Internet governance: What happened in 2013? What will happen in 2014?

The Internet governance landscape prior to third quarter 2013

1. Preparations for 10th anniversary of WSIS

With the tenth anniversary of the second phase of the World Summit on the Information Society (WSIS+10) coming up in 2015, there have been a number of discussions related to how well WSIS objectives have been met, what needs to be done to facilitate goals not yet achieved, as well as identifying what new goals could be added to take advantage of technological developments since 2005. Given Internet governance formed a significant portion of the WSIS Tunis Agenda, there has been a lot of attention focused on what Internet governance looks like in the lead up to the 10th anniversary of WSIS. At the beginning of 2013, a multistakeholder WSIS+10 Review Meeting hosted by UNESCO resulted in the Information and Knowledge For All statement that supported an inclusive, multistakeholder processes at the regional and international levels, renewed commitment to the Internet Governance Forum (IGF) and encouraged participants to contribute to the Commission on Science and Technology for Development (CSTD) Working Group on Enhanced Cooperation (WGEC). During the 16th Session of the CSTD in June 2013, Russia, which has consistently supported a much greater role for ITU in Internet resource management, proposed the United Nations (UN) repeat the entire WSIS process, complete with preparatory meetings, culminating in a high-level event in Sochi, Russia, in 2015. Although the CSTD Member States declined to include a recommendation for such an event in their final WSIS draft resolution, Russia continues to support a second WSIS process in other intergovernmental venues.

2. Continued uncertainty about IGF's future

In the lead-up to IGF 2013 in Bali, Indonesia, it was unclear whether the local host would have enough money to hold the event, leading to some disagreements amongst IGF supporters about how to manage the possibility that IGF 2013 may not be held in its planned location and whether it was appropriate for supporters to directly fund the local host rather than contribute to the UN special project that funds the IGF Secretariat. There continued to be no news about the possibility of appointing a Special Advisor to the Secretary General on Internet Governance and a conti-nuing problem of not enough funds in the IGF special project account to enable an Executive Director to be appointed to the IGF.

3. Snowden revelations about online surveillance

News about widespread online surveillance conducted by the USA and its allies introduced or deepened levels of distrust between governments, between civil society and governments, and between civil society and Internet-based businesses. The revelation that governments can and do find ways to bypass technologies aimed at providing online privacy prompted a number of Internet standards developers to develop a more nuanced understanding of the interconnection between technology and policy. As a result, standards development forums such as the IETF are no longer seeing themselves as venues immune to the human rights and legal implications of how the standards they are developing may be used.[1]

[1] For example, see the IETF's statement from November 2013.

4. Greater diversity of positions within and among stakeholder groups

Between governments

The division between governments who would and wouldn't sign the International Telecommunication Regulations at the ITU World Conference on International Telecommunications (WCIT) in late 2012 demonstrated that, despite continuing improvement in Internet penetration rates in developing countries, there is still a significant difference in the points of views of governments on how the Internet should be managed. Although governments did reach consensus on six Internet-related draft Opinions at the ITU's 2013 World Telecommunication/ICT Policy Forum (WTPF) in May 2013, some governments expressed dissatisfaction with the process used to develop the Opinions, feeling that governments with dissenting views had not been given sufficient opportunities to participate in the development of the Opinions.

Between civil society

Since the days of WSIS in the early 2000s, civil society has primarily organized itself primarily through the Internet Governance Caucus (IGC). However, more recently, different civil society members and organizations have found it more difficult to reconcile opposing views on Internet issues. As a result, a new group consisting of a large number of IGC members, Best Bits, has been created as an "opt-in" way for civil society members to develop and sign statements on Internet governance issues. There are, therefore, now two main (significantly overlapping) networks developing civil society positions on Internet governance issues, as well as a number of smaller civil society networks that continue to participate in Internet governance on an ad hoc basis, depending on the issues involved (such as disability and online accessibility).

Between civil society and the technical community

Divisions have also emerged between some parts of civil society and the technical community in relation to the appropriate place for academia to be represented. There were low-level grumblings about the technical community's failure to include academia when it has been asked to select representatives for processes such as the CSTD WG on IGF improvements. This unhappiness increased substantially during the process of selecting representatives for the CSTD WGEC, with some members of civil society accusing the technical community of a lack of transparency in its selection processes.[2]

Between the technical community

Within the technical community, as tensions in the wider Internet landscape have increased, with more pressure on technical Internet governance bodies to respond to issues, it has been more difficult to reconcile the specific needs and views of individual organizations. In response, around three years ago, the so-called "I-Star" organizations began holding retreats in which their CEOs attempted to find ways to coordinate more effectively.

[2] Principles for Technical Representation in the Formulation and Implementation of Effective Internet Governance has now been published to increase transparency.

The Internet governance developments in the third quarter 2013

1. Montevideo Statement

The Montevideo Statement on the Future of Internet Cooperation published on 7 October 2013 was a declaration by the leaders of the following I-Star organizations: ICANN, ISOC, IETF, IAB, the RIRs and W3C. The short declaration included brief statements about the effect of the Snowden revelations on Internet users' trust and confidence in the Internet, the need to speed up the globalization of ICANN and the IANA function and to make the transition to IPv6 a priority and to "catalyze community-wide efforts towards the evolution of global multistakeholder Internet cooperation". Reaction to the statement was generally positive. The widespread publicity the statement received, however, did lead some to question exactly what the organizations that labeled themselves as I-Star were doing, particularly as the meetings between the I-Star leaders—which had been held for the last two to three years—had not been publically documented. Some of the leaders of the I-Star organizations have since stated that such I-Star retreats have been informal coordination meetings and are not in any way a replacement for the open, bottom-up model of Internet decision-making.

2. Announcement of Global Multistakeholder Meeting on Internet Governance

On 10 October 2013, it was announced that Brazil would host a Global Multistakeholder Meeting on Internet Governance in April 2014. The response of Internet governance stakeholders to the announcement was mixed. Skeptics pointed to the top-down nature of the meeting's creation—the announcement came after a meeting between Brazil's President Rousseff and ICANN's Fadi Chehadé—as well as the potential of the meeting to divert resources away from the IGF. In addition, skeptics have been concerned about the outcomes of the meeting—in particular, would the meeting develop concrete recommendations on Internet governance issues? And if so, what standing would such recommendations have, given the meeting would be outside any of the recognized organiza-tions and forums of the both the Internet governance ecosystem and the international UN framework. There continue to be concerns expressed by some stakeholders regarding how the multistakeholder composition of the meeting can adequately address the full range of stakeholder needs and views.

3. IGF 2013

Given the obstacles in its path, the fact that IGF 2013 was held at all was a significant achievement. IGF 2013 was the first international Internet governance related meeting to be held since the Snowden revelations about widespread online surveillance. IGF may be a UN-hosted event that needs much of its agenda to be set well before the meeting takes place, but at IGF 2013, it proved itself flexible enough to enable cross-stakeholder discussions about the ramifications of the Snowden revelations to occur throughout the week.

IGF 2013 also marked a significant and positive change in the degree of openness between stakeholder groups. This was visible in the many main sessions and workshops that discussed principles of multistakeholder coordination and how to enhance the participation of all stakeholders, particularly governments. These sessions had been included in the IGF 2013 program largely as a response to the sense of frustration many stakeholders felt after the ITU World Conference on International Telecommunications (WCIT) in late 2012. The "silver lining" to the grey clouds of WCIT had been a widespread recognition that the concerns of those who did not agree with the current Internet governance system could not be dismissed but had to be addressed directly. Part of the response, as seen at IGF 2013, was a willingness by representatives of civil society, business and the technical Internet communities to acknowledge the difficulties in trying to embody the spirit of bottom-up, multistakeholder coordination. In particular, the dilemmas involved in selecting representatives for stakeholder groups, as well as trying to reach consensus within stakeholder groups were discussed. There was also a recognition that multistakeholderism isn't a "one size fits all" approach, but was a guiding principle could change its form depending on circumstances.

4. Creation of 1net and the Panel on Global Internet Cooperation and Governance Mechanisms

During IGF 2013, leader of the I-Star organizations held a series of informal meeting in the breaks between the formal IGF program. The first of these meetings aimed to provide the Internet governance community with:

1. More information about the Internet governance meeting in Brazil
2. The change in status and scope for what had previously been ICANN's Fifth Strategy Panel on the Future of Internet Governance
3. An overview of the 1net concept

Due to time constraints, the sessions did not completely succeed in keeping the three different activities clearly separated. This lack of clarity continued through to the ICANN 48 meeting in Buenos Aires in November. As a result, a month's worth of coordination with the wider Internet governance community to develop the three activities was largely lost.

To coordinate ICANN community input into 1net and/or the Brazil meeting, the ICANN community decided to create a Cross-Constituency Working Group (CCWG) on Internet Governance. The CCWG on Internet Governance is currently in the process of defining its charter. There is the possibility that the CCWG will have a life beyond both the Brazil meeting and 1net input into that meeting, with the CCWG becoming a way for the ICANN community to discuss wider Internet governance issues and develop input into Internet governance meetings such as the ITU Plenipotentiary Conference 2014 (PP-14). The CCWG's mailing list archives are publicly available and observers will be able to subscribe, but not post, to the mailing list.

As of December 2013, members of the Internet technical community, business and civil society are still in the process of discussing what form 1net should take and what its focus should be. Its original parents, the leaders of the I-Star organizations, had planned for it to exist on an ongoing basis, well beyond the Brazil meeting.

The announcement at the ICANN 47 meeting in July of the Fifth Strategy Panel on the Future of Internet Governance brought criticism that it was not ICANN's role to develop strategy for the larger Internet governance world. In response, the panel was broadened to become the wider, non-ICANN-specific Panel on the Future of Global Internet Cooperation. Following the first meeting of the panel in December 2013, it revised its name to the Panel on Global Internet Cooperation and Governance Mechanisms. Between the December meeting and its next meeting in February 2014, the panel will take its discussion to the 1net mailing list. The panel aims to produce a draft report for open consultation by the end of February 2014.[3] The draft report will be also be in time to form a possible input to the Brazil meeting in April 2014. Although the Panel's draft report will form an input into the Brazil meeting, the Panel's scope is to examine the future of Internet governance in a wider context. The report will include principles and proposed frameworks for global Internet cooperation as well as a roadmap for future Internet governance challenges. The panel's final meeting in May 2014 will be used to consider community feedback received on the draft report. The panel will also use the meeting to discuss the results of the two meetings to be held in April 2014: the Brazil meeting and the 4th Freedom Online Coalition conference.

[3] For more information, see High-Level Panel on Global Internet Cooperation and Governance Mechanisms Convenes in London.

5. CSTD WGEC

The Commission on Science and Technology for Development (CSTD) Working Group on Enhanced Cooperation (WGEC) held its second meeting in November 2013. For the first time, a CSTD WG meeting was open to a limited number of observers (space was a concern) and a live transcript was available to help enhance the participation of members whose first language is not English. At the beginning of the meeting, participants agreed to allow observers to have the floor for two 10-minute slots each day. As the meeting progressed, however, observers became active participants in WGEC's activities, helping create room documents to assist the discussions. Given the large number of responses (over 60) to the survey sent out after the first WGEC meeting, it was decided that the best way forward was to first use the responses to map the existing mechanisms for enhanced cooperation in Internet governance. The mapping exercise would then enable the WGEC members to develop fact-based recommendations on how to further implement enhanced cooperation. The second meeting reached consensus to create an online Correspondence Group (CG) that will continue the mapping exercise between meetings. The WGEC CG is open to any interested participant and is not limited to WGEC members. Those who are interested in joining the WGEC CG should email wgec@unctad.org with their details.

6. ITU CWG-Internet

The Council Working Group on international Internet-related public policy issues (CWG-Internet) met for two days in November. Although there had been agreement at the previous CWG-Internet meeting to hold an open consultation on three issues—spam, IP addressing and developmental aspects of the Internet—the November meeting focused overwhelmingly on contributions by Member States related to the operationalizing the role of governments in international Internet-related public policy issues. Brazil's proposed opinion paper at the 2013 World Telecommunication/ICT Policy Forum (WTPF), On the Role of Government in the Multistakeholder Framework for Internet Governance, was supposed to be discussed at CWG-Internet; however, Brazil withdrew the paper and chose not to actively participate in the November meeting. The meeting ended with consensus to conduct a survey of Member States on the role of governments in Internet-related public policy issues (see the CWG-Internet entry in "Internet governance in the coming year" section below) as well as to encourage governments to submit national examples of Internet-related public policy practices so the CWG-Internet can develop a database of national practices that all Member States can draw upon.

Internet governance in 2014

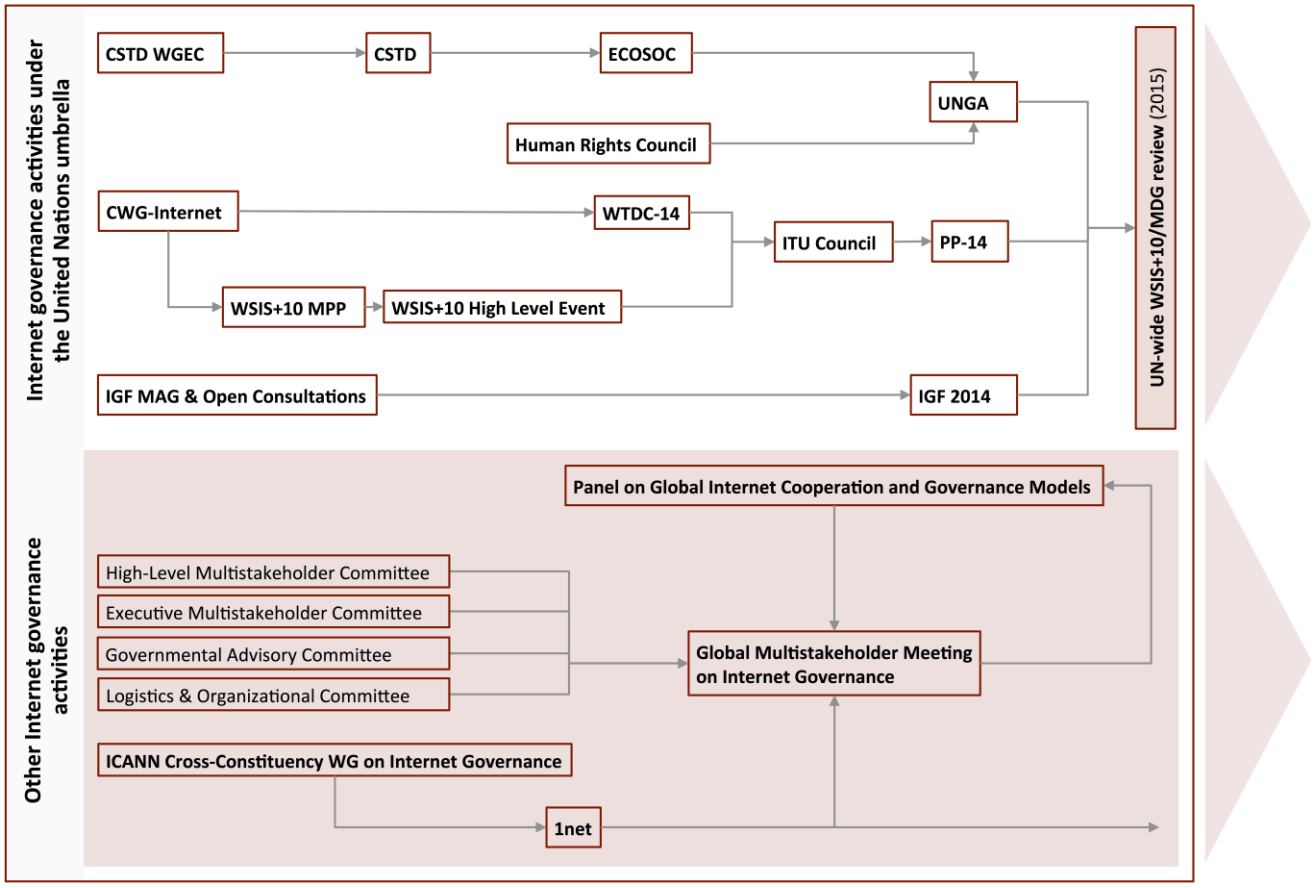

Figure 1: High-level overview of Internet governance related activities in 2014. For more a detailed view, see the flowchart at the end of this paper.

1. WSIS+10

The UN General Assembly (UNGA) has yet to make a decision on how the 10th anniversary of WSIS will be marked. There is still no consensus between States on whether WSIS+10 should be marked by a full review summit, a simple, high-level event or perhaps integrated with the high-level Summit in September 2015 that will mark the next phase of Millennium Development Goals. The UNGA's annual update of its resolution, Information and communications technologies for development defers the decision on how to mark the WSIS+10 anniversary to the end of March 2014 at the latest. The resolution "invites the President of the Assembly to appoint two co-facilitators to convene open intergovernmental consultations" to decide what form the event and its preparations should take. Given there is only a year between the final decision and the 10th WSIS anniversary itself, and the ramifications this could have on the UN and Member States' budgets, it is probable that the final WSIS review will be limited to a smaller-scale event. The type of event—big or small—will affect what outcomes may be produced. A small-scale event is likely to result in high-level documents that do not have any substantial effect on the goals defined during the 2003-2005 WSIS phases. A large review process, complete with preparatory meetings, could produce a significantly revised set of WSIS goals and strategies for the coming decade, potentially including a replacement strategy for Internet governance, including changes to, or the abandonment of, the IGF.

2. ITU activities

There are a number of activities of interest to Internet governance happening in the ITU space in 2014. These are described below.

WSIS+10 High-level Event

The ITU WSIS+10 High-Level Event originally scheduled for April 2014[4] should not be confused with the UN-wide WSIS+10 anniversary event currently being decided by UNGA. ITU's event is a special extended version of its annual WSIS Forum and will produce two documents:[5]

- WSIS+10 Statement on the Implementation of WSIS Outcome
- WSIS+10 Vision for WSIS Beyond 2015 under mandates of participating agencies

These texts will document the key challenges and priority areas to be addressed in implementing WSIS Action Lines in the ten years beyond 2015. The text of the two documents is being developed through the Multistakeholder Preparatory Platform (MPP) that began in 2013 and will result in final versions being published on 1 March 2014. The texts will not be negotiated during the High-Level Event in April; therefore, it is the MPP meetings in December 2013 and February 2014 where stakeholders have the opportunity to influence the contents of the documents. Given the multistakeholder nature of the development of the two texts that will be signed by Member States at the High Level Event, it is very possible that the contents will be generic, with all topics that don't reach consensus being removed. The potential ramification of this is that Member States hoping to use the High Level Event to advance a different path to the one agreed at the first WSIS process may then seek alternative avenues. In particular, the idea of supporting a full WSIS Review may become more attractive to such Member States.

CWG-Internet

The Council Working Group on international Internet-related public policy issues (CWG-Internet) was established by the ITU Council in response to Plenipotentiary Resolution 103 (Rev. 2010, Guadalajara)—see description of PP-14 below—as a Member States-only process to "to identify, study and develop matters related to international Internet-related public policy issues". One of the key areas of contention about the WG is the requirement that the CWG conduct "open consultation to all stakeholders". For some Member States, "open consultation" strictly limits how much access non-Member States have with the CWG. In particular, "open consultation" does not include access to any of the CWG's input documents or participation in CWG meetings. Other Member States have argued for greater non-Member State participation, but ITU Council 2013 decided that the decision to make the CWG more open to non-Member State participants was the sole responsibility of the PP-14. In the meantime, CWG-Internet will meet once in 2014, in March, to discuss the contributions received in response to a governments-only survey on the following question:

> "What actions have been undertaken or to be undertaken by governments in relations to each of the international Internet-related public policy issues identified in Annex 1 to Resolution 1305 (adopted by Council 2009 at the seventh Plenary Meeting)?"

At the March 2014 meeting, depending on the responses received to the survey, the Member States may decide to conduct an open consultation on the role of governments in the international Internet-related public policy issues described in ITU Council 2009 Resolution 1305. Given there is no meeting to discuss any responses to an open consultation before WTDC-14, ITU Council or PP-14, the CWG-Internet Chair has proposed including a reference to the responses in his Chair's report to either the ITU Council or PP-14. The vast amount of issues under discussion at WTDC-14 and PP-14, the fact that contributions to an open consultation do not require any response by Member States, and the cursory response the last set of responses to a CWG-Internet open consultation receives, means that few States are likely to have the time or inclination to read contributions to the next planned CWG open consultation.

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[4] At the ITU Telecommunication Development Advisory Group meeting in December 2013, it was announced that the WSIS+10 High Level Event would not be held in April 2014 as scheduled but instead it would be deferred until later in 2014. More information about the revised timeframe should be available shortly.

[5] Drafts of the two document are available at http://www.itu.int/wsis/review/mpp/pages/consolidated-texts.html

WTDC-14

The World Telecommunication Development Conference (WTDC-14) in April 2014 will discuss the activities of the ITU Telecommunication Development Sector (ITU-D) for the next four years. Three resolutions of relevance to Internet governance that will be updated at WTDC-14 are:

- Resolution 30: Role of the ITU Telecommunication Development Sector in implementing the outcomes of the World Summit on the Information Society
- Resolution 37: Bridging the Digital Divide
- Resolution 63: IP address allocation and facilitating the transition to and deployment of IPv6

The updated resolutions will feed into the ITU Plenipotentiary later in the year and may also influence the agenda of a WSIS Review process, if UNGA decides to hold such an event.

There is also a new draft WTDC resolution that has been proposed in the Regional Preparatory Meeting for the Americas Region: Preserving and promoting multilingualism on the Internet for an inclusive information society. Other new drafts may emerge as WTDC-14 comes closer.

PP-14

Every four years, Member States set ITU's organizational priorities and activities for the upcoming four years. Internet governance was a particularly difficult topic at the last plenipotentiary, and with the anniverary of WSIS+10 approaching, the upcoming plenipotentiary will be a key event in framing the next 10 years of Internet governance discussions and goals. ITU Plenipotentiary Conference 2014 (PP-14), 20 October – 7 November 2014, will revise the following Internet-related resolutions:

- Resolution 101: Internet Protocol-based networks
- Resolution 102: ITU's role with regard to international public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses
- Resolution 133: Role of administrations of Member States in the management of internationalized (multilingual) domain names
- Resolution 178: ITU role in organizing the work on technical aspects of telecommunication networks to support the Internet
- Resolution 180: Facilitating the transition from IPv4 to IPv6

PP-14 will also revise two broader WSIS-related resolutions:

- Resolution 140: ITU's role in implementing the outcomes of the World Summit on the Information Society
- Resolution 172: Overall Review of the Implementation of the WSIS Outcomes

As with WTDC-14, there is the possibility of new draft resolutions emerging as preparations for the meeting continue.

In addition, having served two terms as Secretary-General, Dr. Hamadoun Touré will step down and a new Secretary-General elected. As seen with the change in ICANN leadership, a new ITU Secretary-General could significantly change the dynamics between the ITU and the wider Internet governance ecosystem that has, to date, remained wary of the ITU's intentions.

3. CSTD WGEC

WGEC is due to complete its report by March 2014 and is scheduled to hold one more meeting, in February 2014. If WGEC was unable to finish its work by March 2014, the issue of enhanced cooperation could not be considered in the CSTD's final draft resolution on the progress made in implementing WSIS outcomes before the arrival of the 10th anniversary of WSIS in 2015. Therefore, there is significant pressure on the WGEC to conclude its work at the end of its third and final meeting in February. As a consequence, it is unlikely that WGEC will have sufficient time to produce detailed recommendations, or agree to radical recommendations, on how to further implement enhanced coopera-tion.

However, some Member States have already noted that the work of the WGEC subgroup, the Correspondence Group (CG), does have the potential to have a life beyond WGEC. Before the WGEC meets in the last week of February, the WGEC CG will produce a list of Internet-related public policy issues identified in submissions to the WGEC's 2013 questionnaire. The CG will then list existing international mechanisms addressing the issues in the list and identify gaps where no mechanisms exist as yet. Given the members of the CWG-Internet are independently looking to map international intergovernmental mechanisms related to Internet-related public policy issues, the WGEC CG may offer a broader, more multistakeholder-based list of international mechanisms related to Internet governance that can provide a more holistic view of the Internet governance ecosystem, its gaps and areas for improvement.

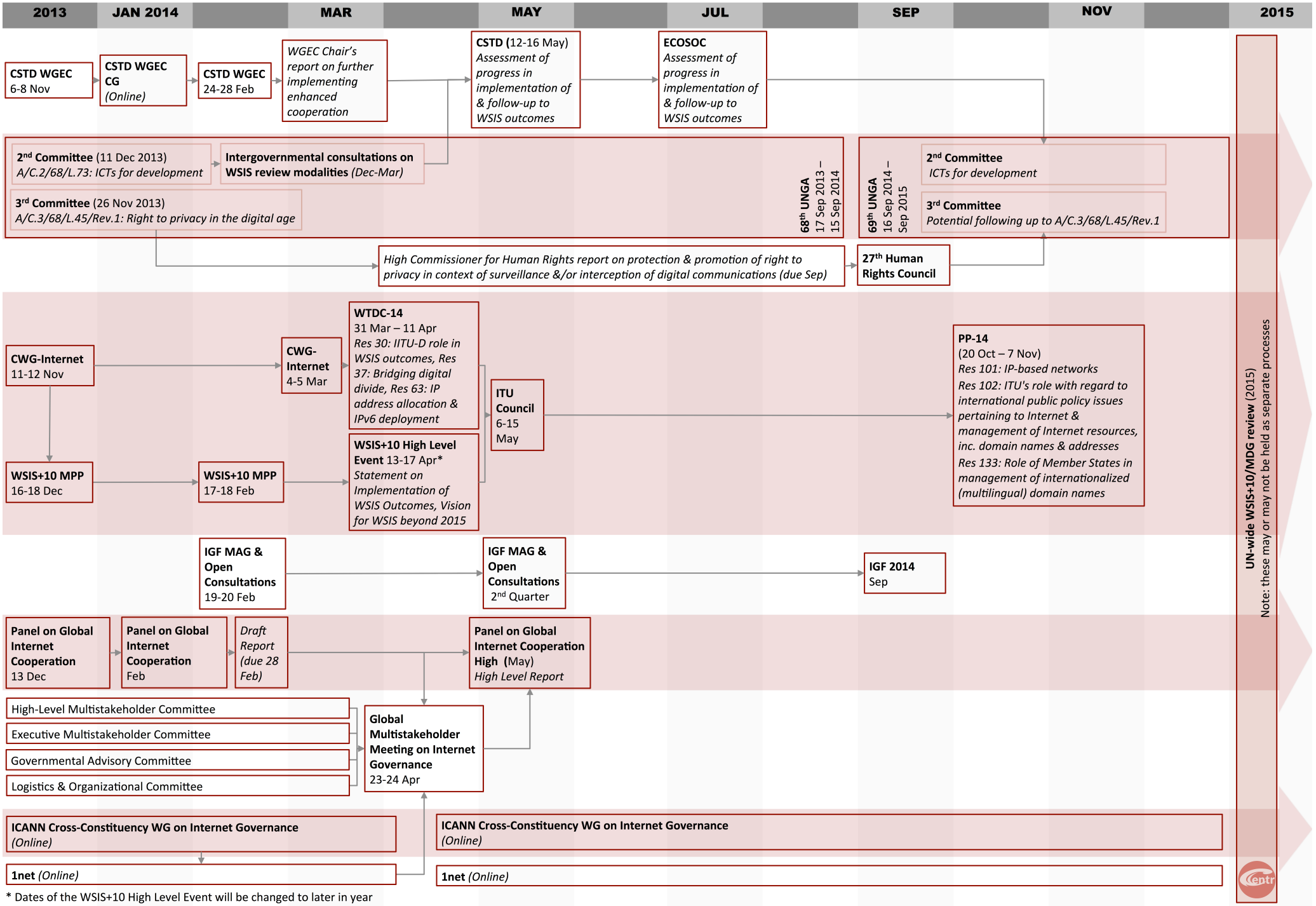
4. Global Multistakeholder Meeting on Internet Governance

Also known as the "Brazil Meeting", the Global Multistakeholder Meeting on Internet Governance, the organizers are proposing that the meeting "pursue consensus about universally accepted governance principles and to improve their institutional framework". The November announcement by NIC.br explained that there would be four committees working on meeting preparations:

1. The **High-Level Multistakeholder Committee** will conduct the political articulation and foster the involvement of the international community.
2. The **Executive Multistakeholder Committee** will organize the event, including the agenda discussion and execution, and will manage the proposals from participants and different stakeholders.
3. The **Logistics and Organizational Committee** oversees logistical aspect of the meeting.
4. The **Governmental Advisory Committee** will be open to all governments wanting to contribute to the meeting.

More information about the committees, including how many members of each stakeholder group will be on the committees, will be made available soon. In December 2013, it was announced that the government of France would be joining Brazil as a co-host of the meeting.

At this point, the meeting is being planned as a one-off event. However, looking at previous international events that have been initiated by the government of a single country, it is quite possible that the Global Multistakeholder Meeting on Internet Governance could become a regular event, with different governments hosting the event every few years. With France as a co-host of the 2014 meeting, it could be an indication that France is interested holding the event on its own soil in future. It is not clear what effect this would have on the IGF's future, assuming that IGF's mandate is extended as part of the WSIS+10 process



* Dates of the WSIS+10 High Level Event will be changed to later in year