

Questionnaire on the Convening the Internet Governance Forum (IGF)

This questionnaire addresses some issues that came up following the Tunis Summit. It is meant to stimulate the discussions in the open consultations on the convening of the IGF on 16 and 17 February and help clarify some open questions with regard to the functioning of the IGF. The questionnaire aims to provide an open framework for discussion – additional remarks, comments or questions are welcome and should be sent to wgig@unog.ch *. You may write your comments on any of the questions directly into the form or submit more general comments separately. Please provide your full name, the entity which you represent and where you are based. If you are responding in your personal capacity please state so and describe your involvement in Internet Governance issues. Responses will be published on this website.

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?

An excellent model for the operation of the IGF is found in the IETF (Internet Engineering Task Force). The IETF is a totally open multi-stakeholder forum that has no pre-requisites for involvement and publishes recommendations described as Requests for Comment (RFC). Although an RFC may be drafted by anyone, the acceptance of a new Internet standard proposed in an RFC is predicated upon the achievement of consensus that it should be so accepted, from members of the Internet community who participate in the IETF. The general criteria for acceptance of an RFC as an Internet Standard have been described as "competence, constituency, coherence and consensus" (see <http://www.isoc.org/internet/standards/papers/crocker-on-standards.shtml>).

The process by which IGF recommendations are developed should satisfy similar criteria: any recommendations or statements should firstly be competent, in that the IGF should draw on the expertise of all its constituents (including the Internet community) in making sound and practical recommendations. Secondly a recommendation or statement should only be produced if it has a constituency of potential "users"; in other words, policy should not be made simply for the sake of making policy, in the absence of demonstrated need. Third, the recommendation should be written in a clear and coherent form.

Finally and most importantly the recommendation should reflect a consensus reached amongst all stakeholders. Whilst the measurement of this consensus is a procedural question that itself requires discussion, it is important not to regard the failure to achieve consensus as a failure of the process. On the contrary, if consensus cannot be reached on a particular issue, this indicates that the subject matter is not yet ready to be the subject of an IGF recommendation or statement.

(b) Should there be any other output apart from the report?

Continuing the analogy to the IETF's RFCs, there are a number of categories of RFC published that are not intended to become standards, that are merely informational in character, or are intended to describe (but not to enforce) policies that represent best current practice in a particular field of activity (these are known as BCPs). The statements of the IGF could serve a similar informational purpose, in circumstances where a recommendation is not called for, for example due to lack of demonstrated need or lack of consensus.

As for documents that are intended for the IETF standards track, these progress through four stages. In the first stage the document, normally generated by a dedicated volunteer Working Group, is known as an Internet Draft. To progress an Internet draft towards promotion as a standard, the Working Group, through its Area Director, may make a recommendation to the Internet Engineering Steering Group (IESG) that it be accepted as a "Proposed Standard". The IESG will do so if it considers the specification has undergone the requisite community review, and is generally stable, well understood and considered useful.

A six month discussion period on the new Proposed Standard follows, at the conclusion of which it will be reconsidered by the IESG to determine whether it should be promoted to the status of a "Draft Standard". After four more months of discussion the Draft Standard can be promoted by the IESG to a full Internet Standard. It is required that Internet Standards are "stable and well understood; are technically competent; have multiple, independent and interoperable implementations with substantial operational experience; enjoy significant public support; and are recognisably useful within some or all parts of the Internet" (see <http://www.isoc.org/isoc/reports/ar2004/index.php>).

It is considered that this process could be useful information to the IGF in formulating its own processes by which to develop recommendations in an open, collaborative process that fully and transparently involves all stakeholders. One of ISOC-AU's directors is presently engaged in doctoral research on this topic (from which some of these responses are excerpted), and would be pleased to share his draft findings with IGF delegates in more detail.

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?

No, because the IGF will need to be more open and multi-stakeholder than the WGIG was. WGIG was a process set up by the UN and biased towards governments and away from other stakeholders.

The alternative model of the IETF has already been mentioned. The Internet standards that the IETF develops are complied with not because Internet users are compelled to do so, but because the standards are of high quality, are timely, widely supported, and represent a high level of technical consensus amongst a broad group of experts and users. The same could be true of the output of the IGF if its consultations were sufficiently open and inclusive.

Another model that could be instructive for the IGF is that of ICANN. Leaving aside debates as to the extent to which ICANN has actually lived up to its promise of operating by consensus, the structure of the organisation and its interaction with its stakeholders has the potential to work effectively.

ICANN has five self-organised Advisory Committees (ACs), that serve to advise the ICANN board. These are the Governmental Advisory Committee (GAC), the Root Server System Advisory Committee, the Security and Stability Advisory Committee, the Technical Liaison Group and the At-Large Advisory Committee (ALAC). Each of the Advisory Committees, and the IETF, appoint a non-voting liaison to the ICANN board (and the ALAC additionally appoints five voting members to the NomCom or Nominating Committee that appoints the majority of the board).

Most relevant to the IGF's activities in the public policy arena are ICANN's GAC and ALAC. Membership of the GAC is open to representatives of any national government. ALAC's mission is to represent the interests of individual Internet users at large to the ICANN board. It is comprised of fifteen members; five selected by the NomCom, and two by each of five Regional At-Large Organizations (RALOs). The RALOs are umbrella organisations of Internet user groups, one in each geographic region as defined in the ICANN bylaws. APRALO is the RALO for the Asia-Pacific region including Australia, and the ISOC-AU is one of its constituent sub-groups.

Whatever structure the IGF eventually adopts, it should first and foremost be designed to ensure that the process criteria of the WSIS are upheld: that the forum should be multilateral, transparent, democratic, and with the full participation of all stakeholders. This will require that the IGF's structure should itself be the subject of open, transparent and multilateral public debate.

(b) How often should the Forum meet?

The IETF meets three times per year, but the majority of its activity takes place on public mailing lists, to which all interested parties are free to contribute. The IGF would certainly not need to meet as frequently as that, and could perhaps meet annually or less often, provided that it also provided avenues for continued multistakeholder discussion and participation between meetings using on-line fora. The exact period between meetings is a question that the IGF itself should consider at its first meeting in Athens.

(c) How long should its meetings be?

Again, this is a question that should be addressed by the IGF itself. It has been proposed that the first meeting of the IGF take place over three days. This certainly seems a reasonable suggestion.

(d) Should meetings be considered subject to UN rules, such as accreditation, rules of procedure or languages?

Great care should be taken in subjecting IGF meetings to rules of procedure that could have the effect of excluding or limiting participation by all stakeholders on an equal footing. Perhaps most importantly, participation in meetings should not be subject to the same rules of accreditation that are applied by traditional intergovernmental authorities, who normally only allow NGO (non-governmental organisation) and civil society bodies the status of observers.

Such bodies as WIPO and the WTO have been much criticised for marginalising the observers whom they allow to participate. The WTO, for example, allows accredited NGOs to observe its Ministerial Conferences, but none of its other meetings, and they are not permitted to directly participate (for example by speaking or tabling papers). It is imperative that the IGF operate in a more inclusive manner, in which NGO and civil society stakeholders (including the Internet community) are free to participate on an equal footing with governments in the development of Internet-related public policy.

Certainly, procedures should be developed to ensure that participants cannot hijack or railroad the IGF process (and there is a considerable literature on management by consensus which describes what these procedures might be). However to subject the participation of stakeholders in the IGF to existing UN-developed accreditation requirements would be unduly limiting and likely to engender disaffection within the Internet community, which would only be counter-productive in the long term.

(e) How could the IGF make best possible use of ICTs and promote virtual interaction?

Facilitating continued participation in IGF processes using on-line fora would not only serve the purpose of efficiency, but could also contribute to the cause of equity, particularly in that it would enable stakeholders from less developed countries to participate on a more equal footing to those from the developed world, provided that attention was paid to providing equitable access and training in those countries to encourage their participation in such online fora. ISOC has played a strong role in support and training with less developed countries under the vision that "The Internet is for Everyone!"

Amongst the models that should be considered include the use of electronic mailing lists archived online and/or Web-based discussion fora, possibly moderated. Other organisations such as ICANN's ALAC have made use of Wiki sites. Real-time technologies such as VoIP

(Voice over IP) telephony and IRC (Internet Relay Chat) suffer from the problem of advantaging particular time-zones. ISOC-AU's membership includes those with considerable technical expertise in all of these areas, who may be willing to offer their assistance to the IGF in this regard.

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”)?

The "digital divide" is an aspect of a much broader social problem than falls within the scope of Internet governance. It may be that capacity building is an issue which fits more comfortably within the existing intergovernmental structures for international aid and development work, including the ITU-D, the World Bank, UNESCO, UNCTAD and UNDP. The IGF's primary role may be to feed its expertise into the activities of these agencies through the issue of informational reports, statements and recommendations.

(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?

As indicated above, the adoption of online fora for communication and collaboration has the potential to assist developing countries. So too do the ongoing efforts of bodies such as the IETF, ICANN and the W3C in promoting internationalisation (I18N) of Internet content and addressing. ISOC-AU perceives the IGF's role here to be to support these efforts without duplicating them.

(c) What should be the focus of capacity-building initiatives?

The challenge is to provide equitable access and training in developing countries and this has been a mission of ISOC for many years ("The Internet is for Everyone!"). However the IGF will have to acknowledge its own limitations, which will require it to recognise most responsibility in these areas is held by agencies who are better resourced to act, as described in 3(a) above.

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?

The bureau's purpose should be essentially organisational. Whilst it should be representative of the Forum's stakeholders at large, it should not thereby assume a mandate to direct policy discussion on the Forum's behalf. Discussion of policy, statements or recommendations should be driven from the ground up rather than being directed from the top down.

This being so, in time, once the IGF has established the trust of all stakeholders, perhaps the bureau could come to function in a similar manner to the IESG if it were structured to reflect multi-stakeholder interests. The IESG decides whether and when a new specification should be progressed towards acceptance as a standard, according to various criteria including whether it has reached consensus within the IETF as a whole. The IESG also establishes new Working Groups, and acts as a body of review for certain decisions made at lower levels.

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?

Given that the IGF will be dealing with issues of public policy relating to the Internet, it would be preferable for the Internet community itself to provide the secretariat function for the IGF, given its excellent track record in multi-stakeholder processes. This could be done if the UN were to fund ISOC to handle the secretariat role. This question should be further investigated with ISOC.

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?

Whilst it may be most efficient for the secretariat also to operate in a decentralised manner, ISOC-AU takes the paragraph in question clearly to be referring to the Forum. Decentralisation is one of the core values, both technically and socially, that may be seen in the Internet itself. The Internet after all displays a flat, peer-to-peer network topology that distributes network intelligence, and resists centralised monitoring and intervention.

The same has been observed of the Internet's culture (which may be no coincidence, though that is a question to be answered elsewhere). The imposition of hierarchical control sits poorly with this decentralised and egalitarian culture, generating resistance. The importance of decentralisation in the structure of the Forum is therefore to ensure that its recommendations are perceived as possessing legitimacy amongst Internet users.

The IGF cannot draw its legitimacy solely from the involvement of governments. Whilst many of the governments involved in the IGF may themselves be democratically elected, it is a truism that their actions at the intergovernmental level too easily demonstrate democratic deficits that belie the representativeness that they may rightfully claim in their domestic operations. It is for this very reason that intergovernmental organisations now seek increasingly to involve NGOs, civil society and the private sector in their activities in order to broaden their perceived legitimacy.

By speaking of the special complementarity between all stakeholders, the Tunis Agenda is acknowledging this reality; that international governance in the new millennium is exercised no

longer through hierarchies in which governments occupy the pre-eminent position, but rather by networks of interdependent actors.

(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?

The decentralised structure of other organisations involved in Internet governance, notably the IETF, will again be of assistance to the IGF here. There is a wealth of experience and knowledge held among the various elements of the Internet community and established organisations that can be easily accessed either formally or informally. Also, The IETF is currently divided into eight technical Areas: Applications, General, Internet, Operations and Management, Real-time Applications and Infrastructure, Routing, Security, and Transport. Work in each of these Areas is managed by an Area Director. The Area Directors and the Chair of the IETF make up the IESG, which bears overall responsibility for the technical management of the IETF's activities.

Within each of the Areas are numerous short-term Working Groups established to work on specific projects, usually the development of specifications for a proposed Internet standard. Each Working Group has a Chair, and may have a number of subcommittees known as "design teams" which often perform the bulk of the work in drawing up the specification.

The charter of a Working Group, detailing its preliminary goals and schedules, is developed before its formation at a BOF ("Birds of a Feather") meeting, called upon application by interested parties to the relevant Area Director. If the BOF so resolves, the Area Director will be requested to recommend for the IESG to formally establish the Working Group. Each Working Group establishes its own operating procedures, which are generally not legalistic, and may vary its own charter as circumstances require.

Once the IGF has firmly established its legitimacy, it may in time be possible for it to delegate responsibility for the discussion of policy on particular issues to autonomous working groups, themselves open to participation from all of the stakeholders involved in the IGF, and which may also co-opt external experts to assist them in their deliberations. Once consensus is reached within a working group, its output could be reported back to the IGF in plenary session for approval by the body as a whole.

Whilst the above provides only the broadest outline of the operation of such working groups, much the same model is applied in organisations as diverse as the IETF, the ISO, the W3C and the ITU-T.

Granted that these are standardisation bodies not public policy bodies, but this does not point to an essential difference in the way that they might seek to reach decisions by consensus. The most important difference between the discussion of public policy and the development of standards is that in discussing public policy a greater premium is placed on the legitimacy of the body concerned. This again ties into the requirement that the IGF fully involve all stakeholders in its processes.

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?

As the United Nations began the WSIS process, it is appropriate that it continues to fund it, by providing adequate resources to enable the IGF to function and for stakeholders to contribute their time to its processes. In order to preserve the openness of the Forum to all stakeholders, the IGF should not be financed through the contributions of civil society and NGO members, nor from small business members of the private sector or from developing governments. The high membership dues of the ITU has been one reason why most small businesses, let alone civil society bodies, have been excluded from participation in that forum.

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?

The surest manner in which to ensure that all stakeholders are involved is to draw on the existing multi-stakeholder processes of Internet governance wherever possible. Where this is not possible (because no existing body or process exists), it will be necessary to lower the barriers to participation of stakeholders in the IGF.

In the latter instance, it will be necessary in some cases for the IGF bureau to take special steps to involve those whose participation is inherently limited by barriers of age, disability, finance, gender, language, etc. Its task is made easier in some cases by the fact that there are NGOs representing most of these disadvantaged groups, many of which are members of CONGO and past participants in the WSIS.

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?

It is important not to be too prescriptive about the form and functions of the IGF too early. It should not be presumed that the IGF will take any oversight role in Internet governance. The IGF will have to earn its legitimacy before its discussions will carry weight.

Having said that, at this stage, the questions above are sufficient to enable a productive first meeting to be convened. From that point on, the shape of the Forum will be in its own hands and those of its stakeholders.

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?

The Tunis Agenda identifies numerous public policy issues for consideration of the IGF, but nowhere are these itemised in clear terms. The report of the WGIG to the WSIS had however earlier identified thirteen Internet-related public policy issues in more concrete terms. Most of these can be traced forward to one or more paragraphs of the Tunis Agenda. The table below itemises the thirteen public policy issues identified by the WGIG by paragraph and brief description, and their equivalent paragraphs in the Tunis Agenda, if any.

WGIG	WGIG description	Agenda para
15	Admin. of the root zone files & system	
16	Interconnection costs	49, 50
17	Internet stability, security & cybercrime	40, 43, 44, 45
18	Spam	41

19	Meaningful partic. in global policy dev.	52
20	Capacity-building	51
21	Allocation of domain names	
22	IP addressing	38
23	Intellectual property rights (IPR)	
24	Freedom of expression	42
25	Data protection & privacy rights	39, 46
26	Consumer rights	47
27	Multilingualism	53

The subjects of paragraphs 15 and 21 of the WGIG Report, both relating to DNS functions, are absent from the Tunis Agenda because of the concession that the IGF "would have no involvement in day-to-day or technical operations of the Internet" (paras 63 and 77 of the Agenda). In this context, it is unclear why paragraph 22 from the WGIG report, IP addressing, remained on the Tunis Agenda. It is submitted this item should not be within the IGF's purview.

On the other hand the omission of the topic of paragraph 23 of the WGIG report relating to intellectual property rights from the Tunis Agenda, and the omission of trade issues from both the WGIG list and the Tunis Agenda, is more obscure. The fact that other UN agencies such as the WTO and WIPO are already involved in issues of trade (or e-commerce, in this context) and intellectual property, provides insufficient reason for them to be completely omitted from the agenda, since development issues explicitly remain on the agenda even though they fall squarely within the work programmes of other agencies.

Taking the public policy issues from the WGIG report, removing DNS issues that fall outside the stated mandate of the IGF, along with IP addressing which probably should, adding e-government from the Tunis Agenda and combining it with e-commerce, and adding back the notably omitted issue of intellectual property, leaves the following list of Internet-related public policy issues for possible discussion over the coming years:

- * Interconnection costs
- * Internet stability, security and cybercrime
- * Spam
- * Meaningful participation in global policy development
- * Capacity building
- * Intellectual property rights (IPR)
- * Freedom of expression
- * Data protection and privacy rights
- * Consumer rights
- * Multilingualism
- * e-commerce and e-government

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?*

The suggested dates of 24-26 October 2006 proposed by the Secretary-General and the Greek government seem suitable.

(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?

There should be no substantive items on the agenda for the first meeting. That meeting should be devoted to discussion of the structure and procedure that the Forum is to adopt, including many of the questions asked in this questionnaire. It is inappropriate that those questions should be finally determined in advance of the first meeting.

The only other item for the agenda of the first meeting should be to propose which substantive items should be discussed at the following meeting, for which the list provided above could provide a starting point.

(d) How should its programme be designed (time-management plan, organizational aspects)?

The programme of the first meeting will necessarily differ from the programme of later meetings. It is suggested that the largest part of the meeting will therefore be held in plenary session, with the agenda being addressed in sequence.

Alternatively it may be possible for attendees to be divided into *ad hoc* working groups on the first day to discuss issues of structure and procedure in one group, and the future work programme in the other group, with the groups reconvening to discuss their conclusions on the final day.

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.

Whilst the pressures of time upon the scheduling of next week's consultations on the convening of the IGF are acknowledged, it is suggested that any future consultations of that nature should provide for attendance by electronic means, so as to allow participation from a broader range of stakeholders, many of whom do not have the financial capacity to travel to Geneva, particularly on such short notice.

*Please send all submissions in either .rtf , text or . pdf via email.