RESPONSE TO QUESTIONNAIRE ON INTERNET GOVERNANCE FORUM (IGF)

GOVERNMENT OF AUSTRALIA
13 February 2006

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1   **The Tunis Agenda sets out various functions for the forum. Paragraph 72 (g) indicates that a possible outcome of its meetings could be recommendations ("where appropriate"). Paragraph 72 (l) asks the IGF to produce a report ("to publish its proceedings") as its output.**

    (a)   *What outcome would you expect from an IGF meeting?*
    (b)   *Should there be any other output apart from the report?*

The IGF should produce a report documenting its substantive discussions (not simply its process). This report should be publicly available to all interested parties for them to take up ideas as they see fit for implementation, nationally, regionally, internationally or organisationally. Any substantive papers prepared for the IGF might also be made available.

The value of the report depends on the IGF itself being a meaningful and productive undertaking. We see IGF focussing on raising awareness and understanding of policy issues and solutions, information sharing on best practices, and building stakeholder commitment to take suitable action on a voluntary basis. Where appropriate, the IGF could identify key areas for international collaboration. Consistent with WSIS' development focus, the IGF discussions should have strong development and capacity building dimensions.

To maintain focus and best utilise resources, Australia does not support the IGF establishing a range of sub-groups or subcommittees as an output.

2   **The Tunis Agenda describes the IGF as "multilateral, multi-stakeholder, democratic and transparent" (para. 73) and sets out many functions it should assume (see paras 72 and 77). However, it leaves open questions of participation as well as periodicity, duration and type of IGF meetings, including on-line aspects and virtual collaboration and participation. Several delegations endorsed the proposal contained in the WGIG Report, i.e. to create a Forum that should be modelled on the WGIG open consultations, where all stakeholders participated on an equal footing.**

    (a)   *Could the WGIG open consultations constitute a possible model for the IGF?*
    (b)   *How often should the Forum meet?*
    (c)   *How long should its meetings be?*
    (d)   *Should meetings be considered subject to UN rules, such as accreditation, rules of procedure or languages?*
    (e)   *How could the IGF make best possible use of ICTs and promote virtual interaction?*

The WGIG consultation model provides a useful starting point, but IGF discussions should be more structured, focussed and 'driven' in terms of outcomes, while being as open as possible to interested parties.

To maintain focus and best utilise resources, one face-to-face meeting per annum, lasting 3-5 days (depending on its programme), would be appropriate.

UN language rules appear acceptable. Rigid application of UN rules on accreditation and procedure could hinder the IGF being 'multilateral, multi-stakeholder, democratic and transparent' as required by para.73 of the Tunis Agenda. Participation by all stakeholders on an equal footing should be facilitated by principles appropriate to the IGF, including principles for online participation. As the IGF is not a decision-making forum, voting procedures would not be necessary. To save resources and time, IGF arrangements might be best set out as a statement of principles, rather than detailed rules. All IGF procedures should be readily available online in advance and there should be sufficient time to complete necessary processes like accreditation.

Appropriate and efficient use of ICTs will be important in maximising IGF participation and productivity. IGF information must be readily available online. We find proactive electronic notification of new developments ('e-flashes') particularly useful. Online participation in preparatory activities as well as real-time participation in IGF meeting should be possible. Such participation should be of equal standing with in-person participation. In providing for online participation, consideration should be given to accessibility issues, for example, possible bandwidth constraints and the needs of people with disabilities.

3   The Tunis Agenda has a strong development focus. It raises questions related to access to the Internet (para 72(e)) as well as to developing country participation in Internet Governance mechanisms (para 72 (f)). It also emphasizes that the IGF needs "to contribute to capacity-building for Internet Governance in developing countries, drawing fully on local sources of knowledge and expertise" (para 72 (h)).

> *(a)   How should the IGF approach access issues ("availability and affordability of the Internet")?*
> *(b)   Para 72 (f) indicates that special measures ought to be taken to facilitate developing country participation in the IGF itself. What should be done?*
> *(c)   What should be the focus of capacity-building initiatives?*

The views of developing countries will be a key input on these matters.

The availability and affordability of the Internet are high priorities for all countries, but are recognised as a particular concern for developing countries. Given the IGF's mandate and the range of activities underway in this area in other institutions, the IGF's most valuable contribution would be to bring together the experience of different countries and different regions and providing an interface between relevant organisations (para.72(c) and (e)). Improvements in availability and affordability should also result through tackling other Internet-related issues such as enabling environments, spam, security and cybercrime, all of which have an important effect

on availability and affordability. In this, as in other areas, the IGF should not duplicate the work of other organisations, particularly those with funding roles.

It is important that the IGF delivers outcomes of real value that are relevant to the needs and interests of developing countries, particularly in terms of capacity building. Direct outreach, regional organisations and online facilities may assist remote participation.

From Australia's experience, two areas likely to deliver high returns in terms of capacity building are:
• enabling environments that facilitate the development of the Internet and mechanisms that facilitate effective action against Internet problems; and
• tackling spam, e-security and cybercrime and the interlinkages between them.

4   Para 78 (b) calls on the Secretary-General to "establish an effective and cost-efficient bureau to support the IGF, ensuring multi-stakeholder participation".

> *(a)   Does this para refer to a bureau as it is normally used in an intergovernmental context, such as the WSIS bureau?*
> *(b)   Would it be a bureau to deal with organizational issues and prepare agenda and programme of the IGF meetings?*
> *(c)   If so, how should it be composed?*
> *(d)   Alternatively, could it be a high-level senior advisory body to provide overall direction and shape to the IGF meetings?*
> *(e)   If so, how should it be composed?*

Notwithstanding the intended meaning of para.78(b), organisation and operation of the IGF will need a secretariat and will likely be aided by the establishment of some form of 'advisory group'. This 'advisory group' should not, however, be a 'bureau' in the conventional UN sense (ie. intergovernmental body), but a multistakeholder group (as para.78(b) indeed indicates). This group would provide guidance to the IGF secretariat in preparing for the IGF, particularly on more difficult or sensitive issues. This could include advice on themes and issues, approaches to them, meeting agendas, the structure of meetings, appropriate expert contributors and ways of maximising developing country participation. The group should not, however, completely replace open consultations (such as this) on key issues.

In terms of composition, the advisory group should be keep to a reasonable size for effectiveness. We suggest 1 government representative from each UN regional grouping and 2 members representing each of the private sector, civil society, academia and the technical community, and international and regional organisations. These representatives could be put forward by stakeholders or selected by the UN Secretary-General from short-lists provided by them. Importantly, members would need to have the seniority, expertise and networks to enable them to effectively fulfil the group's functions. The advisory group could appoint 3 co-chairs (or a chair and 2 vice-chairs), drawn from different stakeholder groups. The advisory group's members and office holders should be appointed every year or two, but reappointment should be possible. To expedite the IGF's establishment, the group's office holders might also act as IGF office holders, subject to IGF endorsement.

5   Para 78 (b) can also be interpreted as referring to a secretariat function.

> *(a)   Could this function be assumed by existing institutions, which could take turns in providing the secretariat for the IGF?*
> *(b)   Alternatively, is there need for an independent secretariat?*
> *(c)   If a secretariat is established,*
>> *(i)   Where should it be based?*
>> *(ii)   What should be its linkage to the United Nations Secretary-General?*

The IGF will require a secretariat. Our preference is for it, like the IGF, to be independent and standalone. In practice, however, this may be difficult. In all instances the secretariat needs to act independently of any sponsoring organisation and in the interest of the IGF. Who provides the secretariat is linked to who will run the IGF overall. Consistent with the multistakeholder nature of the IGF, Australia has previously suggested ISOC as a suitable candidate to run the IGF and provide its secretariat, if it were prepared to do so. Failing acceptance of this proposal, Australia would prefer the IGF to be run by a multistakeholder partnership or consortium and for this to provide the secretariat. Consistent with the IGF's limited lifespan, the secretariat staff should be employed on appropriate non-ongoing contracts.

We see some logistical benefits in IGF meetings generally being held in the same location every year and the secretariat being co-located with the meeting. That location should be readily accessible for IGF participants, particularly from the developing world, have appropriate infrastructure, and lend itself to the possibility of holding IGF meetings back-to-back with other relevant meetings.

If the IGF and its secretariat were to be run by a non-UN body, the UN Secretary-General's role would be limited, perhaps to that of patron, to providing logistical and/or financial support if required, and as otherwise required to meet IGF review requirements (paras.75, 76).

The secretariat would primarily be responsible for the logistical and administrative work of running the IGF, with the guidance of the advisory group. Australia does not see the secretariat undertaking substantive policy work. Rather this would be undertaken by relevant experts, organisations and other stakeholders, either at the invitation of the secretariat or at their own volition. We see significant scope for the advisory body, secretariat and IGF to draw on the work of organisations like the OECD and APEC, as well as more familiar sources.

6   Para 73 addresses aspects related to the structure of the IGF, which should be "lightweight and decentralised" and build on "existing structures of Internet governance, with special emphasis on the complementarity between all stakeholders involved in this process".

> *What does this mean in practice?*
> *(a)   Does the decentralized structure refer to a support structure (secretariat) or the Forum itself, or both?*
> *(b)   Does it point to additional expert meetings and / or programme committees, which could report back to the IGF and help prepare its*

meetings? Should possible sub-structures be supported by organizations with the relevant expertise?

Australia understands 'decentralised' refers to the IGF itself, reflecting the idea that remote online participation should be possible. Australia considers 'decentralisation' of actual IGF meetings (ie. regional IGF meetings) would work against global discussion of issues and raise costs. Regional groups can initiate their own meetings if they wish.

Australia would prefer to see discussion focussed in a single annual IGF. We are concerned that a proliferation of formal expert sub-groups would diffuse discussion and raise costs. There is nothing to stop stakeholders forming their own working groups.

7   The Tunis Agenda does not elaborate on aspects related to the funding of the IGF.

How do you think the IGF should be financed?

The IGF should be funded by voluntary contributions from stakeholders with any shortfall being funded from existing UN resources. In this context, the strong involvement of the private sector and civil society in the organisation and operation of the IGF may make in-kind support and funding more attractive to these sectors.

8   Para 74 mentions the "proven competencies of all stakeholders in Internet governance and the need to ensure their full involvement".

What steps should be taken to identify and engage all stakeholders and what needs to be done to make best possible use of their competencies?

This question misses the point of para. 74 which is to require the Secretary-General to consider a range of options for the convening of the IGF, with regard to the proven competencies and the full involvement of stakeholders. Australia considers best use can be made of proven competencies and fullest involvement of stakeholders can be achieved by the IGF being run by ISOC, if it agrees, or on some other multistakeholder basis, as outlined in 5(c) above. In all events, there is a need for targeted publicity of key IGF developments and dates using appropriate channels. The UN should contact and encourage national governments, regional organisations and peak private sector and civil society bodies to inform their constituents of developments. IGF processes which give stakeholders time to prepare and to enable stakeholders to make considered expert contributions and to interact will make best use of their competencies.

9   Para 74 also encourages the Secretary-General "to examine a range of options for the convening of the Forum".

Are there any other options not addressed in the questions above? What are these options as you understand them?

As noted in response to 5(c) and 8 above, consideration should be given to the IGF being run by ISOC, if it agrees, or a multistakeholder consortium, not simply by the

UN or a UN agency. Two other options which have some merit are for the IGF to be a purely online forum, and for the IGF to be simply an umbrella under which relevant existing expert organisations, individually or jointly, hold open meetings to discuss relevant issues on a needs basis.

10 Paragraph 72 (a) of the Tunis Agenda gives the IGF the mandate to "discuss public policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet".

> *(a)   What are these issues?*
> *(b)   Are they all the issues mentioned in the Chapter on Internet Governance in the Tunis Agenda?*
> *(c)   Which issues should be treated as priorities?*
> *(d)   Could these issues constitute a work programme for the coming years?*

While para.72 needs to be read as a whole for the IGF's mandate, Australia considers subpara.72(a) gives a good overview of the issues where the IGF could make its greatest contribution. This includes the sub-issue of 'finding solutions to key issues arising form the use and misuse of the Internet', as elaborated in para.72(j).

In the main, 'policy issues related to key elements of Internet governance in order to foster the sustainability, robustness, security, stability and development of the Internet' would include issues relating to:

- sustaining and promoting the dynamism, flexibility and innovation of the Internet, both as a technological system and from a user's perspective – this includes such matters as regulatory environments, research and development, investment frameworks, innovation, and the deployment of new technologies;
- expansion and take-up of the Internet, particularly in developing countries – this includes such matters as appropriate enabling environments, ICT skills development, multilingualisation, and the mainstreaming of the Internet into everyday business and consumer processes; and
- the pre-emption of, and responses to, threats to the ongoing, effective and efficient operation of the Internet as a technological system and from a user's perspective – this includes such matters as spam, e-security and cybercrime, their interlinkages and mechanisms to effectively deal with such matters.

Generally, the subject matter covered in the 'Internet chapter of the Tunis Agenda' (paras. 29-82) appears to fall within the remit of the IGF. However, there are some qualifications to this. As the IGF is not to be duplicative (para.77) and the competence of existing organisations is recognised (para.79), the IGF will need to avoid duplicative activity. Similarly, Australia considers the IGF is not an appropriate forum for discussion of the process of 'enhanced cooperation' using existing relevant international organisations (paras. 69-71). This process has clearly been established as a parallel but separate exercise to the IGF.

In terms of priorities, Australia considers greatest benefit will be derived, in the first instance, from focussing on spam, e-security and cybercrime and the strong interlinkages between them. This is itself a broad area, which may need to be broken

down into sub-issues. This is the priority because of the significant financial and consumer implications of these issues and, correspondingly, the benefits to be derived from tackling them. These benefits will accrue not only to developed countries but developing countries. Examination of these issues should include discussion of the development over time of appropriate mechanisms to deal with these issues. Australia also considers the other issues identified above are also worthy of attention within the lifespan of the IGF.

Except for the absolute priority of dealing with spam, e-security and cybercrime, Australia considers flexibility in relation to the IGF's work programme over its 5 years is desirable, particularly to provide scope to accommodate new and emerging issues. This need not preclude some preliminary scoping of possible future work to assist with planning.

11 The first meeting of the Internet Governance Forum should take place "no later than 2006"

>   *(a)*   *When would be the best time for the meeting?*
>   *(b)*   *What should be on its agenda?*
>   *(c)*   *Should it focus on one or at the most two issues that would be dealt with in depth, or should it discuss a wide range of issues?*
>   *(d)*   *How should its programme be designed (time-management plan, organizational aspects)?*

Notwithstanding the proposal of 24-26 October, for logistical reasons Australia would prefer the IGF to take place in mid December, probably 11-15 December 2006.

The first IGF should focus on spam, e-security and cybercrime and their interlinkages – or some sub-set of these issues. Discussion could include causes and nature of the problems, their implications, and responses to them. There should be an emphasis on expert views from a wide range of stakeholders and perspectives and on the practical experience of on-the-ground practitioners, particularly from the developing world (paras.72 (d) and (h)), in tackling these issues. This should be the main theme on the agenda so it can be discussed in a substantive and meaningful way which is likely to produce worthwhile outcomes for stakeholders. Some scope should also exist, however, to identify and discuss emerging issues. Provision could also be made to stakeholders to run parallel events - on- or off-theme - if they wish.

The first meeting may need to select office holders or endorse these if they are drawn from the proposed advisory group. It may also need to discuss and/or endorse IGF procedures. The IGF should not, however, get bogged down in these matters and it would be best if they could be resolved in advance.

On the basis that each meeting will focus on a particular theme or issue and a theme for the first meeting has been determined in advance, we would like to see substantive discussion of that theme/issue begin as soon as possible. We envisage experts on the theme, who have either been invited by the secretariat or who have volunteered, to deliver short keynote papers. These presentations would look at different aspects of the issue/theme (eg. causes, implications, solutions) from different stakeholder and 'academic' perspectives (eg. technological, policy, economic, legal, regulatory,

development, practical) as warranted by the theme/issue. These presentations would then form the basis of subsequent 'interactive' discussion, structured and led by facilitators if required. Use could be made of working groups or panels to discuss different aspects of the theme/issue. This process would constitute the substance of each IGF meeting and through it, the goal of raising awareness, understanding and commitment would be advanced. Where discussions lead to any consensus viewpoints, these would be included in the record of proceedings for reference, dissemination and appropriate action outside the IGF by relevant stakeholders, individually or in partnership.

Another key session should be dedicated to the identification of new and emerging issues. This would be an open forum where stakeholders would make short presentations on such issues with time for some broader discussion.

While recognising the need for flexibility, the IGF might discuss themes/issues for following year. This could draw on known issues such as those discussed above or issues identified as new and emerging. The selection of future themes also could be the subject of online intersessional consultations and advisory body discussions.

A short closing session to draw together, confirm and finalise the key conclusions of the IGF for the purposes of reporting would be appropriate.

While capacity building will be an inherent part of the IGF, consideration could be given to additional specialised capacity building workshops, particularly for stakeholders from developing countries, in relation to the theme being discussed. These could be held in parallel with the IGF or, preferably, immediately before or after the IGF. As noted above, Australia also envisages stakeholders being able to hold other events in parallel with the IGF (as in the case of WSIS), either relating to the theme of the IGF for that year or on other issues they consider to be of interest.

12 Any other comments, suggestions or questions that should be addressed?

Please let us know your views on any other issues that ought to be addressed.

Australia welcomes this consultation process and the opportunity to give its views on the establishment and operation of the IGF. Australia would like to reiterate the importance it places on ongoing multistakeholder consultation. Australia looks forward to working constructively with other stakeholders to ensure the IGF is a useful process.