ensure that the development issues that were often overlooked in the WSIS process receive ample attention.

The IGF will also hopefully offer nations the ability to address global Internet issues — such as spam, spyware and electronic crime — that are of import to all Internet users and that affect the developed and the developing world in very different ways.

By setting a broad, inclusive agenda aimed at making information communications technologies more broadly available throughout the world, the forum could become a very productive venue for addressing issues of concern to all of the stakeholder groups it represents.

The Proper Tools

The very concept of the forum — wherein stakeholders from around the world board airplanes several times a year and fly to various distant destinations to discuss matters relating to the Internet — is, to some extent a product of the previous generation.

Although it is valuable for different groups to meet face to face to address concerns, resolve differences and collaborate on solutions, a forum designed to address the issues of the Internet must use the Internet itself as a primary tool for coordination.

In this too, the forum must be better than the organization from which it was born. It is not enough simply to post documents on a public Web site. The IGF must maximize the use of its limited resources by making full use of the Internet as a convening tool.

Resources like live Webcasts, virtual meetings, discussion boards and other tools will make it easier for participants to collaborate, and in turn will broaden and expand membership in the forum. For stakeholders in the developing world who may be limited in their ability to travel to meetings, a robust Internet presence could provide a vital link to the proceedings.

Conclusion

The IGF presents a difficult but worthwhile challenge. Implemented wisely it could help to break down serious obstacles to Internet expansion, while at the same time addressing the concerns of those who feel left out of the Internet management process. Extra care must be taken now to ensure that the IGF is representative, inclusive and forward thinking. If organizers are successful, the global Internet community will reap the benefits for years to come.

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