

auDA response to the Open Consultation on Enhanced Cooperation on International Public Policy Issues Pertaining to the Internet

Introduction

auDA, the Australian Domain Administrator, is pleased to submit these comments to the 'Open Consultation on Enhanced Cooperation on International Public Policy Issues Pertaining to the Internet'.

auDA's contribution focuses on the Internet Governance Forum (IGF) as an example of enhanced cooperation. It compares auDA's analysis of the Secretary General's consultation on the Continuation of the IGF with the conclusions of the Secretary General. It considers two examples of enhanced cooperation within the IGF (remote participation and best practice sharing) which demonstrate the flexibility of the current IGF structure and its adaptability. It reviews the contribution of the Chair, Secretariat and MAG to the IGF's success, and discusses the importance of retaining the multi-stakeholder model. Our response considers the impact of the technical community throughout the IGF process, and recommends its recognition as a distinct stakeholder group within any discussions relating to IGF improvements.

In summary, auDA's view is that the IGF exemplifies enhanced cooperation, and should continue in its current form. The IGF has shown itself responsive to feedback, through a combination of its flexible structure, cooperation between stakeholders, and the contribution of the independent Chair and Secretariat and the MAG.

Background

The note of the Secretary General on the Continuation of the Internet Governance Forum is listed as one of the relevant documents to the Open Consultation on Enhanced Cooperation. Therefore, our comments relate to the IGF as an example of enhanced cooperation.

auDA made its own analysis of feedback to the consultation on IGF renewal and the conclusions of the Secretary General's note. We attach (at Attachment A) a note of our analysis, the key findings of which are:

- There was no consensus for radical reform of the IGF
- 87 % of stakeholders wanted the IGF to continue as is, or with minor tweaks which could be achieved within the current IGF framework.

The Secretary General's consultation took place during 2009. The five issues mentioned most frequently were:

- Improve participation from developing countries
- Improve remote participation
- Support local and regional IGF meetings
- Increase the priority given to development
- Review MAG membership, role and ways of working.

In response to these comments, the following improvements were introduced during 2010:

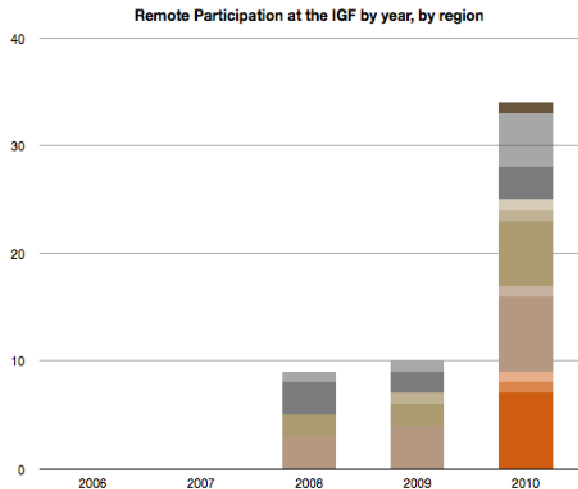
- A 320% growth in remote hubs from 2009 to 2010. The remote hubs improved participation from developing countries.
- A remote moderator for each main session and feeder workshop at the Vilnius meeting, and all preparatory meetings during 2010. Some workshops included presentations from remote participants.
- The remote participation tools included live transcript, video link and audio link, catering to variable bandwidth and connectivity.
- A main session devoted to Development, placed the issue front and centre at the 2010 IGF.
- The MAG issued a questionnaire asking for stakeholder input on its membership, role and ways of working at <http://intgovforum.org/cms/the-preparatory-process/510>.

These initiatives show how the IGF, which is itself an example of enhanced cooperation, is flexible, adaptive, and responsive to feedback.

This note reviews two specific examples of enhanced cooperation within the IGF framework: the role of remote hubs in supporting a development agenda; and best practice sharing as a means of capacity building.

Supporting the development agenda through remote hubs

Remote participation, through national hubs, support the IGF's development goals. The evolution of remote participation in IGF meetings extends the international dialogue to include those who would otherwise be prevented by geographical location or lack of resources. The work is supported by a remote participation working group.



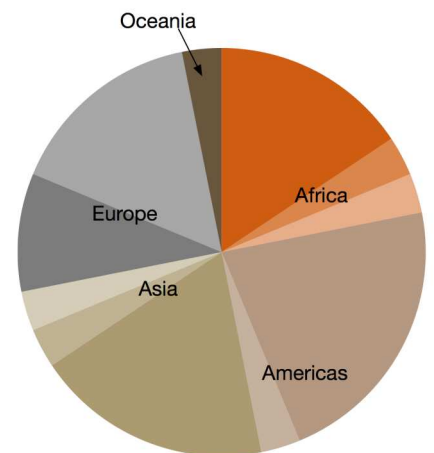
- Africa
- Americas
- Asia
- Europe
- Oceania
- Africa LDC
- Americas SIDS
- Asia LDC
- Europe Transition

Of the remote hubs for 2010 (right), seven were located in Africa, eight in the Americas, eight in Asia, eight in Europe and one in Oceania. Two were in Least Developed Countries, three in Small Island Developing States, and six in Transition countries.

Remote participation is a practical way for participants from developing countries to take part in the IGF, bring their experiences to international attention, and engage in dialogue with others. Organisers of remote hubs include ITU and Diplo, and APTLD. Funding a remote hub provides a cost-effective way of enabling those from developing or remote regions to participate in the IGF.

There were 32 registered remote hubs for the Vilnius meeting, compared with 9 in 2008 and 10 in 2009, a growth of 320%.

In 2010, for the first time there were 7 remote hubs in Africa, including Burundi and Comoros, and a growth in the number of Least Developed Countries (LDC) and Small Island Developing States (SIDS) with remote hubs throughout the UN regions.



- Africa
- Americas
- Asia
- Europe
- Oceania
- Africa LDC
- Americas SIDS
- Asia LDC
- Europe Transition

Reports from the 2010 remote hubs emphasise that these are not mere "remote observation" but include discourse and workshops. The local hubs provide a

stepping stone towards creating or supporting national or regional IGFs. For example, the Albanian hub in 2010 included discussion of issues in from the local perspective, *"We are already working for our National IGF."*



The remote hubs also enable those at the international IGF to join local meetings. For example, in Belgrade *"Dr Jovan Kurbalija and Nikola Bozic from DiploFoundation joined the session through a live broadcast from the IGF event."* The event triggered a discussion on local issues concerning *"characteristics of the Serbian language and use of Cyrillic names on the Internet"*.

Photographs from reports of Remote Hubs, 2010

Best practice sharing as a development tool

Best practice sessions have taken place throughout the IGF. In 2010, the IGF Secretariat published a consolidated report of the best practice sessions¹, as a tangible output from the IGF process to support development goals. This enables ongoing knowledge transfer and capacity building. An example of the IGF's impact is the growth of Internet Exchange Points throughout Africa over the past 5 years.

Contribution of the MAG and independent secretariat

auDA wishes to highlight the work of the Chair and Executive Co-ordinator of the MAG, Nitin Desai and Markus Kummer, and the MAG, as key contributors to the IGF's success.

At the inception of the IGF, multi-stakeholderism was an experimental process. The MAG brings together diverse stakeholders, with a wide spectrum of views.

¹ <http://www.intgovforum.org/cms/2010/good-practice.pdf>

Through the skill of the Chair and Secretariat, and the commitment of MAG members, the MAG has grown to work effectively to prepare for the IGF meetings.

Key to this success is the independence of the Chair and Secretariat, and the multi-stakeholder character of the MAG. This ensures that the IGF meeting agendas reflect the views of a range of stakeholders, and are not skewed in favour of special interests.

The character of the MAG and Secretariat has infused the IGF with a spirit of cooperation, and openness to incremental improvement, of which examples are given above. During the first five years of the IGF, the MAG has developed a way of rotating its membership, published reports of its meetings, made substantial adjustments to the agenda main topics and the way the plenary sessions are run, created space in the agenda for national and regional IGF processes, and strengthened the links between main sessions and feeder workshops.

Moving away from current arrangements for the MAG, independent Secretariat and Chair risks losing the IGF's unique multi-stakeholder character. The agenda and processes would become impenetrable, except to insiders. Issues which appeal to the politicised few would prevail over those which genuinely make a difference to the Internet's development. This in turn may lead to a fundamental movement away of the IGF from its mandate as a non-decision making body.

In our view, the independent Chair and Executive Coordinator, lightweight, Geneva-based Secretariat, the multi-stakeholder MAG, and the current voluntary funding mechanisms have underpinned the IGF's success. auDA encourages the continuation of this successful, flexible structure unchanged.

The technical community – a distinct stakeholder group

auDA welcomes the CSTD's readiness to form a multi-stakeholder working group to consider improvements to the IGF, in the event that the General Assembly decides to renew the IGF's mandate.

Throughout the IGF's lifetime, the technical community (ie those who operate the various aspects of the Internet infrastructure, applications and content) has supported the process, both through participation in the MAG, IGF meetings, sharing of expertise, and voluntary donations – both in cash and in kind. The technical community spans all stakeholder groups: government, private sector and civil society, but is distinct in nature.

auDA urges the recognition of the technical community as a distinct stakeholder group in the make up of the CSTD working group.

Summary

The IGF is an example of enhanced cooperation. The vast majority of participants in the UN Secretary General's recent consultation on the IGF supported its continuation without structural reform. The flexible structure of the IGF, supported by its small, Geneva-based, independent secretariat, and funded through voluntary, multi-stakeholder donations, has proven itself adaptable to change.

Steps made throughout the initial five year term of the IGF, some examples of which are given above, show that no structural reform is necessary to deliver improvements.

In our view, the independent Chair and Secretariat, and the Multi-stakeholder Advisory Group have been key elements of the IGF's success, both in the meetings themselves and in the organisation of the agenda, and should be retained.

The technical community deserves recognition as a distinct stakeholder group in the next phase of the IGF.

ATTACHMENT A

Continuation of the Internet Governance Forum

Analysis of the Note of the Secretary-General

Summary

The Internet Governance Forum (IGF) was established by the United Nations' World Summit on the Information Society in 2005 as a non-decision-making space for Internet policy dialogue. It was given a five year mandate, which expires at the end of 2010.

During 2009, a consultation took place as to whether or not the IGF's mandate should be renewed. Written comments were invited through the IGF website, and Undersecretary General Sha moderated a session on IGF renewal during the Sharm el-Sheikh meeting. In all, 124 contributions were made.

In May 2010, the UN Secretary General released an advanced, unedited copy of a note prepared for the General Assembly Economic and Social Council (the UNSG's draft report), to assist the General Assembly in December 2010, when it makes its decision with regard to the IGF's future.

Having reviewed the UNSG's draft report, auDA made its own analysis of feedback to the consultation on IGF renewal, and published figures on IGF attendance. Based on our analysis, we draw the following conclusions:

- There is no consensus for radical reform of the IGF.
- 87% of stakeholders wanted the IGF to continue as is, or with minor adjustments, which could be achieved without structural reform.
- Although a small minority raised significant concerns relating to the IGF's handling of the question of management of Critical Internet Resources, others expressed the view that the IGF had played an important role in diffusing tensions on this divisive issue.
- Whilst several stakeholders called for the IGF to be better resourced, only a minority called for the budget to be regularised within the United Nations. Others called for the current, voluntary funding to be increased, or made no suggestion as to *how* increased funding could be achieved.
- Finally, based on our analysis, we believe that the IGF is achieving a reasonably balanced distribution of both stakeholder and geographical engagement.

The case for reform – what people said

The UNSG's report concludes that the majority of contributors called for 'extension with improvements'. On this basis, it recommends that "improvements to the format, functions and operations of the IGF be considered at its sixth meeting in 2011" (17(c)).

It also states that "other improvements, such as membership and rules of procedure of MAG...may be within the authority of the Secretary-General to address" (18). However, our analysis leads us to draw different conclusions.

We categorised comments as follows:

- Any suggestion which requires structural changes, or the intervention of the UN General Assembly to achieve, is categorised as 'no extension without major reform'
- Any suggestion which can be achieved within the current IGF framework is categorised as 'extension with improvement.'

In our analysis, the 57 contributors who asked for 'extension with improvement' in fact called for 'extension with minor adjustments'. For example, these are the top five most popular requests:

- Improve participation from developing countries (17)
- Improve remote participation (14)
- Support local and regional IGF meetings (12)
- Increase the priority given to development (11)
- Look at the MAG membership, role and ways of working (8)

None of these ideas require structural changes to the IGF, or the intervention of the UN General Assembly to be achieved. To quote one participant, "The IGF's framework is flexible enough to accommodate ongoing improvements without the need for fundamental changes to the model"².

In total, 87% called for continuation as is, or with minor adjustments – evolution not revolution.

² Jeff Brueggeman, AT&T

Significant concerns

The UNSG report states that “the *most significant concerns* expressed by stakeholders were that the IGF...had not devoted sufficient attention to its **development** remit or the specific question of management of Critical **Internet Resources**” (para 15, emphasis added).

Development

Development issues were two of the top five most popular ideas articulated in the IGF review, both in terms of better participation from developing countries (17) and increased priority for development issues (11). Advocates for a greater emphasis on development spanned the political and stakeholder spectrums.

In response, the agenda for the fifth IGF meeting in Vilnius included a new main session devoted to Development. This epitomises the evolutionary approach of the IGF.

Critical Internet Resources

‘Critical Internet Resources’ and ‘Enhanced Cooperation’ are terms of art in Internet governance dialogue. For some, they mean the management of the domain name system by ICANN, and its relationship with the US Government. Others understand the terms more broadly. For example, the Working Group on Internet Governance in 2005 included “the administration of the root server system, technical standards, peering, and interconnection, telecommunications infrastructure, including innovative and convergent technologies, as well as multilingualization.”

Throughout the World Summit on the Information Society, the issue of Critical Internet Resources was highly divisive, to the extent that it threatened to derail the negotiations.

According to our analysis, those who mentioned issues relating to the management of Critical Internet Resources can be divided into three groups: those who were critical (six); those who made favourable comments relating to the IGF’s contribution to these issues (nine); and those who expressed no opinion (seven).

Some of the strongest criticisms of the IGF came from those stakeholders who expressed concern over this issue. For example, “We would like to point out some of the IGF shortcomings...First of all, the current IGF cannot solve in substance the issue of unilateral control of the critical Internet resources” (China), or “the presence of the forum without the presence of the enhanced cooperation is like having a person asking a person to run while he only has one leg” (Saudi Arabia).

However, these concerns are more than balanced by those who made positive comments, for example noting the IGF’s role in bringing stakeholders together

“after the severe mistrust and suspicions generated during the World Summit on the Information Society regarding the control of the internet” (APC), “Just think of the environment in 2005 compared to now and you will agree with me that the cooperation, indeed, has enhanced and that the IGF plays a key role in bringing the relevant parties and issues together.” (EU Presidency).

Funding the IGF – who and how?

The UNSG draft report states “Other stakeholders have proposed regularization of the budget of the IGF within the United Nations, or even transforming the IGF into a formal body with intergovernmental machinery of the United Nations”

In fact, six stakeholders proposed that the IGF be funded from the UN regular budget. There was one suggestion that the IGF be incorporated into the UN machinery, and one other that the IGF co-ordinate with other multilateral agencies within the UN system.

The UNSG draft report does not make reference to four suggestions that the current funding arrangements should continue (ie voluntary donations securing an independent secretariat), or six other non-specific comments that the Secretariat should be better resourced. Our reading of the comments is that there was a general desire to see the Secretariat better funded, but a mixture of views on how this could be achieved.

In summary, a total of eight interventions called for UN funding or absorption; whereas ten interventions called for *more* funding – including by multi-stakeholders, and stressed the importance of maintaining an independent Secretariat.

The MAG – a de facto bureau

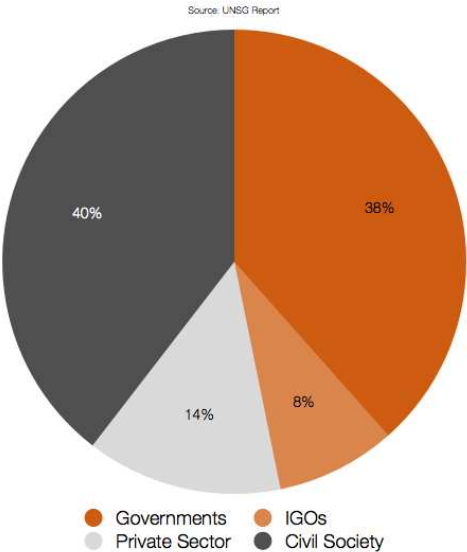
Since its inception, the IGF has had an unusual organisational structure for a UN body. Instead of a formal bureau, it has had a Multistakeholder Advisory Group, 56 individuals spanning different stakeholder groups.

The UNSG’s draft report calls the MAG “a de facto bureau” and that “other improvements, such as the membership and rules of procedure of the MAG, may be within the authority of the Secretary General to address.” It acknowledges that some changes may be within the purview of the Secretariat and/or IGF participants themselves.

Eight stakeholders commented on the MAG. The suggestions proposed evolution rather than revolution, and are achievable without external intervention - improve modalities of working, greater transparency, a wider range of stakeholders, more regular rotation, and annual reporting. Only three stakeholders suggested that the IGF needed a bureau, or proposed radical reform.

Who attends the IGF – stakeholders and geographical representation

Several commentators during the consultation measured the IGF’s success by its levels of participation. With its non-decision-making mandate, the IGF’s relevance is indicated by those who choose to attend it.



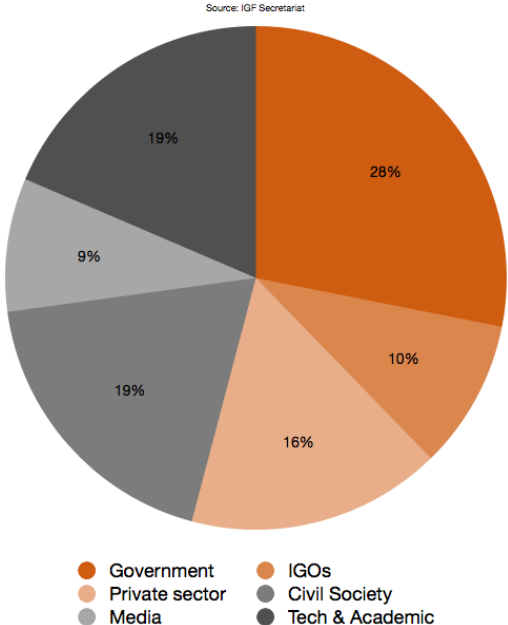
The UNSG’s analysis uses four stakeholder groups: government, intergovernmental organisations (IGOs), private sector, and civil society. As a result, it appears that the IGF is dominated by civil society participants.

The Tunis Agenda (paras 35 and 36) emphasises the important role that technical and academic stakeholders have played in the development of the Internet. This is appropriate, given

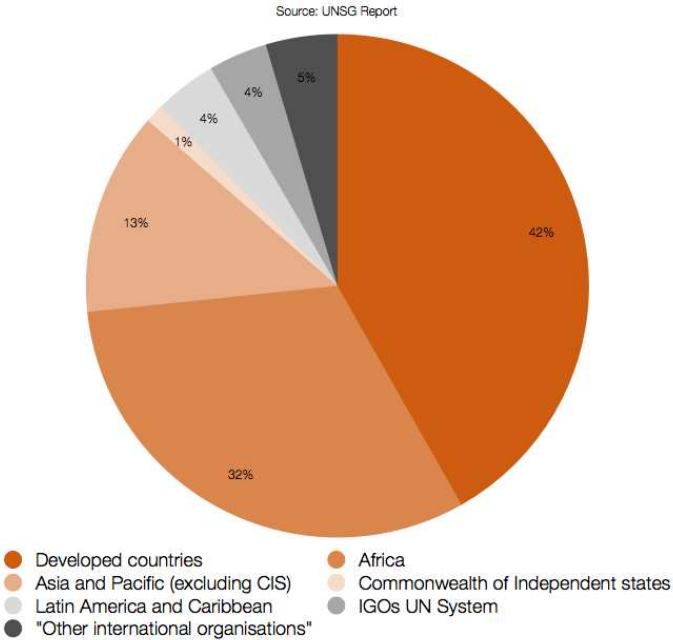
that many of the organisations which control critical Internet resources are non-governmental, not-for-profit, private organisations, which could only be categorised as “civil society” under the traditional stakeholder categorisations.

In addition, the media play a slightly different role within the IGF to that of other stakeholders, given that their primary objective is to communicate with the wider community, which might not otherwise hear of, or participate in, the IGF meetings.

In order to convey the rich variety of stakeholders who attend IGF meetings, we followed the stakeholder categorisation of government, IGOs, private sector, civil society, technical & academic (which are used in the Tunis Agenda) and the media. Analysing attendance using the IGF Secretariat’s publicly available figures, we found that a more balanced distribution of stakeholders attended the IGF 2009 meeting.



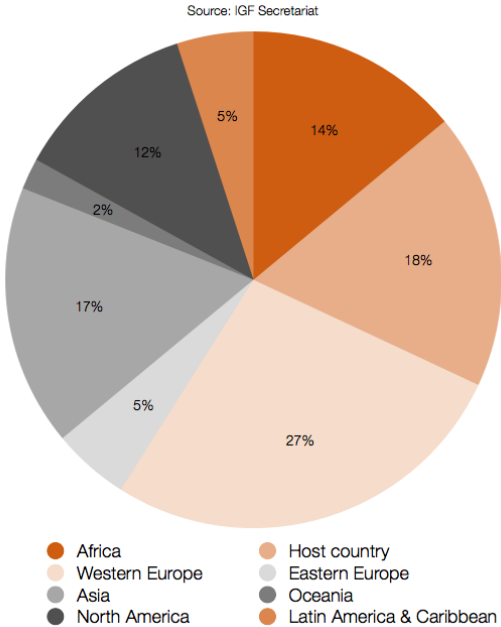
In the same way, the IGF’s success also relies upon its ability to attract attendees from all over the world, not simply developed countries.



In describing geographical attendance at the 2009 IGF meeting, the UNSG’s report mixes a thematic approach (“developed countries”) with a geographical approach (Africa, Asia and Pacific etc).

The resulting picture supports the UNSG report’s conclusion that participation was uneven.

Our analysis follows the approach taken by the IGF Secretariat, using the UN regions. Again, the resulting picture shows a more balanced, albeit imperfect, distribution by geographical region.



Conclusions

In all, our analysis of the contributions to the consultation supports the view that the IGF is regarded as a success. The majority want its mandate to be renewed. Commentators recognised that incremental improvements can be made. These can be achieved through the IGF’s current structure. Adequate funding of the IGF remains a challenge, which should be addressed by all stakeholders.